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HEARING

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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE HELEN MURRELL SC  
COMMISSIONER

PUBLIC HEARING

OPERATION MANTIS

Reference: Operation E22/1852

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON TUESDAY 4 JUNE, 2024

AT 10.00AM

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

**OFFICIAL**

THE COMMISSIONER: Just excuse me a moment. Now Ms Huxley, I think, pardon me, we're going to be proceeding with Mr Anderson this morning, is that correct?

MS HUXLEY: Yes, Commissioner.

THE COMMISSIONER: Yes. And - - -

MS HUXLEY: I understand.

10

THE COMMISSIONER: Mr Moses.

MR MOSES: Yes, Commissioner.

THE COMMISSIONER: Okay, good, you're positioned satisfactorily there in the hearing room.

MR MOSES: Yes, thank you, Commissioner.

20 THE COMMISSIONER: Good. All right then. Yes. Have we got Mr Anderson?

MS HUXLEY: Yeah, he's just at the back there.

THE COMMISSIONER: Would you come forward please, Mr Anderson? You can just take a seat for a moment if you like, I've got a few things to say to you. Now I take it that you're aware of the two allegations that the Commission is enquiring into, or would you like me to read them to you again?

30

MR ANDERSON: No, I'm aware.

THE COMMISSIONER: Yes, all right. Now you understand that you need to take an oath or affirmation to tell the truth.

MR ANDERSON: Yes.

40 THE COMMISSIONER: And you need to answer all the questions that are put to you and you need to produce any document or other thing that you've been required by summons to produce or which I require you to produce. Good. You understand that although you must answer all questions and

**OFFICIAL**

produce anything that you're required to produce, even if it may tend to incriminate you, you can object to giving an answer or producing a document and if you do object then that answer or production can't be used in evidence against you in a civil or criminal proceeding or a disciplinary proceeding. That protection however wouldn't extend to protecting you against a prosecution for an offence against the ICAC Act or for contempt before the Commission, for example, you wouldn't be protected, that evidence wouldn't be protected if you were to be prosecuted for giving false evidence to the Commission. So to get the benefit of the protection, you don't need to object to every single question, you can take a blanket objection at the outset and that can protect you throughout the questioning. Do you want to take the blanket objection?

MR ANDERSON: Yes.

THE COMMISSIONER: Yes. So if no one wishes to be heard to the contrary, I will declare that all answers given by the witness and all documents or things produced by the witness will be regarded as having been given or produced under objection.

20

**DIRECTION AS TO OBJECTIONS BY WITNESS: I WILL DECLARE THAT ALL ANSWERS GIVEN BY THE WITNESS AND ALL DOCUMENTS OR THINGS PRODUCED BY THE WITNESS WILL BE REGARDED AS HAVING BEEN GIVEN OR PRODUCED UNDER OBJECTION.**

THE COMMISSIONER: Now you know that if you've got any difficulty with understanding any question or you don't hear it clearly, you can ask for it to be repeated or explained and if you need a break at any time please say so. So before we start, is there any other clarification that you would like?

MR ANDERSON: No.

THE COMMISSIONER: All right, fine. Do you want to take a religious oath or an affirmation to tell the truth?

MR ANDERSON: Religious oath.

40

**OFFICIAL**

THE COMMISSIONER: Very well. Would you mind standing and I will ask my associate to administer the oath.

**OFFICIAL**

THE COMMISSIONER: Thank you. You can sit down. Thank you.

MS HUXLEY: Mr Anderson, were you employed at the Canterbury Bankstown Council between 2020 and 2022?---Yes.

10 How long had you worked there at that time?---At that time, I had worked at council for 16 years.

And what role were you in as at 2020 to 2022?---I was in an acting team leader construction role.

And are you still at council?---Yes.

And are you still in that role?---Yes.

20 Who are you acting for?---We had our, the previous team leader left council, so I was brought up into that position. Council's going through a restructure, so they haven't firmed up any other positions as yet.

When you became acting team leader in construction, did that entail a pay rise?---Yes.

And were you the acting team leader in construction at the beginning of 2020?---February.

30 February, 2020, and does that correspond with about the time that Mr Webb commenced work at Canterbury Bankstown Council?---Approximately a month, a month and a half before.

As acting team leader in construction, what was your annual salary?---My annual salary is around the 130, but I get a mark-up for acting duties, acting in higher duties, so it's around the 150.

And was that your salary at the time of, during the period of 2020 to 2022? ---Other than the CPI increases, yes.

40 What was your financial delegation during 2020 to 2022?---Signed on for \$50,000 and approved invoices up to 150,000.

**OFFICIAL**

THE COMMISSIONER: Sorry, what's the first one? The 50,000.---Sign on as new, take on new contract, new works.

Oh, I see. And what's the other one?---Is signing invoices up to - - -

Oh, on an ongoing basis.---On an ongoing basis, correct.

Right.

- 10 MS HUXLEY: And what did your role entail as acting team leader of construction?---To follow the program of works for the Capital Works program. To make sure that the timings, the works continue, assist project officers in difficulties they have for their projects.

What was the reporting structure at that time? Who did you report to?  
---Ben Webb.

And did you have people reporting to you?---Yes.

- 20 Who were they, do you remember?---It's changed over the time a lot, but it was all the project officers and team leaders.

So would that include full-time employees?---Yes.

And contingent workers?---Correct.

So was Mr Webb more senior to you in the organisational structure?---Yes.

And was he considered senior staff during 2020 to 2022?---Yes.

30

In the period of 2020 to 2022, do you remember what the Capital Works budget was at that time?---No, I can't recall. It was around the 150,000 I think. 150 million, sorry, not thousand.

And had there been an increase in that budget over the years from the years prior to that?---There weren't so many prior to that, but since we have increased considerably. We're now at 260.

- 40 But do you recall what the Capital Works budget for 2019 was, for example?---No, I can't.

**OFFICIAL**

Was it significantly less than 150 million?---It would have been, yes. At that time I wasn't the team leader.

I see. But did you notice an increase in the work from the years 2018 to 2019 as compared to 2020 to 2022?---Yes.

Was that increase significant?---Yes.

10 Did that increase require an increase in work labour for the council?  
---Staffing, yes.

Were you involved in any decision-making about how that increase in staffing was to be achieved?---No.

Do you know who would have been?---Ben Webb.

20 Only Ben Webb or would there have been other people involved in that decision for the Works and Projects Unit?---I couldn't tell you. I would have thought he'd have to take that to the director.

What was HR's involvement in that at the time?---I couldn't tell you.

So Mr Webb commenced work in February 2020. What was your relationship with Mr Webb like during - - -?---Good.

Good working relationship.---Yes.

30 And what was his role?---Ben was the manager of works and projects it was called at the time, which is delivery and design.

Do you know how many people he had reporting to him?---I couldn't tell you. It's changed a lot. From my own group, we've gone from 23 people to now we're down to 16.

Down to 16 full-time employees or workers?---Three, three full time, the rest are still - - -

Agency staff.---Agency staff.

40 Why has it been reduced?---People leaving and we just haven't replaced.

**OFFICIAL**

Is there a need to replace those workers or - - -?---There is and we're currently seeking now reaching out to get some new employees.

Are you involved in that process?---Yes.

How are you involved?---I sit in with interviews with my manager, current manager.

10 During 2020 to 2022, did you sit in on interviews for the recruitment of project managers or officers?---Only one because Ben wasn't able to make it, he asked me to do one online and we didn't proceed with that candidate.

Was that an agency recruit?---It was, yes.

Do you recall what agency that was through?---I can't recall.

So during 2020 to 2022, was it primarily Mr Webb's responsibility to sit in on interviews?---Correct.

20 And not yours.---Correct.

I'll just take you to a document at volume 31.1, page 223. So that's an email from you to Mr Webb on 11 May 2020 attaching the code of conduct.---Right, yes.

Do you know why you sent that email?---I can't recall.

Looking at that email, it was requested by Mr Webb.---Yes.

30 You don't have any memory of the request?---Not at all.

When Mr Webb started, were you involved in any of the, what's called "on-boarding procedures", with him?---Originally, yes.

And can you tell me what those procedures entailed?---Those procedures entailed getting, getting a copy of the code of conduct for the new contractor to read through and they would have to sign it. Showing them the general running of the building, being the toilets, the kitchenette, the evacuation plans, those type of things, and that's about it.

40

**OFFICIAL**



So when Mr Webb commenced in February 2020, you did that procedure with him?---Not with him, no.

Oh. Do you know who did?---No.

Okay. Sometime in 2022, someone called Mr Cossu came to be engaged by council. Do you remember that?---Yes.

Do you know how his engagement with council came about?---No.

10

You had no involvement in that?---No.

When did you first meet him?---Well in the office when he turned up to, to work on his first day.

And did anyone explain to you that he was starting on that day?---I can't recall.

Did you do any of the on-boarding procedures with him?---I can't recall whether I did his.

20

Did you know what his role was at the time?---Yes.

What was it?---As a, as a project officer.

What's the difference between a project officer and a project manager?  
---Council was very reluctant to call managers because that suggested higher pay rates. So most of them are all called officers. That's changing.

30 But is the role of a project officer to manage a project?---Yes.

Okay. And in 2020 to 2022 were there both project officers and project managers?---There were.

And what was the difference between the two at the time?---Generally just the size of the job they were allowed to run.

So was Mr Cossu of an equivalent level to you or was he less senior to you?---Less senior.

40

**OFFICIAL**

Do you know who he reported to?---He reported to me on most occasions, however, certain projects Ben would run himself.

You said that you understood that he was a project officer, why did you think he was a project officer?---That's what he was brought in to do, was run projects, and I said we called them all project officers.

But who told you that he was brought in to run projects?---Ben.

- 10 At the time Mr Cossu started work at council did you have any understanding if Mr Webb and Mr Cossu had known each other prior to that?---Only on a previous project, the B-line Project.

What were your observations of their relationship while you were working during 2020 to 2022?---They knew each other fairly well.

Do you observe them communicating often with each other?---Yes.

- 20 During this time were council staff required to work from home or were they permitted to work at the council chambers?---During COVID it was work from home and we used Teams a lot to interact with each other.

Was that for the whole 2020 to 2021 period or was it only for the lockdown periods?---Only the lockdown period.

Okay. So, for instance, in early 2021 when there was no lockdown, would people be all working in the office?---In the office. Council has started a, two days a week you can still work from home.

- 30 In terms of layout is everyone in the Works and Projects Unit in an open plan office on the same level or are they - - -?---Ben had an office. Works and Projects were all on the open plan.

So was Mr Cossu in an open plan section?---Correct, yes.

And do project officers spend the majority of their time in the office?  
---Preferably not. They need to be doing site visits.

- 40 Okay. So they travel to the works, yeah. Did Mr Cossu spend much time in the office?---No more than anybody else, 50%.

**OFFICIAL**

And Mr Webb?---Most of the time in the office.

