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HEARING

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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 TUESDAY 7 JUNE 2016

AT 10.10AM

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

THE COMMISSIONER: Yes.

MR THANGARAJ: Commissioner, Mr Goodman's representatives have had a chance to look at the spreadsheet and discuss it with him, but not to go through the details of the documents behind it. Our position is that there was over \$700,000 worth of abuse by Mr Goodman of the credit card in the name of Mr Fitzgerald. What we'll do is, I'll deal with it in our written submissions and have cross references and supporting documents as need be. And if Mr Goodman wants to deal with any of it he can in written submissions.

THE COMMISSIONER: All right. Thank you. Yes, any further questions of Mr Goodman?

<GARY GOODMAN, on former oath

[10.11am]

MR MOSES: Yes, Commissioner.

THE COMMISSIONER: Yes, Mr Moses.

MR MOSES: Mr Goodman, as you know I act for the council. I just have a few questions to ask you. Firstly on MB Consulting. You were asked some questions yesterday about MB Consulting and you confirmed evidence that you'd given earlier in the inquiry and that is that Mr Fitzgerald senior would ask you to draw up cheques and these would be countersigned by either Mr Thompson or Mr Byrnes?---That's correct.

For \$4,200?---Yes.

And this would be done two times per month?---Yes.

And Commissioner, the transcript reference for that is 1550 of yesterday, 6 June.

THE COMMISSIONER: Yes.

MR MOSES: Can I ask that the witness be shown the vouchers for cheques payable to MB Consulting, which are at ICAC volume 42, pages 544, 559. Sorry, so page 544, volume 42. Just while that's coming up on the screen, have you heard of the name Michael Davis?---Yes.

And is Michael Davis somebody who would also use the name or be referred to as Michael Boggs, B-O-G-G-S?---Yes.

And was Michael Davis ever engaged by the council as a consultant to the best of your knowledge?---I believe so.

And were you aware that Michael Davis would have – I'll withdraw that. Are you aware that Michael Davis would use the same address as MB Consulting?---No, I wasn't aware of that.

Okay. And are you aware that MB Consulting would use its address as 141 Coward Street, Mascot, which is the same address as council offices?---No, I've never, never noticed that.

10 Okay. In terms of Michael Davis do you know whether he had a relationship with Mr Fitzgerald, that is some form of a friendship or a relationship?---I don't know.

Okay. And you said that you've heard of Michael Davis. In what context have you heard of him?---I just recognise the name from somewhere.

Okay. Is – was Michael Davis somebody associated with MB Consulting? ---I believe so now that you mention it.

20 And when you say you believe so why do you have that belief?---Just in the same context of when we were drawing the cheques for MB Consulting, I remember that name.

Okay. So Mr Goodman, if you just look up on the screen you'll see there that these are samples at page 544 - - -?---Yep.

- - - 559 are vouchers for cheques payable to MB Consulting from the City of Botany Bay?---Yes.

30 Are these the cheques that you say were signed by you and Mark Thompson?---Yes.

And these are the cheques for MB Consulting that you were asked to draw by Mr Fitzgerald?---Yes.

And you said yesterday that there were other people that knew about the payments to MB Consulting.---Yes.

40 You mentioned amongst those people Mark Thompson.---Yes.

Barry Byrnes.---Yes.

And Lorraine Cullinane.---Yes.

And obviously Mr Fitzgerald.---Yes.

Can I just ask you to go through each of those names, firstly, Mark Thompson. How do you say that Mr Thompson knew about these payments

other than the fact that he was countersigning the cheques, did you, did you tell him that Mr Fitzgerald had asked for these cheques to be drawn for MB Consulting?---Yes.

Did - - -?---Absolutely.

Did you tell him what the payments were being made for?---For a consult, yes.

10 And what about Mr Byrnes?---The same rationale on both counts.

And what about Lorraine Cullinane?---Yes, I, I raised it with Lorraine very early on - - -

Can you recall when you raised it with Ms Cullinane?---I raised the issue of these cheques without vouchers - - -

Yes.--- - - - without invoices behind them with Lorraine - - -

20 Okay.--- - - - a number of times as I raised there was no invoices with the former General Manager - - -

Yeah.--- - - - a number of times. Hence when I was introduced to the particular person in the General Manager's foyer - - -

Yeah.--- - - - I continued to ask about are we getting any invoices. Then I was handed a bundle of blank invoices by the former General Manager and - - -

30 That is Mr Fitzgerald?---Mr Fitzgerald Senior.

And what did he say to you?---If you need these use them.

Okay.---And that was the end of it.

When you raised with Ms Cullinane the issue of these payments and the lack of invoices, what did you want her to do about it, did you ask – did you – what - - -?---Ask, ask the same thing that I asked - - -

40 Yeah.--- - - - the former General Manager, Mr Fitzgerald, can we please have some invoices.

That is you asked her that?---Yes.

All right. And what did she say to you?---I mightn't have asked her to go and see him. I might have said I had asked Peter for some invoices for these payments.

And did Ms Cullinane say anything to you in response to that?---Yes.

What did she say?---She said don't trust Peter. Said that a number of times to me.

And did you - - -?---I inquired why the second time and this is only a third party - - -

10 Yeah.--- - - - relay of a conversation with what Lorraine said to me.

Yeah.---Allegedly that Peter had said to her if this goes pear shaped - - -

Yeah.--- - - - he's the one that signed everything. He's gone not us.

Okay. So Ms Cullinane said to you did she?---Yes.

That Mr Fitzgerald told her - - -?---Yes.

20 - - - that if this goes pear shaped he is the one - - -?---I'm the one that signed everything.

Yeah.---Which is true.

And was that the final discussion you had with Ms Cullinane about this issue?---Yeah. It was about the end of it on this particular issue, yes.

Okay. Thank you. Now, can I go then to another topic which is the question of Balmain Rentals.---Yeah.

30 In terms of Balmain Rentals there is an expenditure of \$131,298.99 on Mr Fitzgerald's corporate credit cards - - -.---Yeah.

- - - over an 11 month period between 2009 and 2010 for Balmain Rentals. Did you use Balmain Rentals?---Yes.

And was that for the purpose of what?---Personal.

Yeah. Well, what did you use Balmain Rentals for?---Rental on a property.

40 Was that the property that was used in respect of Garden Extra?---Yes.

Garden Extra is a company that is owned I think you said by your brother David Goodman.---His wife.

His wife?---Yeah.

Not your brother David?---I can't be sure of that. I don't know.

Okay.---It could be. It could be.

David is presently - - -?---It could be. I don't know.

David is presently somebody who is employed by the Council. Correct?

---Yes. Has been for 15 years.

And he is somebody who is employed in the golf - - -?---Yes.

10 - - - area. Correct?---Yes.

Okay. Now, in terms of Balmain Rentals it was a property that was being rented from them to carry on the business of Garden Extra?---Yes. Yes.

And you used Mr Fitzgerald's credit card to make that payment?---Yes.

Was Mr Fitzgerald aware that you were using his credit card for that purpose?---I don't know about for that purpose, but he was aware I was using his credit card for other purposes.

20

Are you suggesting to the Commissioner that Mr Fitzgerald was aware that you were using his credit card for non-council business?---Yes. On one occasion I was sitting in Mr Fitzgerald's office and he said to me, and this is a quote, "I don't care what you do, just cover it up."

Did you tell him that you were using credit card for non-council purposes?--
-Yes. We also had a meeting in Coronation Hall with Lorraine Cullinane, Peter Fitzgerald and myself.

30 Yes?---And there was a file about four inches thick - - -

Yep?--- - - - with a large number of invoices and credit card statements on it and Lorraine sat down and went through the whole lot in front of the General Manager at the time, Peter.

That is the credit cards?---And other items, not just mine, all sorts of things.

So who was present at this meeting?---Peter Fitzgerald, Lorraine Cullinane and myself.

40

And what, can you recall what year this was?---Probably just a year before Peter retired.

Okay?---So it would have been 2010.

Is that the shit file that you referred to earlier - - -?---Yes.

- - - in your evidence - - -?---Yes.

- - - on the last occasion that Ms Cullinane had?---Yes.

And this, was this the shit file that she went through with the both of you?
---Yes.

And can you recall what she said about the credit card transactions?---There was a list produced and I've got a copy, I had of that at work of money that I had to repay and I agreed to do that.

10 Okay. And did you repay it?---No.

No. And what about Mr Fitzgerald?---I don't think – well if – I may not – I don't think he was present when Lorraine, if she did go through - - -

Okay?---The purpose of the meeting initially was to get Peter to sign off on all credit card statements.

Okay?---That was the purpose of it.

20 Okay?---See he was obviously, Peter was resigning and she wanted to tidy up any documentation.

Okay?---No, I don't believe that ever occurred.

Okay. And can I just go back to Balmain Rentals for a moment. You used the credit card to rent premises - - -?---Yes.

- - - for your sister-in-law's business?---Yep.

30 Which your brother may or may not have had an interest in. Correct?---(No Audible Reply).

Was your brother, David, aware that you were paying the rent for the premises that Garden Extra were operating their business from?---He was aware I was paying it but not where from.

Okay. So your brother wasn't aware, is this your evidence, that you were using council money to pay rent - - -?---No.

40 - - - for the Garden Extra business?---No.

Okay. Can I think ask you about Australian Native Landscapes?---Yep.

Transactions for Australian Native Landscapes appear on council credit cards statements allocated to Mr Fitzgerald senior?---Yep.

There are 22 invoices between March, 2003 to April, 2009 for this business, Australian Native Landscapes. Were you using Mr Fitzgerald senior's

credit card to purchase items from Australian Native Landscapes for the extra business - - -?---Yes.

- - - run by your sister-in-law Patricia Goodman and your brother David?
---Yes.

And that property is around from Terrey Hills. Is that right?---The property?

10 Yea. That is, is the business Garden Extra was the business address for that Terrey Hills?---No, Rozelle.

Okay?---Sorry um, Petersham.

Thank you. Is Terrey Hills where your brother lives?---No.

Okay. Now you were the subject of court proceedings in the Parramatta Local Court by Australian Native Landscapes in which they sued you - - -?--
-Yes.

20

- - - your brother David and Patricia, all trading at Garden Extra Nursery. And the address for the defendants on that statement of claim was the Terrey Hills property. You're not aware of that?—They, they own a property at Terrey Hills.

Now are you aware that there was a defence filed in the local court in respect of that matter?---No.

30 No. You're not aware of that?---No.

No. Okay. Did you instruct lawyers?---No.

Did you instruct somebody from an entity called Adrian Twig to file a defence?---No.

Okay. And do you recall it being pleaded that from January, 2011 you ceased to trade as Garden extra?---Yes, I recall that yes.

40 Well, let's go back to the court proceedings, the further amended statement of claim that Australian Native Landscapes filed in the matter. You're aware that what they were suing you, your brother and your sister-in-law for were in relation to goods that had been delivered by Australian Native Landscapes that had not been paid?---I don't think I'm aware of any of that.

Okay.---I could well be but I - - -

Can I ask you this - - -?--- - - - don't recall it.

Okay. Can I ask you this question then, do you recall instructing the solicitors to pass on invoices to Mark Thompson at Botany Council to do with the Australian Native Landscapes litigation?---No, not at all.

Okay. I'm going to show you this email.---Unless they were Council invoices.

Are these stapled?---But I can't believe that, that file there.

10 Okay. I'm just going to provide you with a series of emails between Scott Richardson from the law firm to Mark Thompson from Botany Council - - -
---Yeah.

- - - enclosing copies of the pleadings in the Parramatta Local Court and asking for payments in relation to matters to be made. I just want you to see whether this refreshes your memory.---Yeah, yeah, that's fine.

This occurred in 2012.---This is after it closed.

20 Correct. Just read the document and see whether this refreshes your memory. So I just want to ask you after you've read the document whether you can now recall the details of the proceedings and importantly, why Mark Thompson would be liaising with the solicitors for a private business of yours in relation to dealing with the payment that was being chased by Australian Native Landscapes. Just have a flick through it.---Yeah, no, I'm having a read now.

Thank you.---I don't recall any of that. It doesn't mean it didn't happen.

30 Okay.---But I don't recall it.

Okay.---But if Mark had given me that I would have passed that onto my sister-in-law.

Okay. Did Mark Thompson have anything to do with Garden Extra?---No.

Why would Mark Thompson be liaising with solicitors about the proceedings?---I have no idea.

40 The email seemed to suggest that, the email seemed to suggest as you will see - - -?---Yeah, no, I was just reading the first one.

Yeah. You've seen that?---Mmm.

And that Mark is passing on documents to you?---It could well have been and I don't know this.

