

MANTISPUB00173
04/06/2024

MANTIS
pp 00173-00232

PUBLIC
HEARING

COPYRIGHT

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 2.00PM

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

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

MS HUXLEY: Commissioner, Mr Vangi is the next witness.

THE COMMISSIONER: All right. If Mr Vangi could come forward, please. Sit down for the moment in this seat here, thanks Mr Vangi. Now Mr Vangi, I'm fairly sure you're well aware of the two allegations - - -

MR VANGI: Yes.

10 THE COMMISSIONER: - - - that are the subject of the inquiry. If you want I can repeat them to you.

MR VANGI: No thank you.

THE COMMISSIONER: No, fine, okay. And I'm not sure if you've been present when some of the other witnesses have been called, no, okay.

MR VANGI: No.

20 THE COMMISSIONER: I just want to give you some information then. At this inquiry, you must take an oath or make an affirmation to tell the truth. You must answer all questions that are put to you. You must produce any document or other thing required by your summons to be produced or which I require you to produce. So you must answer the questions and you must produce documents even if you think the answers might incriminate you. However, you can object to answering a question or producing a document and if you do object, then your answer or the production of the document can't be admitted in evidence against you in any civil or criminal or disciplinary proceedings except if they're proceedings for an offence against the ICAC Act or for contempt of the Commission, for example, giving false
30 evidence to the Commission. To get the benefit of the protection, you don't have to object constantly to every question. You can take a blanket objection at the outset and that will protect you throughout the questioning. So I am assuming you would like to take a blanket objection?

MR VANGI: Yes, I will.

40 THE COMMISSIONER: Yes. So then I will declare that all the answers given by the witness and all the documents or other things produced by him will be regarded as having been given or produced on objection by the witness.

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

10 THE COMMISSIONER: Pardon me. If you've got any difficulty
understanding any question or you can't hear it, please ask for clarification
or repetition. If you need a break, please let me know, we can take a break
and now is there anything that you would like clarified before we go
further?

MR VANGI: No, I'm good, thank you.

THE COMMISSIONER: All right. Would you like to take a religious oath
or an affirmation to tell the truth?

20 MR VANGI: Affirmation please.

THE COMMISSIONER: All right. Would you like to stand, I will ask my
associate to administer the affirmation.

MS HUXLEY: Mr Vangi, can you please describe your role at council between 2020 and 2022?---My role was Director of City Assets and that department looks after the, well basically council's asset portfolio, so the planning, the design, the delivery, and the maintenance of all council's assets.

10 And how many people did you manage at that particular time?---470.

And how many were reporting directly to you?---At that time I had eight. I currently have ten at the moment now.

Are you still in that role at the moment?---Yes I am.

And is one of those direct reports the Manager of Projects and Works?
---Yes.

20 As at 2020 to 2022, who was that?---Mr Webb. Benjamin Webb.

In 2020 to 2022, how much interaction would you have with Mr Webb in the course of your role?---It was quite regular, almost, basically, it was daily, yeah.

And was that contact by email?---Email, in person, phone calls, yeah.

30 Do you know how many people reported to Mr Webb?---Initially, no I don't know, but I'd say when he completed his term with council it would have been close to 70 people. Somewhere between 70 and 80.

Is the Works and Projects Unit a large unit at council?---Yes, it was, it has been split since, but it was a large unit, yeah.

Is it the case that it's since been split into Design and Construction?---Asset Design and Asset Construction, yes.

40 And what were Mr Webb's responsibilities in his role?---To manage the, the survey, design and the project management delivery of council's Capital Works Program.

Do you recall how many projects per year were in the Capital Works Program in 2020 to 2022?---Not exactly, but it would vary between three to four hundred projects.

So a large number of projects.---A large number of projects, yeah.

And could they range in size from small, under \$5,000 projects to million-dollar projects?---Yes, they could but the majority would be more than \$5,000, yeah.

10

THE COMMISSIONER: Sorry, most were, sorry, more than 5,000?
---Yeah, yeah, yeah.

MS HUXLEY: Was Mr Webb also responsible for recruiting workers?
---Yes.

Was he given the discretion to hire workers to meet the expectations of the delivery of the Capital Works budget?---Yes.

20 Did you have any oversight of that at the time?---No. All the hiring was done through Mr Webb and his department, sorry, his unit, yeah.

Were you involved in hiring Mr Webb for his role?---Yes, I was.

What was your involvement?---There were three interview stages and I was on the panel of all three.

30 Was the recruitment for his role done through an external agency or through council itself?---It commenced with an external agency who provided a short list of candidates which we interviewed and then subject to the first interview they were progressed through the second on, yeah, so on.

Were there any requirements for the person hired to that role to pass criminal record checks?---Yes.

And do you know if any criminal record checks were conducted?---I do not know.

40 What was Mr Webb's financial delegation between 2020 and 2022?---He could enter, he could approve a purchase order up to \$150,000 and vary that order up to \$150,000.

THE COMMISSIONER: Up to how much?---150,000, and he could approve expenditure up to 300,000.

MS HUXLEY: When you say vary an order up to 150,000 is that \$150,000 limit the total contract sum?---Correct, yes. That included variations as well.

10 But say if a contract was \$120,000 and the variations were \$80,000, he didn't have approval.---That's correct, he did not have delegation.

And he would need to seek your approval.---Yes.

And what do you mean by the expenditure delegation?---If, for example, if I had approved the purchase order on a contract of \$400,000, he could approve invoices up to \$300,000, yeah.

Was Mr Webb a senior staff member during 2020 to 2022?---Yes, he was.

20 Was there an organisational restructure in 2022 that resulted in Mr Webb no longer being considered a senior staff member?---Yes, there was.

Can you - - -?---Sorry.

Can you tell me about that.---Yeah, the Works and Projects Department was split into two, Asset Design, Asset Construction. We already had a person for the role of asset design or a manager who was working on a different project. For the asset construction role Ben Webb would need to reapply for that role because he was on a contract, and he chose not to and resigned.

30

So that was at the end of 2022.---Correct.

So during the whole period of time there he was a senior staff member.---He was, yes, up until he left, yes.

Do you understand that Mr Cossu was engaged by council from May 2020? ---Yes.

40 Did you have any involvement in his hiring?---No, I did not.

Would you expect to have any involvement in his hiring?---Only if it exceeded purchase order limit, but no, I would not be involved, no.

Are you aware of any of the circumstances in which he was hired?---Only through emails that I've seen post the event that we're talking about, yeah.

Are they emails sent to you or to other people?---Other people, sorry, yeah, not directly to me, no.

10 So when he was hired were you notified that he was hired?---No.

But that wasn't unusual?---No, it wasn't unusual, no.

Did you know what Mr Cossu was being paid?---No, only when the purchase order extension was requested, yeah.

Okay. Did Mr Cossu have any financial delegation?---As an agency or contingent hire you do not have any delegation.

20 So no agency workers had any financial delegation.---No, that's my understanding.

Did you know if Mr Webb and Mr Cossu knew each other at the time Mr Cossu was engaged?---No, I did not, no.

When Mr Cossu was engaged did you have any opportunity to observe Mr Webb and Mr Cossu in their interactions, like through that work?---Yes, walking on the floor, but there was nothing, nothing out - - -

30 Did you think they had a close relationship?---Well, he did mention post his recruitment that they'd worked together on the B-Line Project for Transport for NSW, but that was all, yeah, that I can recollect.

In 2022 was there an increase in the budget for the Capital Works program? ---Yes.

Was that a significant increase?---I can't recall but there would be increase 'cause lots of grants were coming through due to the stimulus post-COVID, yeah.

40

Were they grants from the State Government or the Federal Government?---
I can't recall which ones but it could have been a mix, yeah.

Can you remember what the budget was for the Capital Works program at
council at that time?---No, not off the top of my head, no.

Was there a significant increase in the workload for the Works and Projects
Unit at that time?---I think from my best recollection it was fairly similar to
the previous year but we were ramping out because more projects were
10 coming and more funding such as WestInvest.

When was it anticipated that the WestInvest funding would be coming
through?---I don't think, I don't think it's even come through yet, but
anyway, I think it was probably, at the time we were submissions and Ben
was, Mr Webb was there. I think the announcements were made post Mr
Webb's departure so it would have been the following, 2023, I think.

Okay. During the COVID pandemic was the office remote or were people
working in the council chambers?---Can you repeat that please, sorry.
20

Pardon?---Can you repeat the question.