In 2020 did you notice that there was an increase in the hiring of contingent workers - sorry, 2021, did you notice an increase in the hiring of contingent workers?---Yes.

In the Works and Projects Unit?---Yes, and in the Comms Unit and in Contract.

10 Was that a planned increase, to your knowledge?---Yes.

Who had planned that increase?---There was always going to be an increase in the Capital Works Program and it came from up top. We had demand, was the department sufficiently to succeed.

And who was responsible for that?---CEO, Matt Stewart.

No, sorry, I mean, who was responsible for ensuring that the department was adequately resourced?---Ben.

20

Was he given the discretion to choose how he resourced the department?---I believe so.

So he could choose either full-time employees?---No, because we were going in through a restructure. We didn't have actual positions to put FTEs on.

So are you saying the only way to achieve adequate resourcing to deliver that Capital Works project was through the use of contingent workers?

30

---Correct.

Did you understand that contingent workers were generally more expensive than full-time employees?---Yes.

And did you have any involvement in the hiring of contingent workers between 2021 and 2022?---No.

Did you have any involvement in - so no involvement in engaging with the recruitment agencies?---No. I was nominated later to be the person who signed off on the invoices.

40

**OFFICIAL**

I'll come to that in a minute. Do you know where those contingent workers were coming from?---The majority were coming from Spinifex and Randstad and one had come from Design & Build.

Were Spinifex and Randstad the ones chosen because they were on the LGP panel?---Couldn't tell you.

So you had no decision-making role in the resourcing or hiring?---No.

- 10 When a project officer or a manager started were you responsible for any of the onboarding procedures?---Originally yes. Later on Angela McEwan was doing the onboarding.

Do you know when that changed?---I think that started around mid-2021.

Who made the decision to change that?---Ben.

And who was Ms McEwan?---She was his EA.

- 20 At the time that you were doing it you said that they were required to read and sign the code of conduct.---Correct.

So do you recall providing contingent workers with the code of conduct?---I have some of them still on the back of my desk. They had to be scanned in.

So is there a register at council that keeps a record - - -?---No.

- - - of the signed codes of conduct?---Not that I'm aware of, no.

- 30 And so when you say scanned in, what do you mean?---They're given a hard copy to read and they initial it on the back. So I just need to scan and put it into a file for myself on my own.

So on your computer you have a file. Is it done by per employee or is just the code of conduct file?---Just the code of conduct.

So did you explain in early 2021 that contingent workers were required to comply with a code of conduct?---Pardon? Can you repeat that.

- 40 So when you gave them the code of conduct did you explain to them that they were required to comply with that?---I believe so, yes.

**OFFICIAL**

Do you recall any of the people that you specifically did it with in early 2021?---Not offhand.

Did you do the onboarding for Ms Chaparro, Melanie Chaparro?---Can't recall.

Okay.---She actually didn't work in my department. She worked in the PMF department.

10

What about Mr Nikolaev?---In the Design Group, not ours.

Okay. You said earlier that there was a noticeable increase in the contingent workforce during 2021. Can you describe what the nature of that workforce was like? Were they experienced or were the junior?---Varied. We had some that were coming quite experienced, others that were quite junior.

Were they being employed in similar roles?---The more experienced ones, Ben was setting up a system where we would have a team leader for each ward and then they would have project officers for those.

So does that mean the more senior ones would be - - ?---Correct.

Move to the team leader role. You mentioned earlier that there was a restructure that hadn't been finalised which meant that full-time employees couldn't be used.---Correct.

Was that as at 2021?---Yes.

30 And did that workforce planning, was that finalised at some point?---No, it still hasn't been.

It still hasn't been. So does that mean council haven't been able to use full-time employees, engage full-time employees over the last three years?---We still have a few FTE positions that we could take now, but no, generally not, we can't.

Was there a difference in how you would engage a full-time employee compared to a contingent worker?---Yes.

40

And there were requirements for advertising, open advertising.---Correct.

**OFFICIAL**

Do you know how long that process typically took?---I actually sat through the process myself to try and get the permanent position which still haven't been resolved, so yes.

So can you give me a timeframe for that?---There was two interviews that were done and it took, that was, sorry, for when it happened or three years ago.

10 So it's taken three years.---Correct.

Have you been involved in any other engagement of full-time employees?  
---No.

Are you aware of the engagement of any other full-time employees?  
---Sorry, there was one other that went through a similar time, Kevin Jain, but his was never finalised as well.

20 So does that, so then how are you engaged as an employee?---How do you?

So are you engaged as a full-time employee?---Yes.

But just not as the team leader, so you're - - -?---Still as acting.

Okay. Were you aware at any time of what Mr Webb was being paid?  
---No.

30 If you go to, I'll take you to volume 3.1, page 148. So you said earlier that you took over approving timesheets for contingent workers.---Correct.

Do you recall a time when you took over approving Mr Cossu's timesheets?---I would assume it was from when he first started.

Why would you assume that?---It was the process.

So the process for contingent workers as at May 2020 was that you would be approving timesheets?---Sorry, are you talking about the council's time, ah, this is an invoice.

40 Oh, sorry.---Council, council's timesheets are different than the timesheets that come in from Randstad.

**OFFICIAL**

So a timesheet gets submitted - - -?---Correct.

- - - from Randstad - - -?---Yes.

- - - to you or to someone else?---Someone else. I got only the invoice at that stage.

Okay. So you weren't involved in approving timesheets.---No.

10

But you were involved in approving invoices.---Sorry, I will go back on that. I was there to approve the Canterbury Bankstown timesheets, which is used to capitalise against the, the projects. So we ask them to do a Canterbury Bankstown timesheet, that's the one I approve.

And what's the other timesheet?---I assume it's the one that comes in from Randstad.

20 So there's two timesheets that gets submitted.---At that time I couldn't tell you. It is now, it comes through Comensura.

Okay.---And I have to approve those ones.

THE COMMISSIONER: So at the time, that's, we're talking about '21, '22.---Correct.

There was the council timesheet.---Yes.

30 And did each contingent hire worker have a council timesheet?---Yes.

And each of those sheets was submitted to you, what, once a fortnight?  
---Once a week.

Once a week. And you confirmed the hours as per that timesheet.---Correct.

And to whom did that timesheet go?---It goes back up to our payroll people and they put it in against the projects so it's actually used so we can capitalise what the project is costing.

40 Oh, I see. So that's for an assessment of the costs of the project.---Correct.

**OFFICIAL**

And as far as you know, it's disconnected from approval of an individual's pay.---Yes.

Okay.

MS HUXLEY: So that timesheet came direct from the contingent worker. Is that right?---Yes.

10 And then was there another timesheet that would come from Randstad that recorded their hours for approval from council?---There would have been, yes.

Do you know who was responsible for approving them?---No.

And then Randstad, once there was approval given to Randstad, they then generate an invoice and it gets sent to council.---Correct.

20 And does that go to you? Did that go to you during 2021 to 2022?  
---Originally it would go to accounts payable and accounts payable would send it down to me. Later on, it was being sent to Angela, she was putting them all into DocuSign document and sending it to myself to sign.

So Ms McEwen was signing them or you were signing them?---No, she was, I was signing, she was just - - -

So she would put it into a format that was easier for you to sign.---Correct.

30 When you received an invoice, would you check the hours against the document that you'd sent to - - -?---What they sent, yes.

Would you make any other enquiries as to whether they'd worked those hours?---There was on one occasion, I can remember sending, talking to Ben that someone had charged extra hours, but he told me that they had worked for extra work for him. So yes, I would compare what they were doing.

So looking at this invoice, this was, Mr Cossu started in May and this is an invoice for the week ending 7 June 2020.---Right.

40 And it's got "Product ordinary time quantity 40." Do you understand that to mean 40 hours?---Yes.

**OFFICIAL**



And the charge rate of \$125.56.---Yes.

By the time you received this invoice, Mr Cossu had been at council for three weeks. Do you know who had approved the other invoices?---I couldn't tell you.

10 So three weeks into his engagement that was changed to you. Did that come about because of something you did? For example did you contact Randstad and ask for Mr Cossu's invoices to be sent for your attention?---I don't believe so.

THE COMMISSIONER: Sorry, does this Randstad invoice relate to a week or a fortnight?---It's a week.

A week.---A 40-hour week.

20 A 40-hour week. Sorry, I was under the impression that Mr Cossu was working only three days a week.---No, not true.

Well how many, is he working virtually full-time from your observation? ---Correct.

MS HUXLEY: See the total payable is \$5,524.64, did that strike you as a lot for a weekly wage for someone who was a project officer?---No. For experienced engineers or experienced people in this industry, I believe that between the 100, even the high 90s to 130 depending on experience.

30 But is it common to have engineers engaged as project officers?---Not always - - -

Or would they perform a separate role?---They're not always engineers, they may have worked their way through the building industry itself.

And when you say that's the ordinary rate, do you mean for a contingent worker?---Correct.

But not for a full-time employee?---No.

40 So when you multiply this out, that would result in an annual salary much higher than yours.---That's, I'd take it as the charge rate which means that's

**OFFICIAL**

including Randstad's cut, that's including superannuation, and also contingency staff get higher pay because they don't get paid annual leave or sick leave.

So if you calculate that out for 52 weeks, that's \$286,000.00.---That's a lot.

So almost double what you were being paid.---Yes.

And he was less senior to you.---Yes.

10

Do you recall what your weekly wage was at that time?---Around about the \$80 an hour. Three thousand something I think it was.

So to perform a role that is less senior to you, he's getting paid double. Did you think that represented good value for money for council?---Double, I'm not, as I said, it's costing council double, yes, but it's not what he's been paid.

Yes, but it's, I mean council is paying - - -?---Is paying, correct.

20

- - - that money for someone to occupy that, to perform that role?---Correct. We wouldn't calculate it on 52 weeks for starters. We would drop that down as 48.

Take out four weeks, yeah.---Or even go less because of sick leave.

Yeah.---But, yes, it's, contingent labour is also at risk of being let go at any time.

30 Have you heard of a company called PMLV?---I have now.

When was the first time you heard of this company?---Around the time of 2022 when Comensura came out and there were a lot of questions put out.

Questions from who?---Some of the, well, one in particular of the younger staff was discussing why his charge out rate was so high compared to what he was actually being paid.

Do you recall his name?---Leo Hoang, H-o-a-n-g.

40

**OFFICIAL**

And did he speak to you about this?---No, he was just making general comment in the middle of the open plan area.

Is the reason he could see the charge out rate because when Comensura was engaged they disclosed that?---Correct.

Do you know what document they disclosed that on? Was it a timesheet or - - -?---It was just a web based, no. It's just on the site itself. It gives you profiles.

10

I see. So when the log in to record their hours - - -?---Correct.

- - - they see the charge rate. And so the question was when did you first hear of PMLV. Did Leo Hoang say anything about PMLV at that time? ---No, I don't believe so.

