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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE MEGAN LATHAM

PUBLIC HEARING

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON MONDAY 14 MARCH 2016

AT 1.25PM

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THE COMMISSIONER: Yes, Mr Moses.

MR MOSES: Thank you, Commissioner. Mr Goodman, in your evidence on Friday you stated that Mr Fitzgerald was getting regular consulting fees from Council in the form of payments to Bloggs Consulting?---True.

And I think you stated that he was paid about \$4,200 twice a month, is that right, that is, that entity?---Yeah, that's true.

10 And did that arrangement last between this period 11 August, 2003 and 12 November, 2010, is that the time period that it was in place?---If that's when it was drawn, yes.

Yeah. Okay. And just on the review of the documents that has been able to be undertaken over the weekend, the payments seem to be closer to monthly than fortnightly payments?---Yeah, they were. They were both – they were monthly. Two cheques.

20 Okay. And a total of \$327,600 was paid between the period 2003-2010. Would that be right?---I have to accept your word on that. Yes.

And the payments were made in cheque?---Cash.

Okay. Now the address for MB Consulting that is the invoices that have been able to be located as I understand it is MB Consulting, care of 141 Coward Street, Mascot. That's Council's administration offices?---Yes.

30 And the ABN number which was 4-0-0-5-5-2-9-4-0-2-8 is linked to the Peaberry Café with the trading name of MB Consulting. Were you aware of that?---No.

No. And at the time these payments were being made to MB Consulting did you know them to be payments which were going to Mr Fitzgerald Senior?
---(No Audible Reply)

What did you understand these payments to this entity - - -?---Is this the payments that were 4,200?

40 Yes, correct?---Yes. I understood they all - - -

So were these payments that you understood to be - - -?---Sorry.

- - - going to Mr Fitzgerald - - -?---Yeah.

- - - Senior?---Yes.

So that in effect the invoices that were being put in by this entity called MB Consulting were false and that they were payments to facilitate moneys

going to Mr Fitzgerald Senior. Is that right?---I just don't recognise the name that's all.

Okay. Well, Bloggs, let's say Bloggs?---Yeah, that, yeah, that.

So the payments being made to the entity you knew as Bloggs Consulting
- - - -Yes.

- - - were payments going to Mr Fitzgerald Senior. Correct?---Yes.

10

And that was being used to – that is, Bloggs Consulting or MB Consulting was being used to disguise the fact that it was going to Mr Fitzgerald. Correct?---Yes. Yes.

Now just so we can understand this, was that something that Mr Fitzgerald told you or something you assumed?---To do the payments he told me?

Yeah. So did he tell you that this money is really going to me?---No.

20

No. So why did you assume or think that the money was going to him?---I handed the cash to him.

So you would, you would cash the cheques and give them to him?---Yes.

Okay. On payment of these invoices. Correct?---If there were invoices.

If there were. Okay. Thank you. Now just before we get to the matters where you benefited from fraud on the Council, when did you – when do you say – what year do you say you started stealing from Council?---In
30 regards to false invoices or anything?

Anything?---Probably six months after I started there.

Okay. And what was your first act of theft?---Probably got a computer or something like that to use at home.

Okay. And when you were at Drummoyne Council did you engage in similar conduct there in terms of theft or putting in false invoices?---No.

40

No?---No.

Okay. So it started at Botany?---Yes.

And in relation to Bloggs Consulting or MB Consulting that you've referred to in your evidence on Friday concerning Mr Fitzgerald, was that the only issue concerning Mr Fitzgerald that you observed in terms of what you understood to be moneys going to him that he was not otherwise entitled to?---That - - -

Because you mentioned in a transcript which Counsel Assisting took you to, something about invoices being paid for Peter and his friends. Can you recall what invoices were being paid for Mr Fitzgerald Senior and his friends?---In this Commission right now, I can't.

Okay?---But I just need some time to think about it.

10 Okay. Thank you. Did Mr Fitzgerald tell you do that?---What's that?

That is, pay the invoices of his friends, that is make payments - - -?---Oh, if I was directed to pay an invoice I did.

Thank you. Now you mentioned also credit cards in your evidence on Friday. This appears, Commissioner, transcript page 864 of 11 March, 2016. And these were credit cards that were issued with MasterCard and Diners Club. Do you remember that?---Yes.

20 To Mr Fitzgerald Senior?---Yes.

Now following the evidence that you gave on Friday, just some review's been undertaken. There is one Diners Club card that was active from 3 April to 17 February, 2010 and the expenditure on that card totalled just under \$2 million, approximately \$300,000 – withdraw that - approximately, \$284,000 per year for seven years. Is that about right?---Yeah. It would be about \$40,000 or \$35,000 a month, that would be correct.

30 And that was during the period 2003 to 2010?---Yes. If that's what you've got there, yes.

And Commissioner, I should just note, we'll provide these in due course. But on Friday following the termination of the employment of the Deputy General Manager a folder was found in her office which included the Diners Club card, sheets which we'll tender at the conclusion of this evidence.

THE COMMISSIONER: Thank you.

40 MR MOSES: They were just being collated. So the Diners Club that went to Mr Fitzgerald, do you know what he was spending the money on per year? I mean it's quite an extraordinary amount of money, \$284,000 per year for seven years on the Diners Club. Do you know what that was being used for?---I'm not putting the fact that it was all illegitimate, not at all.

No, no, no. But do you know, do you have any understanding at all what was going through that Diners Club?---Phone accounts, car expenses. I think on one occasion Mr Fitzgerald actually purchased a car.

On the Diners Club?---No, on the MasterCard.

On the MasterCard. Okay. Do you know why there was so many phone bills going through that, the Diners Club statement, for instance?---(No Audible Reply)

There are quite a few entries there for 2,000 and 3,000, do you know what's that about?---I think I used to use that to pay all the phone bills at one stage. While Peter was there.

10 Okay?---So probably me.

Okay. And we'll come back to the credit cards and access to them. Okay. Now I'm just going to move on to some of the topics that have come up in evidence in the inquiry so far. So I'm dealing now with this topic, Commissioner, which is the question of abuse of entitlements and resources. The first one is Cabcharges. You were in charge of the supervision of the Cabcharge account, is that right, that was your responsibility?---I was in charge of the person who supervised the Cabcharge account, yes.

20 And on the – and Commissioner could this come up on the screen. It's volume 19, page 3. On 7 October, 2015, two days before the Commission raided the, or accessed the offices of Council, you emailed Lorraine Cullinane at 8.50 attaching a Cabcharge and books list and on the list your Cabcharge number is 265. Do you see that?---I can see the - - -

Yeah?--- - - - yes, the email.

And if we go to page 6 – sorry, that's the details – sorry, just go back to page 4. That's your Cabcharge number there. Correct?---Yes.

30 265?---Yes.

And then on the same day at page 6 you email Suman Mishra and asked her to cancel her Cabcharge immediately?---Yes.

Sorry, please cancel your, your Cabcharge card - - -?---My Cabcharge, yep.

- - - effective immediately. Do you see that?---Yes.

40 Now, first of all with Ms Mishra, you were in a relationship with her. Correct?---Correct.

Thank you. Sorry, I mis-spoke, it's 7 October, 2014, not 2015 is the, is the email. So you asked her to cancel your Cabcharge effective immediately? ---Yes.

And what was the reason for that?---She had made me aware, and I think she had made the Deputy General Manager aware too - - -

Ah hmm?--- - - - that there were some suspicious entries on that Cabcharge.

Okay. Now, if we go to volume 19, page 7, this is a Cabcharge account and you see that's for 4 April, 2011 to 1 May, 2011?---Ah hmm.

Do you see that?---Yes.

10 According to this, you made 60 trips in that period. Do you see that?
Totalling \$3,873.27. Correct?---I can't see that.

Okay. Go up. Number of trips, 60. So it's three from the top under Cabcharge heading, account number this period, number of trips, 60?
---Yeah.

Do you see that?---Yes.

Okay?---That's for the whole Council.

20 That's for the whole Council, is it?---Yes.

Not for you?---No.

Okay. And we then go to page 33 and again is this for the whole Council?
---Yes. That's the entire account.

30 Okay. And if we go to page 123, this is a document which has been prepared by ICAC. Now, ICAC have undertaken an analysis of the Cabcharge, your Cabcharge?---Yes.

And that showed there that for less than a year you spent just under \$38,000 on Cabcharge?---Yes.

Did you?---No, I didn't.

No. Now, do you know who Nayab Ali Khan is?---No.

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

40 Have you ever met that - - -?---Sorry, sorry, let me reframe that.

Have you ever met that person?---Let me reframe that.

Ah hmm?---I know who he is, I don't know him.

Okay. Well - - -?---I know who he is because I did a bit of homework on this when the card got used.

Okay. How do you know who he is?---He used to drive a person who came and cleaned my foot, he used to drive her around and he used my card. She had my card.

She had your card?---She, and then this particular - - -

Okay?--- - - - Nayab Ali Khan had it.

10 Okay. When you say she had your card, did you give it to her?---Yes.

And why did you give it to her for?---Because every time she got a taxi to come and clean my leg or whatever, she'd come in, get the card, go, take it home and I couldn't get it back that night.

Okay. So you gave her a Council card. Correct?---Yes, correct.

And of course you knew of course that it was not appropriate for you to give your Council card to somebody who was not an employee?---Absolutely.

20 Correct. And you knew that it wasn't part of the terms and conditions of your employment for you to be able to use that card to give to somebody who was not an employee so they could come and clean your foot. Correct? ---Yes.

Okay. But you did it. Correct?---Yes.

Because you felt that you were entitled to do what you wanted. Correct? ---If I was required at work, yes.

30 Yeah. If you were required at work - - -?---Mmm.

- - - that it was appropriate for you to hand out a Cabcharge card to somebody so they could come and clean your foot?---Well, I couldn't go to work any other way.

Right. Where was your feet cleaned, where was your foot cleaned, at work? ---It wasn't cleaned, it was dressed.

40 At work?---No. Well, actually I had it done at work as well.

Okay?---And at home, depending.

But where would she go, to your home to clean your foot?---Yeah, my home, she'd been to work a couple of times - - -

Yeah?--- - - - when I had an incident, we had a piece of bone sticking out the side of it.

Okay. So you gave it to her?---Yes.

Correct?---And it was Mr Khan who would drive her. Is that right?---Yes.

Okay. And who was this person that you gave the card to?---Jenny McCormack.

Ah ha. Is she a lover of yours, sir?---I wouldn't say, I wouldn't say a lover.

10 Wouldn't say a lover. Have you been in a relationship with her?---Well, yes, for a small time.

Have you had a sexual relationship with her? Sir, you're under oath?
---I know I'm under oath.

Yeah?---It depends what you call that sort of relationship.

I'm not going to ask you, I'm not going to ask you a Bill Clinton question,
20 have you had a sexual relationship with her, yes or no?---I - - -

Come on, sir?---I made a statement to the Commission the other day about that. I'll have to answer the question and say no.

THE COMMISSIONER: Mr Moses – I think if you - - -

MR MOSES: I'll come back to Mrs McCormack.

THE COMMISSIONER: Well, I think if Mr Goodman can respond to this
30 question. Did you have a relationship with Ms McCormack of an intimate nature?---Yes.

Thank you.

MR MOSES: Thank you, Commissioner.

Okay. We'll come back to Ms McCormack in respect of some transactions that you directed people to undertake for you where moneys were remitted to The Philippines. Can I go to the question of fuel cards if I can?---Yep.

40 Did you have several fuel cards for your personal use at the one time?
---Three.

Ah hmm. And did Ms Mishra issue these cards to you, Suman Mishra?
---Yes.

And just stopping there, and is she in a relationship with you, Ms Mishra?
---Not at the moment.

Sorry?---Not, not now.

Not now. Because she told the Commission that she's had an on and off relationship with you?---Yeah, that's true.

Okay. When is the last time you spoke to her, sir?---Three days ago she rang to ask me how I was.

10 Three days ago. And the cards that you had from suppliers were from BP, Shell and Caltex. Is that right?---At varying times, yes.

Yeah. Okay. And I mean we can take you to some of the examples, but do you accept that in relation to the BP cards, at times you would spend approximately \$1,200 a month in the shop on expenses other than fuel? ---Could be.

Yeah, such as groceries?---I don't know about the groceries.

20 Cigarettes?---Cigarettes, yes.

Yeah. Ah hmm. Okay. Because you had an unrestricted – you had unrestricted cards, correct?---Yes.

Your cards weren't fuel only. Correct?---Yes, no restriction on them at all.

Ah hmm. Now, apart from you having the multiple fuel cards, did Mr Fitzgerald Senior have multiple fuel cards?---Yes.

30 What about Ms Cullinane? You told Counsel Assisting that she did not have a fuel card?---No, I think she had fuel cards - - -

Ah hmm?--- - - - but the service station near where she lived - - -

You said it was Caltex?---I can't remember what it was, I think it was Caltex but at that time I don't think we had a card, I just can't remember, but she used her own card to - - -

40 You just can't, you just can't remember?---Might have been Ampol, I can't remember, seriously I can't remember.

Okay?---But she used her own card to get fuel.

Okay?---I know that.

Okay. And then she would put in a reimbursement application. How would you facilitate money to Ms Cullinane to reimburse her for fuel?---Much the same way as you do petty cash.

Which is?---And I think we only done it a couple of times for Lorraine.

Only a couple of times?---Yeah.

You see but Counsel Assisting was careful, he took you to a number of what were said to be expenses, moneys paid to Ms Cullinane?---Yes, I remember that.