And if you go to the second page.---Yeah.

You're asking according to Mr Thompson for documents to be forwarded to the solicitor. Do you have an explanation as to why that is occurring?---No.

Do you recall speaking to Mr Thompson about this matter?---I can't recall it but I've got no doubt if Mark said he'd pass something onto me he would have done it. No doubt.

10 But what about you also asking Mr Thompson to pass some matters onto the solicitors, why would -- can you recall - - -?---Where did I, where did I - - -

- - - why you'd be asking - - -?---Where did I say that in the - - -

Second page. The email at the bottom of the second page of the bundle.--- Well, yeah, he - - -

That's what Mr Thompson is saying.---He passed it onto me and he said that he did not receive the invoice.

20 No, if you go to the second page, 6 June, Gary Goodman asked me to forward the attached.---I wonder what was attached. That could well have been the case.

Okay.---But I don't know what was attached.

An email communications from - - -?---It could have been that - - -

30 Email communications from the solicitor to you going to Mr Thompson you don't have an explanation as to why that was occurring?---I have no idea at all.

Now with the items that were being purchased from Australian Native Landscapes, you used Mr Fitzgerald's credit card for that?---Yes.

And in relation to that did you tell your sister-in-law or your brother that you were using council money to pay for supplies?---No.

You never told your brother about this arrangement?---No.

40 Okay. Now Ms Mishra, did she work for Gardens Extra?---She assisted. She didn't get paid, she assisted.

I'm sorry?---She assisted, she didn't get paid. She just assisted.

She assisted them. Because I think you recall the evidence here don't you that Garden Extra letterheads were found in her, in her drawer. Correct? ---Yeah, I know now.

And so she actually prepared invoices for them?---I think she just filed them all for them. She didn't prepare any that I'm aware of.

She had blank, she had blank letterheads of Garden Extra - - -?---No doubt, yes.

- - - in her possession. So what work was she doing for them?---Mainly watering, serving at the counter. That was about it. Sometimes she'd ring up and place an order for Patricia.

10

Ah hmm. And did you organise this job for her?---Yes.

And you say she wasn't paid a wage?---No.

Is that right?---That's right. I paid her some money from my own pay each week, but nothing to do with that.

You paid her money from money that you'd stolen from council?---No.

20

No?---From my wages.

From your wages?---Yes. Regularly.

Okay. Was this the couple of hundred dollars a week?---Yes.

Okay. Is that your evidence?---Yes.

Okay. Can we then move on to another topic which is Kennard Storage?
---Ah hmm.

30

Now again using Mr Fitzgerald's Commonwealth bank credit card - - -?
---Yes.

- - - and could we just have the witness shown volume 48 as an example, page 141 of the ICAC brief. There are approximately about \$56,000 worth of payments between 2004 and 2010 to Kennards through councils financial statements?---Yes.

40

Just up there you'll see there are some entries, you see entries going to Kennard and there's others at page 221?---Yes.

And sorry, 276, another entry there. Correct?---Yes.

You signed - - -?---That one, that one there Kennards was actually Tempe not Wetherill Park.

Thank you. So there were two, one at Tempe and one at Wetherill Park?

---One at Tempe and one at Wetherill Park and a totally different storage area at Strathfield.

Yep. So in respect of these invoices for Kennards, can I just show you volume 43, page 605, and these appear at 605 to 663. You were signing invoices for Kennards?---Correct.

10 And just explain that, if you were using Mr Fitzgerald's credit card to pay for Kennards, why were you signing invoices for Kennards or were there other payments being made to Kennards through other council financial systems?---It wouldn't have been both together. It would have been one or the other. It probably went from credit card to invoice, part way through. I can't be sure, I haven't got the - - -

So that's your signature on this page here?---Yes.

Okay. So council has storage units it uses for records and other items at South Strathfield?---Yes. Two, two units there.

20 And you arranged for storage units at Tempe and Wetherill Park for your own personal use?---No.

Okay. What were the storage unit for at Tempe?---For Tempe it was used initially for furniture and then to store goods that were used in an event called the Botany Bay Gift, which was won on Australia Day.

Okay?---Up until the year 2000.

30 Okay?---I'm not sure if it was kept after that even finished, I can't recall that.

What about Wetherill Park?---Wetherill Park was purchased to store furniture when they refurbished the town hall and our offices, and the furniture was stored at another storage facility called (not transcribable). We had a disused change room there, which we had records and furniture in.

Ah hmm.---The SES required that space for their emergency equipment.

40 Okay.---So we had to move it. We hired this one, and it all went there.

Okay. Is that it was used for at Wetherill Park?---Initially, yes.

Well, let's get to the heart of it.---Yeah.

You stored vehicles at Wetherill Park?---For about three months, I did put one car there.

What car was that?---It was an old RX3 that I had.

Yeah. And the locks were cut off from the storage facility so it could be picked up by Mr Signorelli?---That's exactly right.

10 Yeah. That's at volume 43, page 671 of the ICAC brief. I don't need to take you to that, but that's the evidence of that. So is it your evidence that the storage at Wetherill Park was used only for a period of three months by you for personal use?---There might have been, on and off, a month here for some small boxes. I don't know. I don't know the answer to that. That was such a long time ago. But it was predominantly used for Council's things. The Airport Business Unit took it over the last couple of years.

So, why was Wetherill Park chosen to store materials relating to Botany?
---It was cheap, to start with.

They're quite a distance away.---It was cheap, to start with.

20 Mmm.---And we had an organisation called Rogers & Walker, who were removalists, who moved goods between all our storage areas.

Okay.---And in later times, the Airport Business Unit.

Okay.---They had a van down there for a period of probably a year.

Well, let's move to the next topic, Sony.---Which one?

30 If you go to volume 48, page 141 of the Fitzgerald Senior Commonwealth Bank credit card statements. There are items for Sony on his credit card to the value of about \$50,000. Did you ever use his credit card to purchase electronic equipment from Sony shops?---No.

Sorry?---No.

O.K. Davidson Nurseries?---Yes.

This is at volume 48, page 310 of the ICAC brief. There are nearly \$100,000 worth of payments made to Davidson Nurseries on Mr Fitzgerald Senior credit cards.---Yeah.

40 Davidson Nurseries, did you do business with that company?---Yes.

That's at Galston?---Yes.

And this occurred during 2009 and 2010? There's about \$7,000 per month over a 15-month period?---Yes.

Is that something for Garden Extra?---Yes.

Okay. And again, can I ask you questions about this? Was Mr David Goodman aware that you were using Council money to purchase items for Garden Extra?---No.

No? And what about your sister-in-law, Patricia?---No.

Okay. Haltech International?---Yes.

10 And again volume 48, page 251, there are payments made to Haltech and Haltech Engine Mana of about \$65,000 in the period January 2010 to December 2011. These are suppliers of engine management systems for performance vehicles.---Correct.

So can we assume that in respect of those entities, these were payments that you were making on Mr Fitzgerald Senior's credit card for your own personal use?---All bar one or two items, yes.

20 Okay. When you say one or two items?---I had one put on twice on my own Council car.

Okay.---Improve fuel efficiency, et cetera.

Other than that, the items were for your personal use?---Correct.

Okay. And Mr Fitzgerald wasn't aware that you were using the card for that purpose?---I believe on some of those he was.

He was?---Yes.

30 Is that because he would receive the statements or you would talk to him about it?---No, I talked to him about it.

Okay.---Hence that conversation that I mentioned before.

Is that the conversation in which you say you told him you were using his credit card for your own personal use and that he said, "Don't get caught"? ---No, he said, "I don't care what you do."

40 Okay.---But cover it.

But you told him - - - ---Or words to that effect.

But is your evidence, sir, that you told Mr Fitzgerald Senior you were using his credit card for your own personal use?---Yes.

Okay. And you can't recall when that conversation occurred?---No.

Okay.---Too long ago.

Okay. Now, Wurth Australia.---Yes.

W-u-r-t-h Australia Pty Limited.---Yes.

This company sells workshop tools and metal products and sparks. There's about \$28,000 on Mr Fitzgerald Senior's - - -?---And also things like oil filters - - -

10 Yeah.--- - - - and consumables like that which were used - - -

Okay. Yeah.--- - - - for some Council cars.

Okay.---And obviously the rest personal use.

Okay. Well, let's, let's go through just as an example volume 48, page 284. There are two sets of payments, those that went through Mr Fitzgerald Senior's credit card and there's others that went through Botany Council's finance systems.---Ah hmm.

20

When Mr Fitzgerald Senior's credit card was being used for payments to that entity should be assume that you were using it for your personal use, that is, the goods?---Not, not all of it.

Okay.---Partly, yes.

Okay. But you're unable to tell us - - -?---And remember the Council had an account with, with Wurth as well.

30 They did.---Yes.

As I said the Council had payments made to it through their system.---Yes.

But you're unable to tell us today what parts of transactions on Mr Fitzgerald Senior credit cards were for Council use for your use. Correct?---As I said I spoke to my Counsel. They said I need more time to go through - - -

40 Okay.--- - - - which I will do.

Okay. Thank you. Now, Mabuzi.---Yes.

M-a-b-u-z-i.---Yes.

You were asked some questions I think about this yesterday.---Yes.

This is in relation to custom T-shirts.---Yes.

Can we assume that the \$54,000 worth of payments on Mr Fitzgerald's Commonwealth Bank credit cards to that entity is payments that you were authorising for use of your Gas Motorsport company?---Once again, I have to go through some of those invoices. They weren't all on the - - -

Okay.--- - - - the file that I was given to look at. A very small amount of them actually.

Okay.---But I will do that. I will go through all of those.

10

Okay. But if we just look at volume 42, page 311 just as an example. So these were as an example two Gas Motorsports invoices from Mabuzi?
---Absolutely, yes.

And just the address for Gas Motorsport, Tennyson Point, whose property is that?---That was my partner's property.

Okay. Your business - - -?---Just had them delivered there. You couldn't get them delivered. They'd get, they'd get stolen anywhere else.

20

So what, your business partner's premises?---Yeah.

Yeah. Who was that?---Joe Signorelli.

Okay. And so these T-shirts with the titles dude, your girlfriend, I'd rather be at the drags, et cetera, we can safely assume these are all being purchased for the enjoyment of you and your mates?---Yes.

Correct?---Yes.

30

Okay. At Council expense?---I had - there wasn't enough on there to show but I will go through all of them.

Yeah.---And alert the Commission about what is what.

But again, that was for, for your - - -?---Absolutely, yes.

- - - for your council expense?---Yes.

40

Okay. Now, extraordinary amount of T-shirts being purchased. Was this over invoicing or were you actually supplied with all these T-shirts? There's quite a lot of them.---No, it was a, it was a shop that you had at the races and you'd - - -

Oh, so you'd sell them?---You'd sell the T-shirts.

Okay.---That's why I'm surprised at the amount. I've got to go through those invoices.

Okay.---And just, just surprised because - - -

THE COMMISSIONER: Wasn't it more than T-shirts though, I mean - - -
?---T-shirts, jackets, pants, clocks.

Oh, you mean like everything was branded?---Any sort of merchandise that
you - - -

10

Merchandise that was branded?---Yeah.

I see.---That you'd sell at a racetrack.

Right.---It was supposed to be self-funding. I'm surprised at that but I will
go through it.

MR MOSES: It wasn't self-funding.---I know.

20

You were using – you were funding it with money stolen from the Council.
Correct?---Illegally and that's why - - -

Yeah.--- - - - I'll go through those things and check with - - -

Yeah, funded by the ratepayers of Botany Council. Yeah.---As you say but
I will go through and check those.

Okay.---As I agreed to do.

30

Okay. Okay. I have no further questions.

THE COMMISSIONER: Thank you, Mr Moses. Anyone else has any
questions of Mr Goodman?

MS GERACE: Yes, I do, Commissioner, very briefly.

THE COMMISSIONER: Yes.

40

MS GERACE: Thank you. Mr Goodman, I appear for the former Deputy
General Manager, Ms Cullinane. Now, can I ask you this, firstly, in relation
to the evidence you've given about the credit card – sorry, MBC,
MB Consulting.---Ah hmm.

Do you recall giving evidence in this matter yesterday?---Yes.

Yeah. And yesterday was the effect of your evidence this, that you had a
conversation with Ms Cullinane about MB Consulting?---Yes.

And that in that conversation you told her that – words something like you'd met Mr Blogs?---Correct.

And was it fair to say that the evidence you were purporting to give yesterday to this Commission was that you were in fact telling Ms Cullinane that there was a, there was a consultant Mr Blogs?---Absolutely.

Who was providing services to Council?---I don't think I said that but I said I met Mr Blogs.