During 2020 to 2021 there was COVID pandemic, and were the workers at
council remote workers or were they permitted to work in council offices?
---The instruction was that you could work from home, to work from home.
If you wanted to access the office you needed permission from the relevant
director.

Was only through the lockdown periods or was that through the whole
30 period?---I don't recall exactly when. I don't recall the periods but when
the, when the city was locked down, yeah, we needed permission to access
the building.

Did the COVID lockdowns have any effect on the carrying out of council
Capital Works Program in 2021?---Yes, it did, yeah. Well, it basically
stopped.

Was it only during the construction shutdown in July 2021 that it stopped or
was it stopped more broadly across the lockdown term?---Other than
40 weather events, my recollection was during the COVID lockdowns it
significantly affected our city on delivering projects, yeah.

THE COMMISSIONER: Excuse me, Mr Vangi, can you try to keep your voice up a little bit, please.---Yep, all right, thank you.

MS HUXLEY: So is Mr Webb's responsibility to hire staff for the Works and Projects Unit?---Yes.

And he had a broad discretion to do so?---Within his delegation, yes.

10 At that time was it difficult to hire full-time employees as opposed to contingent workers?---I recall it was difficult to, to recruit agency and full-time. At that time we weren't, our focus was to recruit contingent workers because we were sort of building the business 'cause of a certain, 'cause of a peak in our Capital Works Programs, and because we didn't know exactly how many people were required in terms of full-time FTE, full-time personnel, we decided to recruit agency staff and then when the work was reduced, we reduced the work, the workers, yeah.

20 So whose decision as it to source the workers as contingent workers?---It would have been a, well, I guess council decision, yeah.

By council do you mean people more senior to you?---It would have been, well, it would have been from the Executive Team and myself, but based on my recommendation, yeah.

Who was part of the Executive Team?---It's myself and it's five other directors and the CEO.

30 And was that a decision to engage contingent workers just in respect of the Works and Projects Unit or across council?---We do have, we regularly employ contingent workers across council for our peaks and troughs in the outdoor department. I don't, I can't comment what happens in the other departments, but yeah.

So would you have communicated that decision back to Mr Webb?---To?

To Mr Webb.---To recruit agency, yes. He was, sorry, he was trying to fill full-time positions as well, but proving it difficult, yeah.

40 Why was it providing difficult, did you know?---Just the market at the time and then COVID made it even worse.

So what do you mean by the market at the time?---Well the, the, the professional market in terms of engineers and landscape architects, et cetera, yeah.

So there was a labour shortage at the time?---Yes, yeah.

And that was affected by the COVID pandemic?---Definitely, yes.

10 Does the council rely on skilled migration to fill some of those roles?---Can you repeat that question, sorry?

Does council rely on skilled migration to fulfil some of those roles?---No. Not that I am aware of, no.

So the border closure wouldn't have affected your ability to recruit?---Not that I am aware of, no.

20 It was just the general market labour shortages.---General market, correct, yes.

After giving that instruction to Mr Webb that he was able to use contingent workers, did you have any other role in the hiring of contingent workers?---No.

Did you have any role in setting up the policies or procedures to be followed for the hiring of contingent workers?---Can you repeat the question?

30 Like for example, must be an interview or that a certain number of CVs had to be obtained for a particular role.---I don't recall this, that, a discussion of such, but that would have been communicated through the Supply Team, yeah.

So did you observe an increase in contingent workers in the Works and Projects Unit during 2021 and 2022?---Yes I did.

And you understood they had been engaged by Mr Webb.---Yes.

40 And you supported that increase?---Yes.

That increase was necessary to fulfil the Capital Works budget works.---
Yes, yes.

In 2020 to 2022, how was the budget oversight managed?---Sorry, can you -
- -

So how, did council have a budget per year?---For?

For expenditure on staff - - -

10

MR SUTTON: Commissioner, sorry Commissioner, I don't know if
anybody else is having it, maybe it's my hearing, but Counsel Assisting
keeps cutting out.

THE COMMISSIONER: Yes.

MS HUXLEY: Yeah, I will try - - -

MR SUTTON: I'm only getting parts of questions.

20

MS HUXLEY: The microphone is playing up.

THE COMMISSIONER: Oh, is it?

MS HUXLEY: I will try and speak more closely into it.

THE COMMISSIONER: All right. Let me just, hang on, I'm not sure who
I should be looking at. There must be somebody who, ah, yes, can we do
anything about that?

30

MALE SPEAKER: Stay close to the microphones.

THE COMMISSIONER: Okay, don't swing your head around, Ms Huxley.

MS HUXLEY: Okay, sorry.

THE COMMISSIONER: Yes, no, no sorry, it should be a bit more flexible,
but - - -

40 MS HUXLEY: I'll do my best, hold on. Okay.

THE COMMISSIONER: That was a joke, you weren't, not to my observation.

MS HUXLEY: So was there an annual budget for council every year for expenditure on staff?---Yes.

And expenditure on other items?---Yes.

10 Who was responsible for compiling that budget?---The relevant unit manager.

So does that mean Mr Webb would compile a budget?---Yes.

And then would that be provided to you?---Correct.

20 And you would collate them across all of your different units that you were supervising?---I would, yeah or following further discussions, I would, if required, I would approve it and forward that to the Finance Department who would collate it all, yeah.

Did you examine the budgets that were prepared?---Yes.

As the financial year, was that prepared per financial year or January year? ---Financial year.

And so would there be an ongoing review of the budget and expenditure as the financial year progressed?---Yes, there's monthly reviews and quarterly reviews, yeah.

30 And who would do those monthly reviews?---The manager would, yeah.

Mr Webb in this case?---Yes, yes, yes, Mr Webb.

And were you involved with that?---No.

Would you be involved in reviewing any of the expenditure compared to the budget?---I would in part of the quarterly review, yes.

40 So, and would you be given documents from the Finance Department at council to review?---Yes.

And that would show what, that would show the expenditure for that quarter?---Yes, sorry, we would, we would receive monthly reports from the Finance Department, up to the executive level, Executive Team which we would review, but the, the major review is done at each quarter in terms of adjustments, yeah.

When you received those monthly reports, would you review them?---Yes.

10 Make sure that if there's anything majorly over budget that you can keep an eye on it.---Yes, yeah.

And speak to, and speak to relevant people if it was over budget.---Yes.

20 Did you notice during 2021 and 2022 that there had been a significant increase in budget expenditure for contingency workers?---Not until it was brought to my attention at the Executive Leadership Team at, at, my best recollection it was the end, when we were finalising the fourth quarter, I guess the financial statements, is when there was a, it was brought to our attention there was an exceedance of the budget for, in Mr Webb's area, for the operational staff, sorry, the operational budget, yeah.

When you say the fourth quarter, do you remember which financial year that was?---It would have been the '21, '22 financial year, yeah.

THE COMMISSIONER: So would this be getting to, like in the first half of '22, getting towards the middle of the year that this came to your attention. ---It, it would have been post, post June '22.

30 Post June '22, okay.---Yeah, as we were closing the books for '21, '22, yeah.

MS HUXLEY: Who brought it to your attention?---I can't remember exactly whether it was the director of corporate or whether it was a manager of finance, but yeah, it was, it was in one of the budget discussions, the executive leadership team.

And what was your response to that?---I was quite surprised that we'd overshot the budget in terms of expenditure.

40 Do you recall how much you overshot the budget by?---My best recollection was in the order of \$6 million.

Were any decisions made at that time to reduce the number of contingent workers?---No.

Why not?---They still needed the staff to deliver the projects, yeah, that was, for the, for the matching Capital Works Program.

If I can take you to volume 31.4, page 82, is that the kind of document that you would be sent as part of the monthly reviews?---Yes, that's it.

10

And your section was the city assets section.---Correct, correct.

See how on the left-hand side it says "Agency Costs" and the next column says "Budget" and if you go over to "City Assets" it's 1.496.---Yes.

Is that the annual budget?---Yes.

And then you go to the actual spend and it's 12981.---Yes.

20 So that's a significant overspend.---Against that budget, yes.

How does that get funded?---How does that get funded? Well that was where the, the, the funding would come through the Capital Works Program, yeah, capital, because it was a component in the caps work program for design and project management of labour, so this work would, that's where it would have come from if it was budgeted properly, yeah.

If you can go up to the page before that, this is a similar document, but for May 2022. See there's a reference there to "costs to be capitalised"?---Yes.

30

Do you know what that means?---Yes, that was costs to be, well, costs to be brought across from the Capital Works Program for the labour, yeah.