It was quite significant amounts?---Yeah.

10

We can go back to it if you want?---No, no.

But when she was being reimbursed for fuel, do you recall whether she would give a receipt or put in a form to facilitate the payment?---I can remember one reimbursement - - -

Ah hmm?--- - - - and I remember it was in excess of \$10,000.

For fuel?---No, not just for fuel, for everything.

20

For everything. Okay?---And Lorraine had receipts for everything there.

Okay. And did she submit it to you to pay?---I would have to say yes. I can't be sure of that but I'd have to say yes, it would have come to me or through me into um, either Barry Byrnes or to creditors to pay.

Okay. But these are all people who are subordinates? Correct?---Yes.

30

I'm just going to move on to the topic then of credit cards. We've referred to Mr Fitzgerald Senior. How many credit cards did you have at the one time whilst you were employed by Council in your final three years of employment, so from 2012-2015 how many credit cards did you have at the same time?---My personal ones?

Yeah?---Three or four, five.

Five, yeah. And what about any cards issued by Council, did you have any credit cards issued by Council?---Other than I think an Officeworks card, I think that was about it.

40

That was about it. So is it your evidence that you never used a Council credit card for your own personal use?---No, I never said that.

Okay. Did you - - -?---You said how many did I have personally.

Okay. Did you use a Council credit card for your own personal use?---Yes.

And in whose name were those credit cards issued?---Have to be Peter Fitzgerald.

Okay. So you would use his credit card in order to make payments for your benefit. Is that right, sir?---Yes.

And did Mr Fitzgerald Senior know that you were using the credit card issued in his name to make purchases for your own personal use?---I don't know. I can't answer that one.

10

Well, when you say you don't know, did he say to you you can use this card to buy items for your personal use?---No.

No. But you took the liberty to do that. Correct?---Yes.

Thank you. And if I was to show you the accounts, for instance on the Diner Club account, you would not know, is this right, which amount – sitting here today which amounts belong to you and which amounts belong to Mr Fitzgerald as having been spent on that card. Is that right?---If I had them for a while I could work it out.

20

Okay. Well, through the - - -?---But I don't think I could do it sitting at the screen now.

I'm not going to waste – no. Well, I'm not going to waste the Commission's time with that?---Yeah.

So in due course when those statements are provided to the Commissioner, if the Commissioner so directs then through your lawyers if you could do that?---I'm happy to sit down and go through the lot.

30

Okay. I'm now going to move on to the question of Council vehicles if I could?---Yeah.

In terms of – and this is at the point of the termination of your employment?---Yes.

So going to that period. Did Ms Mishra have responsibility of the light motor vehicle fleet at the time of your employment coming to an end, sir? ---I've just got to have a bit of a think about that, what you mean by - - -

40

Okay?---I'd answer no.

Okay. And who had responsibility for the light motor vehicle fleet at the time of your employment coming to an end?---I'd say me.

You. Okay. And at the time of your employment coming to an end how many Council vehicles did you have allocated to you for your personal use at that time?---One.

And was that the Toyota LandCruiser?---No.

Which car was it?---A Volkswagen Caddy.

10 That was the registration plate C-T-X-5-3-G?---Yes.

And that was towed from the Wetherill Park complex on 10 November, 2015. Was that at your complex, that is, where Gas - - -?---Yes.

- - - Motorsports is or was that at Elias & Sons?---It's the same place.

The same place?---Yeah.

Was there any work being done on it at Elias & Sons at the time?---No.

20 No. Okay?---Was that towed was it?

Correct. Yeah. Now the other vehicle that was in the premises was a Toyota LandCruiser?---Yeah.

Registration B-K-4-8-Z-N?---Yes.

That was a Council vehicle?---Yes.

30 Was that allocated to you?---Yes.

I asked you before whether there was a LandCruiser allocated to you and you said no and you referred me to the Caddy so - - -?---You said at the date of my termination.

Yeah. So was it allocated to you at the date of your termination?---No.

Who was it allocated to?---No one. It was being sold.

40 Being sold. To whom?---Had to go to auction.

So what was it doing, what was it doing at the Wetherill Park complex?---It had to have some small repairs. I had someone who wanted to buy it. I said well take it for a while and try it as I'd done many times before and when I got terminated bring it back and - - -

Well, you didn't bring it back, it was towed back. So - - -?---I don't recollect those cars being towed.

Okay. Did you arrange for people who are not employed by the Council to be able to use Council cars, drive Council cars?---I'd have to say yes.

And you knew of course that was contrary to Council policy, correct, Code of Conduct?---Yes.

Now in terms of vehicles, did you also facilitate the use of Council vehicles by Marny Baccam even though she wasn't entitled to them?---I believe she was entitled to a car, but, yes.

10

When you say you believed she was entitled to a car, why did you have that belief, sir?---The General Manager bought her one.

I know you've said that. You said, this is your evidence on Friday, you told the Commissioner that Mr Fitzgerald took her out to a yard somewhere and asked her to pick a - - -?---I think it was Pickles.

And asked her to pick out a car, correct?---Correct.

20

And she picked out a silver Lexus, is that right?---Correct.

Okay. And you told Counsel Assisting that that vehicle was used by Marny Baccam for four years?---No. It was about 12 months. Sorry, I made a mistake. I wasn't sure of timeframes, it was about 12 months.

Okay. So it was used by Marny Baccam, sorry, Commissioner, the reference to that evidence is at page 863 of the transcript of 11 March. And your evidence was that that vehicle was then sold and the money went back to Council?---That's what I believe, yes.

30

Okay. But apart from that Lexus of course, you knew, didn't you that Marny Baccam was not entitled to use a Council vehicle for her own purposes, you knew that?---No. I believe when that vehicle was taken, it was taken away from her, not because she wasn't to use it, it had a significant amount of work that either required to be done or had been done. And the General Manager directed me to get rid of it. So I think then she picked up another car, a second hand car from the Council fleet.

Okay. Did you facilitate that?---Yes.

40

Why did you do that?---Because she'd lost the Council car she was using.

Did you check her contract of employment?---She didn't have one.

So why did you determine she was entitled to a vehicle, sir?---Because the General Manager had given her one eight/nine months earlier.

You gave her the vehicle, is this right?---Yes.

Because she was a lover or former lover of yours, correct?---Repeat that question to me?

You gave her a vehicle to use because she was a lover or a former lover of yours, correct?---No. I gave her a vehicle to use because she'd previously had one.

10 You see, your relationship with Marny Baccam, and we'll go through this if you want in some little detail in terms of the history. But your relationship with Marny Baccam is one where your financial affairs and your assets have been to some extent intertwined with hers, correct?---Correct.

Yeah. You were close friends, correct?---Correct.

And you had a relationship with her, correct?---Correct.

And when did that one come to an end?---(No Audible Reply).

20 Well first of all when did it start?---Before she started at Botany.

Yeah. Did you meet her at Mounties?---I can't remember.

Well where did you meet her?---I can't remember where I met her.

You can't remember. Okay?---Probably, but I can't remember.

Righto?---I just can't remember.

30 Okay. And when did that relationship with Marny Baccam cease?
---Probably - - -

And we'll use your definition, relationship with an intimate nature. When did that cease?---It probably went for about seven or eight years.

Okay. Well give me a year when it stopped, was it last year?---No.

No, when did - - -?---I'm still friends with her today.

40 Okay. When did the intimate relationship stop?---I honestly can't give you a particular time. I just, I don't know.

You don't know?---Because we've always been friends.

Sure?---For like 12/13 years.

Okay?---And there was never of what, anything of what you're thinking about. So when did something start and finish?

Well you had a sexual relationship with her, correct?---(No Audible Reply)

Okay, intimate?---Yes.

Thank you?---I think you can - - -

Just getting the lingo right, Commissioner?---I think you can get what I'm getting at now.

10

Okay. Well when did the – I understand. When did the intimate relationship end?---(No Audible Reply)

Apparently I'm an innocent, yeah. So when did the intimate relationship end?---Probably about four or five years ago. I can't remember.

Okay. Certainly in 2014 you were making arrangements to leave a property at [REDACTED] in the event of your death to Marny Baccam, correct?
---Correct.

20

Yeah. Okay. So were you still in an intimate relationship with her in 2014?---No, no.

Okay. So can I move onto the next topic which is use of Council resources to perform renovations?---Yeah.

Is this the case that Council labourers and resources were used to undertake renovations at your father's home at Leichhardt?---I'm not aware of that.

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

Okay. Were Council resources, that is labour or resources used to perform renovations at the home of Ms Mishra?---Say that, repeat that question to me?

I'm not talking about - - -?---Council labour?

40 I'm not talking about money at the money, I'm going to come to the false invoices. But in relation to work being undertaken at Ms Mishra's home, did you ever dispatch Council labour, labourers or any of Council resources to her home to undertake renovations?---Council employed labour, no.

Okay. And what about Ms Baccam?---I don't know.

You don't know. Okay?---You mean what did Ms Baccam do?

No, you, I'm talking about you. Did you facilitate that in terms of anything happening at her home using Council labourers or Council resources?---No.

Okay.

THE COMMISSIONER: Can I just make sure that that answer includes, for example, contractors who were being paid by Council for Council work but who - - -?---That's why I asked the question to be repeated.

MR MOSES: I think that's a different issue, Commissioner and I'll come to that.

10

THE COMMISSIONER: Yes, all right. All right. Thank you.

MR MOSES: Can I then deal with the next topic which is infringement notices. Did you facilitate the payment of infringement notices in relation to cars that were not Council owned?---Did I facilitate the payment?

Well, let me blunt about it. Infringements were being issued to some individuals who were not related to Council and then the Council was paying the fines. Are you aware of that?---I don't think so.

20

Okay?---But I don't really understand the question, but.

Okay. So if a fine was being issued to a person who was not an employee of Council, that's what I'm talking about. Did Council, did you authorise the payment of those fines by Council?---I don't believe so, but I could be wrong.

Okay. What about Ms Baccam, did you authorise infringement notices being paid in relation to infringements being incurred by Ms Baccam, in a private vehicle, in her own vehicle?---In her own vehicle?

30

Yeah?---I can't imagine that but as I say I can't say no but I don't recollect doing anything like that. Council vehicle, yeah, yes.

But you would accept though, if you incurred a fine, that is you personally for driving unsafely or over the speed or whatever, that's your responsibility, correct?---Absolutely.

So are you aware that in 2012 there were two enforcement orders that were paid by Council in respect of yourself, totalling just under \$2,000, were you aware of that?---No.

40

No. Did you authorise that?---I don't know. You'd have to tell me about it (not transcribable) now.

You don't know?---No, not that I don't know. You need to give me - - -

Are you denying it or you just can't remember?---No, I'm not denying it, I just can't remember.

Okay. Now are you aware there was a sum of \$4,224 to the State Debt Recovery Office that the Council paid, it was a court ordered penalty and it nominated the driver of the car being you which was for the vehicle, the LandCruiser B-K-4-8-Z-N?---Yes.

10 Did you authorise that?---Yes.

Why?---It was a court order payment.

But you used Council money to pay it?---Yes.

Can you explain to the Commissioner why?---What was the rego number of that car again and where was the offence committed?

B-K-4-8-Z-N?---Yes.

20 Now, that's the Toyota LandCruiser?---Yeah, the LandCruiser I had.

That was the vehicle which you told the Commissioner was your vehicle. Correct?---That's correct.

Okay. Do you recall that amount of money being paid to the State Debt Recovery Officer? I think your answer is yes, correct?---Yes, yes.

30 Do you know why you used Council money to pay a court ordered penalty? ---That's why I asked where was the offence committed and then I can give you the answer.

Does that make a difference?---Yes, it does.

Do you want to explain why?---I mightn't have been driving the car.

Well, who was driving the car?---I don't know, that's why I asked where was the offence committed.

40 Sir, what about somebody else was driving the car, so what, why would Council have to pay the court order penalty. So what, Mr Goodman? What are you talking about?---Who was driving. As a - - -

Are you just making this up as you go along?---No.

No, okay?---I'm trying to, I'm trying to assist you.

Trying to assist me. Okay.

THE COMMISSIONER: But Mr Goodman, if – just by way of example – if the General Manager was driving a Council car and she incurred an infringement notice for speeding, the notice would come to Council because they'd trace the registration to - - -?---That's exactly right.

- - - the Council, but the payment of the infringement notice would be a matter for the individual, wouldn't it?---Absolutely, yes.

10 So there would be no occasion when Council should be paying those infringement notices?---What happened in previous times, Commissioner, as I had taken fines that were not my fault and had them put in my name and suffered the penalty because we couldn't locate the driver of a particular car, even my one, and just before I was terminated there was one and I'm sure there's a few people that can give evidence to this, where I was prepared to put the fine in my name because no one else would accept responsibility for it. I'd done that a number of times. That's why I asked where was the offence committed, I may not have been driving it.

Well - - -

20

MR MOSES: Well, let's be – sorry, Commissioner, I apologise.

THE COMMISSIONER: Sorry, Mr Moses. No, it's just that I was going to say, Mr Goodman, that perhaps that might have been a function of the fact that there were Council fleet cars in so many people's possessions that you could never work out who was driving it when?---And people wouldn't own up to it.

Right.

30

MR MOSES: Thank you, Commissioner.

See in fact there were 32 infringements issues in respect of the Toyota LandCruiser. Were you aware of that?---No.

No. And Council paid those fines?---(No Audible Reply)

Sir?---I accept what you say.

40 Do you recall how you processed those fines being paid?---I didn't realise there was that many to start with, so it would have been either BPAY - - -

Yeah?--- - - - or um, cheque.