10

Okay. Well, why would you need to tell – I withdraw that. The context of the conversation arose in relation to invoices did it not - - -?---Ah hmm.

- - - issued by MB?---Yes.

And that's your evidence, yes?---Yes.

20

And it was in the context of discussing invoices according to your evidence that you told Ms Cullinane that there was in fact a person called Mr Blogs, yes?---Correct.

Right. So it was in the context of a discussion about services being provided to Council in which you told the General Manager something about those invoices and that you had met with Mr Blogs. Is that your evidence?---Can you just start that statement again. I'm - - -

Well, I'm just trying to understand what your evidence is about this conversation.---Ah hmm.

30

Yesterday you were asked by Counsel Assisting to tell the Commissioner what you say Ms Cullinane knew about MB Consulting.---Okay. Now I understand.

Do you recall that?---Yeah.

Do you recall being asked yesterday to tell the Commissioner what you knew – what you say Ms Cullinane knew about MB Consulting?---Yes.

40

Yesterday when you gave your evidence the effect of your evidence was that you had had a conversation with her in which you told her about MB Consulting, that you'd met Mr - - -?---Blogs, yes.

So was the effect – was what you were trying to tell the Commission yesterday that in the context of a discussion with the Deputy General Manager you had had a conversation about – something about MB Consulting and in that context you told the Deputy General Manager that you had met with Mr Blogs?---Mr Blogs. That's correct.

Who was the person the subject of the invoices - - -?---Absolutely.

- - - being issued to Council?---Yes.

All right. Now - - -?---Could I just add a bit more to that?

No. I just want to understand is that what you were saying yesterday?
---Yes.

10

Right. That's what you answered yesterday when you told Counsel
Assisting about MB Consulting?---Yes.

20

Yes. Today you tell the Commission do you that you had many discussions
with Lorraine Cullinane about MB Consulting. Is that your evidence
today?---I didn't use the word many. I discussed with Lorraine the same
thing I discussed with Peter about when can I get some invoices. I'd asked
Lorraine about it. I didn't ask her to go and see Peter. I simply asked her
about it. That was the context of the discussions because it had been two or
three months drawing these cheques with no invoices. That's what had
occurred.

Mr Goodman, your evidence today is not accurate and it's not true.---Yes, it
is.

And your evidence about conversations with Ms Cullinane about credit card
payments is not true.---It is true.

30

See yesterday when you were asked about what discussion was had with
you about what money you had to pay back you couldn't recall. That's right
isn't it?---Absolutely.

That's right. Because there was no such conversation. That's right isn't it?
---No.

And the only conversation that Ms Cullinane has had with you about
repaying money is in relation to Cabcharge.---No, that's incorrect.

40

But let me say this to you, the only – so yesterday when you were asked
about discussions about the credit cards you said something about – I've got
to open the transcript I'm sorry, Commissioner. So what I want to suggest
to you is this, the only conversation that Ms Cullinane had with you was in,
in about 2011 when there was a review of entries made to Corporate
Services and MB Consulting appeared on that?---I can't recall that but I
accept that.

And yet you - - -?---But that's certainly not the only conversation we've
ever had.

Right. That was the only conversation you've ever had about that. Yes?
---No.

And the only time credit cards were raised was when Mr Fitzgerald was resigning she provided credit cards to Mr Fitzgerald in order for him to review and you weren't even there?---I put to you - - -

10 No, I don't, I'm actually not interested Mr Goodman in you putting anything to me. I want you to answer my question?---No, that's not correct. What you said is not correct.

And the truth is Mr Goodman is that you're so accustomed to saying whatever you need to say in any circumstance to get whatever you want that you no longer recognise the truth do you?---That's not correct.

THE COMMISSIONER: Mr Goodman, can I just and I don't know if - - -
?---Yep.

20 - - - you've been asked about this before but as I understand it you maintain that you despite meeting this person Mr Bloggs or Mr Boggs who you now associate with Michael Davis - - -?---Yep.

- - - in connection with these - - -?---MB Consulting.

- - - MB Consulting invoices that were the same amount every fortnight, \$4,200?---Yes, yes, yes.

30 DO you still say that you had no idea what services he was providing the council?---Absolutely none. The situation happened, I asked the General Manager, Mr Peter Fitzgerald senior for invoices after the first couple. I was then introduced to the person which gave me a bit of confidence they really did exist. And then I asked again over the next couple of months, can we get some invoices for this.

Well I appreciate, I appreciate the need to get the invoices from a record keeping viewpoint?---Yes.

40 But, but my, my question is wasn't there at any stage any discussion about why are we paying this regular fortnightly amount to this person? What's he in fact doing for council?---Not with the General Manager, no.

Well with anybody else?---Lorraine and I might have had a discussion with, with Mark Thompson. I can't recall that.

And nobody suggested what it was that they did?---No.

MS GERACE: Commissioner.

THE COMMISSIONER: Yes.

MS GERACE: Just before I start, I don't have any further questions but Mr Moses showed some documents to this witness in relation to the Australian Native Landscapes and Mr Goodman, could I ask the Commission to consider tendering that material?

THE COMMISSIONER: Well Mr Moses what do you want me to do with that email chain.

10

MR MOSES: If that could be marked as an exhibit, Commissioner. If that could be tendered.

MS GERACE: Well could I, could I ask for them to be tendered.

THE COMMISSIONER: All right. Well we'll have that admitted as Exhibit R88.

20

#EXHIBIT R88 - EMAIL TO MARK THOMPSON FROM SCOTT RICHARDSON DATED 2 JULY 2012 AND ATTACHED COURT ORDERS DATED 20 JULY 2012, FURTHER AMENDED STATEMENT OF CLAIM, AND AMENDED DEFENCE

THE COMMISSIONER: Yes, anyone else have any questions for Mr Goodman.

MR LATHAM: Yes, Commissioner.

30

THE COMMISSIONER: Yes.

MR LATHAM: Mr Goodman, I act for Mr Fitzgerald senior. Can I just summarise your evidence in relation to your finances through this period. It was true that at different stages you owed substantial amounts of money to Mr Alexander?---Yes.

A Mr Gajic?---Yes.

Ms Mishra?---Hang on, what was the second last one, Mr"

40

Gajic. Sorry. That might be mispronouncing it?---Yes.

Gajic?---Oh yeah, not a lot but yes.

Mr Frietus?---No, minor.

Mr Singh?---No.

Mr Mark?---No, absolutely not.

Mr Singh?---\$4,000 yes and through or a different stages during this period you were paying amounts to a number of, of different women that you were associated with sexually, Ms Baccam?---Say that again.

Throughout this period you were paying substantial amounts of money to a women you were sexually associated with?---No. I discount that particular said to me.

You weren't paying money to Ms Baccam?

10

THE COMMISSIONER: No, I think the point of, the point of - - -

MR LATHAM: Let's not depart - - -

THE COMMISSIONER: - - - distinction is whether or not he was having sexual relationships. I think if the question is reframed in terms of you were paying money or supporting these female friends of yours, Mr Goodman? ---Yes, yes, yes, that's correct.

20 MR LATHAM: Yes, could I rephrase it in those terms Mr Goodman. Ms Baccam, Ms Mishra - - -?---Yes.

- - - Ms McCormick - - -?---Yes.

- - - Ms Holden?---Yes.

And Ms Cullinane at one stage?---I don't think I've ever given Lorraine any money it was quite the reverse, she gave me some money.

30 And, and you also were paying for a boat I think?---That I purchased from the from the General Manager, yes.

And you also had a significant gambling issue didn't you?---Yes.

And you also had an interest in a number of different properties that evidence has been given about?---Yes.

The truth of it was is that you were just desperate to get cash in to fund your lifestyle wasn't it?---No.

40

So is that serious evidence?---Yes.

Because I want to ask you some questions about MB Consulting in particular?---Yes.

You gave evidence I think that you provided Mr Fitzgerald senior \$4,200 in cash every fortnight?---No, I said every month. They were monthly payments.

Monthly payments of \$4,200?---Monthly, yes.

Okay. And you're quite clear that it was that amount and it was paid every month?---No, I'm not going to say it was paid every month. I can't, I can't, I can't sit here and testify that we paid that every month, no I can't do that.

And you say that - - -?---You'll have to go to the records and look at that.

10 Okay. And you gave evidence didn't you that you gave the envelopes either to Mr Fitzgerald senior - - - ?---Yes.

- - - or Ms Denise Kirby who was his secretary?---No. I said I placed the envelopes in an interoffice memo and stapled it and wrote Peter Fitzgerald, Confidential if I had to hand it to someone else.

But you gave evidence didn't you about Ms Denise Kirby didn't you?
---Yes, I mentioned her name, yes.

20 Yes. That she knew about these payments?---No, I never said that.

Well what, what was her position?---I said, I said I handed her an envelope.

Okay. And in the envelope were these payments?---That's correct.

And you're quite clear about that?---Absolutely.

30 Okay. And you said yesterday I think that you considered the MB Consulting payments legitimate until this inquiry?---No. What I said yesterday, and I repeated it to the Commission this morning, I'd asked Peter for copies of invoices, we couldn't get any. I met Mr Bloggs, which people laughed at, but I did and that gave me some confidence that they were a genuine and raised this issue with the Deputy General Manager and not asked to do anything just passed her advice and when I met Mr Bloggs, okay, this is okay. Then it continued with no invoices, then about three months later I was handed a bundle of blank invoices. That's when I knew it wasn't correct.

40 And you, you were concerned to make sure that these payments were legitimate were you?---I not going to say I was concerned, no, I'm not going to say I was concerned to make sure they were legitimate. For audit purpose you had to have something. I could handwrite as many vouchers that I want, but you needed some supporting documentation which is what I wanted.

Yes. And if you didn't get any documentation you would have reported it wouldn't you?---No, I wouldn't have.

Because isn't this the story, Mr Goodman. You always knew that the MB payments were not legitimate didn't you?---I had an idea and I realised that idea to Lorraine, yes.

No, no. You always knew that they were not legitimate didn't you Mr Goodman?---No, no I didn't.

Is that your serious evidence?---When you're instructed by the General Manager to do something you do it.

10

That's not the answer to my question Mr Goodman. Is that you always knew that these payments were not - - -?---No. I gave you the answer.

And you knew that they weren't legitimate because you knew that there were no services ever provided by MB Consulting?---I was asked if I knew whether MB Consulting, Michael Davis, whatever they were, had provided any services to council, I said I don't know. I don't believe so.

20

And you knew that MB Consulting had never produced any invoices?
---Absolutely.

And you knew that the payments were all in cash - - -?---Yes.

- - - which was very unusual for the invoicing process for council wasn't it?
---Yes.

30

And in fact the cheques are set out at page 544 and onwards of the document that my friend Mr Moses referred you to and in fact those cheques are marked non-negotiable?---That's correct.

And what does that mean?---It means that you're not supposed to be able to negotiate them for cash.

Right. So you couldn't, in fact, cash those cheques?---Yes, we could. As we did with any petty cash cheque, any travelling allowance cheques that were paid to the general manager, any other cheques, we could cash them. We had an arrangement with the bank.

40

THE COMMISSIONER: That was because, I take it, the local bank knew who the Council representatives were?---Yeah, absolutely, absolutely.

Right.---Yes. We had a wages advance account. We could cash the same cheques.

MR LATHAM: And you also knew that they weren't legitimate because, on your own evidence, they were payments to a person who was not MB Consulting.---Well, I don't know that. I met a Martin Bloggs.

Were you paying the cash to Martin Bloggs?---I was handing the cash to the general manager.

And also it's quite clear, isn't it, from the documents at page 535 that these payments weren't made every month, isn't it?---That's what I said to you before. I couldn't testify that we did it every month. I couldn't do that. I haven't got the records in front of me.

10 Well, perhaps they might be put up on the screen. This is page 535. Sorry, these are the documents uploaded on the weekend. Sorry, volume 42, page 535. Can you see those, Mr Goodman? I know they're a bit small.---Yeah. Yes, I can.

Okay. If you go down, for example, to the date of 17th of the 12th, 2008, which is about 12 down. You see that in the due date column?---What date was it again?

17 December, 2008.---I can see that date, yes.

20 Okay. And then in the column marked "Description", there is a description of what that payment is for. See that?---Consultancy fee.

Yes. Sorry, "Consultancy, February 2009", doesn't it?---Sorry, it's not that clear on this screen. It's a bit hard. I'll have to accept your word for that.

So, in fact the payment was being made before the consultancy service was provided. Is that correct?---I don't know. I don't know the answer to that question.

30 Sorry?---You said that the payment was being made before the consultancy was provided. I don't understand the question.

Okay, well, the due date and the invoice date are 17 December, 2008. Do you understand that?---Yes.