So does that mean that the \$10.7 million spent on agency costs, that's to be capitalising the capital work, that's to be funded from the Capital Works Program?---Yes.

As opposed to, what's the, where's the other - - -?---The operational budget.

40 Operational budget.---Yep.

So there was a large volume of contingent workers in the Works and Projects Unit as of 2021 to 2022.---Yes.

Why weren't any of these workers converted to full-time employment?---As I, as I stated at the beginning, we were working through a peak, expected peak in terms of work, especially with the special rate variation income coming in, but the financial modelling showed that that would drop off, so we didn't want to put on full-time staff and then have to let them go after a couple of years.

10

Could full-time staff costs be capitalised in the same way that agency staff costs could?---Yes.

Is the fact that you can capitalise it to the Capital Works Program mean that those figures tended to get less scrutiny compared to the other figures in the budget?---I'm not sure what, what you mean by less scrutiny.

Well, because it gets funded from a different pot of money.---No, there shouldn't be less scrutiny, no.

20

Aside from reports like this did you receive any other financial reports on contingent worker expenditure?---No, only on requests for extension of purchase orders, yeah.

So when this overspend was brought to your attention what steps were taken in relation to this expenditure?---I brought it to the attention of Mr Webb and he was also surprised, and we went away to have a look at what happened and how it happened. It, as it says there, costs to be capitalised. What we discovered was a lot of time sheets, many time sheets had not been entered into the system. I don't know why but my understanding is you cannot raise a purchase order without a budget, so how the purchase orders were raised when there was no budget, I don't know. But also what we also found was that the unit was doing a lot of work not only for Capital Works but for other units across council, and they were putting that to your time sheets as well but not actually covering that cost from other units.

30

When you say we, do you mean Mr Webb and yourself?---Correct, yes.

So you both conducted an investigation into the expenditure?---Yes, correct.

40

And aside from investigating the cause of it, did you take any steps to rectify it?---Well, yes, we did. We made an adjustment in the '22/'23 quarter review September to actually budget for the staff that we required.

10 So appropriate, so does that mean to some extent the issue with the budget and the expenditure wasn't so much the overspend, it was the fact that it hadn't been properly budgeted?---That's right, yeah, because we had increased, we had increased our Works Program significantly, however, we had not increased - allocated the budget properly to the unit to deliver the program.

Whose responsibility was that?---It would have been Mr Webb's, yeah.

Whose role was it to make sure that the contingency workers were adequately experienced and skilled for the roles?---Mr Webb.

And whose responsibility was it to sign the necessary documents for the recruitment agencies?---It would have been Mr Webb, yeah, the agreements.

20 Did you have any understanding of what council was paying for these agency workers at the time when they were, first started being engaged in 2021?---No, I did not, no, unless the purchase order came to me because of the value, the - - -

For approval?---The original, for approval, the original purchase or the first one, yeah.

30 So when did the purchase order need to come to you?---When it exceeds \$150,000 in expenditure.

THE COMMISSIONER: Could I just clarify something you mentioned a moment ago. You said that, I think you said something like where there's a purchase order for a certain budgeted amount and then an invoice is submitted that goes beyond that, that there should be some sort of warning come up or something like that. Is that it, or - - -?---Yeah, what I mentioned was to my best, my recollection, and I could be incorrect, but my understanding is you cannot raise a purchase order if there is no budget to draw from.

And would that apply when an invoice was put in in relation to a contingent worker, an agency worker, or - - -?---Well, it should apply from the moment the requisition is requested.

Right.---So if you're raising an order for Mr Smith for \$100,000, if there's no budget in that line item for that, well, I guess for agency staff, for example, the purchase order should not be raised, shouldn't be approved, yeah.

10 So was that some sort of flaw in the system that that didn't happen and there was this massive overspend?---Potentially. I don't know. It could have been booked to another line item which was never drawn upon because the time sheets weren't going in. It's probably, I'm not sure exactly how it works in terms of the financial side, but if, if we have a budget of \$2.6 million for design labour and we're not spending that than it looks, because the time sheets have not gone in, then it looks like there's always a budget there, yeah.

20 Can you explain to me about the time sheets not going in.---Oh yeah. The time sheets, the time sheets need to be manually entered into our financial system. So effectively if you spend an hour on a project whether it's design or survey or project management, that time is captured and then put against the project on a weekly basis, yeah.

And whose responsibility was it to submit the time sheets in relation to the agency workers?---Well, it would have been the unit to, to submit the time sheets. In terms of entering into the system, I don't know, no.

30 So was the problem that they weren't being submitted or that they weren't being entered?---My recollection is they weren't entered.

Okay.---Yeah.

All right. And do we know why? Did you ever find out why?---No. My understanding, well, my recollection was the time sheets, sorry, the time sheets are entered for the full-time staff because they go through our payroll, but 'cause the agency staff do not, they are manually put in by I guess an administrative person, and I don't recollect why they weren't put into the system, no. Yeah.

40

Thank you. Sorry to interrupt.

MS HUXLEY: Was it your understanding at 2020 to 2022 that contingent hires were more expensive than full-time employees?---Yes. Yes.

And did you have a view about whether those contingent hires represented value for money given that there was such a significant expenditure on the contingent workers?---To the best of my recollection the majority of the people that we employed did represent value for money 'cause of, again, as I mentioned, the, the resource market at the time. I did question a few others
10 who were quite significant, and the response I got from Mr Webb was that's the market for that skill level, yeah.

Do you recall who you questioned?---The one that stood out for me was, well, two, basically two, was one was, I can't remember his last name. First name was Miro. I think he was \$180 an hour.

\$84 an hour.---180.

180.---Yeah, and then James Bejar, who was quite significant, and that was
20 a weekly rate.

Do you know what his rate was?---To the best of my recollection, paying for his services in the order of 6,000 a week, yeah.

And what was his role?---He was the project manager for the delivery of the Greenacre Splash Park. He was based on site.

So was it your view that \$6,000 per week was a lot to pay a project manager?---Yes.
30

And what was Miro's role?---He worked in the Project Manager Office but also when he had capability or capacity he worked, he, he did other roles within Ben's team.

And was your concern with the price paid for him that it was a lot to pay for that role or that it was a lot to pay someone of his level of experience?---No, for that role, I, yeah, I assumed his level of experience was high, but yeah for that role.

40 When did you first see or become aware of Mr Bejar's weekly rate?---I cannot, I don't recollect the first time it came to my attention.

Would it have been during Mr Webb's time at council?---I would say yes, yeah.

And did you speak to him about it?---Yes.

What did you say?---That's, that's still cheap for what we're getting.

10 Sorry, is that what he said to you?---Well of, words to that effect because we, we were the head contract on that project, so rather than employ a company to deliver the project - - -

It was done in-house?---It was done in-house and to put that person on-site full-time managing was a good rate of pay.

Did you know if other project managers in the unit were being paid that amount of money?---No, I didn't. Not, not that I recollect.

20 Did you ask Mr Webb if other managers were being paid that kind of money?---No I did not, no.

Were you aware of what Mr, I will come to that, sorry. Can I take you to volume 3.1, page 71, which is Exhibit 30. If we start on page 72, that's an email to Mr Anderson, Mr Webb, Mr Aitken, concerning Mr Cossu's rate. ---Yes.

30 Do you know what role Mr Cossu was performing at that time? This is in 2020.---2020. My recollection was he was brought in as a senior project manager.

The order total there is \$130,582.40.---Yes.

For 1,040 hours.---Yes.

So 1,040 hours equates to about six months' worth of work.---Correct, yes.

And that was, so council was paying \$130,582 for six months' worth of work from a senior project manager.---Yes.

Did you think that was a lot?---Not for, well it, it, it appears to be a lot. Well it is a lot, however like I said at the, at the time, trying to get staff, qualified staff was very difficult.

Did you know what Mr Webb was being paid at the time?---I can't recall exactly, but it was a hundred and, something, yeah about 180,000 I think, or thereabouts.

10 Did you know what Mr Anderson was being paid at the time?---No, I do not.

So Mr Cossu was in a role less senior to Mr Webb.---Yes.

And he was being paid more than Mr Webb. Council was paying more than Mr Webb for his role.---Yes, yes.

So we go back up to page 71. Mr Webb is seeking your approval.---Yes.

20 So at this stage, do you know when Mr Cossu started working at council?
---In May 2020, I think, yeah.

And so your approval was being sought in November 2020?---Correct, yes.

And Mr Webb says there, "We brought Pietro in for three months."---Yeah, that's incorrect, that's - - -

But that was incorrect.---That's incorrect.