He just raised an issue that he was getting paid much less.---Correct.

20 Do you know what his charge rate to council was?---I couldn't tell you offhand.

Or what he was being paid?---No.

And so when did you first hear of the company PMLV then?---Sometime after that there was some discussions that I, I heard, so it was much later.

Do you know who those discussions were with?---Not in particular, no-one in particular.

30 Did you become aware of PMLV during the time Mr Webb was engaged by council?----No.

After he left?---I became aware of Mr Cossu's involvement but not as the name of the company.

So you became aware. And what, did you understand Mr Cossu's involvement was?---That he was supplying staff to Spinifex and Randstad.

40 Do you know who told you that?---I think it just became general knowledge talking to the young guys.

**OFFICIAL**

And was Mr Webb still there at the time?---Yes.

And was Mr Cossu still there at the time?---Yes.

Did he speak to them about it?---I spoke to, when we knew, realised the disparity between their charge rates and their pay rates, I had no reason to believe that Ben was involved so I spoke to Ben about it.

10 Before I go to what Mr Webb told you, how did you find out about the disparity between the charge rates and the pay rates?---Through Comensura and the, and the, what the boys were saying.

So Comensura showed what council was being charged.---Correct.

Did it also show what the contractor, the pay rate?---Yes.

20 And then did you come to learn from these employees that their actual pay rate, what they were receiving was less than the pay rate identified in the Comensura profile, is that what you mean?---No. No. There was a huge difference between what the pay rate was and what the charge rate was.

And so when you raised this, what did you say to Mr Webb when you raised this?---I told him there was some inconsistencies that we needed to resolve.

At the time you raised this with Mr Webb did you understand that Mr Cossu was profiting from this arrangement?---I assumed as much, yes.

And what did Mr Webb say to you in response?---“We’ll look into it.”

30 Do you remember when that occurred?---That was after Comensura was, came out in late September, early October, and only a few weeks after, and it was only another month or so when Ben was let go anyway.

Did you raise this with anyone else during that period?---There’s another project officer team leader that sits next to me that I’ve worked with for a long time, so we discussed it.

40 And so you understood at that time that Mr Cossu was involved. When did you become aware of PMLV?---I couldn’t tell you exactly.

**OFFICIAL**

Were you aware at any time that Mr Cossu was supplying these workers through a company called PMLV?---At the time, no, I didn't know the company name.

Sorry, at the time, do you mean at the time that you raised it with Mr Webb?---That's correct.

You said that at the time that you raised it with Mr Webb you didn't know he was involved. When did you become aware that he was involved?

10 ---When I became aware of this investigation. Actually, can I change that. I went on a holiday in the middle of 2023 and when I returned I was informed that Ben was, had met with some of the contingency staff at the coffee shop.

And that was after, approximately six months after he left council.

---Correct.

Can I just show you an email for 15 June 20. It's an email dated 15 June 2021. So that's an email from Mr Trapman at Spinifex to Mr Webb and to you and to Mr Cossu. Do you recall receiving this email?---I don't recall  
20 this particular email, but I did receive a lot from Ben Trapman.

Was it your practice when you looked at emails to see who it was sent to?

---Yes.

And to look at who it was cc'd to?---I probably would not look there. I was mainly focusing on the body of the email.

Do you recall noticing at the time that it was sent to Mr Cossu at a PMLV Consulting address?---No. A meeting was scheduled after this with myself  
30 and just Ben Trapman.

Commissioner, I tender that document. I understand it will be Exhibit 58.

THE COMMISSIONER: Thank you.

**#EXH-058 – Email from Trapman to Webb re Spinifex Meeting**

40 MS HUXLEY: Did you know if Mr Webb received any money from Mr Cossu during 2021 or 2022?---No.

**OFFICIAL**

Did Mr Webb ever discuss his financial circumstances with you during 2021 and 2022?---Not really, no. He, he did tell me that they had land, or property, out at, I can't even remember, but he told me he, they had land, he and his family.

THE COMMISSIONER: Sorry, who told you that?---Ben.

10 MS HUXLEY: Do you remember a worker at Canterbury Bankstown Council called Richard Osborne?---Yes.

Did you know that he raised an issue in relation to these employment arrangements?---Yes.

Do you recall what that issue was?---I don't recall the issue but I know it upset Ben a lot.

20 How do you know it upset Ben a lot?---His demeanour when I went into see him at one stage and he had told me straight up that HR had looked into whatever it was Richard was raising and it was all good.

Did he tell you what Richard had raised at that point?---No.

But he seemed upset about it.---Yes.

When you said he told you it was all good, does that mean he said HR said it was all good, or that he was saying it was all good?---Yes, no, HR had informed him.

30 Did you speak to anyone else about that?---No.

Were you aware that, or did you know if Mr Cossu was approving timesheets for any workers during his time at council?---No, I was not aware.

Did you ever have any conversations with Mr Vangi about the recruitment of agency staff during this period, 2021 to 2022?---Not during that period.

40 After?---Yes.

**OFFICIAL**

And what were the nature of those conversations?---Anthony called me into his office after Ben had been let go and just asked me, was I involved in any of the interviews, which I told him no.

Did he say anything else about it?---No.

When did you first become aware that Mr Webb's employment at council had ceased?---Only days beforehand, around mid, early December.

10 And how did you find out?---I can't recall. I think Ben told me.

Did he say why he was leaving?---No.

In terms of compliance with the code of conduct, during 2021 to 2022, what was your experience of council ensuring compliance with that code of conduct?---Pardon?

20 So did council, during your time in 2021 to 2022, how did council enforce kind of compliance with the code of conduct?---There was at some stage, I can't recall exactly when, we did an online training. That's not all staff though, that's mainly just the team leaders.

So there was training offered?---Yes, it was done online.

If a staff member or a project officer or any other officer was dealing with a project, were there reminders to sign conflict of interest forms or make declarations as required?---Only when tenders were being - - -

30 So it's only part of the tender process.---Correct.

The hiring of contingent workers weren't considered part of a tender process?---No.

So there was no reminder, when contingent workers were being hired, of the people responsible for hiring, do you know if when people were hiring contingent workers if there was any form sent to them reminding them to declare a conflict of interest?---Not that I am aware of.

40 I'll take you to another email in volume 2.1, page 216. That's an email from Mr Naidu to Mr Webb and you and another person are cc'd in on that email.---Yes.

**OFFICIAL**

What was Mr Naidu's role?---At the time, Mr Naidu was managing Canterbury Pool and Aquatic Centre tenders. He was the previous manager of works and projects.

Was he more senior to Mr Webb?---The same level.

And he's advising Mr Webb that all recruitment for any positions in the works and projects unit will need to be placed on hold until further notice.

10 ---Yes.

Did you have any knowledge as to why that decision was made?---This is post Comensura starting, so the issues had already been raised by Richard Osborne.

Do you know why you were included in on that email?---Both myself and Assad are team leaders, he's team leader for design, I'm team leader for construction.

20 So it was relevant to your decision-making.---It's relevant to know that we won't be put in on anymore.

Can you speak up a little bit for us, please?---Yes, sorry.

Thank you. I am now going to ask you some questions about a company called General Works and Construction, and allegation two. During 2020 to 2022, can you just outline the process for obtaining quotes or requesting tenders for the works?---We have a procurement matrix that just outlines how you've got to go to procure the project depending on the value of the project.

30

So if it's a lower estimate then - - -?---If it's, correct, if it's only \$5,000, two written quotes will do. If it's 50,000, I can't remember the exact numbers, it's, it's rather a complex matrix.

Is there any room for discretion in that having regard to the particular requirements of a project?---The only discretion that I'd be aware of is if you use a local government panel.

40 And so how did the discretion come in there?---It would be decided by the project manager, Ben Webb, on how we were going to, well in discussions

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with Procurement, they would decide which way is the fastest and best to get a result.

So there was a discretion to either use someone on the panel or not use someone on a panel for minor works.---And go out for quotes.

And then for more expensive projects, what was the - - -?---Open tenders.

10 Open tenders. In that process, who would be responsible for drawing up the scope of works and things like that?---The scope of works would usually come to our team from either the design or the asset owners themselves.

Was there a kind of degree of discretion in that process because you could limit the scope of works or have a more expansive scope of works?  
---Pardon?

So I mean if you had a big project, you could either split it up into a series of mini projects or - - -?---Generally not, no.

20 No. What happened if there were, you went to open tender and there were no responses?---There'd have to be a re-think on how we were going to procure. We'd either re-do the tender or we'd start to look at panel contractors.

THE COMMISSIONER: Start to look at what?---Panel - - -

Okay.---Local government panels.

30 MS HUXLEY: Just for my benefit, how do the works generally, I suppose it probably depends on the nature of them, but would there be some works that are project managed by council? For example, you know, they subcontract to a supplier who fabricates something that you need and then council installs it or - - -?---Generally council wouldn't do the installations, but we have procured materials before.

Okay.---In order to try and keep timeframes down we may go and procure playground equipment which has a 12-week lead time before we actually know who is going to install.

40 So installation was always something that was contracted out?---Correct.

**OFFICIAL**

Were there some projects where you would contract to a particular company and they themselves would subcontract various parts of that project to others?---Yes, there's, always had contractors on bigger projects and they subbie.

And would that, as part of the tender, what that be notified to council as part of the tender process?---It's supposed to, yes.

10 For some of the more complex projects or large projects where there's an open tender, can you just outline what kind of documents you would expect from a company that's tendering for that project.---Depending on the project itself there's always set up to have methodology, program, company history, there's another one, staffing, who they would have on the staffing on it, and then a BOQ or breakdown of costs.

And those documents were then evaluated by the evaluation panel.  
---Correct.

20 Can you tell me a little bit more about the evaluation panel process?---Yes. Once the tender closes it's in a locked box. They have no access to any of the information except Procurement. Procurement would send down a list of the contractors that have tendered and the panel members would be asked to sign a conflict of interest form noting whether they do have any issues.

So when you a say a locked box, so the documents get submitted by each company tendering for the project.---Correct.

And then no-one can access that from that point.---It's in a secure site, yes.

30 So no-one in Works and Projects could access that?---No.

Prior to that, did the evaluation panel have any role in the tender documents that were released to the public for the open tender process?---Yes, the project officer who is the manager of the project would basically put together the whole tender project.

And they would be on the evaluation panel?---That person would be on the evaluation panel, yes.

40 So then Procurement sends those, identifies the tenderers?---Sorry?

**OFFICIAL**

So once it's in the locked box what happens after that?---Once the conflicts of interest forms have been signed, they would release the, half of the documents, being only the qualitative, not the pricing, for the, each of the panel members to score against.

So you look at whether they can deliver a quality work before you look at the price for it.---Correct.

So you're not influenced by the price.---Correct.