Okay. Now, in terms of court enforced penalties in relation to infringement notices for your vehicle, they were also paid by Council moneys. Correct? ---Yes.

Okay. And I think you've accepted the Commissioner's proposition that you were not entitled to have those penalties paid by Council. Correct?
---Correct.

And neither was anybody else. Correct?---Correct.

Now, just before I move on to the fraud, that is the contractors, did it ever dawn to you, on you at all during this period that you were using moneys that were moneys in effect of the ratepayers for your own personal use, did it ever dawn upon you that during this period - - -?---Yes.

- - - you were in effect stealing from ratepayers?---Yes.

And in Botany Council there are some individuals there who come from the most socially disadvantaged part of society. You know that?---Yes.

And you felt no shame at all at in effect stealing money in this way?---Yes.

Is that right?---No, I did feel shame.

You did feel shame?---Ah hmm.

But you still continued to do it until ICAC caught you out. Correct?---Yes.

And had ICAC not acted you would have continued to have stolen money in this way. Correct?---For a short time, yes.

For a short time. Hmm. You were never going to stop, were you, you were addicted to this?---No, yes.

Ah hmm. Now, can I move onto the contractors. Computer Intersections, Keith Mark?---Ah hmm.

Now, you met Keith Mark whilst you worked at Drummoyne Council?
---No, Marrickville.

Marrickville. What was he doing there?---Ah, supplying equipment I believe.

What equipment?---Computer equipment.

Okay. And did he then follow you to Drummoyne Council?---Yes.

You got him the job there, the work there?---Oh, just as a, a supplier.

Yeah?---He wasn't on a retainer or anything.

Was he employed at Marrickville?---No, same thing, just a supplier.

So you met him at Marrickville?---Ah hmm.

Okay?---No, I'd known Keith for, gee whiz, 50 years.

Yeah, yeah?---Absolutely.

He was a childhood friend?---Not a childhood but teenage, yes.

10 Yeah. Okay. And what was the work he was doing for Drummoyne Council, same thing?---Supply equipment.

Okay. What equipment?---Computer equipment. Not all of it, just part of it.

And did you then get him supply work at Botany Council?---Yes.

Now, the scheme that you were involved in with him by which the fraud was committed on Botany Council was to provide either completely false
20 invoices or inflated invoices for the supply and maintenance of computers and related equipment. Correct?---I agree with the inflated invoices.

Okay. Well, he tells us of course that there were false invoices issued, and there were, weren't there?---(No Audible Reply)

I mean you remember that telephone call that we just heard?---Yeah, I remember that, yeah.

There was the establishment of a false trading name, in effect the landscapes
30 entity?---I agree with all of that, yes.

So that was false invoices. Correct?---Yes, absolutely.

Ah hmm?---But you're going back to when Keith, when Keith started work.

At Botany?---For Botany, yeah.

And, but the both of you, there was an arrangement by the both of you to have inflated invoices issued. Correct?---Yes.
40

And that was through Computer Intersections?---Yes.

And do you know that there were a total of just over \$3 million worth of payments made?---I wouldn't be surprised.

Yeah. And what was your cut of the action?---On um - - -

You see the way he tells it, the way he tells it is that you took most of that money and he only retained enough to pay his tax during that period, in effect he tells it that way, you see?---I totally - - -

MR LEWIS: I object, Commissioner. I object to that question. That's based on a false premise of the evidence that was given by Mr Mark.

THE COMMISSIONER: Well - - -

10 MR LEWIS: That is not the proposition.

THE COMMISSIONER: Well, perhaps we can - - -

MR MOSES: Well, my friend, now that he's objected, can tell us what his instructions are as to the proposition is and we'll see where - - -

MR LEWIS: I'm not here to give evidence, Commissioner.

20 MR MOSES: Well, you made the objection, so tell us.

THE COMMISSIONER: Well, the transcript of Mr Mark's evidence
- - -

MR MOSES: You shouldn't have got up.

THE COMMISSIONER: - - - speaks for itself I would have thought. In what way do you say that that summery by Mr Moses is misleading?

30 MR LEWIS: Because there was an amount, it's clear from the evidence, owing in relation to tax and other things but in relation to tax and it's not clear that an amount was deducted at any point, and it's not the evidence of Mr Mark that anything was deducted earlier.

THE COMMISSIONER: Well, I appreciate that. I think what's being put by Mr Moses is that according to Mr Mark's evidence he didn't take anything from those transactions to which he didn't think he was entitled, i.e. for the purposes of GST or taxation. Is that right, is that right, Mr Moses?

40 MR MOSES: That's our understanding of the evidence.

THE COMMISSIONER: Is that, is that not - - -

MR MOSES: And we adhere to that.

THE COMMISSIONER: Is that not the effect of it?

MR LEWIS: That's not my understanding, Commissioner, entirely because we're left with a situation where there was money owing in relation to tax.

THE COMMISSIONER: Oh, I see what you're saying. All right then, well
- - -

MR MOSES: Well, whether or not there was money owing or not is one thing, but I'm putting the effect of what Mr Mark said on his oath to this Commission and I'm entitled to put it, with respect to my learned friend.

10

May I put the question again, Commissioner?

THE COMMISSIONER: Yes, put it again.

MR MOSES: Thank you.

THE COMMISSIONER: Whether or not – can I just say, Mr Moses?

MR MOSES: Yes, of course, Commissioner.

20

THE COMMISSIONER: Taking into account the objection, whether or not your summary - - -

MR MOSES: Yes.

THE COMMISSIONER: - - - is accurate of course is something that we can, that we can take into account at a later time.

MR MOSES: Can I give the, can I just give the transcript references?

30

THE COMMISSIONER: Chapter and verse, yes.

MR MOSES: It's page 55 of the transcript where he said he didn't retain any of the money in respect of the fraud, and page 40 transcript, line 25, he did not get one cent. That's what he said.

So of the \$3 million, now's your, now's your best chance to tell us what your version is. What part of the money that was stolen from Council did you keep and what part did Mr Mark keep, because we need to know who to pursue?---What \$3 million?

40

You don't know? You just said you weren't surprised a few moments ago as to the \$3 million figure, are you now surprised?---No, no, no, I thought he said \$1.3 million - - -

No, no, I clearly said three million?--- - - - I his evidence.

No, no. I'm going to ask you again, I'm going to ask you again. Are you aware that between 2003/2007 just over \$3 million was paid to Computer Intersections which was being - - -?---No, I wasn't aware of that.

You weren't aware of that?---No.

Okay. Well - - -?---Not in that four-year period, no.

10 Well, between 2003 and 2007, how much money did Mr Mark give you in respect of the scheme where inflated invoices or false invoices were provided to Council during that period?---I would say over his whole time there from - - -

No, let's focus on 2003?---Yeah, but I can't break it down.

Okay. Well, how about the whole time?---I can't, I can't break it down.

How much, what was your cut of the action?---(No Audible Reply)

20 It's not a laughing matter because we need to know who to pursue?---No, no, no, I'm trying to, I'm trying to think an answer I can give to you that - - -

- - - which pocket were going to get it from, so tell us. Yeah, come on? ---On consumables he might have added a couple of extra toner cartridges on. On equipment, very hard to fake invoices on equipment.

30 Commissioner, may I request through you, Commissioner, that he be directed to answer the question. I asked him how much did he get from Mr Mark through this scheme and when I tried to limit it to 2003/2007 he said he couldn't but he was referring to the whole period so I just want to know what was his cut from the theft.

THE COMMISSIONER: Yeah. Mr Moses, can I just clarify this. Between 2003/2007 it's correct to say that \$3 million went to Computer Intersections from Council but that takes into account does it not both the inflated invoices and the equipment that's legitimately supplied because that's the whole amount.

40 MR MOSES: During this period there was an average of about \$63,000 being paid to Computer Intersections and when pressed on this issue Mr Mark was unable to provide any details, Commissioner, as to those matters and we'll be making certain submissions at the end of it. But what I just wanted to know from this witness was how much can he recall Mr Mark giving to him in total whilst he was a contractor or on average per year.

THE COMMISSIONER: Right.

MR MOSES: It should be - - -

THE COMMISSIONER: All right.

MR MOSES: If he can't, if he can't tell us well sobeit but we need to have an understanding because Mr Mark's evidence is something completely different. He's putting Mr Goodman in for the whole lot?---150,000 over his entire tenure there, maybe 200,000.

10 And how wold he pay the money?---Without the invoices and being able to look at them I can't tell you.

And how much would he – how would he give it to you, the money, how would you get it, cash, cheque, how would it happen?---Pay a bill for me. Whatever the case may be.

I'm sorry?---Or pay a bill for me. Whatever the case may be.

Okay. And would you - - -

20

THE COMMISSIONER: So it covers all of those methods, cash, cheque, paying a bill?---Yeah, anything.

MR MOSES: Would he email you?---(No Audible Reply)

Would you email him with details as to what to pay?---I don't believe so. Okay. Now during that period where invoices were being inflated would you tell Mr Mark what to put in the invoices?---He'd ask me if I needed anything.

30

That is any extra money?---Yes.

Okay. And then the invoice would be inflated?---Yes.

And would you split the money?---Yes.

Okay. And apart from Mr Mark and yourself did anybody else benefit from that scheme if I can call it that, the Computer Intersections scheme?---I'm not aware but I'm not saying no.

40

Okay. Now you recall that Ms Cullinane told you that you would have to stop using Computer Intersections. Is that right?---Yes.

And Mr Mark gave evidence about this at page 41 of the transcript, line 28. Now the reason for that was this, is this right, because you couldn't have a company regularly hitting the \$150,000 threshold because that would have to be the subject of tender as well as be disclosed in the audit reports. Correct?---That's correct.

Yeah. So another entity had to be used in order to hide the fact that payments were going. Correct?---Can I re-answer that, re-answer that question.

You want to re-answer which question?---The one – the previous one you asked.

Sure?---I might have made a mistake.

10

That's okay. We don't want you making mistakes here?---We had numerous companies who we spent in excess of 150,000 or \$175,000 with
- - -

Yeah?--- - - - who we didn't tender for.

I'm not, I'm not - - -?---This is one.

20 But listen, sir. I am not – I don't want to go off on a tangent okay?---No, I just want to answer your questions properly.

I want to focus on the reason why you stopped using paying him money through Computer Intersection was because it was going to get to the \$150,00 threshold and have to be reported yet again would it not in terms of the annual reports of the Council and questions would be asked. Correct? That's why it was stopped used and you started using another name?---(No Audible Reply)

30 If you don't recall say so?---No, I don't recall that - - -

That's okay. That's fine?--- - - - that particular - - -

Okay. Now - - -?---I'm not saying it's not true I just don't recall.

Okay. That's fine. Commissioner, could the witness be shown Exhibit R4. You might recall, Commissioner, that's the grouping of invoices which were paid in 2010 of 112,000.

40 THE COMMISSIONER: Ah hmm.

MR MOSES: I'm not sure if it's up on screen but it's Exhibit R4. No. Thank you. Now that payment there, that was for payments for invoices between 2005 and 2006 and there was a lump sum payment made on 22 December, 2010. Do you see that?---I'm - - -

You haven't got it. Okay?---I'm just looking. But that, I recollect that payment for - - -

Tab 2. If you go to tab, go to tab 2?---Oh, tab 2.

In Exhibit R4, yeah?---Sorry.

That's okay. I didn't tell you tab 2. It's my fault?---Which one am I looking for?

So behind tab 2 there are invoices - - -?---Yeah.

10 - - - between 2005 and 2006?---Yeah.

And then it is paid in one lump sum on 22 December, 2010. Do you see that?---Is that the first one is it?

Do you want to get me that exhibit so I can take myself to it?---I can't find it. Are you saying one invoice for 100,000?

No?---Oh.

20 There were invoices totalling - - -?---Oh, okay. Sorry.

- - - that total amount and it was paid in a lump sum?---Yeah, 112,000.

Do you see that?---Yeah.

Okay. Do you know how that came about?---I think this – and I'm not sure – this may have been the invoices that Keith sent to us - - -

30 Yeah?--- - - - and he said we still owed him and I disputed them and in the end I signed the papers.

So he sent those invoices to you when?---Probably about two or three weeks before we paid them, maybe one week before we paid them.

So he sent them to you and you disputed them?---Yes.

Are you sure about that?---Well, I sent them around to Lorraine and other people to check.

40 Right?---If these are the ones we're talking about. To check them.

Right?---Because there was equipment there that I didn't know.

Okay?---If, if we're talking about the same invoices.

Did you authorise the payment of 112,000 to him?---Yes.

Did you get a cut of that money?---No.

Okay. Now you've been shown the email dated 5 September from Mr Mark to you. This is the one where he's basically saying in effect if you don't pay me my money back I'm going to do you in?---Yeah.

10 And that's Exhibit 2. Now he says there in this email. If you get that up on the screen. Yeah, it's volume 5, page 11. You might put that up on the screen. This is Exhibit 2. No, it's the wrong one. It's okay. We don't need to put that up. I'll come to that bank account in a moment. But if the witness can be shown Exhibit 2. Do you have that, sir?---Yes.

I think you told the Commissioner that you received over a period of time from Mr Mark through this fraud about what, 200 to 300,000?---Very difficult to say.

Okay. Well, was it – the way he puts it in this email was as best he could calculate he got around – he got you 1.3 million. Is that, is that accurate? ---No.

20 So what do you understand he's referring to in the email to having given you 1.3 million?---I thought he wanted, he wanted money and I took it as a threat until I spoke to him.