30 Did you notice that at the time?---Not at the time. I have noticed it since, yes. It's double, double the amount now.

Yeah, and Mr Webb is saying he can see the benefit for him staying for another three months.---Correct, yes.

"And that would just about see out our works program."---Yes.

But the order was for six months' worth of work.---The, are you talking about the page before or the - - -

40 Yeah.---Yes, yes, it was, it was, it should have been half that amount of hours, yeah.

And you didn't say anything?---I didn't pick that up, sorry, and I guess neither did the procurement officer, yeah.

When does the procurement officer become involved in this, at the beginning? So before your approval is sought or after?---Well it, the procurement officer would have been involved at the beginning of this original purchase order because it was below.

10 See the name at the bottom of that page, Mr Humberstone. Is that a procurement officer?---Yes.

Okay.---Yeah.

At the time you approved this extension, did you understand that Mr Cossu and Mr Webb were working closely together?---Within council, I guess no closer than anybody else, yeah.

20 If you go to page 77, and this is another request almost a year later.---Yes.

It says order needs more hours added, order for 3,120 hours.---Three, yeah.

So that's in excess of a year being sought, if 1,040 are about six months. ---Yes, I'm not sure where that, yeah. We only approve the three-month extensions so I'm not sure what happened there.

So you only approved Mr Webb's email?---Well - - -

30 Is that right? So that only - - -?---Sorry, well the previous exhibit you had, I approved the three-month extension, so I'm not sure how we ended up with 3,120 hours, but anyway, but then I, I approved another six months following that, yes.

So, sorry, just going back to page 71 of that volume, are you saying there that you only approved for Mr Cossu to stay for a further three months? ---Well that was the request in the email, yeah, yes.

40 And so when you say approved as recommended, you're approving Mr Webb's recommendation for three, to - - -?---Yes, so it would have been 520 hours.

Yeah.---Yeah.

And that was on 3 November 2020.---Yes.

And then you go down to page 77, and this is October 2021.---Okay, that one, that happened earlier then, yeah.

10 Was it your understanding that Mr Cossu had remained in continual work with council from 2020 to 2021?---My recollection was he was engaged by council, but whether he took annual leave or leave, I don't recall, yeah.

And so here's another extension of his contract.---Yes.

And it says there, it says order total 391,747.20 excluding GST. Do you know if that's the order total for the 3,120 hours?---It would have been, it would have been to date, the date on that purchase order, yeah, over that, whatever period it was, yeah.

20 And if you go to the next page, page 78, you approve as recommended. And by that, I take it to mean that you only approved an extension for six months?---Correct.

Did you speak to Mr Webb about approving any of these extensions?
---When you say "these", these ones are specific to Mr Cossu?

Pardon?---In relation to Mr Cossu?

Yeah.---I don't recall, yeah.

30 You're aware that there was code of conduct that applies to council staff?
---Yes.

Did you have any responsibility in ensuring compliance with the code of conduct?---Well, my, I, my requirement was to ensure that staff were trained and actually attended and follow up if they didn't attend, yes.

And under the code of conduct you are a person to whom some people had to disclose conflicts to?---Yes.

40 Do you know if Mr Webb was provided with the code of conduct when he first started at council?---I don't know if it was provided to him but I know

he, he, he attended compulsory training. So it would have been provided through there.

Around the time of his commencement at council?---Correct, yes.

At any time during Mr Webb's employment at council did he disclose any conflict of interest to you?---No.

Did Mr Cossu ever disclose any conflict of interest to you?---No.

10

Were you aware in 2021 to 2022 of an arrangement whereby Mr Cossu was supplying contingent workers to council through either Randstad or Spinifex?---No.

Have you since become aware of that arrangement?---Yes.

When did you first become aware of that arrangement?---It was brought to my attention by the Director of Corporate.

20 When was that?---It would have come, exactly the time, it was in 2022 but I can't remember the actual month.

It would have been before Mr Webb stopped working at council?---Yes, yes.

Can you say how long before?---Say within six months of him resigning, yeah.

30 And what did Director of Corporate say to you?---They would be raising it with the, well General Manager at the time, CEO now, and then he would assume that we would be raising that with ICAC.

What did they say about what the arrangement was?---The arrangement with what, sorry?

40 Where Mr Cossu was supplying workers to council.---Oh, well, he basically explained to me that two agencies, Randstad and Spinifex, were using a third-party called PMLV to supply labour, contingent labour and when he looked into the owner of PMLV, he, he advised me it was Pietro Cossu. So
- - -

Do you know how the Director of Corporate found out about that?---To the best of my recollection, I think there was, there was a, it was brought to our attention by a, a staff member within Works and Projects, Richard Osborne, yeah.

THE COMMISSIONER: Who was the Director of Corporate?---Ken Manoski.

10 MS HUXLEY: When that was raised with you, were you aware that part of that arrangement that PMLV was receiving a percentage of the pay charged to council for the worker?---I was not aware, no, no.

Did you understand that Mr Cossu was receiving some financial advantage in relation to that scheme?---I could only assume there was a financial advantage. I don't know what the arrangements were, yeah, but, yeah, on the surface of how it looked, it was quite obvious, yeah.

20 Had there been any disclosures to you from Mr Cossu in relation to a financial interest in PMLV during his time at council?---No.

Had Mr Webb ever disclosed to you that he had a financial interest or association with PMLV during his time at council?---No.

Did Mr Webb ever disclose to you that he'd received gifts or loans from Mr Cossu during his time at council?---No, definitely not.

30 Would you have remembered if Mr Webb had made a disclosure of pecuniary interest to you during your time at council, during his time at council?---Yes, yes.

Would you have remembered if Mr Cossu had made such a declaration? ---Yes.

40 If you had become aware of Mr Cossu's involvement in such an arrangement earlier, say in 2021, what would you have done about it?---My original reaction would have been to terminate him, but anyway. We would have had a discussion and obviously it's not acceptable to have that arrangement within your work, within the office or within the department. It's a clear conflict of interest under our, our code, yeah.

If Mr Webb had disclosed to you that he had received moneys from Mr Cossu in a personal capacity during his time at council, would you have done anything about that?---Yes.

What would you have done?---Well, we would have had a discussion in terms of, to see what the arrangement was, the terms of the potential secondary employment, whether it was approved or not and also whether it was a conflict of interest, yeah, a pecuniary conflict of interest, yeah.

- 10 Did you ever remind Mr Webb during his time at council of the need to comply with the code of conduct?---No, I did not.

Did Mr Webb ever disclose to you that he was developing a project management software while he was working at council?---No.

Did Mr Webb ever disclose to you that he had a secondary source of income while he was working at council?---No. If he did, he should have declared it.

- 20 Just going back to the recruitment in the Works and Projects Unit, did Mr Webb have an approved organisational structure to recruit to?---There was an approved organisational structure but with agency staff it was approved outside that structure, yeah.

Approved outside the structure?---Yes. In, in addition to the approved structure, yeah.

- 30 Did you have any role in overseeing the agency recruitment structure that he was recruiting to?---I recall seeing a draft of a structure but that was never approved, in terms of adopting within the council. But there was a formal structure I saw, which had in, in, around, from memory around 80 staff in total, between the Survey, Design and Delivery Teams and there was a Communication Team as well.

Were you aware that council conducted an internal audit of contingent worker engagement during this period?---Yes, I was aware but I don't recall the details.

- 40 Did you have any involvement in that review?---I don't recall if I was - yeah, I don't recall, sorry, no.

In November 2022 Mr Webb sent you a letter of resignation. Do you know what prompted his resignation?---No, I don't. He was meant to finish his contract anyway in December, end of December but he resigned earlier.

Did you speak to him after receiving his resignation letter?---I guess I would have but I don't recall the conversation, yeah.

10 Can I take you to volume 2.1, page 216. So you're not involved in this email, but it's an email advising Mr Webb that recruitment had been placed on hold. Were you aware that recruitment had been placed on hold in the Works and Projects Unit as at November 2022?---I don't, I don't recall but that would have come as a direction, I assume it would have come a direction from either myself or the Executive Team because Sean Naidu was, was getting a handover from Ben, prior to Ben's departure, and rather than continue to employ more people that Sean was not across, that was, that would have been put out to Ben, but I can't recall exactly what happened prior, prior to the email being created, but yeah.

20 So you said that it would have been a decision from you or the Executive Team. Do you know why you made that decision?---I would say, well my recollection is because we knew what was happening, or what had been occurring in terms of the arrangement between Mr Webb and Mr Cossu, yeah.