10

So how is that achieved? Is the price just redacted or are they - is the quote redacted? How do they conceal the price from the evaluation panel?---It's normally on just a, a spreadsheet of the prices they put in, and it's an itemised breakdown of the project and what the dollars are. So that part of it is kept away from the panel until such time.

And is the process that was in place in 2020 to 2022?---Yes.

20

So before Procurement would release the relevant documents to the evaluation panel they had to receive - - -?---The conflict of interest.

- - - the conflicts of interest from each panel member.---Correct.

So are you aware of a company called General Works & Constructions?  
---Yes.

How did you become aware of that company?---They've done numerous projects for council.

30

Do you recall their first project they did for council?---I can't be sure but it was, I think it was Belmore stadium.

Belmore stadium.---Correct.

And do you know who the director is of GWAC?---My understanding, Jeremy Clarke.

40

Do you know if Mr Cossu and Mr Clarke knew each other in 2020?---Only as contractor and project officer. I know many - - -

**OFFICIAL**

Were you aware that they had a relationship prior to meeting in that capacity as a project officer on a project?---I know they had worked together.

Do you know when they had worked together?---No.

Or on what project?---No.

Did you speak to Mr Cossu about him at all at that, before they got their first project?---Not really, no.

10

So you're aware that GWAC were awarded a number of council contracts from 2020 to 2022.---Yes.

Were you aware of any favouritism that was shown towards GWAC in the tender processes that were engaged in by council?---No.

Or in favouring them to award contracts?---No.

20 THE COMMISSIONER: Can I just go back just to make sure I've got this straight about the tender process.---Yep.

So the tender document would be collated by the project officer who was going to be responsible.---Correct.

And then the tenders would come in. If a head contractor was going to use subcontractors they were meant to say so in the tender document.---Correct.

30 And then once the tender closes, does that mean that all the tenders come in to Procurement or do they come in back to the project officer or?---To Procurement.

They go direct to Procurement. And then the tenders are in this locked box. And about that point the evaluation panel members put in their conflict of interest declaration.---Correct.

And after that's done, and I guess to check that the evaluation panel is an appropriate panel, yep, you're nodding.---Yes. Yes.

40 Yes, just speak.---Yes.

**OFFICIAL**

Then the quality component of the tenders would go out to the members of the panel but not the pricing.---Correct.

And then after they've considered the quality aspects then the pricing presumably goes out.---Correct.

Right. Okay. Sorry, just wanted to make sure I had that absolutely right Ms Huxley.

- 10 MS HUXLEY: During your time in 2020 to 2022 did you think there was anyone at council pushing to GWAC in particular to be awarded projects?  
---No.

Did you think there was anyone at council disclosing confidential or inside information to GWAC during the tender process?---No.

Were you aware of Mr Cossu performing any subcontract work for GWAC on council projects while he was contracted to council?---No.

- 20 Were you aware of Mr Cossu during any subcontract work for GWAC after Mr Cossu left council?---He came and did an inspection on some culverts at some stage.

Was that for the Appian Way Culvert Upgrade Project?---Correct. Correct.

So after he finished working at council - - -?---Yes.

- - - he came and inspected some culverts.---I believe so. I wasn't there but I was informed.

- 30 Are you aware of Mr Webb doing any work on behalf or for GWAC after he left council?---No.

THE COMMISSIONER: Sorry to - - -?---You're right.

- - - harp on this, but this locked box that was in the, under the control of Procurement, who had access to that while it was locked?---Only the Procurement staff.

- 40 So, Mr Webb, would he have had access?---I don't believe so.

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Do you recall a project for the cooling tower upgrade at Bankstown Library and Knowledge Centre?---I knew very little of it.

Did you have any role in that tender process?---No.

Did you have any role in reviewing the evaluation panel's recommendation?---For the cooling tower?

For the cooling tower.---No.

10

I'll just take you to 36.1, page 33 to 34.

If you go down to page, so this is the evaluation, the panel recommendation report for the access platform cooling tower.---Yes.

And if you go down to page 34, can you see that that's been signed by you? ---Yes.

20 So does that refresh your memory and your involvement in this project? ---My involvement in the project would have been review this document.

Yeah.---That's - - -

And so when you review the panel, in your role, what's your role as, like why is your approval required for this?---It's, really it's a recommendation from me, not an approval. I don't have the delegation, although I would upon this one, 27,000.

30 So the evaluation panel drafts the report, identifies the recommended contractor.---Correct.

And then you review that as some sort of quality control.---Yes.

And probity control.---Yes.

And then that's sent to Mr Webb who did have a financial delegation high enough to approve.---Yes.

40 What do you do when you review a document like this in that capacity? ---It'd be more looking at, can we go back to the page before? It'd be more looking at the three, or who had actually submitted, the prices, consideration

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for the type of work and whether I felt they were capable of doing the works and if that was the case then we would sign off.

So you'd make an assessment of whether you think General Work and Construction are capable of doing that work?---I did and I would say yes they could.

But how do you determine that?---In just knowing some of the works they've done in the past.

10

So this was the first project that they were awarded so - - -?---Is it?

- - - at council.---Okay. I don't know. A lot of faith would go into those other two evaluation panel members to make sure that they've done their reference checks.

In terms of evaluation, was an evaluation panel required across the board for all projects?---It depended on the value of the project.

20 So - - -?---So normally we would do panel recommendations for anything around 20 up.

Okay. What's the kind of more expensive end?---The more expensive end of council projects?

Yeah.---There's a \$60 million pool going on at the moment.

So this was relatively small comparatively.---Very small.

30 Does that change how much review you give to a document?---Yes it would.

Would there be more information in something with a budget of say \$60 million compared to a budget of \$30,000?---Absolutely, yes.

At the time you reviewed this and recommended it, were you aware that Mr Cossu had assisted GWAC in submitting the tender?---No.

40 If you had known that, what would you have done differently?---We would have reported it for starters. I would have spoken to Ben, my manager.

**OFFICIAL**

Would there have been anyone else that you would have spoken to?  
---Misconduct would be considered very bad, so yes, it would probably go up to HR as well.

I'll take you to another document, 36.1, page 73. Perhaps start at page 74. There's an email from Mr Clarke to Mr Cossu identifying some items and the cost of those items.---Yes.

10 And then you go up to page 73, Mr Cossu has sent that to you.---Myself to approve.

To approve the variations.---Correct.

And that was on 15 September 2020.---Yes.

And you approved them at 17 past 7 in the morning.---Yes.

20 Did you review what those variations were?---Yes, I would have and I would have discussed them with Pietro.

So you would have, how would you have discussed them with Mr Cossu?  
---Just a verbal conversation.

You would have spoken to him.---Yeah.

Did you know if those works had been carried out at the time you approved the variations?---No. I couldn't tell you if the works were done at the time.

30 Was it ordinary practice, or was it a requirement for variations to be approved before those works were engaged in?---It depended on what the variation is for. Generally speaking there's two types of variations which is a latent condition or a change in scope. Now a latent condition, you'd try to get works continuing because you end up paying delay costs as well, so we try to get them processed as fast as possible and if there is no other alternate to the variation, we can give a verbal and then a written approval to continue and we will sort the dollars out later.

40 But in that case, you're still giving approval, council is still approving it, even though they might not know the dollar figure, they're still approving that work prior to the work being done.---To, yes.

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So when you reviewed these variations, did you understand that they had been conducted or - - -?---I couldn't tell you.

I'll just take you to page 78 of that volume. And you've sent an invoice to supply management and if you go to page 79, the invoice is attached. So there it lists works under contract, \$27,980 and then variations of \$4,820. ---Yes.

10 Are those variations the variations that you'd approved in that earlier email?---Correct.

And then it says net payment to contractor, 32,800 excluding GST. So that's the total of those two figures.---Yes.

And then it says "remaining funds committed." What does that mean? ---That means you've, if you look at the contract, the lump sum was \$27,980, therefore the \$4,820 is the variation costs.

20 So is that a kind of notification to your accounts payable or the correct - - - ?---Correct, that we've gone over the purchase order.

That it's going over budget. So that's the way that that was communicated to them.---It's not, not necessarily the budget, it's over the purchase order.

So over the, yeah. So if we go back to the previous page at page 78, that invoice that included the variations, you must have received that invoice at some point prior to 3.01pm.---I can only assume so.

30 Do you recall who you received the invoice from?---No.

When you received the invoice, did you look at it?---Yes.

And so did you notice the variations were listed as \$4,820?---I can only assume so.

And that was the same variation that you'd approved earlier?---Yes.

40 Did that raise any concerns for you, that variation works had been conducted prior to your approval being given for them?---No, as I said sometimes variations, maybe not the dollars, but the, the variation itself, you'll have to get on and do the job to finish, you can't delay.

**OFFICIAL**

Did Mr Cossu have the authority to commit council to that?---No.

So that's why he's seeking your approval.---Yes.

And he only got your approval on 15 September at 7.17 in the morning.  
What was your involvement in the Appian Way works?---I was on the panel, the evaluation panel.

10 For which - - -?---Or the supply of the culverts.

Was there a time in council where it was considered to be a much larger job?---Yes.

And as time progressed it was divided into certain projects?---No, I don't see it that way.

So there was a non-destructive digging aspect to it?---Yes.

20 And that was sent out for tender as part of a separate process to the culvert upgrade?---I believe so.

So does that not constitute separating out the projects, or how would you describe that?---Investigation works.

So the non-destructive digging was investigation?---Correct.

As opposed to digging it to lay the culverts?---Correct. It's locating utilities.

30

And so did you have any involvement in the non-destructive digging aspect of the project?---No.

But you did in relation to the culverts?---Yes, supply the culverts. I was on the evaluation panel.

Do you know what Mr Cossu's involvement in the two projects were?---He was the project officer for the non-destructive digging and on the culverts he had no - he was originally on the panel but he dropped off it, wouldn't sign  
40 the conflict of interest.

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Do you know why he wouldn't sign the conflict of interest?---I can't recall. I didn't have a discussion with him on it.

So, it was a requirement to sign the conflict of interest before you could remain on a panel?---Correct.

Who would identify the members of the panel?---That would be a process between the project officer who is running the tender, Ben, myself.

10 So do you know who chose the people for the non-destructive digging works?---I can't recall.

Or the culverts?---I can't recall.

In your time at council are you aware of anyone else refusing to sign a conflict of interest form?---No.

20 That's quite unusual?---They usually will declare the conflict of interest and still sign. I have signed one myself where I was on a fundraising activity and one of the contractors came in and actually donated a lot of money. So I allowed people to make sure that I was not involved in the transaction.

Do you know if anyone spoke to Mr Cossu about his refusal to sign a conflict of interest?---I assume they did but I don't know of - - -

Do you know who that would have been?---Probably Faiza and Ben.

So they would have been notified of his refusal to sign?---Correct.

30 And you understand from that that the outcome was that he was taken off the panel?---The panel, and I believe Nosa Dankaro was put in.