What, you saw this as a bit of a shakedown or a blackmail attempt on you? ---Initially, yes.

Right?---Because I hadn't replied to his conversations prior to that.

30 The reason you weren't responding of course is that you were trying to avoid him because you owed him money. Is that right?---So he claimed.

Yeah. Okay. But the reason you didn't return his messages or his calls was because you were avoiding him because you owed him money. Correct? ---Correct.

Yeah. Okay. Now the 161,000 that he wanted you to put into his bank account by 14 September was that a loan or a debt that you, that you needed to repay him?---(No Audible Reply)

40 He refers to \$161,000 as being the debt. What was that in respect of?---I'm not exactly sure because that changed about three times. It went from 20 to 60 then to something else and eventually to that.

Okay?---So I don't know where he got the figures from.

Okay. You weren't disputing it though?---No.

No. Okay?---I'd had a couple of arguments with Keith previously about this. He'd come down to Sydney a couple of times and I just didn't want to talk about it.

Okay. And you paid the \$2,000 which he's referring to, that is the minus the 2,000, in his, in his email you paid that to him from your personal bank account?---Yes. That's correct.

10 Look at volume 5, page 11, please. So that's an internet banking transfer. That's from your account to his account and that occurred in August, correct?---Yes.

Is that part of your repayment of the loan, correct?---I felt, he was having a lot of – his wife was having some significant health problems.

But you weren't paying him money to help his wife out, you were paying him money to pay back the debt, correct?---I was in this one helping his wife. She had some significant health problems.

20 So the \$2,000 that you transferred was this, was this cash that you were getting from somebody else?---I don't recall. You're going back a few years ago whenever it was, 18 months ago.

Yeah. You don't know?---No.

Okay. Because there are times when of course, we've listened to the telephone intercepts when you're calling people up and asking them quickly for money you needed urgently?---Ah hmm.

30 That's because in effect, you had a house of cards going where you owed money to various people and needed to drag in money from one person to give to another, correct?---True.

Yeah. Now - - -?---That could've been one of those instances, I don't know.

Probably was. Okay. Now the next company is Australian Landscape Creations?---Yeah.

40 If I can deal with that. If we can go to volume 5, page 46. This is the ABN details or the ABN number that was used for Australian Landscape Creations. You agree, don't you that this business name, Australian Landscape Creations, which was used by Mr Keith Mark, was just a complete fraud, correct?---Yes.

And in effect, it wouldn't surprise you to know that he used somebody else's ABN number to issue those invoices, correct?---It wouldn't surprise me, no.

No. And you were the one who told him as to how he should create and prepare these invoices, correct?---Correct.

And the invoices detail supply of labour and materials as required by the Sydney Airport precinct, correct?---Correct.

And that fraud was put together by you with Mr Mark to repay the alleged loan that he owed you, correct?---Correct.

10 That you owed him, correct?---Correct.

Okay. And the money went straight into Keith Mark's bank account?---Correct.

And no work was ever supplied?---Correct.

And you authorised the payments on these invoices, yes or no?---Can I provide – and I'll say yes but - - -

20 Well I'll give you some help, how about we give some examples?---Yeah.

Why don't we go to volume 5, page 36 and I'm going to show you a document and ask you whether you forged Mr Foo's signature. So volume 5, page 36. Did you approve that payment?---The payment hasn't been approved.

It hasn't been approved?---No.

30 Can we show page 37, volume 5. Has that been approved?---No, it hasn't been approved.

It's been paid?---Well it - I didn't approve it.

Okay. Page 39?---Yes, me.

You approved that?---Yes.

That's your signature?---Yes.

40 Okay. Page 41. Did you approve that one?---No.

No. What about page 43, did you, is that – did you ever sign Mr Foo's signature and did you say approved by Mr Foo? Did you – is that your handwriting?---No.

No, okay?---I don't believe it is.

No, it's not yours, okay. And page 45. Is that you?---Yes.

And is that, are you signing that as Mark Goodman or as yourself?---Yes, (not transcribable)

Sorry?---As Mark.

So you forged your brother's signature?---I don't know if I forged the signature, but I signed that.

10 Well you did. Well did Mr Mark, I mean, did your brother know that you were going so low as to forge his signature on a document approving a fraudulent invoice?---(No Audible Reply)

Did you tell your brother that you were signing a false invoice in his name? ---No. Can I make one comment there. What really concerns me - - -

Which comment, which comment?---That these invoices you just showed me, I've never seen them before.

20 Okay. Except the ones that you signed?---But there's about – about five there that I've never seen. And you're telling me they've been paid?

Yeah?---Who paid them?

Council?---On what authority?

Well obviously on yours?---I didn't sign them.

30 You didn't sign them. Let's get this straight. Are you sitting there with a straight face and now in some sort of mock indignation saying to the Commissioner - - -?---No, I didn't sign them.

No. But you were the one who set up the fraud?---I didn't sign those invoices.

Let's, let's, let's do this very quickly. You set this fraud up with Mr Mark to pay - - -?---Yes.

40 - - - a loan back to yourself, correct?---Yes.

And you facilitated it in a way that those invoices were to be paid come what may, correct?---Yes.

Thank you. Now just so that you'll be shown this, it's page 13 and 14 of volume 5. Just so we're clear on this. Page 13 and 14 of volume 5. These are examples of where you are telling Mr Mark as to what to put in a false invoices to deceive Council, correct?---Correct.

Okay. Thank you. By the way, how often did you sign your brother's signature on documents without his permission or knowledge?---Over many years.

Okay?---And other people as well.

Right?---That knew about it.

10 Well let's break things up though. You see because with your brother, did he know at any stage that you were signing invoices in his name that were false - - -?---No.

- - - or fraudulent?---No.

Thank you. Now Comprehensive Office Supplies?---Ah hmm.

That's another Keith Mark Creation?---Correct.

20 That was the company that was used by you and Keith Mark because Ms Cullinane didn't want you to use Computer Intersections anymore because of the moneys reaching a certain limit. That's what Mr Mark has said, page 40, page 41 of the transcript, line 30. If you don't have a recollection of this you should say so?---I don't have a recollection.

Thank you. Now you authorise the payments of moneys to that entity, correct, Comprehensive Office Supplies?---Yes.

30 And there were times when an email or emails sent to you from your brother to you asking you to pay the invoice. I mean I can show you it if you want. But you accept, you - - -?---I'll accept that, I'll accept it, so, yes.

Thank you. I'm now going to move on to Iced Air, MKD. Okay. Mr Aleksa Subeski is Director and Secretary of that entity?---Yeah.

And the address of that person is [REDACTED] correct?---Correct.

THE COMMISSIONER: That's previously been suppressed, I think.

40 MR MOSES: I'm sorry, Commissioner. Thank you.

THE COMMISSIONER: It's all right.

MR MOSES: No, thank you.

THE COMMISSIONER: I'll just repeat that it is. Yes, thank you.

MR MOSES: Thank you. Now you would receive cash cheques from Iced Air, MKD, correct?---Correct.

And we'll just put two examples up for you, volume 1 of the ICAC Brief, page 171 and the other one I'm going to show the witness is at page 144. So these are just examples of cash cheques?---Yeah.

That would go to you, correct?---Correct.

10 And then if the witness could be shown page 144. Do you see that?---Yes.

Okay. Now these cheques from Iced Air you would sometimes go to the home of Mr Subeski to collect them?---Yes.

And sometimes you would send other people to pick up the cheques?---Yes.

They included Sam Alexander?---Yes.

Amnol?---Yes.

20

Josephine McCormack?---Yes.

Marny Baccam?---Twice I think, yes.

And Marny Baccam's sister, correct?---I can't remember that but I'll say yes.

Okay. And the invoices from this entity that were issued to Council between 2010 and 2015 totalled about \$323,205 and you or Ms Goodman – withdraw that. You or Ms Baccam would authorise the invoices to be paid.

30 Correct? I mean I can take you through some of them if you want?---
Correct.

You agree?---Mmm.

And you knew at the time you were signing them they were false. Correct?
---Are you talking about Iced Air?

Yes. I am talking about Iced Air, yes?---I believe he did work for the
Council.

40

You believe he did?---Yes.

Okay. So if I were to show you the invoices, and we can go through this, that you signed, can you tell us what part of it is false and which part of it is true?---No, I wouldn't - - -

You wouldn't be able to would you?---I would not know.

You wouldn't know would you?---I would not, I would not know.

Okay?---I just know that company did some alarm systems. I know they did work on our air-conditioner upstairs at the admin centre.

Okay?---So I know there was work done.

Okay. But let's talk about Jovane Pty Ltd?---Yeah.

10 Now the director and secretary of that entity is Jovan Gligorov?---Yeah.

G-l-i-g-o-r-o-v. That's the – is that the son-in-law of Mr Subeski?---I don't

You don't know?---I assumed – I saw him on the stand so I assume so.

Okay. Now that was a big fraud on the Council wasn't it?---Yes.

20 A big one. November, 2014 to September, 2015 approximately \$1.8 million stolen from Council. Now the invoices appear to be signed by Mark Goodman some of them. Did you sign his signature?---Yes.

On all of them?---Yes.

Okay. Now let's talk about Mr Subeski. Where did you meet him?---I can't remember to tell you the truth. I can't remember. But I've known him for quite some time. It wasn't just before this. I've known him for quite some time.

30 Well, who came up with the idea of stealing \$1.8 million from Council through Jovane?---I don't, I don't think anyone came up with the idea to steal \$1.8 million but I owed Alex some money. He did lend me some money and he put the pressure on me.

How much money did you owe him?---Over \$100,000 personally.

Over \$100,000?---Yes.

40 And then he tried the heavy on you in respect of it. Is that right?---I wouldn't say the heavy.

No?---He wanted his money back.

Yeah. And then so you came up with the idea let's put in false invoices through Jovane and you can get your money back?---I don't know if it was quite that succinct but yes, that's what eventually happened.

Did you pay the debt back to him?---No.

You didn't. So what happened to the 1.8 million, who took it?---Well, I certainly never got any in my pocket that I kept.

So the way he tells it is that you got all the money basically except for tax?
---Yeah.

Well?---No, that's not true.

10 Not true. No. So - - -?---I haven't got all his cheques here. Once again if I had paperwork I can work it out.

That's okay. No, that's okay. But just tell us did you get any of the 1.8 million?---Yes.

You did?---Yes.

How much?---700,000.

20 And he kept the rest?---I believe that, I believe he might have given it to other people as well.

He might have?---Yes.

Who?---I don't know but I believe he might have. Marny Baccam, he may have given some to her. And without the paperwork it's very difficult to tell.

30 Okay. So if he says, if he says that the only money that he kept through this fraud was to pay tax that would not be true would it?---No.

No. Okay. Now what about his son, what about his son-in-law, Mr Gligorov?---Ah hmm.

Was he in on this because he gives evidence - - -?---Look, I would have to say yes.

40 Yeah. And when you say I would have to say yes, why do you have to say yes to that?---I heard his evidence and personally I didn't believe it. That's just personally. I've spoken to him a couple of times.

That's the problem with liars though. I mean they are quite happy to call other people liars too but, okay. So we should assume he's lied in his evidence here about that?---I assume so, yes.

Yeah. Okay. Now Green Thumb Landscaping & Gardening Pty Limited?
---Yes.

Can I ask you some questions about that?---Yes.

Tell me about – go to volume 10 of the ICAC brief, page 18. Now this is – I’m sorry, you haven’t got that yet?---What page?

It’s page 18 of volume 10.

THE COMMISSIONER: It’s on the screen as well?---Yeah.

10 MR MOSES: Did you – is that your – is that you signing your brother’s signature on that document?---Yes.

Correct?---Yes. Correct.

And were these invoices being issued by this “entity” were they false? ---Yes.

And who was benefiting from that?---I would have to say myself and Alex.

20 Mr Subeski?---Yes.

Okay. Because the total amount of payments to that entity were \$132,682? ---Yes.

So of that what was the breakup?---Once again I need the paperwork and the cheques cashed.

Okay?---I can work it out.

30 Okay. But sitting here today you can’t. Correct?---No, not off the top of my head, no.

Okay. Now Alex Electrical & Air Conditioning. Can the witness be shown, Commissioner, volume 3, page 8. That’s an invoice there. Is that you signing that document or is that, is that your brother’s, can you help us with that?---I’m – gee.

Just to refresh your memory this - - -?---I’ll say me.

40 Yeah. And this entity between October, 2014 and November, 2014 billed Council \$38,000?---Ah hmm.

Were these fraudulent invoices or was that for work being done somewhere?---I don’t know. I know there was work done on security cameras at the Domestic Terminal. Whether that is it I don’t know.

Was this work being done at someone's house, for work being done at someone's house, do you, do you know or you just don't know?---No, I don't know.

Okay?---I don't know.

Okay. Now Truck Service Centre?---Yes.

10 I think there's no dispute about this but we can go through it the hard way but in respect of the Council payments of just over a half a million dollars between 2010 and 2015, the moneys hit your bank account. Correct?
---Correct.

That is Gas Motorsports?---Yeah.

And that was as a straight out fraud where you copped all of the money. Correct?---Correct.

20 Now Gas Motorsports which is your entity, you're the sole director of it, Gas Motorsports Pty Ltd there were payments of \$87,225 made to that entity in 2007/2008. Correct?---I have to accept your word on that.

Well, you directed payments be made to your company?---Yes.

And that was a fraud wasn't it?---(No Audible Reply)

There was no work that your company did for Council. Correct?---No, I disagree with that.