And then the description is for "Consultancy, February 2009".---Yes.

So, in fact, the invoice date is prior to the service being provided.---Firstly, there was no invoice.

40 Correct.---And second thing, that's done by a data entry person, whether that be Mark Thompson or Sharon Dale or someone else. It's not a system-generated description. It's actually keyed in at the time of producing the cheque. I'd say it was a keying error.

But in fact that same keying error, as you describe it, occurs almost all the way down, doesn't it?---Could well do. I don't know. You'd have to ask the person that keyed in the cheques that question. For each of these, sorry, for

each of these, the majority of the time I would have done a cheque requisition, which should be on our records, which is a requisition requesting a cheque. It'll have the dates on it. Now, if those dates have been mis-keyed, I don't know.

Isn't this the point, Mr Goodman? You always knew these payments were illegitimate because you were the person who had created this system.
---That's not true. That is not true.

10 And this was just part of a corrupt process that you set up yourself.---That is not true.

That involved no invoice processing and that involved payments in cash.
---Not true.

And to the extent that you used Mr Fitzgerald Senior's name, it was to legitimise those payments in front of your work colleagues, wasn't it?
---True.

20 And in fact you gave evidence, very specific evidence, that you had provided these envelopes to Ms Kirby.---No, I said I'd provided the envelopes, if Peter was in his office, to him.

Yes.---If he was in his office with someone else, I'd put it in an interoffice envelope, write "Peter Fitzgerald, confidential". If Peter wasn't in, I'd hand them to his secretary. Same thing.

And his secretary was Ms Kirby?---Whoever it may have been. Peter had about five or six - - -

30 No, no.--- - - - different secretaries - - -

Mr Goodman.--- - - - over a period of time.

Mr Goodman?---Yes.

You gave evidence, didn't you, that you handed the envelope to Ms Kirby?
---I did. I did. But mindful, hang on, mindful. You want the truth. Mindful, he did have five or six secretaries over the period of time.

40 Yes. In fact, Ms Kirby left the Council in 1998, didn't she?---I don't know. I don't know. As I said, he had five or six different secretaries.

Because you organised these payments because you were desperate for cash.---Not true.

And you were desperately shuffling your money around to pay all of these various debts.---Well, I think, if you question, there was other staff members that delivered the money to the general manager. I'll just leave it at that.

And MB Consulting was one of the mechanisms that you used to be able to pay off these debts, wasn't it?---Wrong.

And that Mr Fitzgerald Senior had nothing to do with these payments, did he?---Wrong.

10

And what you're trying to do, and you've tried to do the further you've been asked questions, and in particular today, you're trying to now make Mr Fitzgerald Senior into the mastermind of this corrupt scheme, aren't you, Mr Goodman?---Mr Latham, when I was told I had to come to this Commission, I went and saw a barrister, a QC, and I was told one thing. And that one thing was to tell the truth to the best of your knowledge, which I've attempted to do all the way through. The evidence I've given in relation to MB Consulting is the truth. That's it.

20

Well, let's just go to it, Mr Goodman. You said today, didn't you, that Mr Fitzgerald Senior said to you if this goes pear-shaped, he, being Mr Fitzgerald Senior, he's the one that signed everything. Do you remember giving that evidence?---He never said that to me.

Sorry, that Ms Cullinane said that to you.---Ms Cullinane told me not to trust Peter.

Right. But did Ms Cullinane say to you, "Mr Fitzgerald Senior, if this goes pear-shaped, he's the one who signed everything."---Exactly.

30

But on your own evidence, he hadn't signed anything in relation to MB Consulting, had he?---No, meaning I had signed everything. I was the one in trouble, because I had signed everything. And I didn't know if he was referring to MB Consulting or anything else. I don't know.

You'd say anything, wouldn't you, Mr Goodman?---No, I wouldn't. I just told you previously what I was advised, and that's what I've done.

40

And, and - - - ---You should remember too, Mr Latham, I could never get Mr Fitzgerald to sign very few documents. He would commonly put a yellow post-it notepad on an invoice and write in pencil "approved". That's how I used to have to get the general manager to sign things at the time. Now, that can be confirmed by other staff. Peter would not sign anything.

And you gave evidence today, didn't you, that he said, this is for the first time, that he said to you, "I don't care what you do, just cover it up"?---In the context, in the context of the question I was asked, yes. And that was said.

That's just a lie, isn't it, Mr Goodman?---No, it's not a lie.

And you gave evidence today, didn't you, that you met with him and Lorraine Cullinane and went through the credit cards?---No, went through credit cards and invoicing. There was about a four-inch thick, five-inch thick binder, I think referred to as the "shit file" by other people.

Well, you never met with those two, did you, in relation to those matters?
10 ---Yes, I did, in Coronation Hall. We sat on a wooden bench on three yellow chairs so no-one could see what we were doing.

THE COMMISSIONER: Where is Coronation Hall?---It's adjacent to the Council chambers.

Right.---It's a memorial hall attached to the Council chambers. Very private.

MR LATHAM: So this is some big public place, is it?---No. No,
20 Coronation Hall is locked up. It has steel bars in the front of it, glass windows and you can't get in there.

And you gave some evidence that I didn't quite follow, where you said, "I think, I don't think that I was there when she went through the list with Peter Fitzgerald." Did you give that evidence?---Exactly. Exactly.

So were you there at a meeting with Mr Fitzgerald and her?---Yes, I was.

Or were you not?---Yes, I was.
30

And did you go through this list or did you not?---Yes, we did.

So which version should I - - - ?---No, both versions because I just recollect that Lorraine wanted to speak to Peter about something and I left. What that was, I don't know, because I never spoke about it. That's what I recall. But we did have about three or four different meetings leading up to Peter's retirement, about different things.

Right. Now, there's a couple of other just quick things. You talked about a
40 workshop meeting in late – sorry, a meeting at your workshop in late 2005 and then a further meeting in early 2016 – sorry, 2015 and 2016.---February. Mid-February, 2016.

Okay. Now, just so we've got this clear, the meeting in early 2016 occurred when Mr Fitzgerald came out to see whether his son's car had been sold?
---That was one of the things he'd done.

Okay.---No, not sold. That's, that's incorrect.

Whether it was being sold?---Yes.

Sorry. And just take it - - -?---That's the meeting Peter denied he came to my workshop.

Just, just hang on one moment. Let's assume that we know that his car – his son's car was paid for on 9 February so that would put the - - -?---I don't know. I don't know.

10

- - - put the meeting somewhat earlier - - -?---I don't know.

- - - than the 9th?---No, no, no. I don't know.

Would that be about right?---I've given the Commission witnesses who were there.

Okay. Now, there are two meetings take – that take place relatively close to each other and it is clear on your evidence isn't it that Ms Baccam was there at one stage?---Yes.

20

And I want to put this to you, that this is what she said to Mr Fitzgerald. She said, "You've got to take him", meaning you – sorry, "Got to get him", meaning you, "to take this seriously." Do you remember that being said? ---To me?

No, no, said to Mr Fitzgerald.---By whom?

By Ms Baccam.---I wasn't present when Ms Baccam had a conversation with Mr Fitzgerald.

30

And that Mr Fitzgerald said, "I don't want to get involved"?---I wasn't present at that conversation.

And at one of those meetings Mr Fitzgerald said to you words to the effect, "Are you okay?" Do you remember him saying that?---I can't recall but I wouldn't be surprised if Peter said that.

Okay. And you said words to the effect of, "I'm in trouble", or "I'm stuffed." Do you remember saying that?---No.

40

And Mr Fitzgerald said, "Tell the truth." Do you remember that?---No.

And I'll put this to you, at neither of those meetings did you or he put the telephones in the fridge as you gave evidence last time?---Okay. I have to accept that you say that and in the context of Peter telling me to tell the truth I was told that he had nothing to do with any of this in very firm language was the truth of what was said to me.

And he never said, "I wasn't at the meeting"?---I'm sorry, Mr Latham, he did.

Now, could I just press onto two final things. You referred at one stage in your earlier evidence to a handwritten note in relation to Ms Cullinane's sick leave. Do you remember giving that evidence?---Absolutely. Yes, I do.

10 Now, it's a bit unclear from the transcript but is it your evidence that you wrote that handwritten note?---No. There was an email I think – because this is going back a long time. I think the email was about Lorraine's payments upon termination and the General Manager had agreed that like himself she be paid sick leave on termination and he wrote on the bottom of this email that that was the case and signed it and he handed that to me. Now, I am fairly sure that I showed that to either Barry Byrnes or Mark Thompson but then it's disappeared, it got lost. I don't know what happened to it and Lorraine asked me to arrange a meeting at the Botany Bay Hotel with Peter to canvass that and a number of issues. At that meeting Peter
20 told Lorraine just write it and I'll sign it.

Well, he never wrote such a note did he?---No, no. Sorry? The original note, yes. I think you'll find that was witnessed by other staff.

THE COMMISSIONER: Mr Goodman, this is a note whereby he authorised Ms Cullinane to be paid out her sick leave.---Sick leave. Yes.

And was that an orthodox procedure as far as Council employees was concerned?---Well, it was, it was on – no, no, it was an exceptional
30 procedure but it's not unlike what the General Manager had in his own contract to be paid – I think it said to be paid sick leave on termination.

And - - -?---Well, Lorraine wanted the same, the same condition attached to her employment.

But if that was the case, what was to stop the General Manager from simply recording that in an email to the payroll - - -?---No. What he did, he wrote – there was, there was an email about Lorraine's entitlements upon termination. I had that and he wrote on the - - -
40

From where?---Sorry?

From where?---From the General Manager.

Right.---And I just had a – didn't have a copy of it and he wrote on the bottom of that note. Lorraine had been pressing him for some time.

Yeah, but that's my point. My point is if he'd already sent an email which would be recorded in the system - - -?---Ah hmm. Yes. All right. Yes.

- - - about Ms Cullinane's entitlements on termination, why wouldn't the reference to being paid out her sick leave simply have been added to that?
---I think that was in the process of being done and he just wrote it and handed that, handed that to me. That's a fact.

10 MR LATHAM: Yes, in your – well, sorry, withdraw that. Can I just then ask you two final questions. You gave some evidence in relation to a car that was bought for Ms Baccam.---Yes.

I put this to you, Mr Fitzgerald Senior never told you or her or both of you that Council would pay for that car?---I'll leave that for other people. That – I was told that.

And Council - - -?---There was a phone call. I did go to the auctions. I did take Marny Baccam. There were a number of witnesses there. Peter's son were there. He did take her around. He did ask her to pick a car. She did
20 pick a car. He did tell me to buy it. Seven months later he told me to sell it.

And Council never did pay for it did they?---Yes, they did.

And then finally, just one question. I just want to get clear in my mind this meeting you had with Mr Boggs or Mr Bloggs.---Yes.

You say don't you that Mr Fitzgerald said to you words to the effect this is Mr Bloggs or this is Mr Boggs, one of those versions?---Words to that effect.
30

And that on that basis you were reassured that Bloggs Consulting therefore was able to provide invoices and be paid properly?---No, that's not what reassured me. The person was sitting outside the General Manager's office or the Deputy General Manager's office in the vestibule between the General Manager and the Deputy General Manager. The General Manger rang me, asked me to come round, introduced me, he does – and I can't remember what the work was that he does and that was it and then they both went into Peter's office and I went back to my desk.

40 And - - -?---That's what occurred.

And he was introduced to you wasn't he, Mr Goodman, as Mr Bloggs by Mr Fitzgerald Senior?---By Mr Fitzgerald Senior.

And that's your evidence today isn't it?---That's what occurred.

And in fact I think your evidence now is that in fact his name was Mr Davis?---No. We had another consultant I think you'll find called Mr Davis.

Oh, there was a second consultant?---A second consultant, yes.

So, sorry, so I've got this right, Mr Davis and Mr Bloggs are different consultants?---I don't know. I don't know that. I don't know. You'd have to ask the General Manager that.

10

THE COMMISSIONER: Mr Goodman, I think this might be something that you need to focus on. I understood Mr Moses to ask you a series of questions about someone whose name was Davis but who in fact - - -?
---Yes.

- - - was known to you as Boggs, B-o-g-g-s.---No, no. We had, we had cheques very early on to a Michael Davis.

20

Yes. And you agreed with Mr Moses that some – in some way you'd heard or you associated the name Boggs with Mr Davis?---With Davis, that's right. Absolutely true. Absolutely true. I didn't say they were the same person. I associated the two names together because whatever job they were doing I believe one followed the other. I think if you look at the Council records you'll find that.