Do you know who proposed Mr Dankaro to be on the evaluation panel?  
---No.

Was Mr Dankaro a contingent worker?---Yes.

40 Did you know if he had any involvement in Mr Cossu's arrangement to supply workers to council at that time?---No.

**OFFICIAL**

So Mr Cossu, did his refusal to sign the conflict of interest form prompt any investigations in relation to the non-destructive digging works contract?---  
No.

THE COMMISSIONER: Sorry, can I just clarify? Was he on the panel for the non-destructive digging?---I can't recall.

But he was the project officer?---Yes.

- 10 MS HUXLEY: If he wasn't on the panel, as project officer would he still have an ability to influence the decision-making process?---There was a time, yes. The panel were, had just reviewed all of the documents that were submitted by the contractors.

Which project is this, sorry, for?---Sorry, Appian Way, the culverts.

- 20 The culvert or - okay.---Culverts. The panel were having a general discussion and the comment was made that we were, GWAC hadn't put in enough supporting document that they could, had, had done a project of this size before, at which time Pietro was nearby and he commented that they had. He knows of a project at least that they've done. A clarification was sent out to GWAC which came back with two projects of similar, both worth about 1.5 million each.

Whose decision was it to send out the clarification?---That would be the project manager, the - Faiza.

Were you involved in that decision at all?---Yes. I would have been.

- 30 If Mr Cossu hadn't raised the history of GWAC, would you have sent out that clarification?---I can't say.

Do you recall if Mr Cossu was the project officer for the culverts project?  
---For the supply of culverts?

Yeah, or do you recall the project officer for the supply of culverts project?  
---no, he wasn't. Faiza was the, originally, when Faiza's left there's a new man on it now, Robert Dudley.

- 40 So members of the evaluation panel have the ability to influence who is recommended for the award of a project?---I don't, can't you repeat?

**OFFICIAL**

Sorry. Each member of an evaluation panel has the ability to influence - - -  
?---Yes, yes.

Say through recommending a particular contractor?---We would, we would  
score - when the tender's put together, there's an evaluation plan put  
together and it nominates on what areas they're to submit. On that contract  
I believe it was experience, program and methodology and then dollars  
come in at another rate. We would score against those criteria, we would  
10 meet and any large range or big difference in the, in two people's scores  
would be discussed and both would have the opportunity to go and change  
their score if, if they saw - sorry - if they saw fit.

THE COMMISSIONER: And, Mr Anderson, how often would the  
recommendation of the panel not be accepted?---Rarely.

What - - -?---To be honest, I can't even recall one.

MS HUXLEY: It's not unusual for there to be quite a large discrepancy  
20 between the dollar figures from various contractors, is it?---No.

I mean, how do you assess whether that difference is legitimate or not, or  
what factors influence, say, a contractor's decision to - - -?---Okay, recently  
I, I, when I was running panel only recently, I would do a, what we call a  
line check across to see if there's any large discrepancies in any one item in  
the BOQ and, which is the bill of quantities, and I would then seek  
confirmation from the contractor on whether they're happy with their price.

So, would you seek confirmation from the more expensive contractor  
30 whether they're happy with that price or would you go to the cheapest  
contractor and ask them if they're happy with that price?---You would more  
look at outliers, which is you get a general average throughout the  
contractors and if there's one that's well outside, if it's above or below, you  
might still go and get confirmation, a clarification.

So if you choose it purely based on price there's a risk of a number of  
variations that haven't been factored into the contract?---Correct.

THE COMMISSIONER: Mr Anderson, could I just come back to  
40 something that was mentioned a bit earlier? This was in relation to the non-  
destructive digging tender.---Yes.

**OFFICIAL**

And consideration of it and we've clarified that Mr Cossu was the project officer for that project but he stepped down from the, or was stepped down, from the evaluation panel because he wouldn't sign a conflict of interest declaration.---For the, that's for the - - -

For the non-destructive - - -?---No.

10 MS HUXLEY: Commissioner, sorry, I don't think, Mr Cossu wasn't the project officer on the culvert upgrade.

THE COMMISSIONER: No, no, the non-destructive digging.

MS HUXLEY: Oh, the non-destructive digging, he - - -?---The time he stepped down was for the tender on the culvert, supply of culverts, not for non-destructive.

THE COMMISSIONER: Not for the non-destructive digging.---Correct.

20 Oh, I'm sorry. Okay, I've got it wrong then.

MS HUXLEY: And that occurred first in time, the non-destructive digging works occurred first in time.

THE COMMISSIONER: Yes, all right. What was his involvement on the non-destructive digging?---He was the project officer, which a lot of those works were done at night because they were on main roads in the centre of Bankstown.

30 All right. And as project officer, would he have had any role as to who should be recommended as the tenderer?---More than likely, yes.

And in what way would a project officer have that input if they were not on the evaluation panel.---I'm not aware of any evaluation panel for the non-destructive.

Oh, there was no evaluation panel.---I'm not aware of one.

40 Okay. So if there was no evaluation panel for a project, what influence and how would the project officer potentially influence the award of that project?---They may go out and get quotes and assess the quotes.

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Okay.

MS HUXLEY: Commissioner, there was an evaluation panel.

THE COMMISSIONER: Oh, there was, okay.---There was.

MS HUXLEY: It's just Mr Anderson wasn't aware.

10 THE COMMISSIONER: Oh, I see.

MS HUXLEY: He wasn't involved in that particular project as I understand it.---That's - - -

THE COMMISSIONER: I'll it to you then, Ms Huxley.

MS HUXLEY: I'm just getting notes handed to me letting me know. What was the role of the superintendent's representative?---Well he's, the superintendent is, is the go-between between the contractor and the principal  
20 and the superintendent's representative does a lot of his legwork as to - - -

And who was he the representative for?---For the superintendent.

Yeah, but who is the superintendent as at 2020 to 2022?---Depends on the project, but most of them Ben Webb was.

Okay. And does that mean he had overall supervisory, he had an overall supervisory role in relation to those projects?---Yes.

30 And he relied on the representative to communicate with him - - -?  
---Correct.

- - - about issues that arose during the delivery of those projects.---Correct.

Do you know if Mr Cossu was the superintendent's representative on either of the Appian Way projects?---Certainly not the culvert.

Okay. But was he the superintendent's representative for the non-destructive digging?---Yes.  
40

**OFFICIAL**

Okay. Would the superintendent's representative have any role in variations?---Yes.

And seeking approval for variations?---Correct.

Assessing whether they're necessary?---Yes.

Would it be expected that the superintendent's representative would push back on the contractor in relation to certain proposed variations?---It would.

10

Variations can be a common way of increasing profits for contractors.---The contractors, hopefully not too often.

So it's an important role in relation to probity and risk management.---Yes.

Including ensuring that the works are done to standard.---Yes.

And comply with various codes if they're applicable.---Correct.

20

Can I take you to volume 36.3, page 48. So this is an email from Mr Cossu to you on 26 October 2020, attaching various documents. And I will just take you to the next page, which is one of the first documents attached. So that Q128-21, was it council's practice to give a code to particular works projects?---Yes. So when you start to put the project together, you go to our Procurement Team and they give you a quote number.

And that code was the code, I can tell you, was the code for the non-destructive digging works.---Yes.

30

So why would he be sending you this document?---It's a progress certificate, so - - -

So what's that?---It's only because it's the final, he would send that to me so I would register in, in my list that the project is finished.

So it's just for your administration purposes?---Correct. Correct.

If you go to the next page, that's the progress payment summary.---Right.

40

Did you send this off to accounts payable or the relevant section of council, or would that have been done by someone else?---That, what time was this,

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2020, more than likely we, he would have put together this page, the invoice, any subcontractor statements, any variation approvals and that would all be sent straight through to our Procurement Team.

Do you have any memory of you being responsible for this or would that have been done by someone else?---I don't have any memory of this one.

10 Did you go through to this page and look at the figures that indicate that there was an additional \$88,291.82 worth of variations?---I'm not even included on the signature for this.

Okay.

THE COMMISSIONER: Ms Huxley, I note the time. I don't know if perhaps we might take a break. I imagine there will be a number of questions from other legal representatives as well, so perhaps we may as well take the break rather than thinking we can complete the evidence before we take a break.

20 MS HUXLEY: Yes, Commissioner.

THE COMMISSIONER: Is that a suitable time?

MS HUXLEY: Yes, that's suitable.

THE COMMISSIONER: All right. Look, we'll take a break and when we come back, Ms Huxley will complete her questions and then Mr Moses and presumably some other legal representatives may wish to ask you some questions.---No problem.

30

Just excuse me for a moment. Okay, I'll adjourn.

**SHORT ADJOURNMENT**

**[11.37am]**

THE COMMISSIONER: Yes, Ms Huxley.

40 MS HUXLEY: Mr Anderson, can I just go back to some of the evidence that you gave about the, was it the council procurement guidelines in place at the time.---Yes.

**OFFICIAL**

And there was a cascading contract value and depending on the contract value, that dictated the tender process.---Correct.

Can I show you volume 31.9, page 365. Is that what you would have been referring to?---Yes it is.

If I could go to the page before in that volume. So that's an email from Ms Derbas to Mr Webb attaching this matrix in March 2022.---Yes.

10

Who was Ms Derbas?---She's the internal auditor.

So if we go back to the matrix, procurement services, the involvement of procurement services, according to the matrix, is for projects over \$100,000. It's mandatory involvement for procurement services to review documents. ---Yes.

And to use the e-tendering method and to process review, including council report. What does the process review including council report mean?

20 ---Sorry?

It's at the top far right hand - - -?---Yes, yes. The council process review including the council report depending on whether it has to go to council or only to Anthony Vangi or Matt Stewart depending on the value.

So for the first four rows where only quotations are required, a number of quotations.---Yes.

Would that have involved a requirement for things to go into a locked box?

30 ---No.

No. And for the next row?---Three quotations.

For the row, sorry, I should, for the transcript purposes, for the row that says "\$50,000 to \$99,990."---Not necessarily.

So for some in that category it would need to go into a locked box?---If it went out as an RFT, yes.

40 But if it went out, and what does RFT stand for?---Request for Tender.

**OFFICIAL**

Does that mean it's only request for tenders or open tenders that it goes into a locked box?---Generally.

And if it's a, what does RFQ mean?---Request for Quotation.

And EOI?---Expression of Interest.

So if it's either an RFQ or an EOI, it doesn't go into a locked box?---Not necessarily, no.

10

When you say not necessarily, are there times when an RFQ or an EOI does go into a locked box?---Yes, more on the dollar value.

So the higher the dollar figure - - -?---The higher the risk.

THE COMMISSIONER: So sorry, am I understanding it that it doesn't go into locked box if it's in lines one to four, that is up to \$50,000.

---Correct.

20 If it's been 50 and \$100,000, then it only falls into a locked box if it's RFT?  
---Not necessarily. It would depend on the project itself.