30 Okay. Well, do you want to tell the Commissioner what your company did for Council in 2007?---Servicing motor vehicles.

Serviced motor vehicles?---Ah hmm.

Did you tell Council that your company was being used to service Council vehicles?---No.

40 Were invoices issued because we're having great difficulty in finding them?---I can't - look, I can't remember.

Did you issue the invoices?---No.

No. Well, who worked in your company in 2007/2008?---We had a number of casuals working there. I think - - -

Did they issue the invoices?---They could have. Without documentation in front of you, you've got to understand 2007.

Yeah?---It's eight years ago.

Yeah?---And without a document in front of me no, I don't know.

You don't know?---That's why I've said yes, it was wrong all the way through. When I have no documentation there's nothing else I can say.

So if I put to you squarely that this was a fraud what do you say about that?
---I'll say yes.

10

Okay. And what about Performance Service Centre, who owns that company?---Me.

And do you know that Council paid it money as well?---Yes.

In 2007/2008. Was that a fraud, it's \$54,767?---One of these was for servicing cars - - -

20

What did Performance - - -?---But I can't, I can't, I can't differentiate one from the other, so I've got to say yes again because I don't know.

THE COMMISSIONER: You mean one of the companies, one of the two companies?---Yeah, yeah. There's no question we serviced motor vehicles and invoices were issued or whatever was done. No question.

MR MOSES: So if I said - - -?---But I don't know which one and by putting it to me here and now I don't know, I can't, I've just got to say okay, it's a fraud.

30

It's a fraud, yeah?---That's all I can say.

Okay. Now, AJ Freitas Pty Limited - - -?---Yes.

- - - trading as Elias & Sons Smash Repairs?---Yes.

You've accepted through Counsel Assisting that you in effect directed Mr Freitas to issue invoices that were inflated. Correct?---Correct.

40

And he kept 40 per cent of the inflated amount. Correct?---Correct.

Okay. And if the witness could just be shown page 132 of volume 2 of the ICAC brief. I apologise going through some detail in this, Commissioner, but we want to get the structure and the identities straight because there's no secret about this and at the end of the proceedings we'll be asking for a referral of the papers to the Crime Commission for it to assist in recovering these moneys from various individuals. So, sir, in relation to that invoice in front of you, do you know who authorised that for approval there, do you know whose signature that is?---Mine.

Mmm. So you were approving invoices coming in?---Yes.

Correct?---Yes.

And if we go to page 44 of the ICAC brief, volume, it's volume 2 I think it is. Now, you were corresponding with Mr Freitas in August 2013. Was that legitimate, what you were dealing with there?---Just reading it.

10 Okay?---Yes.

Thank you. Can I then go to the topic of Teletec and Mr Sam Alexander. If the witness could be shown volume 16, page 49. Do you have that, sir?
---(No Audible Reply)

Is that your signature?---Yes.

Now, Mr Sam Alexander operated this entity referred to as Teletec.
Correct?---Correct.

20

And he was somebody who you had met through your Motorsport business. Is that right?---No, I met him at the Council.

Well, where did you meet him?---At Council.

Which Council?---Botany.

Okay. And when did you start your involvement with Mr Alexander in relation to perpetrating a fraud on the Council?---18 months.

30

18 months before you were sacked?---Yes.

Okay. And what was the deal between you and he in relation to money that he would keep and money that you would be given, because just to refresh your memory, in 2012/2013 he billed through Teletec about just under 77,000 and then 2013/2014 it escalates to 225,314, and then 2014/2015, 271,588. So in terms of the fraud on the Council, what was the arrangement, what would he keep and what would you take?---I don't believe there was any arrangement – and just a comment on those amounts.

40

Sure?---To comment on those amount – I think Council swapped from Vodafone to Telstra - - -

Ah hmm?--- - - - which was incredibly expensive.

We've heard this story?---But it's just a fact.

But I want to get to the truth?---It's a fact.

The truth is though, Mr Alexander I think admitted in his evidence ultimately when Counsel Assisting fairly - - -?---Ah hmm.

- - - put propositions to him and tapes were played, that there was a fraud on Council. You accept that?---Oh, absolutely, no doubt, I agree.

Yeah. And whose idea was it to do this, yours or his?---I don't know.

10 Okay. And would you tell him what to put in the fraudulent invoices?
---Sorry?

Would you tell him what to record in the invoices that were false?---Yes.

And would then the both of you have an arrangement as to what money you would keep and what money he would keep?---(No Audible Reply)

20 How would you work out of the money that was stolen which would go into your pocket and which would go into his pocket, did you have an arrangement?---I don't believe there was an arrangement.

It would just be ad hoc?---Yes.

Is that right?---Yes.

And sitting here today you can't tell us what money you took and what money he took?---Not today, but I could, given time.

30 You could?---Given time.

Was it 50/50 or did you - - -?---No, no, no, given time I could work it out.

You could work it out?---Yes.

So if I showed you the invoices though now and asked you to pick which is false and which is true - - -?---I couldn't do it.

- - - you couldn't, could you?---No.

40 No?---No, I couldn't.

Yeah, okay. And then if we then go to CND Computers?---Ah hmm.

Just remind me about CND Computers. Was this the entity that did work personally at your home?---They did some.

Yeah. And was work done through this entity at Ms Cullinane's home?
---Yes.

Yeah. Was that the alarm system?---Camera system.

Cameras. Was that the \$50,000 that you said related to that?---I believe it cost that, yes.

Okay. Now, there were of course, there was a of course a fraud on the Council by you using the name CND Computers. Correct?---Correct.

10 And that was about \$1 million that went through your bank account for invoices that were paid under the names of CND Computers?---I don't know the amount.

I'm sorry?---I don't know, I have to rely on your to have the amount right, I agree with that.

Okay. So volume, yeah, volume 6, page 67, if the witness could be shown that, Commissioner?---I've got it up on the screen, I can see it.

20 Now, in relation to that invoice, did you falsely create that invoice? ---I can't recall.

Well, in respect of the - - -?---If it was paid into my account, yes.

Yeah, but were you the one doing it or did Marny Baccam assist you? ----(No Audible Reply)

30 See, we're trying to get to the bottom of how this happened. Did you do this or did Ms Baccam do it or did somebody else do it, do we know who if it wasn't you?---It's all my writing so I'll say me.

Okay. So you create a bill for an amount of money that goes into your bank account that you order and you authorise it. Correct?---Correct.

Okay. I'll just to this next entity, Gardens2envy. Now, that was an entity that did some legitimate work for Council. Correct?---Correct.

40 And there was an arrangement that yourself and Ms Baccam sought to enforce upon Gardens2envy whereby they would inflate their invoices in order to facilitate payments of money to yourself and Ms Baccam. Correct? ---Incorrect.

Was that just for Ms Baccam, you weren't aware of this?---Well, I wasn't aware of it so I don't know who it was for.

So you didn't get a cut of the action on this one?---No.

Okay. So that was all Ms Baccam?---I don't know.

Okay?---Because I didn't know about it, I don't know.

You didn't know about this one?---No.

No, okay. Highland Profiles, Counsel Assisting's asked you some questions about that.---Yes.

10 Can we assume that no legitimate work was done by Highway and Profiles for Council, correct?---No, I don't know who - - -

You don't know who - - -?---I know who owns them but there was so much work, I'd have to look at me, to verify these I need to look at the invoices and have time with them, then I'll work it out. I've said this a number of times now. May be just throwing it up on the screen and say is that legitimate or not, give me that hard copies and I'll go through and give me a copy of the ledger, I'll go through the whole lot.

20 So I'm going to ask you the question, in respect of Highland Profiles, you don't know sitting here today what part of the invoices that were issued by that entity and paid for by Council during 2014 to 2016 were legitimate or not?---No.

Thank you. But you agree that you certainly entered into an arrangement with Mr Gajic whereby false invoices would be issued to Council for payment?---Yes.

30 And that in return you would get payments of money from Mr Gajic?
---Correct.

Cube D & C Pty Limited, Mr Gajic's other company. Again, do you accept that payments were made to that entity for work that it did not perform?--- All I can say is they did do work for Council, that second part of the question, I would assume so.

40 Do you accept that you entered into an understanding or an arrangement with Mr Gajic whereby that entity would put in invoices that were either completely false or in part false to facilitate money being paid so that you could get some of it?---Are you talking about Cube?

Yes.---Yes.

Thank you. But sitting here today, if I was to show you the invoices, you would not be able to tell us today which of those invoices were false and which were true, correct?---Correct.

Thank you. Now Speedy Ceilings New South Wales Pty Limited, that's another Gajic company?---Correct.

And did that do work for the Council?---Yes.

And does that fall within the same category of Cube D & C and Highland Profiles?---Yes.

Okay. So, I ask you the question, the answer will be the same, correct?---Correct.

10 Okay. Now just with Mr Gajic, you arranged, did you not, for him to undertake work at one of your former, or one of your lover's residence, Miss Mishra?---Yes.

And that work was to be done and ultimately one way or the other, Council would pay for it, correct?---(No audible reply)

She wasn't paying for it was she?---No, she wasn't paying.

You weren't paying for it?---Yes.

20

You were paying for it?---Yes.

And do you want to the Commissioner how you were paying for it, this work?---I gave Mr Gajic two motor vehicles.

You gave him two?---Two.

Right.---Worth a total of about \$90,000, a bit more may be.

30 Okay.---He accepted those as payment for the work.

Did he?---Yes.

Okay. And what about Miss Baccam's home?---That was paid for by my late uncle.

Was it?---Yes. There's cheques written out to Mr Gajic which he cashed, that's the same as Zoran and they were my cheques from money from my uncle's, my uncle's sale of his evidence.

40

That's your evidence?---That's what I did.

Okay. Have you heard Mr Gajic's evidence?---Not all of it.

Sorry?---Not all of it, no.

Okay. Are you going on your recollection here?---Yes.

Your recollection could be wrong?---Oh, it could be, it could be.

Okay. What I'll be submitting to the Commission, just so that you know at the end of the proceedings is, unless there's a document that corroborates anything you say, she should not accept anything that comes out of your mouth, okay?----Fine.

Thank you.---If I can get access to my stuff from work I'll have such a document.

10

Okay. Now Emu Alarms Pty Limited?---Ah hmm.

Do you want to tell us about Emu Alarms Pty Limited?---Same as CND.

Yes. Another fraud?---Yes.

Thank you. So was Emu Alarms who did the work at Ms Cullinane's home?---No.

20 Thank you.---They might have done some but not that, not the camera.

Okay. Thank you.---As far as I'm aware.

Now Al-Furat Pty Limited.---Who?

THE COMMISSIONER: The printing firm.

MR MOSES: It is, sorry Commissioner. Are you familiar with the name Al-Furat?---No.

30

Do you know whether they did work for the Council, no?---I don't know.

Do you know Mr Siddik Hussein who is the owner of that business, I think he's met you, he says at Mounties, but that particular entity, were you aware that Ms Baccam was in effect - - -?---Oh, that's her friend the printer, sorry, yes, yes.

40 Were you aware that she was having that entity submit invoices that were false?---I don't think I was aware of that, I'm not going to say no, because I don't believe that I was aware of that, I believe he owed her some money which she gave him some money when she won some jackpot, that's the last I heard about him.

Were you - - -?---Whether that's true or not, I don't know.

Were you aware as to whether he was giving money to her from false invoices that were being issued to Council?---I can't say I'm aware, I can't say that, I don't know.

But you're not prepared to deny it, correct?---No, no, I'm not prepared to deny it, no, not at all.

Thank you. Okay. I'm just going to ask you some questions then just on your involvement with a number of individuals. Now Miss Mishra, Suman Mishra - - -?---Yes.

10 - - - I think you've said in respect of whether you're currently in a relationship with that person, the answer is no, is that right?---Yes.

Did you ever live with Miss Mishra in a property at [REDACTED] in [REDACTED] No.

20 Can the witness be shown, I think it's Exhibit 18, can the witness be shown Exhibit R18 please. Were you aware that in an application for a retirement scheme it shows you and, it shows Miss Mishra as a beneficiary and it states the [REDACTED] address as your address?---I'm aware of the superannuation but I'm not aware of, it could, I don't know. At one stage when I was sick Suman took over doing a lot of the paperwork for me, I was pretty, pretty ill.

Right. But did you, did you have her named as the beneficiary in a retirement scheme?---Yes.

And that's because you were in a relationship with her?---A few years ago it was, could have been, it could have been, I can't recall that.

30 You don't know?---I can't recall that, I don't know how many years ago it was but I remember changing my super to name her as a beneficiary of one of the schemes I had.

Who's your current partner?---Dianne Holden.

And she was your partner back then?---Twenty five years.

Okay. Did you regularly give money to Miss Mishra?---Yes.

40 How much?---\$200 a week.

Cash?---No, out of my pay.

Out of your pay?---Transferred to her bank account.

All right. Every week?---Yes, when I could afford it.

Why?---To support her and her children, her ex-husband gave her nothing more than the amounts he was allowed under the Child Support Agency Agreement.

Okay. See the way she tells it is that she got the whole of the property of [REDACTED] transferred to her.---It may be the case, I don't know.

10 You don't know. What she told you she was just getting the minimum payments?---No, I said from the Child Support Agency, not for the house, no.

Okay. Do you know why she would have blank letterheads for Gas Motorsport and Gardens Extra in her desk?---No idea.

Did you give them to her?---Probably.

Did she know that you were committing a fraud on the Council?---No.

20 She raised with you, didn't she, during a heated telephone conversation the issue of Jovane?---Yes.

She confronted you about that?---Yes.