So your evidence is that the person who you associated with Mr Boggs was not the person to whom you were introduced by Mr Fitzgerald as Mr Bloggs?---No, no, no. Mr Blogg or Boggs, whatever his name was, that's the same person absolutely. Absolutely.

30

Well, I'm completely confused.---Okay. Mr Bloggs or Mr Boggs or whatever Peter introduced him as was the person MB Consulting.

Yes.---No question.

Yes, all right. Well, then, whether it was Boggs or Bloggs you - - -?
---Yeah, that's what I'm not sure of - - -

40

- - - you associated that with MB Consulting?---That's correct.

Now, just enlighten me, how does the person Mr Davis come into the picture?---Totally separate consultant earlier on. Totally separate.

Totally separate?---Totally separate. Totally separate consultant but I believe if I'm correct the same type of work that allegedly Mr Boggs or Bloggs was supposed to have done. You'd need to get the Council records and have a look at the payment history.

I don't have any further questions, Commissioner.

THE COMMISSIONER: Any further questions of Mr Goodman. Yes, Mr Abboud?

MR ABBOUD: Mr Goodman, have you ever met Mr Davis?---No.

You've never met Mr Davis?---No.

10 Mr Latham, in response to some of his questions, you said, in relation to the payments to Mr Fitzgerald, you said, "Other staff delivered money as well." ---Yes.

Can you name those members of staff?---This is just on my memory. I think Mark Thompson might have taken some around at one stage, when I wasn't there for some reason. I can't remember. And I'm pretty sure that Peter may have approached Mark once when I wasn't there to get those cheques, or sent his secretary to see Mark.

20 And how would Mr Fitzgerald ask you to get him the money?---MB was due.

Sorry?---MB was due.

Is that all he said.---That's all he had to say. Yes, I knew.

And what did you understand by that?---That two cheques for MB Consulting were due to be paid, which I'd pass that on to Mark nearly in that exact terminology.

30 Well, did Mark Thompson ask you any questions about MB Consulting and why we're paying it, who we're paying it to?---I think I may have told him early on. I can't recall. But, no.

Okay. And when Mr Fitzgerald was the general manager, did he have wide powers as well, did he?---Absolute power over the total Council. Absolute power over everyone.

40 What do you mean by over everything? Can you explain to the Commission?---Well, Peter ran the place pretty well with an iron fist, like a good general manager does. He knew everything that happened. He wanted to know everything that happened in every department. He would be happy to speak to staff who wanted to tell him something, down as far as who used e-tags. He wanted to know who used e-tags. Down to that level. I did, anyway, yes.

Okay. And, Mr Goodman, you concede that there was a lot of corrupt activity taking place and a lot of fraud on the Council at the time. You obviously had your own scam running with the creation of false invoices. ---Yes.

10 Do you know of anyone else that was running a similar scam, if I may put it this way.---I think Botany was not fairly, very corrupt. I know in my time there I identified the over purchasing of truck tyres, the over purchasing of batteries. I did a study on how many batteries and truck tyres we'd
10 purchased in a particular year. And it worked out that every truck had had every tyre replaced in a 12-month period. Every truck and car had had a new battery in a 12-month period. There was problems with stores items disappearing regularly. We did everything we could to stop that. It just pilfered, pilfered by - everyone had a key to the store. We just weren't able to stop it. I believe it went to travel allowances, it went to phones. And very difficult sometimes to comment about it internally.

20 And in your opinion, did at any time Mr Peter Fitzgerald Senior know about any of these - - - ?---Yes, absolutely.

20 And in your opinion, was anything done about it at the time?---No. Mr Abboud, when I started at Botany, one of my first tasks I was given by the general manager was to go through the phone records and find out who had what. Because, really, they had no idea. And identified who had what over a couple of weeks, and came up with the mayor's office had, I'll never forget this, the mayor's office had five phones. So I contacted the mayor's office. Not the mayor, the mayor's office. And said, "Can you please tell me what four phones I can cut off?" I was taken into Peter Fitzgerald's office about probably half an hour later, read the riot act, and he told me the
30 mayor advised him to show me where the local CES was. That's pretty upsetting. I was trying to do my job.

Okay. And what did you understand by that phrase?---Leave certain things alone. I knew that in no uncertain terms.

And the mayor you refer to at the time was Mr - - - ?---Hoenig.

40 Okay. Now, when you got to Botany Bay Council, in your opinion what was the accounting system like?---When I arrived there, the auditors had walked out and they'd refused to sign the accounts, and they'd refused to audit the accounts. The Council was technically insolvent and had debts, if I can remember, of about \$12 million with assets, sorry, with cash in the bank of about \$7 million. Hence the auditors walking out and saying they refuse to audit the accounts.

And, Mr Goodman, how did you come about to devise those schemes to rip the Council off yourself?---I'd seen a lot of other things that had happened

in the Council with other people, and they weren't touched. Goes from travelling allowances all the way down.

And can you name those other people that you talk about?---Obviously Peter Fitzgerald is one. I think when we did travel monies, certain people were paid full amounts, other staff had their money severely cut. I referred to the mayor, whether he knew that we were cutting other staff's money and he was getting the full. With our travelling allowances at Botany, it was based on the Prime Minister's travelling allowances, plus for the mayor 150
10 per cent, plus for the general manager 140 per cent. So it was the Prime Minister's allowance plus 150, the Prime Minister's plus 140 for the general manager, with a deduction of 30 per cent for every night's accommodation the Council paid for and a further reduction of 10 per cent for every meal the Council paid for. On the general manager and the mayor, no deductions were made irrespective of what was purchased. And I think you'll find on most of these trips - - -

MR LATHAM: Commissioner, Commissioner, this is quite unfair.

20 THE COMMISSIONER: I know.

MR LATHAM: None of us have the difficult - - -

THE COMMISSIONER: I know. I know. And it's not material that the Commission has in its possession at this point in time, in any event. But, look, I get the gist, Mr Goodman. You're saying that there was general rorting, as far as you could work out, so you decided to take advantage of it yourself. Is that the position?---Yes. Yes.

30 MR ABOUD: I've got nothing further, Commissioner.

THE COMMISSIONER: Just for my purposes, Mr Moses, I just need to know whether or not your client's position in relation to MB Consulting is that Michael Davis and Michael Boggs were the same person.

MR MOSES: They are. And there are a couple of - there's an obituary. Mr Michael James Davis passed away on 10 June, 2011. There's a newspaper article, which we'll tender, which draws the connection between Fitzgerald as mayor of Drummoyne, it has him characterised.

40 THE COMMISSIONER: Right.

MR MOSES: And Mr Davis writing speeches for him and other Labor Party figures, it is said. But there's a newspaper article that draws the connection between Michael Davis and Mr Fitzgerald, and there's this obituary. So he has passed away, and that's who we apprehend is the Boggs
- - -

THE COMMISSIONER: Right, I see. All right, thank you.

MR MOSES: - - - on our investigations. The obituary has Michael James (Boggs) Davis.

THE COMMISSIONER: Right. Thank you.

MR MOSES: And I can tender it now.

10 THE COMMISSIONER: May as well.

MR MOSES: I think we've shown a copy of it to Counsel Assisting briefly.

THE COMMISSIONER: Exhibit R89.

**#EXHIBIT R89 - OBITUARY OF MICHAEL JAMES (BOGGS)
DAVIS AND NEWSPAPER ARTICLE "SENATORS COME TO
CROSS WORDS"**

20

MR MOSES: And the newspaper article which we'll tender, which draws the connection, it's a Sydney Morning Herald article.

THE COMMISSIONER: I'll mark both of those the one exhibit, so they're kept together.

30 MR MOSES: It's a Sydney Morning Herald article of 12 May, 1989, written by an Allen Kennedy, which we'll have printed and brought down to the Commission.

THE COMMISSIONER: Did you say '89?

MR MOSES: 1989, correct.

THE COMMISSIONER: '89.

MR MOSES: Yeah. Which refers to Mr Fitzgerald and Mr Davis and - - -

40 THE COMMISSIONER: Thank you.

MR MOSES: - - - refers to Mr Davis as a speechwriter embroiled in some controversy in which it's said that Mr Fitzgerald was part of.

THE COMMISSIONER: All right. Those two documents will be Exhibit R89. I take it there are no further questions of Mr Goodman at this stage? Except Mr Thangaraj, do you have any - - - ?

MR THANGARAJ: No, I don't want to ask any more questions.

THE COMMISSIONER: No.

MR THANGARAJ: Can I just say something in relation to what the Commissioner just asked Mr Moses. We're getting a statement from someone who has the initials MB and who has a trading name MB Consulting.

10 THE COMMISSIONER: Ah, yes.

MR THANGARAJ: That ABN number from that person corresponds with the ABN number that's on the Council records.

THE COMMISSIONER: Yes, thank you.

MR THANGARAJ: And one of the trading names as I said is MB Consulting, but that person has done nothing for council and has no knowledge or relationship with any of the people that might be involved with MB Consulting from a council side - - -

20 THE COMMISSIONER: All right. So, so it doesn't take us any further, no, well I mean it does but it doesn't.

MR THANGARAJ: Yes, that's right.

THE COMMISSIONER: I might take the morning tea adjournment. Mr Goodman, you can step down, you're excused for the time being.

30 MR THANGARAJ: Commissioner, I think, no one wants him to come back.

THE COMMISSIONER: No, I'm not excusing him at this stage. He's excused for the time being, but I don't think you can be excused until the end of the inquiry, Mr Goodman. Yes, quarter to 12.00. Thank you.

<THE WITNESS STOOD DOWN [11.30am]

40 SHORT ADJOURNMENT [11.30am]

THE COMMISSIONER: Yes.

MR THANGARAJ: Mark Thompson.

THE COMMISSIONER: Yes, Mr Thompson, could you come forward please. Mr Mahendra, I take it Mr Thompson is still aware of the section 38 order?

MR MAHENDRA: He is, Commissioner.

10 THE COMMISSIONER: Mr Thompson, could I remind you that you are still the subject of the section 38 order that was previously given and that that order does not protect you from the use of your answers against you if it should be found you've given false or misleading evidence to the Commission. Do you understand that?

MR THOMPSON: Yes.

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

20 MR THOMPSON: Sworn.

THE COMMISSIONER: Could we have the witness sworn, please.

MR THANGARAJ: Mr Thompson I want to ask you some questions about two topics. The first one is MB Consulting. You co-signed cheques in relation to MB Consulting with Mr Goodman?---That's right.

And you did so for a number of years, 2003 to 2010 or so?---Probably, yeah.

10 And you did so after receiving an instruction from Ms Cullinane not to co-sign cheques with Mr Goodman?---Yes.

Now Ms Cullinane was a superior of yours as the Deputy General Manager?---That's right. Yep.

She gave you a direction that you were not to co-sign cheques with Mr Goodman at some point?---Right.

That, that direction was never revoked was it?---It was relaxed.

20 It was relaxed - - -?---That's right.

- - - by whom?---I can't honestly recall.

Well it wasn't relaxed by Ms Cullinane was it?---I really can't say for sure.

Well - - -:?---The reason being that cheques had to be signed.

Yes?---And there's quite often I was the only one there to sign.

30 Sorry, we're talking about co-signing?---Yeah, ah hmm.

You're saying that the reason that you co-signed after the direction by Ms Cullinane was because there was no one else who could do it?---That's right, yep.

Right. Well who were the people that were entitled to sign and co-sign cheques?--- Lorraine Cullinane, Gary Goodman, Barry Byrnes and myself.

40 Right. So why didn't you say to Ms Cullinane, look there's no one else here that can do it, can you sign this cheque?---I don't know.

Well there are a couple of potential explanations for that, Mr Thompson? ---Mmm.

And I'll come to those. But did you feel that you could never say no to anything that Mr Goodman asked you to do?---I would question if he asked me to do some things.

What did, can you give us an example of something you did refuse to do as his request?---Not off hand, I couldn't, no.

Right. So he asked you to co-sign these MB Consulting cheques and notwithstanding the direction from Ms Cullinane you did so?---Ah hmm. That's right.

10 Right. All right. Well MB Consulting, the cheques were made out to the name of that purported entity, right, the cheque actually had MB Consulting written on it?---Yes, that's right.

But then they had please pay cash on it?---Yes.

And sometimes Mr Goodman would right please pay cash and other times you would write please pay cash. Is that right?---Yes, that's right.

Well what justification was there for you to write or for you to co-sign a cheque where he had written please pay cash?---(No Audible Reply).

20 I'll break it up, sorry. It was two questions. Just remind us of what role you had at council at this time when you were co-signing these cheques?---I was just administrator.

Right. And we know that you had a lot of responsibilities or access to a lot of information?---Ah hmm. That's right.