Oh, what, is it discretionary in some way?---Yes.

Right.

30 MS HUXLEY: Is there a document that sets out when it does go into a locked box and when it doesn't?---Generally not. As I've said before, it might be that you're using a local government panel. Now the local government panel contractors have already been through a tender process, so you may just - - -

Does that mean if you have previous contractors who are in a panel that are quoting for a project, their quotes don't go into a locked box but people who haven't quoted do?---No. No, it's all or none.

So who decides whether something goes into a locked box or the locked box arrangement is used?

40 THE COMMISSIONER: We're talking about the 50 to 100,000 group are we now, Ms Huxley?

**OFFICIAL**

MS HUXLEY: Yes, Commissioner.---Okay, that would be decided by the Procurement officers and Ben Webb or the manager at the time.

Was there a council policy where it was mandatory for, based on the estimated contract value, for documents, for the tender process to involve the locked box?---Pardon?

10 So was there a dollar figure over which, if a project was over a particular dollar figure, that it was mandatory, under council policy, for it to go into a locked box?---Over the 100,00 was mandatory.

And did Procurement or Mr Webb have any ability to change that?---Sorry I, I couldn't tell you.

Do you recall how long the evaluation process for the Appian Way culverts took?---Offhand I think it was several weeks for the evaluation.

20 And can you tell us what role you had in evaluating the tenders for that project?---I would read through the qualitative documents and do a score against what was nominated in the valuation plan.

Do you recall the names of the other companies who tendered for the works?---Modcast, Precast Industries, Kadir and GWAC.

30 When you did your qualitative assessment, was there a particular tenderer that was favoured at the qualitative stage?---Not at the first point. There was issues with some of them and their certifications and one had an issue too with timing, I can't recall which ones.

How, at that stage, was GWAC placed relative to the others?---Their program and their methodology were very good, except their past experience was lacking on the first run through.

Part of that project required the supply of precast pits and culverts.---Yes.

40 Did you understand that GWAC had the ability to fabricate those precast pits and culverts?---They were the only contractor that put a price in for all three separable portions.

And by that do you mean, so separable portion one was pipe drainage.

**OFFICIAL**

---Correct.

And separable portion two was precast pits.---Yes.

And then separable portion three was precast culverts.---Yes.

But, so take separable portion three, precast culverts, was the separable portion for the fabrication of those culverts?---Yes.

10 And the installation of them?---No.

Just the fabrication.---Fabrication and delivery.

Did you understand that General Works & Construction were going to be doing the fabrication themselves?---At the time, no.

Who did you understand the fabrication was done by?---We, we were of the understanding that they had someone else that they worked with.

20 Why would council contract to a company that was going to contract that to someone else?---Often you would sub, subbie some of the works out, so they must have had an affiliation, I suppose.

But if the separable portion three related to the fabrication and delivery of precast culverts, is there any reason why that subcontractor couldn't do that themselves?---I don't believe so.

So essentially GWAC is just getting a margin on the supply of that.

---Correct.

30

So at the qualitative stage there was no clear leader in terms of quality.

---No, not at first, after clarifications were done I can't remember actually who came first on the qualitative.

Were clarifications issued to a number of people?---Yes.

So not just GWAC?---No.

40 The other tenderers were given an opportunity to clarify aspects of their - - - ?---Aspects of it, not necessarily the same.

**OFFICIAL**

Not, yeah. So what happens after the clarifications are received, they're reviewed?---They're reviewed and yeah, we're given an opportunity to score again.

Have you seen the price at this point or does that come later?---That comes later.

And after the clarifications were received, was there a particular front runner?---GWAC I believe.

10

And why was GWAC the front runner?---Because they met their methodology, their program and their, now, the information we had on past experiences and past projects scored them quite well.

In terms of the program, was it the case the faster the better?---No, it just had to meet with our demands on, on installation.

So council had an understanding of what their demands, when that demand would arise?---Yes.

20

And GWAC's program happened to align with that, is that how it works? ---Look, it's a long time ago. I can't remember the program itself.

So then the price, then the prices are disclosed.---Yes.

And an analysis of the price occurs?---Correct.

And then is the case that an evaluation report then gets drafted or is there further considerations that go into the evaluation report?---No. That's when the evaluation report gets written.

30

If I can take you to volume 38.6, page 274. So, in that you've approved an email or a suggestion in the email below - I'll just give you a moment to read that.---Mm-hmm.

How was it discovered that BCP couldn't provide the lintel parts?---As per below, they've got not available.

So would that be an extract from their particular tender?---Yes.

40

**OFFICIAL**

And so this just would, in the course of reviewing all the documentation supplied, that would have been noticed?---I believe so.

And that had the consequence that the panel would be proceeding with GWAC for all separable portions at that time?---Correct.

And then approval was sought from the panel members for that to occur?  
---The panel - - -

10 Sorry. You were being asked to approve it because you were a panel member?---Yes.

Do you recall during the process that GWAC has been submitted for a financial assessment?---That happened after, at the time of recommendation, once the panel has finalised their recommendation, the financial checks are done.

So has the panel drafted its report at this point?---Not necessarily, no.

20 But reached a tentative view as to who will be recommended?---Correct.

And then who conducts the financial assessment?---Procurement.

And in your capacity as an evaluation panel member, were you aware that there were issues with GWAC's financial assessment?---I was notified of that, yes.

Were you told of what those issue were?---No, not really.

30 Were you involved in examining those issues or whether that should affect the recommendation?---No. That would generally be done more by the panel leader, the manager of the panel.

Who was that?---Faizer Bhuiyan.

And would she do that in consultation with anyone else?---Possibly.

Was an evaluation report ultimately written for this, do you recall, for this project?---Yes. There was an evaluation plan, report.

40

**OFFICIAL**

And are you aware that there was also a General Manager report?---That was one and the same.

So that was - - -?---Yeah.

So the general manager report is the recommendation?---Is the recommendation.

But it's not called the evaluation panel report?---No.

10

Was that authored by the people on the evaluation panel?---That was authored by Faiza.

And did you review and agree with it?---Yes.

And then it was reviewed by other people more senior than you?---Correct.

So, were you involved in the decision to award GWAC the project despite them having failed the financial assessment?---No.

20

So you recommended GMAW based on the documents provided?---Correct.

But then once the information about the financial assessment came in, that meant the decision was for someone else?---Correct.

As to whether council should take that risk or not?---Correct.

And you'll who was involved in that decision?---No, I don't.

30

Are you aware of problems with the delivery of this project from GWAC?---Yes.

What were they?---There were some with the certification of the culverts and some of the culverts were even five to ten mls short from what they should be.

Do you recall if it was a contractual requirement that the culverts were certified?---Yes.

40

And was the length of those culverts a contractual requirement?---Yes.

**OFFICIAL**



Commissioner, I don't have any further questions.

THE COMMISSIONER: Thank you. All right then.

MR PARARAJASINGHAM: Commissioner, could I just raise a matter?

THE COMMISSIONER: Yes.

MR PARARAJASINGHAM: Mr Webb, Pararajasingham.

10

THE COMMISSIONER: Yes, Mr - - -

MR PARARAJASINGHAM: Commissioner, and this is no-one's fault, but of course we haven't been provided with statements of any of the witnesses to be called at this inquiry.

THE COMMISSIONER: Right.

MR PARARAJASINGHAM: Whether they exist or not, not any transcripts  
20 of prior - - -

THE COMMISSIONER: I don't think any - well, I don't think any statements exist. There may have been interviews.

MR PARARAJASINGHAM: Certainly. And we haven't been provided that. I'm not being critical of that but the fact is I am hearing this for the first time and some of the matters raised do require instructions from my client.

30 THE COMMISSIONER: Yes, yep.

MR PARARAJASINGHAM: So, in order for me to discharge my obligations, and indeed to satisfy at least one or two of the clauses in the practice direction, I'm asking for that opportunity to take instructions and that any cross-examination by myself be deferred to perhaps later in the week or something of that sort.

THE COMMISSIONER: What about this afternoon?

40 MR PARARAJASINGHAM: Commissioner, I'm not minded to sort of do this on the run and my client is otherwise occupied today. So, what I'm

**OFFICIAL**

asking is that we have an opportunity to consider the transcript, instructions be taken and that I return and cross-examine. I don't anticipate in any event I would be long but in order to maintain some fairness in the process I ask that I be permitted that opportunity.

MS HUXLEY: Commissioner, could I perhaps make a suggestion?

THE COMMISSIONER: Yes.

10 MS HUXLEY: Because the transcripts, I understand, are available each afternoon. Tomorrow I anticipate we'll be able to finish by lunchtime.

THE COMMISSIONER: Yep.

MS HUXLEY: And it may be that tomorrow afternoon is a suitable time for Mr Pararajasingham to confer with his client and we could perhaps come back on Thursday morning to finish any cross-examination.

THE COMMISSIONER: Yes.

20

MS HUXLEY: And it might be the case with Mr Vangi. I understand that imposes some - it's onerous for witnesses to have to come back but I think given that Mr Webb's conduct is an essential focus of this inquiry, it might be appropriate for that to occur.

THE COMMISSIONER: All right. Just a moment, I see you there, Mr Sutton, don't worry.

MR SUTTON: Thank you.

30

THE COMMISSIONER: Would you be available to come back on Thursday?---Yes.

Okay. Yes, Mr Sutton, what did you want to say?

MR SUTTON: Your Honour, I was going to join my friend in exactly the same submission.

THE COMMISSIONER: All right.

40

**OFFICIAL**

MR SUTTON: For obvious reasons I, and as I explained yesterday, I wasn't even here this morning, so I need to get access to the transcript. Second point is, if I can just make the observation, yesterday morning's transcript wasn't available until this morning.

THE COMMISSIONER: Okay.

MR SUTTON: So there seems to be some delay in obtaining those documents.

10

THE COMMISSIONER: All right. Well, Mr Pararajasingham, what's the problem with Thursday, any problem with Thursday?

MR PARARAJASINGHAM: No, Thursday's fine.

THE COMMISSIONER: Okay, excellent. All right. So obviously Mr Moses may have some questions but other than Webb and Cossu's legal representatives, is there anyone else who will be wanting to ask any questions? No, all right. Now, Mr Moses, what is your position?

20

MR MOSES: Well, Commissioner, I do have some questions of the witness. I am happy to proceed now, even though my friends may ask some questions of the witness on the basis - - -

THE COMMISSIONER: All right. If you're happy to proceed now - - -

MR MOSES: There may be issues that I may come back to if they ask questions that may give rise to that. It depends - I mean, I, I may not be available on Thursday and if that happens then one of my juniors will take -

30

THE COMMISSIONER: All right. Well, that would probably be very convenient because you might raise some matters that they then need to get further instructions on. So if you were happy to press on today - - -

MR MOSES: Of course. Well, there's no difficulty with that. I shouldn't be that long.