So at that time, you understood that Mr Webb had some involvement in that arrangement?---I would, I assumed he did based on what facts we had, the limited facts we had at the time but Sean would not have known, yeah.

30 Can you describe the culture within the Works and Projects Unit?---Yeah. I guess you could describe two cultures. One was if you were in the, if you were in the works and projects clique in terms of one of Mr Webb's favourites, it was a good place to work and if you weren't, it wasn't.

Did you think that contingent hires felt comfortable raising issues at that time?---On reflection, no.

And why is that?---They were at the whim of Mr Webb's hiring and firing and I guess that applied - - -

40 MR PARARAJASINGHAM: Commissioner, I object to this, we're now being asked questions about this man's speculation.

THE COMMISSIONER: It is speculative.

MR PARARAJASINGHAM: Thank you.

WITNESS: Yes, it is, yeah, I can only assume it's because of, and that would apply to any person with that, in that, who had that position or delegation that they could hire and fire as they choose being an agency person of contingent labour.

10

MS HUXLEY: It's an inherent part of the contingency labour arrangement that they can be terminated at short notice.---Correct, yeah, there's no, at short notice, correct, yeah. There's no, it's completely opposite to a full time employee, yes.

During 2020 to 2022, council awarded a company called General Works and Construction Proprietary Limited a number of projects. Were you aware of that?---No.

20 What was your involvement in the tender process at council at the time?
---Sorry?

What was your involvement in assessing tenders to council for works at the time?---I would, my involvement was to assess the tender recommendation report that would come through to me before it went on to the manager, manager of governance and then finally to the CEO to sign off.

30 Would that only be for projects that required your approval based on your financial delegation?---That was, well for projects, yeah, if it was a tender, so projects over \$250,000 that went to market, yeah. Anything - - -

And then it went to you for approval?---Well it went through a number of, it went through, you know, the finance manager, the supply probity officer, the manager of the department, the project manager, so there was a number of signatures prior, prior to my approval.

And in terms of evaluating the tenders, you relied on the junior staff to do that?---Well I relied on the panel, yeah, much, a number of them may have been junior, junior, yeah.

40

Junior to you, I mean.---Yes, sorry, juniors to me, yes.

And they would recommend a particular contractor in the panel report?
---Yes.

And you would review that, would you review the panel report?---Yes.

And then approve or not approve.---Correct.

10 Were there instances where you didn't approve a recommendation by a panel report, by an evaluation panel, I'm sorry?---I don't recall not approving, but I do recall challenging some of the, some of the - - -

So there would be an engagement with the report, it wasn't just - - -?
---Yeah. Yeah, it was, it was, well it's not, I don't have the authority, or you know, it wouldn't be ethical for me to speak to the panel having to change their scoring, but I would speak to manager about how they came to that, that answer or scoring, I guess, yeah.

20 Did you know whether there was a process for declaring a conflict of interest before a member is included on an evaluation panel?---Yes.

And what was that process?---They all needed to, all need to sign a conflict of interest disclosure which is kept by the Supply Team in their register.

And is that done per project?---Yes.

Once the tenders are received.---Correct, prior, yes, prior to receiving tenders, yeah.

30 Because it's only when you receive the tender that you can identify whether there is a conflict.---Correct, yes.

There's no point in declaring an interest in in an organisation that isn't actually receiving - - -?---That's right.

- - - in line for the project.---Yes.

40 Did you have any role in compiling the scope of works or the documents that were released to prospective contractors for them to tender on?---No, I did not.

Did you have any role in the clarification process once a tender was received?---No.

Did you have any role in relation to the financial assessment that was conducted on particular projects?---No, no.

Do you know when a financial assessment was required to be conducted?
---It's all, yes it's, it's conducted towards the end of the assessment in terms of scoring but I don't know exactly the timeframe or yeah.

10

If a company performed poorly on the financial assessment, would that be included in the panel's report?---Yes.

And it would ultimately be a matter that you had to consider and whether to approve or put forward that contractor as a recommended contractor?---Yes, that's some, that would be information I would consider, yes.

Was it unusual for a contractor to fail a financial assessment?---I haven't seen too many of recent, but yes, it is unusual, yeah.

20

Do you know if it was a requirement under the tender process for subcontractors of the contractors to be disclosed to council?---Yes.

It was - - -?---It is a requirement.

It is a requirement.---Yes, yes.

Who is responsible for ensuring compliance with that requirement?---I don't know if it's, I don't know if it's the project, it's a panel or the Supply Team but it needs to be recorded, yeah.

30

So as part of the evaluation of the tender, you'd expect there to have been some review about whether a contractor could perform the particular obligations.---Correct, yes.

Or whether they were planning on subcontracting that out.---Including their planning equipment, yeah.

Were you aware at any time during 2020 to 2022 that Mr Cossu had an association with Mr Clarke's companies, including General Works and Construction?---No.

40

Did you know if Mr Cossu had assisted General Works & Construction in submitting for any of the projects that it submitted?---No, I'm not aware.

Were you aware that anyone at council had an association with General Works and Construction at that time?---No, I was not aware.

Were you aware that any of them, any council worker was assisting GWAC in - - -?---No.

10

- - - compiling documents for the council tender process?---Definitely not.

What was the role of a superintendent?---At council?

Yeah.---Well, to ensure that council's best interests are delivered on the project.

20 So is a superintendent appointed for each particular project?---Well, Mr Webb was the superintendent on all the projects but he would have had a representative on the projects, yeah.

And that representative was responsible for overseeing the delivery of that project?---Yes.

Would that role include approving variations?---Only if they had delegation. They could recommend for approval, but if they didn't have delegation they could not approve it, yeah, financially approve it sorry, yeah.

30 Was part of the role of the representative to push back on a contractor if they asked for a variation?---Well, in terms of pushing back, they would ask for verification for the variation to justify, yeah.

So investigate the need for the variation?---Correct, yeah.

If a superintendent's representative had a relationship with the company carrying out the project would that be of concern?---Yes.

And by relationship I mean, you know, a financial relationship.---Yes. Yes.

40 And why would it be of concern?---Well, I guess, I guess they would, there are a number of concerns. One would be obviously that they would be

approving variations which may not have been valid, workmanship may not have been challenged, turning a blind eye to certain things that include safety, yeah.

Failure to obtain certifications, things like that?---Yeah, certification, work, health and safety plans, environmental management plans. Whatever is required as per that contract. Some things may be overlooked or if it was submitted that wasn't of quality, again, overlooked, yeah.

10 So there would be a number of risks to council.---A lot of risks, yes.

Were you involved in any way in the Appian way non-destructive digging works?---I was, I was involved in approving the variation but not the original purchase order.

Is that because the original purchase order was within Mr Webb's financial delegation?---Yes. Well, yes.

20 But then when the variation came through it needed your approval because -
- -?---It, yeah, 'cause it was above \$150,000, yeah.

And do you recall approving that?---Yes.

And did you have any concerns in approving that?---I don't recall, yeah.

Did you have a role in the Appian Way Culverts Upgrade Project?---I, yes, I did have a role but I'm not sure what, what year. I did approve the tender. I'm not, sorry, I recommended the tender for approval.

30 Can you just explain what that means.---Well, there was two tenders, one for the civil works, one, well, a number of tenders, one for the civil works and one for the Appian Way delivery of culverts and precast, so I would have recommended approval for that tender, as I was discussing previously through that process, yeah.

So by approval for that tender that you were approving that it go out for tender? What do you mean by approval for tender?---Sorry, I mean the tender report that you referred to earlier.

40 Oh.---Yes.

So once the tenders had come in.---Yes.

So you weren't involved in approving the documents going out for tender.
---I, no, I don't recall, no. There may have been some discussions in preparation of them, but I didn't prepare them, no.

Do you recall in late 2021 there was an issue with the tender process for Appian Way culverts because no quotes had been received for a scope of works that had been done in 2021?---No, sorry, for the culverts or for the civil works, sorry?
10

So prior to 2021, as I understand it that project was combined and no quotes were received, and then there was a decision to separate it.---I don't recall, sorry. Yeah.

But, in any event, there were two tenders, one for the civil works - - -?
---Yes, there was two.

- - - and an open tender for the supply of culverts.---Correct, there was two tenders, yes.
20

Can I take you to volume 38.8, page 156. So Mr Webb's emailing you, forwarding you an email from Mr Parker to him about the - - -?---Yes.