Have you recently helped her to purchase property in Brisbane?---I think it was Green Square, how recent?

We'll come to Green Square in a minute?---Yeah.

30 What about Brisbane?---Look, I don't know.

Okay?---I don't know.

What about, what about Green Square?---Yes.

And did you authorise the provision of fake payslips from Gas Motorsports to her?---Yes.

40 For what purpose?---Getting a loan for a house. She had to refinance it off her former husband I think.

Right. Okay?---The broker asked me could I get them for him and I said yes.

So you fabricated documents - - -?---Yes.

- - - to obtain money from a bank, a financial institution?---Yes.

Okay?---Through a broker.

Well, what, did the broker tell you to do that?---Yes.

Yeah. Which broker was that?---Greg Perfrement.

Okay. Now, Ms Mishra, did you provide her with cash other than the \$200 per week?---Sometimes she'd say she was going out, wanted to take the kids out for dinner.

10 Ah hmm?---I'd give her \$50 or \$100.

Ah hmm?---Ah, she used to go down and get lunch most days, I'd give her money for that. That was cash, might be 20, 30, \$40, whatever it was.

Okay. And you paid her phone account for her?---Yes.

Ah hmm. Okay. Now, can I move on to Ms Baccam - - -?---Ah hmm.

- - - who I think you've said you were in a relationship with?---Yes.

20

The [REDACTED] property?---Yes.

Who owns that property, in whose name is it?---It's in my name.

And the position is, as you well know, is that you are the owner of that property. Correct?---That's what the title deeds say, yes.

Yeah. Okay. Can I ask you to go behind tab 14 of the folder, so behind tab 14?---Yes.

30

At one stage in respect of - this is to John Fasha – now, Mr Fasha, was he your lawyer or Ms Baccam's lawyer?---I don't know who he is.

Okay. Well, you were writing to him?---I assume her lawyer, she, she gave this in her one.

Well, you're instructing him to prepare a document leaving that property in [REDACTED] - - -?---To her.

40 - - - to Ms Baccam - - -?---Yep.

- - - in the event of your death?---Yep.

And this was separate to the will?---Yes.

Now, did that happen, was there a document prepared?---I can't tell you, I don't know.

Okay?---But I certainly asked for it to be done.

Sorry?---I did certainly ask for it to be done.

Yeah. And there's a deed of agreement is there between yourself and Ms Baccam concerning that property?---Yes, unsigned.

Unsigned, yeah. And that records, does it not, that moneys were paid in respect of that property. Correct?---I don't think I've ever read it.

10

I'm sorry?---I don't think I've ever read that deed.

Don't think you've ever read it?---No.

Okay. So you wouldn't know if I took you to it what parts of it were true - - -?---No.

- - - in terms of the recitals and which parts aren't, correct?---Yeah, no.

20

Do you know who gave instructions to Mr Fasha about this document?
---I would say Marny.

She gave him instructions?---Ah hmm.

Okay. Well, actually it may not have been Mr Fasha, it might have been somebody from, I'm not sure. What about a Yolanda Ho, solicitor. Have you come across that person?---Who, sorry?

30

Yolanda Ho. Has she ever been your solicitor?---No.

Okay. Thank you. So just before I move off [REDACTED] you've spent money on that property - - -?---Yes.

- - - to pay off a mortgage?---Yes.

Are you still paying off the mortgage?---Yes.

40

And those moneys that are being used to pay off the mortgage, are they just coming from you at the moment or from Ms Baccam as well?---At the moment just me.

Yeah, okay. Thank you. Now, just before I move off Ms Baccam, you attend Mounties with her on a regular basis?---Yes, I used to.

Yeah. You're a bit of a gambler there?---Yes.

Yeah. And would you put money through the poker machines too?
---Yes.

Yeah. And she would?---Yes.

Yeah. Now, just in terms of your gambling, the money that you stole from Council, you used it on gambling?---I assume part of it would have been.

Yeah, well, what else did you use the money for, to buy property with Ms Mishra?---No.

10 Well, I know you say that. Did you use money that you stole from Council to buy property with Ms Mishra such as Green Square?---No.

Okay. That's what you say?---That's what I say.

Yeah, okay. And the money that you stole from Council, you used it to pay off the mortgage at [REDACTED] No.

20 No. Okay. So what did you do with the money that you stole from Council? Just tell us?---I truly don't believe I got that much. I think other contractors - - -

Yeah?--- - - - took a lot more money than you're being led to believe.

That's okay?---Look, I can't convince you of anything else, just to say you've got open access to my bank accounts.

Ah hmm?---Now, I've got mortgages, I've got debts, I've got credit card debts, I didn't have an extravagant lifestyle.

30 Ah hm. So - - -?---I think there's a, there's a lot of - anyway.

So what were you using the money on, that you got?---Huh?

What were you using the money on that you got?---Living.

Living?---Living.

Gambling?---Yes, gambling.

40 Cars?---Yes, cars.

Fast cars?---I don't know fast cars, but cars.

Yeah. You used it, you used it to subsidise and operate your Gas Motorsports company. Let's, let's be blunt about it. You did, didn't you? ---I think by then Gas Motorsport had been shut down. It's been closed for about five years.

Yeah, but the money that you were getting was, wasn't it not, subsidising that business in terms of those fast cars?---I don't necessarily agree with that entire statement but I have to say yes. I can't dispute it.

Yeah. And trips around the country?---Huh?

Racing trips around the country?---Anyway - - -

10 Yes?---I don't believe so. There was very few trips.

You don't know?---I don't believe so.

You don't believe so?---Yeah.

You're not denying it though, are you?---No, I'm not going to deny it, I can't, I can't deny it, I can't.

20 Is this the position, your finances are in such a mess that you don't know yourself where the money was going?---Absolutely.

Okay?---At the time I was fairly sick.

Yeah, okay. Now, Jenny McCormack?---Yes.

How often did you transfer money to The Philippines for Jenny?

THE COMMISSIONER: Him personally or cause to be transferred?

30 MR MOSES: Thank you, Commissioner.

How many, how often did you or cause persons to transfer money to The Philippines for Jenny?---Regularly.

Regularly?---Regularly.

Well, from when?---All of them, well, probably the last 18 months I'd say.

Okay?---12 to 18 months.

40 Yeah. And how much money do you think you would have transferred to her in total?---The majority of the money, I don't know the amounts but the majority of the money I received from Sam Alexander.

Yep?---A substantial amount of the money I received from Jovane.

Yeah?---And um, I think that's about it.

Okay. And there's a document which is a deed of sale document. Do you know what that's about?---Where, what - - -

In The Philippines?---Oh, yep.

It's tab 16, the folder?---No, I know, I know what it is.

10 Yeah. Do you want to tell us?---Yeah. Um, her and her husband had a chicken farm in The Philippines and they sold it. That was the purpose of going over there. That was the purpose of going over to The Philippines, to pick up the cheques.

THE COMMISSIONER: Is this all information that you have from Ms McCormack - - -?---Mmm.

- - - and from no other source?---No.

MR MOSES: Sorry, picking up the cheques from where?---The sale of the property.

20

Right?---Then they decided to send the cheques to me.

For what purpose?---I don't know. They owed me money.

Yeah. Well, this money that you were giving them that you were getting you say in part from the frauds, was this a loan was it?---Yes.

30 Okay. So they then gave you money back, that's what you say?---They were to give me money back. I certainly haven't received anything yet.

30

How much do they owe you?---I'd say over \$600,000.

600,000?---Ah hmm.

Okay. Where did you meet Ms McCormack?---Through Marny Baccam. She introduced me to her.

40 Okay. Where at?---I can't remember where. It may well have been Mounties. I can't remember.

40

Okay. Let's turn then to Ms Cullinane. I think you've said earlier in your evidence you had a relationship with Ms Cullinane. Correct?---Many years ago, yes.

Yeah. But it's fair to say that you remained a personal friend of hers? ---Absolutely.

Yeah. And you've given one example to the Commission where she uncovered dishonesty on your part. Correct?---Yes.

Yeah. And that was something which to the best of your knowledge she did not take any further after drawing it to your attention and you apologised. Correct?---Yes.

And you didn't repay the money?---No.

10 Okay. Now in relation to your relationship with Ms Cullinane, is it fair to say that you factored on the fact – you factored that given the fact that you were friends, close friends that she would not dob you in in relation to any behaviour that was improper by you?---No.

No. You didn't factor that in?---No.

No. Okay. But you pulled the wool over her eyes. Is that right?---Yes.

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

20

I'm just trying to understand your evidence. Don't you, don't you – I don't want you to agree with the proposition - - -?---Yeah, no, no, I just - - -

What's your evidence?---I disagreed with you too quickly then.

Yeah?---Can I answer that - - -

Yeah?--- - - - by saying Lorraine was one of the most dedicated, hardworking people I've ever met in my entire life forgetting she had any relationship with me.

30

Yeah?---She was and I believe still is.

Yeah?---One of the things I think I've done more than anything is let her down personally.

Yeah?---And I do believe that so whether I tried to pull the wool over her eyes I don't know but that's the answer to the question.

40 Okay. But on your evidence she certainly was aware of at least a fraud involving you which she did not escalate in order to have you sacked. Correct?---Correct.

And she didn't report it to the Independent Commission Against Corruption. Correct?---Correct.

And you didn't repay the money?---Correct.

And you accept don't you that had you been caught at that time, had you been caught at that time and sacked from the Council you wouldn't of course have been put in the position where you would have continued the fraud. Correct?---Correct.

Okay. Now Peter Fitzgerald Senior who you've given some evidence about?---Ah hmm.

10 You met him for the first time where?---When I started at Botany.

Okay. And - - -?---I didn't know him at Drummoyne.

Okay. Now I just want to understand your evidence because Mr Fitzgerald Senior is going to be called to give evidence in this matter. Is it your evidence that you and he ever discussed how frauds should be committed on Council through the issuing of false invoices?---No.

20 Okay. Is it your evidence that you observed him committing a fraud on Council through Bloggs MB Consulting?---No.

No. So - - -?---It's what I suspected.

You suspected it?---Mmm.

Okay. Is it your understanding that – withdraw that. Did you have an understanding with him whereby credit cards could be used for personal use?---Yes.

30 Okay. And was that in a conversation or just monkey see, monkey do?---I think the second part of what you just said.

Monkey see, monkey do?---Mmm.

Okay. What about Peter Fitzgerald Junior, were you involved in any inappropriate activities with him?---I can't recall any at this moment.

You can't?---Like it's just - - -

40 Okay. Leong Seng, you met him through Auto Acoustics?---Yeah. There were some issues with tracking devices.

Ah hmm?---I wouldn't say it was wrong but there were some issues with that - - -

Yeah?--- - - - that Leong was involved in. He was involved in the purchase of a car for Marny Baccam. He happened to be there.

Yeah?---Whether these things were wrong or not it's up to the Commission to determine.

Okay?---I don't, you know - - -

Let me just - - -?---But, yeah, I've known him for a long time.

Let me just put it very quickly to you. Through an entity called On Q - - -?
---Yeah.

10

- - - he was being paid a retainer by Council for nearly six years. Correct?
---Correct.

And he would work from your premises at Wetherill Park?---Correct.

And he would as the quid pro quo for not paying rent answer phones and the like. Is that right?---Correct.

20

And when the new General Manager was appointed, this is his evidence - - - ?
?---I haven't read his evidence. I don't know.

- - - he had stop using On Q and he was then employed by the Council. Correct? That is, you stopped having the retainer?---No.

No. You don't, you don't agree with his evidence?---No, I don't.

30

That's what he said. Okay. Thank you. Now did you borrow money from Mr Seng? He says you did?---I must have because I had to pay him back \$6,000 a few weeks – a couple of months ago.

Before or after the Supreme Court made freezing orders?---I think before.

When - - -?---It would've been before.

Well, when you say you think - - -?---No, before.

You understand there's a freezing order in place?---Yes.

40

Okay. So let's be crystal clear?---Ah hmm.

Was it before or after the freezing order?---Before.

Okay. Thank you. Now Mark Thompson?---Yes.

Was he aware of any of the illegal activity that you were undertaking?---I don't believe so.

Okay. Did you ever tell him to change any items in terms of data entry for any of the fraudulent invoices?---(No Audible Reply)

No?---No.

Okay?---No, I - - -

Barry Byrnes?---We addressed that question before lunch - - -

10 Okay?--- - - - and I didn't want to answer it.

Okay. Barry Byrnes?---Well, Barry had done a fraudulent invoice, yes.

Barry did?---Yes.

And what was that in relation to?---A car accident he had or his son had in a Council car.

20 Okay. Well, the way that he tells it is that you arranged for Elias smash repairs to do the work?---Ah hmm.

And that Mr Freitas did the work because he liked doing that type of work and that he didn't think Council was charged anything and then he was mortified to find out that there was an invoice issued to Council to repair that car. That's his version. Now tell us about, about your knowledge of him?---He was there.

30 He was there when what?---When the arrangement was made to repair the car.

All right?---And he would have signed the cheque - - -

Right?--- - - - to pay Elias & Sons.

So when he was there when the arrangement was made for them to repair the car, the arrangement was made with whom, with Mr Freitas?---Yes.

Did he drop the car off?---Yes, Barry did.

40 All right. And were you there with him?---Yes.

And can you recall what happened because this is – we just want to get this right because Mr Byrnes has sought to put a different version than this?
---Look, it's too long ago. I can't remember.

Okay?---But I know Elias was paid - - -

Yeah?--- - - - and Barry would have signed the cheque. I might have signed the invoice but Barry would have signed – remember every payment there’s two signatures.