THE COMMISSIONER: Oaky. Well, that's a good plan then.

40

**OFFICIAL**

MR MOSES: I have notified Counsel Assisting of some documents that I wish to take the witness to which I might just for convenience provide a copy to you in a folder, Commissioner, together for the witness. There are just a number of the tabs in the folder that I'll take the witness to, not all of them, we've just prepared them. They're not on, they're documents that have been produced to the Commission, but not uploaded.

THE COMMISSIONER: Oh, I see.

10 MR MOSES: On our understanding. Some of them may have been, but not all of them so - - -

THE COMMISSIONER: Okay, thanks. That - - -

MR MOSES: If I could do that now, if I could have the assistance of a commission officer to provide you with the folders.

THE COMMISSIONER: Yes.

20 MR MOSES: And one for the witness and one for you, if I could do that.

THE COMMISSIONER: Yes, thanks very much.

MR MOSES: There is also a contract which is a commercial in confidence contract which I will show to the witness which I will explain, thank you, thanks very much, when I come to take the witness to it. It's to a form of an order relating to that document which has also been produced to the Commission.

30 THE COMMISSIONER: All right, thanks.

MR MOSES: Until we've had a chance to speak to Comensura about it.

THE COMMISSIONER: So, sorry, is this one copy that I have received, or - - -

MR MOSES: No, no, one folder for you, one folder for the witness, Commissioner and one copy of the contract for you and one copy for the witness.

40

**OFFICIAL**

THE COMMISSIONER: That's for the witness, all right. Very well. Now how should we deal with these documents?

MR MOSES: Well I thought subject to your views, Commissioner, for the moment, if the folder could be marked as an MFI because I don't intend to take the witness to all the documents in the folders, I just thought it would be more convenient to do it this way.

THE COMMISSIONER: All right.

10

MR MOSES: And the contract, when I come to take the witness to it, to ask him to identify and touch upon a couple matters in it, I might seek to tender it, but I ask that it not be a public exhibit until we've had a chance to liaise with Comensura as to whether they have any objection to it being a public exhibit.

THE COMMISSIONER: All right. Mr Moses, what about access to the documents by Mr Sutton and Mr Pararajasingham?

20

MR MOSES: Yes, there would be no objection to counsel having access to these and the solicitor having access to these documents, so we'll ensure that we will, that they get a copy of the folder that's been provided to the Commission.

THE COMMISSIONER: Oh, that's good.

MR MOSES: We will undertake that burden.

30

THE COMMISSIONER: Thank you. And when might that be available to them?

MR MOSES: This afternoon.

THE COMMISSIONER: Okay, thank you.

MR MOSES: They'll have it after lunch.

40

THE COMMISSIONER: I think that will be satisfactory. Thank you very much.

MR MOSES: Thank you, thank you.

**OFFICIAL**

THE COMMISSIONER: Yes.

MR MOSES: So is it convenient just to proceed now with Mr Anderson, Commissioner?

THE COMMISSIONER: Yes. I don't think we've got any MFIs at the moment. No, okay. It must be MFI 1.

10

**#MFI-01 - Mr Moses's Folder of Documents**

MR MOSES: I'm using court terminology, I'm sorry Commissioner. But the only reason I'm suggesting that is I don't intend to tender all the material in there.

THE COMMISSIONER: No, no, we don't want anything tendered that doesn't need to be tendered.

20

MR MOSES: No. So is it convenient to proceed, Commissioner?

THE COMMISSIONER: Yes, yes please.

MR MOSES: Thank you. Mr Anderson, you told council assisting that you're currently the acting team leader. Correct?---Correct.

That's in the Asset Construction Coordinator Program?---Correct.

30 And your duties in that role include coordinating that program, correct?  
---Correct.

Assisting in variation assessments?---Yes.

And tracking the overall Capital Works program?---Yes.

And you told council assisting that you have currently 16 direct reports.  
---Correct.

40 And that comprises of two project managers.---Yes.

**OFFICIAL**

And 14 project officers.---Yes.

And I think you said the ratio presently is that you have three full-time employees in that cohort.---Correct.

And the remainder are contingency labour.---Correct.

Previously, between 2020 to 2022, you had 23 under your direction. ---Correct.

10

And of those, how many were employees?---There was five full-time employees.

And the remainder 18 were contingency labour?---Correct.

Okay. And you told us that prior to Mr Webb's departure, you reported directly to him.---Correct.

20

And who do you now report to?---To Alexander Spasenovski.

Thank you. Now I wanted to go through just a number of documents in the folder, if you could go to that folder for me please. Can I ask that you go to tab 6, and you will see in that tab there is an email dated 1 April - - -

THE COMMISSIONER: Could you keep your voice up a little please, Mr Moses?

30

MR MOSES: Of course Commissioner. So there's an email dated 1 April 2022. Do you see that?---Yes.

And that's sent from the DocuSign system on behalf of Angela McEwen. Thank you.---Correct.

Yeah. And it's addressed to you.---Yes.

And the subject is, "Please DocuSign Spinifex recruiting."---Correct.

40

Can I ask that you go to the second page. You will see that there is a timesheet there.---It's an invoice, yes.

**OFFICIAL**

Yeah. It's headed "Timesheet" though, do you see, my apologies, it is an invoice. It's the third page I was going to go to. There is a timesheet for project manager.---Yes.

Do you have that in front of you?---Yes.

Are you able just to explain to the Commissioner - - -

10 THE COMMISSIONER: Sorry, where is that document please, Mr - - -

MR MOSES: So you will see, Commissioner, there's Spinifex Recruiting behind tab 6, there's an invoice attached to the email.

THE COMMISSIONER: Yes.

MR MOSES: And then if you go over the page, Commissioner, there's a document headed "Timesheet" which is - - -

20 THE COMMISSIONER: Oh, I see. Yes, sorry, yes.

MR MOSES: That's okay. So could you just explain to the Commissioner, first of all, what your role was when receiving this email? What were you to do?---I would verify the hours worked and then approve the invoice.

Okay. So just using as an example, if we go to the first tax invoice which is dated 27 March 2022.---Yes.

30 To be paid by 10 April 2022, that relates to a total amount of \$10,120 including GST. Do you see that?---Yes.

And what is that in relation to, if you can explain that to the Commissioner?---That's for the services rendered by James Magsipoc for an 80-hour period.

Who is referred to as "payee", correct?---Correct.

Okay. And then if you go over the page you will see a timesheet.---Correct.

40 And that sets out the hours that are said to have been worked by that individual.---Correct.

**OFFICIAL**



And when you say your role was to verify the hours worked by that individual, how would you do that?---Observation generally. I've got to keep an eye on who is working and when.

Right. And in terms of the timesheet, would you go through that timesheet in terms of what is said to be the hours worked and then equate there the hours worked to the amount that you were authorising to be paid?---Yes.

10 And there is no reference on this document to the actual hourly rate that is being paid to that individual that is in the timesheet?---Not on the timesheet.

No.---No.

Okay. And in terms of the hourly rate being paid to the individual, if you go back to Spinifex which is the first page that I took you to, the invoice, that rate is, if I can call it, the all-in figure that is being paid to Spinifex who then take care of paying the individual and take, what you understood, to be their share of that rate. Correct?---Correct.

20 But you did not know, is this the position at the time, that you were authorising these payments to be made, what the actual worker was being paid?---No.

Okay. And can we assume then, for the remainder of these invoices behind tab 6 that relate to different workers, that you adopted the same process that you just told the Commissioner applied to the individual, Mr Magsipoc, to all their invoices, is that right?---Correct.

30 Okay. And you would apply your electronic signature to each of the documents.---Correct.

Okay. And then that would just be uploaded back onto the DocuShare system.---Correct, that would go back to Angela and Angela would send it to Procurement to pay.

Okay, thank you. And then if you go behind tab 7 for me, please. These are further invoices that were sent to you, as you will see there, on 1 April, this time sent at 11.08.58am.---Yes.

40 And again, should we assume that you adopted the same process when going through these invoices in order to approve them?---Correct.

**OFFICIAL**

Thank you. And then can I ask you to go to page 965 for me. This relates to Randstad.

THE COMMISSIONER: Sorry, which, what is it?

MR MOSES: Behind tab 7, you will see Commissioner, on top of the document there's a number 965.

10 THE COMMISSIONER: Oh, I see, the number, yes.

MR MOSES: Do you see that, sir?---Yes.

And these relate to Randstad. Do you see that?---Yes.

And can we assume again when dealing with Randstad invoices, you applied the same process?---Correct.

20 Okay. And again with Randstad, you did not know the hourly rate being paid to the worker, correct?---Correct.

All you knew was the invoice that was being charged by Randstad. ---Correct.

Thank you. Now, you told the Commissioner in answer to questions from Counsel Assisting that when there was a new system deployed by council in 2022, you then became possessed of information as to what rates were actually being paid to workers, correct?---Correct.

30 And just explain to me the name of that system again.---Comensura, it's a management provider system.

And in respect of Comensura, that was, is it fair to say that in respect of that system that's the vendor management system?---Correct.

And that was pursuant to a contract that was entered into between the council and Comensura in 2022.---Yes.

40 And that, if I can call it, customer services agreement, how did that then alter your role in relation to the approval of invoices as we've seen behind tab 6 and tab 7?---I would have to approve their timesheets.

**OFFICIAL**

And how would you do that? That is under the Comensura system?

---Correct. So - - -

What's your role now?---The, they would enter in a timesheet once a week. It comes on to - - -

10 Who would do that, if you can explain that to the Commissioner?---The agency staff themselves would enter in a timesheet every week through Comensura. I would be given notification that it's in there to check and they'd like it checked by 2 o'clock every Tuesday. So I would review the hours that the agency staff have put in, and then I would approve or reject if I disagreed with the number of hours they'd put down.

And you told the Commissioner that with the Comensura system you could also see what rates were being paid to the workers.---Yes, I believe that was a glitch in the system when it first started up though, and all of the agency staff could see it.

20 Yes. And are they the details that you saw, that is, those rates in the system, that caused you to raise an issue with Mr Webb?---Yes, I did.

And that's when you gave evidence earlier to Counsel Assisting that you raised with Mr Webb this issue about the rates that the workers were being paid, there was a discrepancy between what they were being paid and what the, if I can call it, what the contracting agencies were being paid?---Yes.

30 And do you recall when you had that conversation with Mr Webb?---It was not long after Comensura came live in the end of September, early October. 2022?---2022.

And do you recall who was present, if anybody was present when you had that conversation with Mr Webb?---No-one was present. It was in his office.

And was that an in-person discussion or over the phone?---Personal discussion in his office.

**OFFICIAL**

Okay. And do you recall, sitting here today, the words that you used in that conversation?---I just raised the issue that there's a disparity in the rates that we are using and Ben advised me that we'll look into it.

Okay. Was that the effect of the words that you used?---I beg your pardon?