Relating to GWAC's tender for that contract. Why was he keeping you updated on the status of this project?---This project had to be delivered within a, within a period of, well, we had to make sure we finished this project prior to the closing down of the railway, the Bankstown Line due to the metro works, so there was a, the window was, was, the longer this project took to get out to market and construct. The window was closing.
30 We did not want to be operating at the same time that the line would be, the Bankstown Line was proposed to be shut down, yeah. So there was a lot of interest in making sure this project commenced.

And did you have regular discussions with Mr Webb about the tender process and the identification of a suitable contractor?---No, only towards the end of it when the panel was getting close to the recommendation, yeah.

And what was the nature of those conversations?---If we, well, if we had found someone suitable to produce the culverts.
40

THE COMMISSIONER: Excuse me, who was Alan Parker? Oh, he's the Manager of Procurement.---Correct, yes.

And if I'm reading this correctly, he was concerned about an apparent disparity between what GWAC said that they had been doing in terms of lucrative contracts and the amount that was in their, I don't know, presumably tax returns or whatever it was.---That's right. They didn't - - -

10 It didn't seem to reflect the work they said they had been doing.---They did not line up, yes.

Okay.---Yeah.

MS HUXLEY: There was ultimately a General Manager report signed by a number of people including yourself.---Yes.

Which set out the reasons for going ahead with GWAC.---Yes.

20 What was the extent of your involvement in the drafting of that report?
---The majority of the report would have been prepared by the project officer, yeah.

And then reviewed by you?---Well, yes. Well, in terms of review, reviewed prior to my signing, yes, yeah.

30 Did you know at the time that you signed this that there was an arrangement by which Mr Cossu, who was at the time a council worker, would be provided subcontracting services to GWAC through his company PMLV?
---No, I did not.

If you had known that what would you have done?---Had a heart attack. Yeah, I would have, would not have proceeded with the tender. I would have cancelled it. I mean, ask further questions, yeah.

Further questions of who?---Well, Mr Cossu, yeah.

Investigated it?---Investigated it, yes, the normal process but, yeah, it would have been a big shock.

Were you aware if Mr Cossu had assisted GWAC to provide relevant documentation, relevant to the tender for this project?---No, I was not aware.

If you had known that at the time, what would you have done?---We'd have further, well, we would investigate it and probably, and disqualify the submission, yeah.

10 Did you know at the time that you signed this if it was the case that Mr Webb had received any benefits from Mr Cossu or PMLV?---No, I did, I was not aware, no.

And if you had been aware, what would you have done?---Similarly would have investigated it and not, not sign that document.

Commissioner, those are my questions for this witness.

THE COMMISSIONER: Very well. Now, Mr Pararajasingham?

20 MR PARARAJASINGHAM: Thank you, Commissioner. I'm in a similar position - - -

THE COMMISSIONER: I thought you might say that.

MR PARARAJASINGHAM: - - - to what I was earlier. So perhaps the witness can return on Thursday after Mr Anderson, or before but Thursday is my preference.

30 THE COMMISSIONER: I suppose you were going to say the same thing, Mr Sutton?

MR SUTTON: I do.

THE COMMISSIONER: Yes.

MR SUTTON: Yes, Commissioner.

THE COMMISSIONER: Are you available on Thursday, Mr Vangi?---Yes.

Oh, good. Because the legal representatives for Webb and Cossu, some of this information is news to them and they want to get some instructions before they ask you some questions.---Yep, that's fine.

MS ALDERSON: Commissioner, I believe Mr Moses has some questions, he's just coming back from - - -

THE COMMISSIONER: Oh, so do you think he might like to ask the questions now, do you think?

10

MS ALDERSON: I think if that's convenient to yourself, Commissioner, yes.

THE COMMISSIONER: Oh, I think it is very convenient.

MS ALDERSON: Thank you, yes.

THE COMMISSIONER: Probably for everybody.

20 MS ALDERSON: I believe he just had a couple of questions. So I think he'll only be a minute.

THE COMMISSIONER: Yeah, sure. Just take a seat Ms Alderson.

MS ALDERSON: Thank you.

THE COMMISSIONER: Ms Huxley, while we're just waiting for Mr Moses, I'm just wondering about tomorrow. We have the two witnesses that we had already scheduled for tomorrow and are we going to try to bring
30 Mr Webb Senior forward to tomorrow?

MS HUXLEY: Yes, Commissioner.

THE COMMISSIONER: Yes.

MS HUXLEY: Hopefully we can finish the two contractor witness and Mr Webb by lunchtime.

THE COMMISSIONER: Oh, I don't mind, as long as you think we can do
40 all three at some stage during the course of the day.

MS HUXLEY: I understand one of the witnesses is also available now. So depending on how many questions Mr Moses has, we could make a start.

THE COMMISSIONER: Yes, well, that's true too.

MS HUXLEY: And potentially finish. I don't anticipate I will be long with them.

THE COMMISSIONER: All right.

10

MS HUXLEY: But - - -

THE COMMISSIONER: Okay. Thank you very much. Yes, so Mr Moses, does it suit you - - -

MR MOSES: Yes, thank you, Commissioner. My apologies.

THE COMMISSIONER: - - - to ask questions now, the same as before? Mr Sutton and Mr - - -

20

MR MOSES: Yes, of course. There's no difficulty if that's convenient to the Commission.

THE COMMISSIONER: Okay, thank you.

MR MOSES: I'm just going to ask whether volume 31.4, I think it's page 81, could be brought back onto the screen, which Mr Vangi was shown earlier by Counsel Assisting? Mr Vangi, you were asked some questions by Counsel Assisting in relation to the entry for agency staff costs and that relating to city assets concerning costs to be capitalised. Do you see that?
---Yes.

30

I just wanted to understand the evidence that you gave in relation to that issue. In relation to this budget, was this the budget in relation to the Capital Works Program?---No, this was overall budget.

And was the difficulty in respect of the question of costs to be capitalised was that in respect of this particular document, there hadn't been the foreshadowing of the capitalisation of the labour work force, is that right?

40

---Correct, yes.

Okay. So whilst there was a budget for the Capital Works Program, there was a, if I can put it this way, there hadn't been sufficient accounting for the investment in people that needed to deliver that program?---Correct, yes.

Yes, thank you. If I can then go just to a different topic, if I can. In relation to your role within council, just picking up on some evidence that you gave earlier, as the director, what was the extent of your involvement in relation to the Capital Works delivery by your particular unit, business unit?---The extent?

10

Yeah.---Well - - -

I mean your background is in civil engineering, of course.---My, I'm a civil engineer, yes.

And you have a Master of Business Administration?---Correct, yes.

Yes. What I'm trying to understand was, what was your involvement in terms of the Capital Works delivery of your unit?---My involvement, well, 20 mainly, well, only get involved in terms of delegation reviewing reports and tenders and quotes which required my approval for finance.

Yes.---But also I was involved in, I'm involved in working with the relevant units and the managers of developing the program itself and getting it adopted by council.

And your department basically looks after all of council's assets?---Yes.

From the planning, the designing, the building and the maintenance 30 phases?---Correct, yes, yep, yes.

So it's the full lifecycle of all the council's assets?---Correct, yes.

And there's a component of customer interactions in terms of applications relating to infrastructure and inquiries?---Yes.

I'm just going to show you a folder. I'm just going to provide the witness with a folder that was earlier provided to the Commission, and a contract, a Comensura contract, if I could ask that - - -

40

THE COMMISSIONER: Yes. I'm not sure where that's got to. I've got my copy. Where's the witness's?

MR MOSES: I've got a copy here for the witness, yes.

THE COMMISSIONER: Oh, right, okay.

MR MOSES: If the Commission could assist me with providing that to the witness. Thank you. Thank you. I just want to show you a few documents
10 that are in this folder, if I could trouble you to go to, Mr Vangi. It's tab 11 first, which is the document you will see, Capital Works Planning Variations.---Yes.

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

If you go to page 8, at about - - -?---Sorry, is that tab 8, is it?

No, so tab 11, if you go to page 2, I'm sorry, at about point 8. On the page,
20 it's the second column on the page, 80.---Yes.

"Approved variation memo", there's a reference there to Director City Assets.---Yes.

That's your role?---Correct.

And can you just explain to the Commission your role in terms of Capital Works planning variations as it currently exists?---As it currently exists?

Mm-hmm.---It's, well, I would need to - depending, again, depending on
30 delegation, if I had delegation I could vary the, I could approve the variation on that project up to \$1 million. Anything above that would need to do to the CEO but I would require that documentation justifying the variation.