Okay. But Barry signed the cheque to go to Elias?---Absolutely.

Okay?---The authority to transfer by - - -

10 Okay. Thank you?--- - - - EFTPOS.

THE COMMISSIONER: Was this at the same time as Mr Freitas was assessing the work or was this afterwards when you’d gone back to Council?---Sorry, I missed that.

Did Mr Byrnes sign the cheque that is on Council funds at the same time that you were at Mr Freitas’s workshop when he - - -?---Oh, no, no. This was - - -

20 This was at Council?---No, this was at Council.
Right.

MR MOSES: And when the car was dropped off did you – do you say that there was an arrangement entered into in the presence of Mr Byrnes in which it was agreed that Council would pay for that repair?---I don’t believe there was any arrangement.

Well - - -?---It’s just drop it off, fix it.

30 Yeah?---Send us the invoice.

And then he signed the cheque that paid it?---If it was paid by cheque, yes. Or Mark Thompson could have signed it. There was three of us who could sign cheques.

40 But regardless you disagree with his version of events in this case and that is – in this inquiry and that is that he wasn’t aware that Council money was being used to pay that repair. That’s what he said?---Yes, I disagree with that part.

Yeah. Thank you. Okay?---Only that he was there.

Yeah. Okay Thank you. Can I then ask you to go behind Tab 19 of the Additional Documents folder. At the bottom of that email which you’re copied into, it talks about the business restructure and it’s referring there to Mr Dutton, I think.---Yep.

He's not fully aware of his business income and expenditure and requires a P&L Report which enables him to manage his budget and his spend. Now Mr Dutton was supervising the Business Unit, correct?---Correct.

And there then appears to be a meeting that takes place between yourself, Karen Rowe and Lorraine Cullinane, do you see that?---Ah hmm.

10 And then Ms Rowe sending an email to Ms Cullinane copying you in saying, "This has now been resolved, thanks for the prompt attention." Do you see that?---Yes.

What was resolved, do you know between the three of you, do you know what was agreed to deal with the concern that Ms Gannon has raised, why did Ms Rowe think that the matter had been resolved, can you help us with that?---Susan Gannon was redesigning our assets register, I believe incorrectly, as did Karen Rowe believe incorrectly.

So Karen Rowe thought that too, did she?---Yes.

20 Okay.---Yes, yes and we recently put an internal auditor, a full time one, in finance who was to provide P&Ls to all of the managers on a weekly basis. I think this might have been in relation, I think this might have been in relation to that, that he would start getting his P&Ls regularly.

The fact is, wasn't it, that a concern was being raised that the city infrastructure group that supervised the Business Unit didn't have its own P&Ls available to it, correct?---(No audible reply)

30 And what Mr Dutton wanted was some visibility on it, correct, that's the point that Ms Gannon was trying to raise?---(No audible reply)

You understood that to be the point that she was raising, correct?---No.

Okay.---Because all departments, including Stuart Dutton, had total access to Council's corporate computer system.

Okay. Thank you. That's your evidence?---Yes.

40 Okay. And what relationship did you have with Miss Rowe, what was the nature of relationship with her, just working?---Yes.

Okay. And just with Mr Malcolm Foo, what was your relationship with him?---Working relationship.

Did you ever ask him to authorise the payment for false invoices, sir?---Did I ever ask him to authorise the payment for false invoice?

To authorise the payment of invoices that were knowingly false?---I don't believe so.

You can't recall?---No, I can't recall, I don't believe so.

Okay. Thank you.---There were some things that Malcolm Foo said that weren't correct.

10 Thank you. I have no further questions of the witness, thank you Commissioner.

MR THANGARAJ: Commissioner, understandably, the transcript for Friday was only available for this morning.

THE COMMISSIONER: Yes.

20 MR THANGARAJ: And there's a consequence, I've been asked by Ms McNaughton and Mr Latham to defer to the morning their questioning of Mr Goodman which is entirely appropriate of course.

THE COMMISSIONER: Right.

MR THANGARAJ: I've got a few, if there's any other people they can go and then I've got a few things I may as well do now to save some time and then.

THE COMMISSIONER: All right. Does anyone else have any questions of Mr Goodman? Yes, Mr Harris. Sorry Mr Dhanji.

30 MR DHANJI: Quite right, your Honour, I'm just getting up to speed to Mr Moses and would actually clarify my position.

THE COMMISSIONER: All right. Can I just ask Mr Harris.

MR HARRIS: Harris, yes.

40 THE COMMISSIONER: Yes, Mr Harris, but while I'm on the subject Ms McNaughton and Mr Latham, given the extensive nature of the cross-examination thus far, can I ask you just to focus on those things that concern your clients rather than to traversing into ground that we've already been across.

MR LATHAM: Certainly Commissioner. Commissioner, I don't think I've sought leave to appear yet so I make that application there.

THE COMMISSIONER: Yes, that leave is granted, thank you. Mr Harris, off you go.

MR HARRIS: Commissioner, thank you, I can be brief I think.

Mr Goodman, my name's Harris, I appear for Leong Seng and I can just ask about premises at Wetherill Park where Mr Seng was working from time to time. He didn't have a separate area allocated to him there, did he for his work?---No.

10 No. He would, for example, be installing items on vehicles and those vehicles could be brought in and he would do the work there, correct?---
Correct.

So in terms of rent there was no specific area as such that could have been ever - - -?---No.

He was helping out, is that right?---Correct.

For example - - -?---And we never had space at work to accommodate him, that was the problem.

20 From time to time I think he banked money even, for you?---Yes, correct.

And that was your money thought, wasn't it?---Correct, yes.

All right. Just in relation to borrowing money from him and a repayment. Is it the case you repaid some money to his mother, does that ring a bell? ---That's what I was mentioning earlier, yes.

30 That's the sum you've discussed recently in relation to Mr Moses questions, correct?---Correct.

It may be the case, mightn't it, that you never repaid money that had been borrowed from Mr Seng?---Correct.

All right. So it's been put to you that the rent that was never paid was a sort of a quid pro quo, is that putting it a bit high, in fact, he just happened to use your premises for convenience sake and as a favour, he would help you out a bit?---That's it, he'd answer the phones.

40 Thank you.

THE COMMISSIONER: Anyone else? Yes.

MR CHEE: Yes, I'll also be brief Commissioner.

THE COMMISSIONER: Yes, Mr Chee.

MR CHEE: My name's Chee, C-h-e-e I appear for Mr Sam Alexander.---
Yes.

Have you heard Mr Alexander's evidence?---No, I read it, I read the transcript as good as I could.

Right. Mr Alexander says in relation to the false invoices that he kept nothing, he gave it all to you, what do you say about that?---(No audible reply)

10 This is at page 5 09 of the transcript.---Yeah, I remember reading that. I think the majority of the money that Sam obtained, he sent overseas, so I'd have to in some regards agree with that.

Right, thank you. Nothing further.

THE COMMISSIONER: Yes, Mr Lewis.

MR LEWIS: Mr Goodman, I represent Keith Mark.---Yes.

20 I just want to ask you a few questions about the period I think it starts in the late 1990s and we go through until 2005 when Mr Mark stopped working for Council because he was in a motor vehicle accident.---Yeah.

So just covering that period, would it be true to say that there many, many invoices issued by Mr Mark to Council through his various business enterprises?---(No audible reply)

You'll just have to answer the question.---Yes, sorry, yes.

30 And some of those invoices were genuine.---Absolutely.

And some were not.---Absolutely.

And the ones that were not genuine were either completely false or inflated.--I believe inflated.

All right. Now Mr Mark suggests to the Commission, that he did not receive any part of the illegitimate payments if I can call them that - - -?---Yes, yes.

40

Would you agree with that?---No.

All right. You've been struggling a little bit this afternoon to remember amounts of money.---It's so many and to say put it in front, yeah, yeah, I don't know, I just don't know.

And over that period, Mr Mark's not the only person that you were dealing with - - -?---Absolutely.

- - - in relation to false invoices?---Yes, and apart from that, forgetting the false invoices, there were many, many, many dozens of contractors I dealt with as well.

10 It would be almost impossible for you to remember the nature of the financial arrangements or the outcomes in terms of money received by you or by anybody else from your memory?---I agree. Without a bit of paper in front of you and time to study.

THE COMMISSIONER: I think we've got to make that transparent though don't we, are you suggesting that he's mistaken in relation to his evidence.

MR LEWIS: I'm just going to go a little further with that Commissioner.

THE COMMISSIONER: Yes.

20 MR LEWIS: I put it to you, that in fact, although Mr Mark may have received payments that were legitimate, he did not receive any of the proceeds of the illegitimate invoices?---I disagree with that totally.

All right. Now in the conversation that you had with him that we've heard played today - - -?---Yes.

You were not disputing the amount that he was asking you to pay, were you?---No.

30 No.---I didn't know what it was, it didn't matter.

All right.---Because that amount had changed about three times.

If that's enough for - - -

THE COMMISSIONER: Yes, yes.

MR LEWIS: Thank you, Commissioner.

40 THE COMMISSIONER: Anyone else other than the two who which to reserve their position till tomorrow?

MS McNAUGHTON: Commissioner, could I ask for time even more than overnight that is, until about 11 o'clock tomorrow morning? It's just that there are a number of matters we need instructions about. It would hopefully mean that I could streamline my questions.

THE COMMISSIONER: All right. Can I ask who we had lined up for tomorrow?

MR THANGARAJ: The next witness is Ms Cullinane, sorry, we're proposing to call now Natasha Rai, who was an internal auditor. We were going to call her at 9.00am but my friend needs to hear that evidence and then Ms Marshall, interpose her, Gardens2envy at 9 o'clock on Wednesday morning. So we could have Natasha Rai come at the beginning of whatever time we're starting tomorrow.

10 THE COMMISSIONER: Well, is there any reason why we can't start with Ms Rai tomorrow morning at 9 o'clock?

MR THANGARAJ: Well, only because Ms McNaughton will need to be here for that evidence, so she won't be able to do what she wants to do with her client at the same time.

THE COMMISSIONER: It's just that we're going to lose further time. Is there anyone that we can call tomorrow morning that isn't going to be problematic?

20

MR THANGARAJ: We could try to - - -

THE COMMISSIONER: Bring Ms Marshall forward?

MR THANGARAJ: We could try to get Ms Marshall here, she has nothing to do with - - -

THE COMMISSIONER: No.

30 MR THANGARAJ: Or Ms McNaughton won't, I'd imagine wouldn't be concerned if she - she'd be half an hour or so.

THE COMMISSIONER: Right. Can we try and get Ms Marshall to come tomorrow morning and then we'll resume with Mr Goodman at what was it, 11 o'clock?

MS McNAUGHTON: That's what I was asking your indulgence, Commissioner.

40 MR THANGARAJ: If we're going to do that we may as well have Ms Marshall at 10.00 tomorrow.

THE COMMISSIONER: All right. All right. Well, we'll have Ms Marshall at 10 o'clock and then we'll resume Mr Goodman at 11.00.

MS McNAUGHTON: Much obliged thank you.

MR THANGARAJ: I'll just ask some questions now to save some time.

THE COMMISSIONER: All right. Yes.

MR THANGARAJ: Could I firstly tender two - - -

THE COMMISSIONER: Oh, that's just reminded me. Mr Moses, did you want to tender the bundle that you showed to Mr Goodman?

MR MOSES: Yes, Commissioner.

10 THE COMMISSIONER: So that document, sorry, that folder of documents will be Exhibit R64.

#EXHIBIT R64 – FOLDER OF GARY GOODMAN DOCUMENTS

THE COMMISSIONER: Sorry, go on, Mr Thangaraj.

20 MR THANGARAJ: Could I tender a transcript that was played earlier today of 1-3-1-7-7, the call between Mr Goodman and Mr Gajic.

THE COMMISSIONER: The transcript of 1-3-1-7-7 is Exhibit R65.

#EXHIBIT R65 - TRANSCRIPT SESSION 13177 – WRITTEN TRANSCRIPT ONLY

30 MR THANGARAJ: Oh, the transcript hasn't been provided and tendered.

THE COMMISSIONER: The audio was previously tendered?

MR THANGARAJ: Yes, it has.

THE COMMISSIONER: So we'll mark the transcript separately.

MR THANGARAJ: And I tender volume 40 which is primarily or entirely bank statements of Mr Fitzgerald, at least the ones we have.

40 THE COMMISSIONER: Volume 40 is Exhibit R66.

#EXHIBIT R66 - PUBLIC INQUIRY BRIEF (VOLUME 40)

MR LATHAM: Commissioner, might the address of Mr Fitzgerald be redacted?

THE COMMISSIONER: Yes, the personal identifying information, addresses and telephone numbers are suppressed from publication pursuant to Section 112 of the Act.

THE PERSONAL IDENTIFYING INFORMATION, ADDRESSES AND TELEPHONE NUMBERS ARE SUPPRESSED FROM PUBLICATION PURSUANT TO SECTION 112 OF THE ACT

10

MR THANGARAJ: Could I ask, Commissioner, to vary the suppression order in relation to the witness, Nick Hadusek, H-a-d-u-s-e-k, at transcript 504, line 33 to 505, line 13, and also at 502, line 11 to 502 17, please.

THE COMMISSIONER: And what was the date of that, sorry?

MR THANGARAJ: That's 5 February this year.

20

THE COMMISSIONER: Yes. The non-publication order made in relation to Mr Hadusek's evidence on 5 February, 2016 at pages 502, 504 to 505 at the lines indicated is varied to the extent that the following questions may be asked.