Was that, what you just told the Commission, was that the effect of the words that were used by you in the conversation?---Yes.

10 Okay. Did you refer to the Comensura system in that conversation with Mr Webb?---I can't recall.

Okay.

THE COMMISSIONER: When you said there was a disparity you are referring to what?---It just didn't match up with what they were being paid and what they were being charged out at, and - - -

20 You thought there was too big a big between the two?---Correct.

MR MOSES: Did you say that to Mr Webb, what you just told the Commissioner?---I can't recall.

Okay. And I think your response to Counsel Assisting earlier was, in respect of Mr Webb, was to the effect that he would look into it.---Yes.

And did you raise it again with him after that?---I did one more time.

30 Do you recall when you raised that with him?---No, I can't be exact.

Okay. And do you recall what you said on that second occasion when you raised it with him?---Much the same as the first time, that, "We need to have a look at the rates," and what we were doing.

And did Mr Webb say anything in response to you?---Much the same as before, that we'll look into it.

Okay.---But this all occurred just before he finished up.

40 THE COMMISSIONER: You mean the second conversation was just before?---Not long, not long before Ben finished at council.

**OFFICIAL**

And how long was it between the two conversations?---I can't really recall.

MR MOSES: Can I then ask you to go, if you could, behind tab 10 of the folder, sir. This is an email dated 19 October 2022 from Shanthi Ari to James Bejar, do you see that?---Yes, I do.

And can I ask that you go to page 1356 behind that tab.---Yes.

10 Your electronic signature appears to be at the bottom of the invoice for 19 October 2022.---Correct.

Can you explain to the Commissioner as to what your role, if any, was in relation to sign off on what appears to be a variation document?---So James and Kevin are contingency staff, so they have no delegation. So they would have signed it on a recommendation, would have had a - - -

That's James, just to be clear for the record you're referring to James Bejar?---Bejar and Kevin Jain.

20

B-e-j-a-r and Kevin Jain, yes, thank you.---And they would have signed it previously. I would have had a discussion. Ben would have - - -

When you say you would have had a discussion can you recall the discussion are you just surmising that you must have had a discussion? ---Just surmising.

Okay. Thank you. And then if you go to the second page, page 1357, there was a progress payment summary there for General Works & Construction for the Greenacre Splash Park. Your signature appears there as the person approving it.---Correct.

30

And this is a progress claim that's proof of payment.---Correct.

And what's the process you undertake in order to approve a progress claim such as this? What do you, if anything, have to be satisfied of?---I would review - sorry, I would review the BOQ which is on the next page.

That's page 1358.---Correct.

40

**OFFICIAL**

And can you explain to the Commission what that is.---That is the progress calculation sheet that we do with all of our projects. We have a BOQ for progress payments. They fill in the quantity of the works that are done in that month or for that claim.

Yes.---And then it comes, it calculates out the dollars that they're due to be paid that, on that invoice.

10 Okay. Thank you. And then could I ask that you go behind tab 11 for me, please. There's a document headed Capital Works Planning Variations.  
---Yes.

Do you see that?---Yes.

Are you able to explain to the Commissioner what this document is.---It, it shows the flow of the approval for a variation. It's - - -

20 And your role in respect of this document, you're an acting team leader so you, am I to assume in terms of the chain, fit in as the team leader in the two top boxes?---Correct.

And can you just walk us through that, please.---Okay. Triggers inputs. There's, identified the need to vary the Capital Works program. An investigation is to the need for that variation.

Yes.---Options analysis, is there another way or possibility of doing works?

30 Yep.---Resolve the budget and planning issues, if it still falls within the budget or whether it exceeds the budget. Does the variation affect the current year? No. So they'll follow the BMF. Yes, it moves over to obtain approval, prepare variation. Once the variations are approved - sorry, once the memo is done, it moves on to be endorsed by the appropriate persons and then approved variation by the director, and then post-approval activities.

40 Can I ask you in relation to the next page, which is the council works planning variations, which basically sets out in nine points in effect what you've just taken us to, this document, are you able to tell us, this one is as you'll see at the bottom there version 1.0, last edited on 29 September 2023, are you able to help the Commission as to when this document came into

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existence? When did you first see a document like this at the council?---It wasn't until well into 20223.

Thank you. And prior to that, how were variations to be managed?---In much the same way. It's just that this is formalised in the, the process.

Okay, thank you. Can I ask then if you can go back for me to tab 1 of the folder? This seems to be an email from Mr Webb on 16 October 2020 to you and a number of individuals dealing with delegations in regard to variations.---Yes.

MR PARARAJASINGHAM: Sorry, Commissioner, perhaps I could sight this email?

MR MOSES: Of course, yeah.

MR PARARAJASINGHAM: Just given it goes directly to my client.

THE COMMISSIONER: Can we - - -

MR MOSES: You can use that copy.

MR PARARAJASINGHAM: Thank you, I'm grateful.

MR MOSES: Tab 1. And in relation to this issue, there's a reference to, at the bottom, "This (not transcribable) will not be retrospectively approving variations nor will I be taking those variations to the director." Do you see that?---Yes.

30 Is that a reference to you?---Yes, it is.

And do you recall having a discussion with Mr Webb about this?---Yes.

And are you able to tell us what triggered this email being sent?---There were a few variations being approved by contingency stuff, which they have no delegation to do so.

And was - - ?---So it was a way of trying to formalise the process.

40 And do you know whether Mr Webb was asked to send this email out, or do you know how he came to send this email out?---No idea.

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Thank you. And quite apart from contingency labour approving variations, you were aware, as an employee of council, there was a problem with significant retrospective variations in contracts in terms of that having an impact on budgets if they weren't budgeted for?---Correct.

Can I then ask that you go to documents that are in the folder? If you go to what appears at tab 17. There's a document there headed Leader's Guide to Managing Contingent Labour.---Yes.

10

Review date, November 2025. Do you see that?---Yes.

Is that a document that came into existence following the Comensura system being set up?---I believe so, yes.

And is this now, if I can call it the contingent labour guide, what is applied certainly by you within council in terms of when dealing with contingent labour issues, you have regard to this?---Yes. The, the only issue we have with this is our contingent labour are usually longer term than what they refer to in this.

20

And when you say longer term, what's that a reference to?---How long the, the contract is with council.

If you go to tab 18, the Contingent Labour Procedure. That again is with a review date of November 2025. Is this a document that came into existence after the Comensura process?---Yes. It states in point 5 it was authorised in November 2022.

30 And in respect of the contingent labour procedure, again, is this something that you follow in respect of the management lifecycle of people hide under the contingent labour procedures?---Yes.

And if you go to tab 19, the Contingent Labour Policy. Again, this came into effect after the Comensura process?---Yes.

In 2022. And this is Contingent Labour Policy that governs the circumstances and when contingent labour are to be engaged?---Correct.

40 Now, I'm not asking you to express this view on behalf of council but your personal view, given an issue that's arisen in terms of what the Commission

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is looking at about the positives and the negatives of using contingency labour within council, from your experience in your role, are you able to explain what the positives are in terms of using contingent labour as part of the work force that you're responsible for?---The positives are we are able to be more nimble and adjust to our workloads a lot faster than trying to put on FTEs.

10 Yes.---So my personal belief is the combination of both is the best to have. We certainly need more FTEs but using the contingent labour gives you the opportunity to increase or decrease a lot faster, depending on the workloads. The downfalls?

The negatives, yes, thank you.---The negatives would be the dollars. Generally speaking I've never had any issues with the people themselves, they're, they're no different.

But it's the cost?---The cost is, is the issue, yes.

20 And in terms of if that cost was to be inputted in terms of full-time employees, the difficulty is you have recurrent budget spending but that then - - -?---Correct. Yes.

Just with the individual, Mr Osborne, Richard Osborne, was he a contingent labour, or was he - - -?---He was contingent labour.

30 And was he the person that you were referring to, I think, when you referred to Mr Webb raising an issue that had been raised with him with human resources?---Yes. Richard was out own HR person within our, within our works and projects.

And did he raise anything directly with you in respect of matters concerning contingency staff?---No, not directly.

40 There's just one final issue, Commissioner, I just wanted to raise with the witness, which was Exhibit 58 that my learned friend fairly took the witness to but I just want to go back to that if I could. It's an email dated 15 June 2021. I may have the exhibit number wrong but it was one from Mr Trapman at Spinifex to Mr Webb cc'ing a number of individuals. I may have got the exhibit number wrong. Do you have that in front of you, sir?  
---Yes.

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You will see that it was drawn to your attention that Pietro Cossu's email address is pmlvconsulting.com?---Yes.

Do you see that in front of you?---Yes.

And are you able to tell us when you first became aware that the email address on this email for Pietro Cossu was PMLV Consulting?---I didn't even read it on this email to be honest. I, I did read the body of the email and organised a meeting to be had with Ben Trapman regarding Work  
10 Health and Safety issues for his contingency staff that he had at our office.

Can I ask this question? Had you noticed the email address for Pietro Cossu as being PMLV Consulting, what, if anything, would you have done about that in terms of raised an issue about that?---I, I would have asked my, at the time manager, Ben Webb, did he know anything about it.

But you didn't?---No.

Because, is it your evidence to the Commissioner, that you did not pick this  
20 up?---I did not pick that up.

Okay. Thank you. Yes, thank you. I have no further questions, Commissioner. I was going to tender those tabs of the folder, or seek to have them tendered through Counsel Assisting, those tabs of the folder that I examined the witness on. I don't expect that to be dealt with now. I'm assuming there need to be consideration of that.

THE COMMISSIONER: All right. If we can just keep an eye on that and ensure that happens in due course if there is no objection.  
30

MR MOSES: And the Comensura document I would asked to be received as an exhibit but not publicly released until we've had an opportunity to liaise with Comensura as to whether they wish to raise an objection.

THE COMMISSIONER: Yes, thank you.

MR MOSES: Thank you. No further questions. Sir, if you just wait to see what the Commissioner wants you to do.---Yep. Thank you.

40 THE COMMISSIONER: Yes. Very well. Well, I take it, Ms Huxley, that you don't wish to ask any further questions at this point?

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MS HUXLEY: No, Commissioner.

THE COMMISSIONER: And neither does anyone else at this point. So we're going to resume the evidence of this witness on Thursday morning. So if you could please make yourself available on Thursday, Sorry about that.--- Okay. Thank you.

Thank you. You can step down.

10

**<THE WITNESS STOOD DOWN [12.59pm]**

THE COMMISSIONER: All right then. I think the next witness if Mr Vangi, is that right, Ms Huxley?

MS HUXLEY: Yes, Commissioner.

20 THE COMMISSIONER: So we'll start with him at 2 o'clock?

MS HUXLEY: Thank you.

THE COMMISSIONER: Thank you. All right. I'll adjourn until 2.00.

**LUNCHEON ADJOURNMENT [1.00pm]**

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