And what type of documentation would you require?---Well, it's a report setting out the, well, the background of the project, the budget, the reason for the variation and also supporting signatures from the relevant either stakeholders or managers within other units.

Okay. thank you. If you go back to page 1 of the document. In respect of
40 the flow chart, are you able to tell the Commission whether this procedure

for Capital Works planning variations existed during the period 2020 to 2022 in this format?---Yes. I'm, I believe it did, yes.

Can I then ask that you go to tab 15 of this document for me? This is a document headed Project Management Framework, PMF.---Yes.

Are you familiar with this document?---Yes.

Are you able to explain to the Commissioner what this document - - -

10

THE COMMISSIONER: So, sorry, what tab is that, Mr - - -

MR MOSES: Tab 15, my apologies.

THE COMMISSIONER: Yes. That's fine, no, my apologies.

MR MOSES: It's Project Management Framework.

THE COMMISSIONER: Right.

20

MR MOSES: Are you able to explain what this document is and what it provides for?---This, this document is for the planning of each project that goes through the - this one's a long letter, isn't it? That goes through the, that's adopted in the Capital Works Program. So each project needs to pass through each gate so to - as I guess a checkpoint in terms of progressing, in terms of why we need the project, what the budget is, design et cetera. Yeah.

30

And each of these steps are, are they meant to signify some form of corporate governance in terms of a check on each step being done in accordance with the processes that are required to be followed by the council?---Yes.

And was this in place in the period 2020 to 2022?---Yes it was, but it was probably halfway through that period, yeah.

Okay, thank you. Around 2021 or thereabouts?---I think my, best to my recollection, yes.

40

Okay, thank you. Now in relation to the document behind tab 17, the contingent labour guide, you'll see in respect of this particular document, if

you go to page 3, there's a reference to the guide having been designed to support leaders in effectively managing the contingent labour life cycle. Are you able to recall when this document came into effect within council?
---No, I'm sorry, I can't recall.

That's okay.---Yeah.

10 If you go to tab 18, the contingent labour procedure, are you able to recall when this document came into effect at council?---I can't recall either, sorry, yeah.

And tab 19, are you able to recall when this document came into effect at council, being the contingent labour policy?---No, I don't recall, sorry, yeah.

Okay, thank you. And then finally tab 20. You were asked some questions by Counsel Assisting in relation to a tender report.---Yes.

20 The document that you have in front of you behind tab 20, are you able to ascertain from reading this whether this is a tender report of the type that you were being asked questions about by council assisting?---Yes, this is the tender report, yes.

And in relation to this tender report, if you go to page 8, this report summarises, this is at 1.2, summarises the process undertaken for the above procurement, the outcome of the tender, the recommendation to the evaluation panel and the seeking of approval from the general manager. Do you see that?---Yes.

30 In respect of these type of reports, being the tender reports, did you have a role in preparing these reports?---No.

Okay. And in relation to page 12, could I trouble you to go to - - -?---Yes.

- - - clause 4 of paragraph 4, there is a reference there to director's comment.---Comments, yes.

40 Do you know what that's a reference to?---That's a reference to a certain contractor's, or submissions were not accepted, usually when it's not, when the cheapest price is not, is not accepted, yeah.

So for instance, you were asked some questions by Counsel Assisting in relation to GWAC in terms of whether, and these are my words, not Counsel Assisting's words, in terms of whether it's financial health was such that it should be considered for contract work with council. Would that ordinarily, if there was a concern about that, would that ordinarily find its way, as part of the ranking, in relation to the director's comments there, or that not be located within that section?---No, it wouldn't be in my comments. It's in a section, it's in a different section, but in terms of the financial risk, it was discussed and as we'd only be paying on account, so if the given work was done we would be paying in advance, I consider that a lower risk.

So can I ask you to go to page 10 for me. This is the summary of the recommended tenderer which relates to GWAC. Do you see that?---Yes.

Point number 3. On your reading of that section there, is there anything there that is a reference to, and please read the whole of the two and a half pages that follow, is there anything there that deals with, if I can call it, the financial health of General Works & Construction in relation to the topic that was raised by Counsel Assisting with you?---No, there's no reference to financial capability in here.

Okay. Would you ordinarily expect it to be as part of the summary of the recommended tenderer to put the part of the pros and the cons in that section?---Not necessarily that section, but it, normally was in a different, another section in terms of the financial check, yeah.

Are you able to assist us by looking at this document now, for the assistance of the Commission, whether you can locate it anywhere in this particular document? And if you can't, say so.---Yeah, it's on page 21.

Thank you. Page 21.---Yes.

And that's in relation to 4.5, correct?---Correct, yes, sorry. Section 4.5, financials.

So there's a reference there to despite there being a failure of the financial assessment, other considerations were nonetheless taken into account in terms of the risk factor being able to be managed.---Correct, yes.

Okay, thank you. And there's a document that you have in front of you which is a contract between the council and Comensura. Do you have that there in front of you?---Yes I do, yeah.

Are you familiar with the provisions of this agreement that council has entered into in 2022?---When you say provisions, do you mean how it operates or - - -

Correct.---Yes. Yes, I am familiar with it.

10

Are you able to explain to the Commission how this operates?---Yes. So if someone wants to recruit a contingent labour, they, I guess, prepare the business case through their, I'll call it a portal or software, outlining what the requirement, what the role is, the position description, the requirements for the role, any checks that will be required, the period of engagement, and then that goes through a number of approval processes.

And when you say "portal", is that somebody within council who would do that?---No, it would be, well not a specific person, it would be their recruiting person, either the, say for example their coordinator - - -

You mean the third-party recruitment agency?---Sorry, can you repeat that again?

Who would input the information into the portal, who are you referring to? ---Oh, it would be a council officer would - - -

Okay. That's what I was referring to.---Yeah, would input, input the information, yes.

30

Okay. What type of information goes into the system?---The, the, the role that's required, the skills, the position description, the period of engagement, any checks that are required. All the - - -

That is police checks (not transcribable).---Correct, police checks and any other qualifications that they require, yeah.

And then this would then be provide to the third-party recruitment provider?---Once it's been approved, yes. And then the third-party provider, sorry, then Comensura would go out to the market who approve providers on their panel and come back with a selection of candidates.

40

And council then pays who the money for this service?---Well we pay Comensura, yeah, a commission, yeah.

That's right, and then they pay then the third-party supplier through the recruitment agency.---Correct, yes.

10 Okay, thank you. And now I just have two other questions to raise with you. You were asked a question by Counsel Assisting in relation to the resignation of Mr Webb in November 2022 and prior to November 2022, I think you told the Commission that you were aware that an issue had been raised in relation to Mr Webb, correct, that is you were told by the director of corporate there was an issue concerning Mr Webb in relation to contractors.---I guess it, I guess it commenced with, initially with Pietro Cossu in terms of PMLV.

Yes.---And as all the recruitment was coming through Ben's approval, the assumption was that he was also involved at that time, yeah.

20 But that was information that was told to you by the director in corporate. ---Correct, yes, yes.

And you did not raise it with Mr Webb at the time, correct?---No, I did not, no.

And the reason you did not raise it with Mr Webb at the time was that it was an issue that was being dealt with by the council, that is it was, as you understood it, dealing with the issue through preparing a document to go to the Commission, this Commission.---Correct, yes.

30 Okay, thank you. And then the final question I'll ask you related to the question of, and this is a policy question, I'm not asking you for council's views, but your views given one of the issues that this Commission is looking at relates to the use of contingency labour, in your experience as a director of assets, are you able to express an opinion about both the positives and the negatives of using contingency labour, first with the positives?---The positives? Well, yes, you can, I guess you can recruit specialised, including like structural, geotech, for a specific project, or, again, you can recruit the relevant specialised skill for a period, whether that
40 be three months, six months or a bit longer, and when you don't require that service you can obviously let them, well, cancel them, close out the contract

with that agency person. So it gives you, it does provide a lot of flexibility in terms of flexing, or this flexing up and flexing down, which we have done in the past, especially in the outdoor area. In the, yeah.

And the negatives of contingency labour hire?---The negatives is, which I'm experiencing at the moment is a loss of knowledge, out the door, so all that training that we do, provide staff, is, is, it goes with the staff member during that short period or even can be a bit longer. Mainly, well, my experience is contingent labour don't give you much notice if they decide to leave. It's
10 usually a week or less. It can be seen also, it can be, it can be under the, tends to be under the influence of that recruiting person in terms of, you know, not performing or performing and hiring and firing, yeah.