Now MB Consulting was being paid almost the same amount regularly and for a very long time. Correct?---Yes, that's right.

30 What justification is there – let's assume, let's assume for the moment that they were a legitimate service provider, right. What justification is there to pay cash to a service provider?---I was just instructed that it had to be a cash cheque.

No, let's assume you were instructed. I'm not talking about whether you were instructed or not?---Mmm.

40 Is it proper council practice for a service provider to be paid cash?---No, it's not normal, no.

Well I know it's not normal but is it proper?---Oh, I wouldn't think so, no.

And if the cheque was made out to a company name why, why would the, why would you then write on it please pay cash?---Just because I was instructed to.

THE COMMISSIONER: Mr Thompson, you would appreciate you knew that one of the reasons that it's not proper is because once you pay someone

in cash it's completely untraceable and it means that the accounting systems become suspect don't they?---Yes.

In other words no one can actually, no one can actually prove where that money went can they?---No, that would be true.

MR THANGARAJ: And you must have realised at the time that the effect of writing on a cheque please pay cash mean exactly that?---It was still recorded in the accounting system as being MB Consulting.

10

Yes?---Or whatever company.

But that's the problem it's not going into their bank account?---No, that's right.

It's, it's not, it's going, it's no longer being, there's no record of who ends up with the money?---True.

20 Right. And part of the problem for that is council doesn't know whether or not there's a legitimate payment being legitimately received?---True.

And given the work that you were doing you obviously knew that at the time that you were writing on these cheques please pay cash?---Yes, that's right.

Right. Were any other service providers receiving monthly payments for extended periods by way of cash that you knew of?---Not that I can recall, no.

30 Right. So no invoices have been found in relation to MB Consulting. I want you to assume that. Now is there any reason why if invoices were ever produced in relation to MB Consulting that no record of them would be available now given that the payments were made to them up to 2010?---No, no idea.....

All right. Well one explanation is there were no invoices. Is that a possible explanation?---I'm sure I can recall seeing some invoices headed MB Consulting.

40 Right?---And other times it was just cheque requisitions.

Right. Well where, if there were invoices where would they have been kept?---Well they should have been filed with the normal cheques, normal vouchers, sorry.

Right. And what explanation can you think of as to why no such records have been found?---I have no idea.

Well there are two possibilities there at least. Tell me if there are others. One is there were no invoices. That's one possibility. Correct?---Correct, yep.

A second is there were invoices but they've been deliberately destroyed. That's another potential explanation?---It is, yep.

Is there a third?---Not that I can think of, no.

10 All right. Now vouchers also weren't produced at all times for these cheques either were they?---Yes, they would have been.

Every single time?---Yeah.

All right. And do you know why all of those – is there some reason why all of those vouchers haven't been found?---No, no idea.

All right. Now do you know – what was the process, you would write please pay cash on these cheques. What then happened to those cheques?
20 ---It'd be given to Gary Goodman.

Right. And?---And he would arrange for someone to cash it then.

Right. Did you - were you ever involved in the actual cashing of the cheques?---Not that I can recall.

All right. Do you know what happened to the cash?---I know it was given to the General Manager.

30 Sorry?---It was given to the General Manager.

And how do you know that?---Gary Goodman told me that he gave it to him.

Right. And this was at the time of it happening was it?---Yes.

And did you ever hand over any envelopes to the General Manager?---Not that I can recall.

40 All right. Does that mean that you may have but you don't remember or that you didn't - - ?---That's right, yep.

So you may have?---May have, yes.

And what about to his secretary?---I doubt that I would have.

All right. Now if we, if we put all these things together, cheques being made out to a particular company but yet cash being written on them, no

service provider was being paid cash in that way, the problems that are involved with cash being paid to consultants in the way we've just described or any service provider, the absence of records, the direction from Ms Cullinane, it's unseen Mr Thompson that you must have known at the time that there was something significantly improper about this entire MB Consulting cash scheme?---No, I didn't.

10 Well in the circumstances what is that you say happened with respect to MB Consulting? Are you saying that MB Consulting was a legitimate service provider?---I didn't know anything about them.

Right?---Only I was told that they are a consultant for council.

Right. Did, did part of your role or should have part of your role involved checking whether MB Consulting did provide any services to council?---No.

20 Right. Now the fact that cash was being sought or cash was being obtained for these originally what were cheques, didn't that give you cause for concern given how much it was and how regular it was and for how long it went for?---No, I wasn't told of any of the circumstances.

No, I'm not suggesting, I'm not, sorry, I'm not asking if you were told of the circumstances, I'm saying how could you not have been suspicious about those, that situation?---Only because it involved the General Manager.

All right.

30 THE COMMISSIONER: I beg your pardon?---Only because it involved the General Manager I didn't consider it as any - - -

You assumed that because the General Manager had some role in these invoices that it must have been aboveboard?---Yes, that's right.

MR THANGARAJ: Right. Well what further understanding did you have – what was the basis for believing the General Manager had some involvement? You've told us that Mr Goodman told you the cash was going to Mr Fitzgerald. Was there anything else?---No, no.

40 Right. Well setting aside the fact that the General Manager was receiving money as you were told, the fact that it was being paid into cash and the fact that Mr Goodman says it's going to Mr Fitzgerald, wouldn't that give you double concern that it's going, that two people within council are handling the cash before it even gets to the person that supposed to have earned it? ---At the time I didn't consider it, no.

THE COMMISSIONER: Mr Thompson, can I just ask you, is this happening at the same time as you become aware or you are aware that Mr

Goodman is, is responsible for issuing a large number of false invoices to various other entities?---I think this would have been before that.

So you say these MB Consulting invoices occurred before you knew of any impropriety by Mr Goodman?---I believe so, yes.

MR THANGARAJ: You brought a number of – you and Mr Byrnes spoke to Ms Cullinane about a number of potential issues. You’ve given evidence about that.---That’s right.

10

The issue – one of the issues was brought to her attention I thought you said in 2009 which was the noticing that creditor bank account details matched those of Mr Goodman.---Yes, that’s right.

And you said that that was in 2009 that you noticed that.---Yes.

Is that correct?---Oh, it was around about 2009, yes. Sometime in that year.

20

I don’t want to be too picky about this because it was a number of years ago but the cheques with MB Consulting went into 2010 and the bank, the bank account numbers wasn’t the only issue you raised with Ms Cullinane about Mr Goodman was it? You talked – I think you’ve raised her – did you bring to her attention the – or Barry Byrnes’s attention and then you spoke to Ms Cullinane about one or two other matters?---At the time it was only the bank account details from memory.

What about the blank cheques?---Oh, that’s right. Sorry, yeah.

30

I mean that was, that was from your evidence - - -.---Yes, correct.

- - - 2007.---Ah hmm.

So even if you didn’t have concerns about Mr Goodman in 2003 certainly you continued to be involved with the MB Consulting cheques after you had raised concerns – serious concerns about him with the Deputy General Manager.---Yeah.

40

Right. Now, one explanation is that Mr Goodman had you co-sign it because you would always just do what he wants. Now, maybe with the benefit of hindsight is that an explanation?---Oh, I did as I was instructed.

Right. But there are instructions and there are instructions and if the instructions raise matters of suspicion it’s not, with respect, good enough to say well, I was told. Do you agree with that?---Yes.

Right. Now, you’re writing on a cheque please pay cash. You’re being told that the cash is being given to the General Manager. Did you have any belief that the General Manager had any association with the consultant that

was being paid this – who was legitimately earning this money?---That's what I believed.

What did you believe?---That MB Consulting was consulting for the General – or the Council's executive.

Yes.---And that the money was being passed onto him.

10 But let's assume that was what you were told. What possibly explanation would there be or justification would there be for the General Manager handling that cash?---I don't have any explanation.

And what possible legitimate explanation would there be for Mr Goodman to be handling that cash?---I don't know.

And similarly, what explanation would there be for the money not to be put directly into their bank account?---That would have been a better way of doing it.

20 Well, when you say a better way, there are - - -?---Oh, would have been a way obviously.

It should have been the only way shouldn't it?---True.

But it's not just the fact that there were unusual things happening with Mr Goodman handling the cash and the General Manager, its more about it would be highly improper for Mr Goodman to be handling cash that's supposed to be a payment for a service provider wouldn't it?---In hindsight now, definitely, yes.

30 Well - - -?---At the time I didn't think so. I guess I didn't.

All right. Well - - -

THE COMMISSIONER: Mr Thompson, sorry. Can I just say the astonishing thing is that nobody, nobody apparently knew what service MB Consulting was actually providing to Council. Is that right?---True, yes.

40 So not only do we have a number of people handling regular cash payments that could have been made by depositing the money directly into the bank account of the company but nobody actually knew what the company did. Is that right?---I didn't know for sure. No.

But these were regular fortnightly payments - - -?---Yes.

- - - that were always the same, i.e. in the \$4,200. So it looks as though it was in the form of a retainer doesn't it?---That's what I believed it was, yes.

But if you believed it was a retainer didn't it ever occur to anybody to question what service it was that was being provided by this company on retainer?---I didn't ask the question.

Well, you said - - -?---I wasn't in that position.

You said a moment ago that you were sure that you saw invoices in relation to these payments.---I'm sure I saw some. Yes, that's right.

10

Well, did the invoices describe the service that MB Consulting was providing?---I can't recall. I just remember seeing the name MB Consulting across the top of the invoice.

20

MR THANGARAJ: Mr Thompson, the total amount that MB Consulting seems to have been – or the payments that were said to have been for MB Consulting seems to be in excess of \$300,000 and all of it or very close to all of it went through this cash payment system. I want you to understand clearly that on the evidence that I've – that has been given to date unless something changes I'm going to be submitting to the Commissioner ultimately that firstly, I'm not suggesting for one moment you received any financial benefit from it. There's no suggestion you received any of that cash. But the only rational inference that seems to be available from the evidence is that you knew that something highly improper was being conducted by Mr Goodman with respect to MB Consulting's cash and that you did nothing about it. All right. You understand that that's the position at the moment that may well be – that I may well submit to the Commissioner at the end of this hearing?---Yes. Okay.

30

All right. Is there anything further that you want to say about the MB Consulting process other than what you've told us in relation to that? ---Only what I said.

All right. Now, I just want to ask you about the alarm system that was installed at Ms Cullinane's house. Were you aware that a – sorry, were you aware that Council paid for an alarm system, cameras and an alarm system to be installed at her house?---No.

40

All right. Were you aware that Emu Alarms did work for Council?---Yes.

All right. Can I show you this document.---Thank you.

Do you – that's – well, can you tell us what that is?---That's a voucher.

All right. For Emu Alarms a progress payment of \$9,500 in August of 2003?---Ah hmm. Yeah.

Right. Have you seen – do you recognise that document, do you remember – have you ever seen that document to your memory?---Not that I can recall, no.

MR MAHENDRA: Can my learned friend identify where he's reading from. Sorry, Commissioner. Thank you.

MR THANGARAJ: Thank you. Now, I'll just wait until Mr Mahendra gets a copy of it. Now, this is a progress payment. Do you recognise the
10 signatures at the bottom of the page?---Yes, I do.

Whose are they?---Gary Goodman and Lorraine Cullinane.

Okay. Now, who would normally sign these vouchers?---Oh, normally be signed by the same (not transcribable) who I spoke of before.

Right. Now, if – all right, now let's assume that this payment of \$9,500 was for Ms Cullinane's alarm at her house. Let's just assume that. Would she have been entitled to sign the cheque or sign that document?---Probably not,
20 no.

All right. Now, you said you're not aware of Emu Alarms installing an alarm system for Ms Cullinane, but this document was found in your office. Can you tell us why this document was in your office?---Not offhand, no.

All right. Well, no invoices have been found in relation to the payments made to Emu Alarms, which are suspected to be the payments for Ms Cullinane's house. Can you explain, or do you have any reason as to why those invoices are not in the records?---No, I don't.
30

All right. Nothing further. Well, sorry, I'll just tender this document. I'll tender that document.

THE COMMISSIONER: Just the one or the collection, Mr Thangaraj?

MR THANGARAJ: I'll tender the whole lot.

THE COMMISSIONER: Yes, the bundle of Emu Alarm vouchers will be Exhibit R90.
40

#EXHIBIT R90 - PAPERWORK RETRIEVED FROM MARK THOMPSON'S OFFICE

THE COMMISSIONER: Yes, Mr Moses.

MR MOSES: Thank you, Commissioner. Mr Thompson, I just want to ask you a few questions. First about MB Consulting. Commissioner, could the witness be shown the document that appears at volume 42 of the ICAC brief at page 544. Just while that's coming up, what you're going to be shown is just an example of a cheque. You've agreed that you would countersign cheques for MB Consulting, correct?---Right.