NON-PUBLICATION ORDER MADE IN RELATION TO MR HADUSEK'S EVIDENCE ON 5 FEBRUARY, 2016 AT PAGES 502, 504 TO 505 AT THE LINES INDICATED IS VARIED TO THE EXTENT THAT THE FOLLOWING QUESTIONS MAY BE ASKED

30

MR THANGARAJ: Commissioner, you might have said this, but also 502?

THE COMMISSIONER: 502, yes.

MR THANGARAJ: Thanks.

Mr Goodman, Nick Hadusek is a Council employee?---Yes.

And he works with repairing trucks et cetera?---Yes.

40

He's been there since 2006?---Yes.

All right. Please just don't say yes because you - - -?---No, I mightn't be clear on the year but he is - - -

All right. Well, part of the transcript that I've had, that I've asked the Commissioner that has been varied has his starting year and he said 2006. All right. Now, I just want to read out some questions and answers and ask

you something. This was – he was asked these questions: “Have you ever heard of a business called Truck Service Centre?” Answer, “No, never.”

“Okay. Have you ever done work for Gary Goodman personally?”

“Never, I don’t know, never heard about Truck Service, Truck Centre, no, Truck Service Centre, no.” “Are you aware of Truck Service Centre doing

any work for Council between June 2011 and July 2013?” “Never.”

“And you were working at Council at that time?” “Yes, I did, but I never heard.” And then over to page 505 at the lines indicated. “I don’t know

10 nothing about it. Maybe there was something but I’d never from my side because I’m not responsible for, about the small fleet.” “Okay, this is – if Truck Service Centre repaired trucks for Council you would know about it?” “I would, yes, yes.” “And you haven’t heard?” “Never, that business, never.” Okay. “And we never send, and we never send any truck out for service because we’re doing it in-house.” Now, apart from his not knowing about Truck Service Centre which you can’t speak of, do you agree with the rest of what he said, that is that one, if a company was being used to repair trucks from Council, it’s something that he would probably know about? ---You’d expect so, yes.

20 And perhaps more importantly, that when he says that if, that we don’t service any trucks out of house because we do it in-house?---Totally incorrect.

You don’t agree with that?---Not at all.

Okay. Can I just play you this call. This is in relation to Al-Furat. It’s not inconsistent with what you told Mr Moses, but you said to him you weren’t sure?---Mmm.

30 And I’ll just ask you about that after you listen to this?---Yep.

This is 4-8-6-6.

AUDIO RECORDING PLAYED

[3.37pm]

MR THANGARAJ: I tender that.

40 THE COMMISSIONER: Yes, call 4-8-6-6 is Exhibit R67.

#EXHIBIT R67 - TRANSCRIPT SESSION 4866

MR THANGARAJ: I can play another one if you need me to, but do you agree now that that’s Al-Furat. Do you agree with that?---Yes.

And so do you agree that you knew that Ms Baccam was putting in false invoices?---That's why I said I wasn't sure.

Yeah, but - - -?---And I was in the shower and - - -

But now that you've heard that do you agree that you, you were aware of it?
---Yeah, absolutely, yes.

All right?---Yes.

10

I just want to show you this document, we've got copies. This will come up on the screen, it's volume 29, page 26. It'll come up but we're just distributing copies to make it a bit easier. Can you take it from me that on your phone there's an area called Notes, there's an application or an icon for notes that you can - - -?---Yeah, I know that.

- - - put in notes and that this is where that's from?---Yes.

20

All right. I just want to ask you – we'll go through them and you take as much time as you need, but we'll do them note by note in the sense of say on the first page there are two notes, so just the first note – can you tell us what these entries are for, what they mean?---Look like who I, who I owed money to. I can't, I can't really recall.

All right. Well, maybe just take a minute to go through a few pages you've got, there's five pages, it'll take you a minute?---Well, I've been looking on the screen. I think that's money I sent over to Jenny. This is very old, that.

30

Well, you can see the creation date and the modified date, so this is December 2014?---Yeah.

And there's an entry about halfway down saying, "Sam, Jenny, 500."
---Where's that, page 1?

40

This is page 1, note 1. I'm just looking at note one for the moment and it also says things like phones \$3,000, Merc, motor boat, so it's unlikely that note one relates to Jenny.---Yeah, no it doesn't. I don't know what that means, the first part. I think the second one relates to who I owe money to but I'd say hopelessly out of date.

Well, they wouldn't be who you owed money to because it includes things like daughter's hospital, doctors, so it's - - -?---I'm looking at the second, number two.

For example, you've got entries for cash.---Yes, I'm looking at number two.

Beg your pardon.---Number two and I think that you'll find that's who I owed money to.

All right.---Like personal stuff as well.

No, I understand that. You've got Zoran, is that Mr Gajic?---Yes.

So did you owe him \$39,500 at one stage?---Yes, yes.

All right. Now Lorraine Cullinane, \$13,000.---Yes.

10 Did you borrow money off her?---Yes.

\$13,000.---Yes, probably a bit more.

All right. Well, at that point in that time in 2013 sometime between September, '13 and February '15 you owed her \$13,000 did you?---Still do.

All right. Did you owe her more than that at some stage which was repaid?
---No.

20 All right.---The repaid department I'm saying no to.

So does that mean some of it might have been forgiven?---I don't know.

Well, you said you've - - -?---No I said, what I meant to say is I haven't paid any back.

No, but you say you owe her \$13,000 still.---Hang on, this is back in 2013.

30 Okay.---I may well owe her more now, I can't remember.

All right. Does that mean that your total borrowings from Ms Cullinane are in excess of \$13,000?---Could be.

All right. Well, has she ever - - -?---She definitely loaned me money, definitely.

Has she ever forgiven you a debt?---Not that I'm aware of.

40 All right. All right. So, you think that number two is that just the first bit when you're talking about how much you might have borrowed from people that goes to the total of - - -?---Not necessarily borrowed, they could have done work for me too.

Okay.---I paid them that money.

You owed them for one reason or another?---Yes, that's right.

That's the first section up to \$59,500.---Yes.

Then you've got another section there sort of more, they're more institutional debts are they?---Yes.

So BBCC is Botany Bay is it?---Sorry?

See above the total of \$250, \$2,000 you've got BBCC page two, or page 27 down the bottom of the page.---I can't see that.

10 See the second page of that document.---Yes.

At the top of the page does it say total \$59,500?---Yes.

All right. So about ten lines below that it has BBCC for two entries.---Yes.

Is that Botany Bay Council, Botany Bay City Council?---I don't know.

All right. But can you think of anything else it might be other than that?
---2013 I don't know.

20

Well, okay. You owed money, you had to repay money in relation to your Cabcharge.---Yes.

Was there any other debt that you owed them?---Um, petrol, cigarettes on petrol cards.

All right. So that's misuse of fuel card.---Yes.

30 Where did that, how did that come about that there was an arrangement to repay it?---I've always done it.

No, the arrangement to repay it I mean, how did that come about?---I just decided I wanted to and I actually started doing it each month.

So you did it of your own volition?---Yes.

Not someone requiring you to do it?---No.

40 All right. So is this the position, you started repaying - - -?---Sorry, can I - - -

Yeah?--- - - - go back on that one a bit.

Yeah?---I think it's one of the things Lorraine might have tackled me on.

Okay?---And she said it had to stop and then I just started – then I would still use it but I would put the amount of money I'd used that month, pay it into Council in the cashier.

All right. So - - -?---Before the bill was paid.

When she said it has to stop what had to stop?---Using the petrol card to buy cigarettes or anything else.

10 All right. So are you saying that you were repaying Council money – sorry, that’s for future – when you kept then using that to buy cigarettes you’re saying you were reimbursing that going forward were you?---Yes. Not the old stuff.

But you’re not saying that added up to 7,500?---I don't know.

Well – but if you’re repaying it there wouldn’t be any debt?---No, I was doing it every month as it went along.

That’s what I mean, no debt was building up then?---No, that’s right.

20 So there’s no debt building up from that. So firstly you’re saying Ms Cullinane knew that you were misusing your fuel card and you had a discussion about that. Is that right?---I never hid it.

Beg our pardon?---I didn’t believe it was misused but - - -

All right. Well, then, what’s the – so after the 252,000 and the next section - - - ?---Yeah.

30 - - - starting Jenny 4,000 brother car loan, what’s that going down that list, what are they about?---That’s money I sent to her for – the reason it was sent to her.

Okay. So - - -?---Or gave her out of my own money.

Right. And who is Cheryl?---Her sister.

So these were explanations given to you by her were they?---Yes.

And who is Crazy One?---Who?

40 Well, you’ve got entries for, for Crazy One, page 3?---I’m not following the bouncing ball here that’s all. I can’t see the Crazy One. I know who that is, yeah.

Who is that?---One of her friends who was a lunatic.

Right. Maralyn?---No, her sister Cheryl.

Beg your pardon?---Her sister.

Maralyn?---Mmm. She had two names.

Okay?---Maralyn and/or Cheryl.

So part of the money that was being taken from Botany Bay Council was not only going to Jenny but members of her family as well?---I think they just received it.

10 All right?---I think if you – and you’ve got all my phone taps, I think you’d have numerous calls where I was talking to her six or seven times a day where she requested from what it was requested for.

Yeah. All right. And if you go to page 5, the final page with anything written on it. You’ve got a couple of things that are not anything to do with Jenny McCormack at the bottom of the first section. You’ve got a total there of about \$279,000?---Yeah.

20 Above that you’ve got 29,000 Zoran for daughter. What does that mean?
---No idea.

Well, does that mean that – you’re saying these are payments made adding up to 279,000?---That might have been something I’d given, given to Zoran like of my own.

You’ve given what, sorry?---As I said with – when they were doing my uncle’s house - - -

30 Yes?--- - - - I paid Zoran out of my uncle’s money.

Right?---And that could have related to that, I don’t know.

But what’s the daughter a reference to?---I don’t know.

All right?---I don’t know. Zoran for daughter. I can’t remember.

All right. I tender that document.

40 THE COMMISSIONER: Yes. That will be Exhibit R68.

**#EXHIBIT R68 – EXCERPTS FROM PUBLIC INQUIRY BRIEF
(VOLUME 29)**

MR THANGARAJ: Just finally, I admitted to do this, Mr Goodman. Could you tell us your qualifications, please, including any relevant courses you did once you started at Botany or in Councils?---Zero.

Okay. All right. Nothing else for the time being.

THE COMMISSIONER: All right. Well, we'll resume at 10 o'clock tomorrow morning.

Mr Moses?

10 MR MOSES: Yes, Commissioner. Can I provide three folders which are copies of documents that were, as I said earlier today, located in the - - -

THE COMMISSIONER: Ah, yes.

MR MOSES: - - - office of the Deputy General Manager. We've made three copies. We thought subject to the Commission's view that we would provide copies so that Ms Cullinane's lawyers can have access to it.

THE COMMISSIONER: Well, I think they should have that overnight.

20 MR MOSES: Yes. And of course Counsel Assisting and I had thought Mr Fitzgerald's lawyers as well, but that's a matter for the Commission. There is another bundle of documents that is being copied and to be provide to the Commission tomorrow morning that was also found in the office of the Deputy General Manager which related to these credit card statements for what appears to be Mr Fitzgerald's period of employment, but they won't be ready until tomorrow morning and we apologise. These folders appear to fall within matters that should have been produced by the Council earlier which don't appear to have been.

30 THE COMMISSIONER: Right. I'll have that folder of documents marked Exhibit - - -

MR MOSES: For identification perhaps at this stage, Commissioner, or Exhibit, whatever's convenient, but they can be marked as an Exhibit because there's an accompanying statement from the investigator, Ms Roach from SINC who took custody of those documents and collated them.

THE COMMISSIONER: Well, I think we may as well have them admitted, Mr Moses, because no doubt they'll, they'll be - - -

40 MR MOSES: May it please the Commissioners.

THE COMMISSIONER: - - - referred to.

So Exhibit R69.

**#EXHIBIT R69 – FOLDER OF DOCUMENTS LOCATED IN
DEPUTY MANAGER’S OFFICE**

MR MOSES: And with your leave, Commissioner, if I could provide a copy to Mr Fitzgerald’s lawyers and Ms Cullinane’s lawyers?

THE COMMISSIONER: Yes, certainly.

10 MR MOSES: And I’ll provide two copies to the Commission now.

THE COMMISSIONER: All right.

MR MOSES: And just for the record, if it can be suppressed in terms of the address of Ms Cullinane is the letter terminating her employment on Friday. If that can be marked at this stage as well.

THE COMMISSIONER: Yes. MFI, I think we’re up to 3, aren’t we, MFI3.

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**#MFI 3 - LETTER FROM LARA KIRCHNER TO LORRAINE
CULLINANE DATED 11 MARCH 2016**

THE COMMISSIONER: And the personal identifying information in that letter is suppressed from publication pursuant to Section 112 of the Act.

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**PERSONAL IDENTIFYING INFORMATION IN THAT LETTER IS
SUPPRESSED FROM PUBLICATION PURSUANT TO SECTION
112 OF THE ACT**

Mr Goodman, you’re required tomorrow at 11 o’clock. Could I ensure that you, well, as you to ensure that you’re available before 11 o’clock so that we can resume promptly at 11.00 and we’ll see if we can hear from Ms Marshall at 10.00.

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THE WITNESS STOOD DOWN

[3.51pm]

THE COMMISSIONER: Thank you. I’ll adjourn.

AT 3.51pm THE MATTER WAS ADJOURNED ACCORDINGLY

[3.51pm]