And that's your signature that appears on that document?---Yes, it is.

10 And I just want to ask you a question about MB Consulting records. Do you recall, on 16 or 17 March this year being asked by a Claire Brogan from SINC Solutions as to whether you had documents relating to MB Consulting, or Bloggs Consulting, in your possession because she was actioning an ICAC notice. That is, that ICAC had sought in a notice documents relating to that issue. Mr Brogan asked whether you knew about that or had documents relating to it, and you said that you did not know or have any records in relation to any of the entities, including MB Consulting and Bloggs Consulting. Do you recall that exchange, sir?---Yes, I do.

20 Yeah. And I just want to show you these documents. These documents, this is Exhibit R90. So, Exhibit R90. If the witness could be shown that bundle of documents. Halfway through the bundle, Exhibit R90, are documents relating to MB Consulting. Do you want to just go through that? I can point out that the first document is one of 3 February, 2004, which appears to be a voucher. Did you find that?---3 February, yes.

Yeah. Just before I ask you some questions about that, these documents were found in your office on 1 June. They were found in a two-shelf closed door cupboard. And these documents were located in front of the cupboard.
30 Do you recall having these documents in your possession, Mr Thompson?
---I can't say I recall it, no.

Okay.

THE COMMISSIONER: Just before we go on, I'm sorry.

MR MOSES: I'm sorry, Commissioner.

40 THE COMMISSIONER: No, no. I'm sorry, Mr Moses. I incorrectly described Exhibit R90. Now that you've identified them, I should indicate for the record that they comprise a bundle of documents recovered from Mr Thompson's office. Thank you.

MR MOSES: Mr Thompson, if you just go through that page where you are at the moment.---Mmm.

Just go over the page. There's a page called "Requisition for Drawing Cheques Payable to MB Consulting".---Ah hmm.

Description of goods and services. Is that your signature on this document?
---No, it's not.

Okay. If you go over the page, there's an email from Mr Goodman to you.
---Yes.

Of 3 February. Would you receive these types of emails on a regular basis
from Mr Goodman concerning MB Consulting? Is that how he would
10 request you to sign documents?---Only if he wasn't in the office.

Okay. And you said to the Commissioner you did not know the purpose of
these fees being paid to MB Consulting, correct?---Yes, that's right. I only
knew it was consultants' fees.

I'm sorry?---Only I knew that it was consultants' fees.

Okay. And you never inquired about it, correct?---No.

20 Okay. And for how long did this go on? The signing of cheques for MB
Consulting?---I didn't know exactly. From what I have heard, it's around
about six years, roughly, I think.

When did it finish? In 2011?---I don't know.

Did it finish at the time Mr Fitzgerald ceased being general manager?---I
couldn't say for sure.

30 Okay. Just go to the end of the document. Just keep flicking over. You'll
see an email dated 6 February, 2004 from Mr Goodman to you saying,
"Please draw a cheque for Michael Davis for \$7,500 for consultant
expenses." Is that the person who you understood to be MB Consultants?
Because there is then a cheque, isn't there, that you draw? Is that right, sir?
---Yes.

It's up on the screen.---There's a cheque there.

So Michael Davis, is that MB Consulting?---Not to my knowledge.

40 So did you draw a cheque in the name of Michael Davis?---Yes, that's right.

Yeah. Do you know who he is?---No.

Okay. So you would draw the cheque. Who would you give it to?---Most
likely Gary Goodman.

When you say "most likely", is that because you can't remember?---All
depending if he was in the office or not.

And what about if he wasn't?---Sorry?

What about if he wasn't in the office?---May have been given to Barry Byrnes, perhaps.

Okay. To do what with? To do what with?---Probably to sign it, most likely.

10 Okay. Now, you knew who MB Consulting was, didn't you, in March 2016?

THE COMMISSIONER: You knew who they were or knew of the existence of them.

MR MOSES: Yeah. Thank you, Commissioner. I'll just rephrase that. When you were asked on 16 March about MB Consulting and Bloggs Consulting, you agreed earlier that you said that you did not know or have any records in relation to any of entities, including MB Consulting and
20 Bloggs Consulting, correct?---True.

But that was not true, was it?---To the best of my knowledge, it was.

But, sir, you were signing cheques to MB Consulting.---Right, Ah hmm.

So you knew who MB Consulting was. Or did you forget in March that for five years you were signing cheques to MB Consulting and being asked to sign cheques for MB Consulting by Mr Goodman?---I knew they were a consultant to Council.
30

I'm sorry?---I knew they were a consultant to Council. That's all I knew.

But you said, and I think you agreed that you did not know or have any records in relation to those entities, but the truth is you knew who MB Consulting was.

MR MAHENDRA: I object to this. I object to this Commissioner, the answer, the question that was put to Mr Goodman was on 16 or 17 March this year.
40

THE COMMISSIONER: Yes.

MR MAHENDRA: Do you recall being asked whether you had any documents relating to MB Consulting and the answer you gave was that he could not recall having those documents.

THE COMMISSIONER: No, no, no. The reply was somewhat different. I think Mr Moses put the reply in terms of Mr Thomson saying he did not

know of any entity, well I don't think the word entity was used, but perhaps you better again, Mr, Mr Moses.

MR MOSES: So this is the position isn't it, on 16 of March or 17 of March you said to Ms Brogan that you did not know or have any records in relation to MB Consulting or Bloggs Consulting. That's what you them. Correct?--
-I can't recall what I told d her, but if that's what in the statement, yes.

10 But you can't recall or you don't know? Do you disagree with it on principal or you just can't remember?---I just can't remember.

Okay. But can you recall that you were asked for documents concerning MB Consulting?--[I can recall mention of it, yes.

And you didn't provide any documents did you?---No.

No. And you didn't say that you knew what MB Consulting. Correct?---
(No Audible Reply).

20 Mr Thompson?---I can't recall that I was asked about it.

Can you explain why Exhibit R90, those documents were found in your office on 1 June?---No.

You can't explain?---Oh they would have, they would have been in there like from years back obviously.

30 Did you look for them when Ms Brogan about whether you knew about these companies?---No.

No. But you knew that ICAC were looking for these documents?---Well the best of my knowledge any of those documents were taken out earlier.

Taken out earlier by whom?---Either ICAC or Sinc Solutions.

Why would you assume that?---The folders that I did have in there there were some vouchers in the them, they weren't there anymore.

40 So you assumed somebody took them?---Well I was told that they were taken, yes.

You were being asked in March by an investigator retained by Council - - -
?---Ah hmm.

- - - that you had documents relating to these names, companies, MB Consulting or entities at Bloggs Consulting and you said you didn't. Correct?---Right.

And you knew that ICAC was looking for these documents. Correct?---(No Audible Reply).

You were told that?---Oh maybe I was, I don't recall.

You just can't recall it. Okay. So you would sign cheques even though you knew – I'll withdraw that. Even though you didn't know what they were being used for. Correct?---That's right.

10 Okay. But just in relation to Mr Goodman, this is the evidence you gave on 8 March, 2016 at page 799, you agreed with this did you not, that Mr Byrnes had given evidence and you agreed with his version that in 2009 you raised a problem that bank account numbers used by Mr Goodman in the payroll system were the same as the bank account numbers used for payment of a certain creditor called CND Computers. Correct?---Yes, that's right.

You went to Mr Byrnes with the problem. And Mr Byrnes and you went and had a meeting with Ms Cullinane, the Deputy General Manager.
20 Correct?---Yes.

And your evidence was that the Deputy General Manager was told about this. Correct?---Yes.

You showed her a piece of paper. Correct?---Yeah.

And she was given the information by you. Correct?---Yes, that's right.

30 And despite that payments of money kept going into Mr Goodman's account until 2011, just before the new General Manager came into office. Correct?---I don't know.

Well your evidence was it not and you agreed with this, you can correct⁴ me if I'm wrong, that the payments continued after you raised with Ms Cullinane. Is that right?---I really can't say for sure.

40 Well the records of council demonstrate the payments continued?---Right.

Yes. So as far as you're concerned you washed your hands off it when you let the Deputy General Manager know. Correct?---Yes, that's right.

And what did you think she was doing about it if anything?---I know she approached Gary Goodman about it and I didn't hear it - - -

Who told you that? Who told you that?---Gary Goodman did.

He told you?---Yes.

And what did he say to you?---I can't remember most of it because - - -

So did he approach you and say, "What the hell have you been saying to Ms Cullinane"?---Pretty much. His first words were, "How dare you go to Lorraine."

10 Right?---And his attitude was so bad, I was just so shocked and I really can't recall much more of the conversation.

Okay. And after that you didn't take the matter any further?---No. I thought it was being dealt with.

Yes. And you can't recall now whether those payments continued into his account after you erased it with the then Deputy General Manager?---No.

You can't remember. Correct?---No, that's right.

20 No. O.K. What did she tell you she was going to do about it?---(No Audible Reply).

Did she say she was going to do anything about it?---I think she just said that she'll look into it.\

She'll look into it. Okay. She never got back to you?---No.

30 No. So despite raising this concern in 2009, something that you considered to perhaps be a bit dodgy that money was going into a bank account of Mr Goodman for services said to be rendered by something called C & D Computing, you continued to sign cheques at his request for M B Consulting without even knowing why that entity was providing services to the council?---Correct.\

And for all you know it could have been money being spent on things unrelated to council. Correct? Correct?---It could have been.

40 Yeah. It could have been but as far as you were concerned you weren't going to raise the issue with Mr Goodman. Correct?---I didn't, I didn't think it was a problem.

But if you're countersigning a cheque as Counsel Assisting has said to you - - -?---Ah hmm.

- - - and the Commissioner has sought to ask questions of you as well, surely you want to know what you're signing the cheque for?---Signing a cheque's only verifying that it's made out to the correct entity and it's made out for the correct amount. That's not authorising anything.

Well what about if a cheque, but what about if the cheque was made payable to MB Brothel Services, would that raise an alarm in your head to say, well what the hell are the ratepayers money being used for this?—I think it might, yes.

It might or it would?---It would. Yeah.

So what would you do then?---I'd - - -

10

Would you sign the cheque?---I'd ask the question about it.

What would you say?---What is this for, basically?

So why wouldn't you have done that with MB Consulting Services in circumstances where you were on notice in 2009 that there was something quite not right with money going into Mr Goodman's account for an entity called CND Computers. Do you have an explanation for that?---Well MB Consulting like I said was to do with the General Manager and I didn't realise that anything wrong with it.

20

THE COMMISSIONER: But Mr Thompson on your own evidence you were giving that cash to Mr Goodman?---That's right.

So you were giving cash to Mr Goodman - - -?---No, I wasn't, I was giving him the cheque.

Well but it was being made out to cash wasn't it?---That's right.

30

So you were giving a negotiable instrument to Mr Goodman. You only had Mr Goodman's word that that was eventually reaching Mr Fitzgerald. Isn't that the position?---True.

And this is the same person who was having council money paid into his bank account in 2009. Is that right?---Yeah.

That didn't seem to you to be a problem?---I suppose only because it had been paid to MB, cheques made out to MB Consulting for a number of years and as far as I knew it was going to the General Manager to pass on to MB Consulting.

40

I just want to ask you a question about the money that was going into Mr Goodman's account that was said to be for CND Computers. That account was actually Gas Motorsports account number that you picked up. How did you know that it was linked to Mr Goodman?---I saw some documentation that had his details on it and just shortly after that I saw this invoice and the numbers just looked familiar.

Okay?---So I went back and checked.

Okay. Could we just be shown Exhibit RH8, which is the emails relating to Australian Native Landscapes and Gary Goodman. You were present I think when I was asking Mr Goodman some questions about these emails, sir?---Yes, that's right.

10 And you will see that you were receiving emails from a Mr Richardson who appears to be the lawyer for Mr Goodman in respect of proceedings that have been commenced in the Parramatta Local Court.---Right.

Do you recall that?---Oh, no.

You don't recall it?---No.

So you don't recall receiving these emails or sending emails to Mr Richardson?---I didn't recall it at all when it was mentioned this morning, no.

20 Okay. Do you want to have a look at them, just to have a look. You will see that you seem to be receiving emails from a Mr Richardson in which he's advising you about proceedings, this is at the bottom of the first page, and inquiring about an account, whether you – whether receipt of an account has occurred and then you passing on documents to Mr Goodman. Do you know why you would be receiving these emails?---What would happen initially Gary would have asked me to scan something for him.

Are you speculating?---No.

30 So you can remember, you can remember this?---Not this particular circumstance, no.

No. Okay. So you're surmising that he would have asked you to scan something?---Yes. He used to do that occasionally.

Okay. But you can't independently recall anything about this?---No.

40 Okay. Are you aware that Council was paying money to Australian Native Landscapes?---Not offhand, no.

I'm sorry?---Not offhand.

Not offhand. All right. You can't recall seeing any payments being made to ANL by Council?---I didn't see all the payments that went through.

Okay. Are you saying you can't remember or you don't know?---I don't know.

Yeah. Okay. Because if you had for instance seen Council making payments to this company ANL then you saw a law suit being commenced by that company against Mr Goodman for unpaid moneys you may have perhaps thought that was a bit dodgy too. Correct?---Yes.

But you now can't recall whether you did or you didn't see that, that is, payments being made by the Council to ANL. Correct?---No, that's right.

10 Okay. Can I just ask you about Garden Extra. You were making calls to Garden Extra weren't you?---Yes, one or two. Yes.

Well, you were subject of an investigation concerning it weren't you?
---Yes, that's right.

Yeah. Well, let's go through that. Could the witness be shown, could the witness be shown a folder of documents for Mr Thompson. I just want to show him a document that appears behind tab, behind tab 8. Thank you.---
Thank you.

20 If you go to tab 8 this appears to be notes and statements in relation to an investigation concerning Ms Mishra and her working at Garden Extra. If you go to the, I think it's the fourth last page. It's the fifth last page. There's details of what individuals have said. It's the headed. It's got Suman and Mark.---Right.

Do you see that?---Yes.

30 Now, at point number 4 it says that you made and received phone calls to and from Garden Extra on 13 and 14 April, 2010.---Yes.

And this seemed to be an issue concerning whether Ms Mishra was doing work for Garden Extra on Council time. Correct, sir?---Yes, that's right.

Did you know that Garden Extra was a business that was run by Mr Gary Goodman with his brother and his sister-in-law?---I knew it was his, his brother's business.

David's business?---That's right and he was involved in it.

40 Okay. And why were you calling Garden Extra on those days?---I have no idea.

I'm sorry?---I have no idea.

You have no idea?---No.

Do you know – do you now know that Council money was being used to pay for bills associated with Garden Extra?---Only what I heard today.

Yeah. Okay. So do you have any explanation of why you were calling Garden Extra on those days?---It would have been to speak with Suman Mishra. I don't know the reason why.

Because she was working there that day?---Yes, that's right.

10 Those days. So she wasn't at Council on those days. Is that right?---That's right.

Was the investigation about whether or not she had put in a timesheet on the basis that she was working on 13 and 14 April?---I believe so, yes.

But she was not working those days there. Is that right?---No, that's right.

Sorry?---No, that's right.

20 Right. So is it your evidence that she was not at work on 13 and 14 April, is that why you were calling Garden Extra?---Yes, that's right.

I'm sorry?---Yes.

Okay. Were you aware that she alleged that she did turn up to work on 14 April and that she told you that she was going home?---I think I recall that.

I'm sorry?---I think I recall that, yes.

30 Right. Well, was she at work or was she not at work?---I have no idea now.

I'm sorry?---I have no idea now.

But I think you just told the Commissioner that you were calling Gardens Extra on those days because she was working there those days.---Yes, that's right.

40 Well, was she sick and not at work on those days or was she working at Gardens Extra?---As far as I know she was working at Garden Extra.

All right. Did you tell the investigators that in 2010, that is, the persons who were inquiring into this allegation, that she was working at Gardens Extra on those days where she said that she was sick, did you tell them that, sir?---I don't recall.

What?---I can't recall.

You can't recall?---No.

Well, do you want to go through the documents that are behind tab 8 and tell me where you told them that?---Mmm. Okay. Okay.

10 You see because Mr David Goodman asserted that Ms Mishra was not working at Garden Extra on 13 and 14 April and he said in his statement that he was a part owner with his wife of that business which I think is contrary to what his brother said earlier today but he says that he's a part owner and that he said that Ms Mishra or Suman that she worked on the weekends and that she wasn't – he wasn't aware of her working on 13 and 14 April there. You see you were being asked weren't you about your knowledge of these matters, about whether she was working at Gardens Extra on those days, is there a reason why you could remember today that you were calling Garden Extra to speak to her on those days but you told the Council during its investigation that you couldn't recall the nature of the calls, Mr Thompson?---Yeah, I couldn't recall the nature of the calls, no. I didn't know.

20 But is there a reason why you didn't disclose that you were calling Suman?--
-I don't know if I was asked that question.

I'm sorry?---I don't know if I was asked that question.

You were being asked whether she was at work those days.---Right.

Or whether she was working elsewhere. You knew that. You knew what the purpose of this investigation was.---Yes.

30 Were you trying to protect her, Mr Thompson?---I don't think so.

Sir, you keep on saying you don't think so. Is that because you don't want to give an answer to the question. Because you are under oath. Is the reason why you didn't disclose that you called Garden Extra to speak to her was that you didn't want to get her into trouble? You're here to tell the truth.---Yeah.

Sorry?---That's right.

40 Is that right? Is that why you didn't say that you called Garden Extra to speak to her? Correct?---I don't know. I can't honestly say.

You can't honestly say why you didn't tell Council that you were calling Garden Extra to speak to her? Is that your evidence?---True, yes.

You've got no explanation?---No.

I'm sorry?---No.

I'm going to ask you, did you not disclose it because you were trying to protect her?---It's possible.

Okay. I have no further questions. Thank you, Commissioner.

THE COMMISSIONER: Any questions of Mr Thompson?

MS GERACE: Yes, Commissioner, I do.

10 THE COMMISSIONER: Yes.

MS GERACE: Mr Thompson, I appear for the former deputy general manager Ms Cullinane. Now, I'm just going to ask you firstly some questions about your statement to SINC Solutions. You understood when you made that statement that Council was investigating corruption that had occurred?---Yes.

20 That the investigation was being undertaken following ICAC's visit to Council's offices?---Yes.

You understood that Council had approached SINC Solutions to interview staff, yes?---Yes, that's right.

And staff were being asked firstly about corruption but, secondly, also about any irregular payments that they were aware of? Yes?---Yes.

30 And thirdly any irregularities or other concerns they might have had in relation to irregular payments from other financial transactions, correct? ---Yes.

And you understood, when you prepared your statement, which is Exhibit 50 if you need to have a look at it, that you were being asked to tell the investigator any concerns that you had noticed through your time at the Council in the role of systems administrator, correct?---True.

40 And in paragraph 58, you told the investigator that "In terms of any payments that had me concerned, I cannot say that I had any real concerns because the invoices were either authorised by Gary or by someone else such as the business unit." Correct?---Yes.

And you signed a statement to that effect?---True.

And you agree with me that nowhere in that statement to SINC Solutions do you raise any of the supposed conversations that you had with Lorraine Cullinane firstly? You agree with that, don't you?---Yes, I'd say that's right.

Yeah. And in your statement to SINC Solutions, neither do you raise any of the concerns that you say developed in your mind about the irregular transactions or what you did with them? You agree? Other than that might have come to Lorraine Cullinane's attention?---Yes.

Right? So you don't raise the blank cheques?

MR MOSES: Commissioner, can I just correct something, just so there's no misconception.

10

MS GERACE: Well - - -

THE COMMISSIONER: Yes.

MR MOSES: If I can just finish. My friend may be just based on a misconceived question. When I was putting a proposition to the witness earlier, it was in relation to a conversation between he and a Ms Brogan. I didn't put that there was a statement from Mr Thompson that is a signed statement from him to SINC Solutions in respect of those matters,
20 Commissioner. I just want to make that clear.

THE COMMISSIONER: All right. Thank you.

MR MOSES: Thank you.

MS GERACE: I understand.

MR MOSES: Thank you.

30 MS GERACE: But I was actually asking the witness about his signed statement. You understood that, didn't you?---Yes.

And you understood when that statement was prepared for you, you were giving to the Council what you knew about any irregular payments or any concerns that had come to your mind. You agree with that, don't you?
---Yes, that's right.

40 And that's specifically what paragraph 58 is directed to in your statement, "in terms of any payments that had me concerned". You were trying to tell Council's investigator that you cannot say that you had any real concerns. That's what you told them, isn't it?---Yes.

Because the invoices were authorised by someone else, correct?---That's right.

That's what you told the investigator? And you, I think, because I just can't recall, you agreed, I think, that the suggestion that you raised a concern

about blank cheques being requested by Mr Goodman does not appear in that statement? You agree with that, don't you?---Yes.

Neither does the suggestion that you raised any concern with the deputy general manager, Ms Cullinane, about CND Computers. Doesn't appear in that statement, does it?---That's right, no.

None of the information that you've given about complaints to Ms Cullinane or any failure for her to act on those complaints appears in that statement.
10 Do you agree with that?---That's right.

All right, now, Mr Thompson, can I ask you just the following questions. In 2004 you cashed out some leave. Is that correct?---I have cashed out leave, yes.

Yes. That was paid through the payroll? Yes?---Yes.

Did you process that payment?---No.

20 Who processed that payment?---If it went through payroll, it would have been someone in payroll.

Sorry, I withdraw that. It might have been this. It might have been me who made an error then.

Sorry, on 29 June, sorry. In 2004 you had some annual leave cashed out, correct?---Yes.

30 Do you agree with the suggestion that that in fact was cashed out and paid through creditors, not payroll, do you agree with that?---There was a payment that went through creditors.

It went through creditors?---I don't know the exact date but, yes.

But it went through creditors?---Yes.

Was that paid directly into your bank account as opposed to receiving a cheque?---I can't recall.

40 All right. Were you involved in entering that data on the payroll system for the payout, sorry, on the creditors system for the payout of your leave?---Not that I can recall.

If it was done by an EFT, do you accept that you would've been involved?---Probably in the transfer of the money, yes.

Yes. All right. So if it was paid by transfer into your account you would've been involved. Now you knew at the time that that payment shouldn't have

been done through payroll, is that right, sorry, through creditors, I will get this right?---No, I didn't, no.

Excuse me?---No, I didn't.

Right. Okay. Now that was picked up by the auditors, wasn't it?---I think so, yes.

10 Yeah. And the Deputy General Manager bought the auditors concerned to Human Resources, didn't she?---I believe so.

And you're aware as a result of the Deputy General Manager's complaint to, to HR to investigate that you were told you would have to repay the money, correct?---Repay the tax component.

Yeah. And reprocess that and it had to be reprocessed through payroll, is that right?---Most likely, yes.

20 All right. Did you repay the money?---Only the tax component.

Sorry?---Only the tax component.

All right. And who did you repay the money to?---Just, it was given to the cashier.

Sorry?---Given to the cashier.

To the cashier?---Yeah.

30 And who gave you the amount that had to be repaid?---I don't know.

THE COMMISSIONER: Sorry. Did you say you gave what cash to the cashier in repayment of that tax component?---No, it would've been a cheque.

A cheque?---Yes.

What made out to Botany Bay Council?---Yes, that's right.

40 MS GERACE: And you don't recall who told you how much to repay?---No. It may have been the auditors, I'm not sure.

All right. See, so at the same time that you received this payment through creditors, sorry, just before I go to that. Your former role at the Marrickville Council, did you work at Marrickville Council?---Yes, I did.

What was your role there?---Finance officer.

Finance officer. What were your duties as the finance officer?---It changed over the years. I worked accounts payable, accounts receivable, insurance, just general work in finance.

Who else worked with you in finance at Marrickville Council?---Be more specific?

Well, no, I'm asking you who else worked in the – who else were the senior employees in Marrickville Council at the time you were in finance?---Oh - -
10 -

THE COMMISSIONER: Are we just talking in the finance department, are we?

MS GERACE: Yes. Just in finance.

THE COMMISSIONER: Just in finance, who were your co-workers?---Well what period are you talking about?

20 MR MAHENDRA: Over what period of time, Commissioner?

THE COMMISSIONER: Well over any period that you were employed there? How long were you employed there?---23 years.

What?---23 years.

23 years?---Yes.

30 MS GERACE: Well maybe I can short circuit this, (not transcribable). Did you work with Gary Goodman at Marrickville Council?---Yes, I did.

Was he at some stage your direct supervisor?---No.

All right. And did Barry Byrnes also work at Marrickville?---Yes, that's right.

So you, Gary Goodman and Barry Byrnes all worked at Marrickville Council together, correct?---Yes, that's right.

40 Commissioner, I note the time.

THE COMMISSIONER: Are you going to be some further time, Ms Gerace?

MS GERACE: I will be.

THE COMMISSIONER: All right. Well take the lunch adjournment and resume at 2 o'clock. Thank you.

LUNCHEON ADJOURNMENT

[1.01am]