Thank you. And there was actually one other issue I wanted to ask you a question about which Counsel Assisting touched upon. This \$6 million shortfall in the budget that came about in 2022, can I go back to that issue.
---Yes.

In relation to that 6 million shortfall, is it the case that the amount of works
20 that was being undertaken in 2022 was significantly more than what had been undertaken in the previous years?---Yes.

And in relation to the percentage of capitalisation in respect of labour, the percentage remained the same but the amount increased in line with the amount of works that was being undertaken.---That's correct, yes.

Thank you. I have no further questions for the witness. Mr Vangi, you just remain there. The Commissioner might tell you what you need to do next,
30 thank you.

MR SUTTON: It's not really a question, not a question at all for Mr Vangi, but just noting that Mr Moses and his team were kind enough to supply some folders. I notice there were a number of questions asked on sections that have not been supplied to us and I - - -

MR MOSES: Yes, there are additional tabs that I asked questions of this witness about which we will also do the same, we will also provide that to our friends.

40 MR SUTTON: Thank you.

THE COMMISSIONER: Yes.

MR SUTTON: Thank you, Commissioner.

THE COMMISSIONER: All right. So we can't take Mr Vangi any further today, I don't think, Ms Huxley. All right. So if you don't mind coming back on Thursday, and you might be given some more detail about times by our staff hopefully, yeah.---Thank you.

10 Thank you.---Can I leave this here?

MR MOSES: Yes, if you could return that to me, thank you, Mr Vangi. If that could be returned to me.

<THE WITNESS STOOD DOWN

[3.43pm]

20 THE COMMISSIONER: Did you have another witness that you wanted to make a start on, Ms Huxley?

MS HUXLEY: Yes, Melanie Chaparro is here, Commissioner.

THE COMMISSIONER: All right. We'll make a start then.

MR MOSES: Your Honour, the next thing I was going to ask you in respect of Mr Vangi and Mr Anderson is if they're not required on Thursday by my friends, whether they could perhaps let us know by 4pm tomorrow?

30 THE COMMISSIONER: Yes.

MR MOSES: If they weren't required to come back then I won't be coming back on Thursday. It's just a matter of - and if that's convenient to Counsel Assisting, because Counsel Assisting may have questions as well.

40 THE COMMISSIONER: Yes. Well, if legal representatives for Webb and Cossu are able to, would you please advise everybody, Ms Huxley, Mr Moses and us, as to whether, in the circumstances that you don't require either Vangi or Anderson on Thursday, thank you.

MR PARARAJASINGHAM: Thanks, Commissioner. Could I just ask the Commissioner if possible, and I understand there's, it's not entirely straightforward, whether the transcripts from today could be uploaded as soon as possible tomorrow. That would expedite an answer to the question that's just fallen. But I understand that - - -

THE COMMISSIONER: Yes. Mr Baine will take that on board, hopefully that will happen.

10 MR PARARAJASINGHAM: Yes.

MS HUXLEY: I understand this morning's will be up this afternoon, the transcript from this morning will be up this afternoon, and then there will be, the transcript from this afternoon will be available tomorrow morning.

THE COMMISSIONER: At some stage.

MS HUXLEY: And it will be made available to the parties as soon as possible.

20

THE COMMISSIONER: Yes, thanks, Ms Huxley.

MS HUXLEY: I can also indicate I don't have any further questions for Mr Vangi so depending on whether Mr Sutton or Mr Pararajasingham wish to ask him any further questions, I won't require - - -

THE COMMISSIONER: Thanks, Ms Huxley. I left you out of the equation, sorry. All right. Have we got Ms Chaparro? Did you want to just take a seat to start with. Now is it still Ms Chaparro? I think I might have read you - - -

30

MS CHAPARRO: Yeah, Chaparro. It's okay, yes, thank you.

THE COMMISSIONER: Good. All right. Now, are you aware there's two allegations that we're looking at in this inquiry? Are you aware of those allegations or would you like me to read them out to you again?

MS CHAPARRO: I am aware, I've read the summons.

40 THE COMMISSIONER: Okay. All right then. Now, I just want to give you a little bit of information. At this inquiry you must take an oath or

make an affirmation to tell the truth. You must answer all questions that you are asked. And you must produce any document or thing in your custody or control that you are required to produce by summons or that I require you to produce. You must answer all questions and produce documents even if the answers or the production might incriminate you. However, you can take an objection to answering a question or producing a document which would mean that your answer or production can't be used against you in, well, relevantly I think any criminal proceedings, or any disciplinary proceedings as well. But there is an exception to that
10 protection. You wouldn't be protected if you were prosecuted on an offence against the ICAC Act or for contempt of ICAC, so that if you were prosecuted for giving false evidence, then your evidence could be used in that prosecution.

MS CHAPARRO: Okay.

THE COMMISSIONER: Right. Now, you don't have to take an objection to every single question or the production of anything you're asked to produce. You can take a blanket objection at the beginning and that will
20 provide you with protection for all your answers and production. So I'm assuming you'd like to take a blanket objection. It's normal for witnesses to take the objection to get whatever protection they can manage to get.

MS CHAPARRO: Yeah.

THE COMMISSIONER: Yeah. All right. So I will declare that all answers given by the witness and all documents or other things produced by the witness will be regarded as having been given or produced on objection by the witness.

30

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

THE COMMISSIONER: Obviously if you have any difficulty
40 understanding the question or if you can't hear it and you want it repeated,

just say so please. It's important you understand exactly what you've been asked.

MS CHAPARRO: Yeah.

THE COMMISSIONER: If you need a break let me know, but I don't know if you will need a break in the next ten minutes. Hopefully you will manage through to 4 o'clock, and then we might go - we'll just see how we're travelling at 4 o'clock, okay, but if you were to come back tomorrow that would apply. And is there anything you want to ask me before we start?

MS CHAPARRO: I'm all right.

THE COMMISSIONER: You're all right. Okay. Good. Would you like to take a religious oath or an affirmation to tell the truth?

MS CHAPARRO: A religious oath.

20

THE COMMISSIONER: Thank you. Please be seated.---Thank you.

Right, Ms Huxley.

MS HUXLEY: Ms Chaparro, how do you know Mr Webb?---He contact
10 me through LinkedIn back in 2021. That's the first contact that I have with
him.

He sent you a message on LinkedIn?---Yeah.

And what did that message say?---So he mentioned he was setting up a
PMO at the council so he was looking for project management professionals
around, yeah.

And did he say anything else about the role?---No, he didn't mention the
20 role. He just mentioned, like, "I'm setting up a PMO," and that was my
experience back in Colombia, setting up PMOs, so he mentioned, like, if I
was interested. I respond to him I was interested and then he emailed me.

So did you provide your email address and contact details?---Yeah.

And then he emailed you.---Yes. So he emailed me and he asked me for my
CV.

And did you provide it to him?---Yes, I provide it.

30 Did you speak to him again after you sent your CV?---Yes. After I send my
CV he say, he say he was interested for a call.

And did he call you?---Yeah, he did.

And what did he say when he called you?---So he wanted to know about my
experience. So, yeah.

And was anything else discussed in that call apart from your experience?
---No, just my background. He wanted to know how much knowledge I
40 have in project management field.

And how did he end that call? Did he say that he would get in touch with you or did he say someone else would get in touch with you?---No. So that moment he say, like, he was going to get in touch with me, if I was successful for, to continue with the recruitment process. He say he was going to interview I think around four more candidates apart from me.

He said that he would interview four other candidates?---Yes, exactly.

10 And do you recall around about what time, when this happened?---Yes, yeah. I remember it was the day that he send me that message, it was 19 January 2021 and I don't recall exactly if he called me that afternoon or the days after because I send my CV straight away. I was looking for a job like one year and a half, so yeah, I was very keen to. And after that he told me after he had the conversation, he, yeah, he told me he would get in touch with me on Friday of that week because I think 19 January was a Tuesday. I was expecting for his call that didn't come back. I think he come back to me next week of that, yeah, following week.

20 So if I can take you to volume 4.1, page 6. Exhibit 32.

THE COMMISSIONER: It will come up on the screen.---Oh, okay.

Just wait for it.

MS HUXLEY: See the bottom email there's an email from you to Mr Webb?---Yep.

30 Saying that the agency had contacted you yesterday. So had Mr Webb told you before Tuesday 26 January that you were successful for the position? ---Yeah. So this one was on Tuesday. So I recall he call me on Monday, that 25th, to tell me I was successful and he will manage with the agency. I didn't know who was the agency. And I guess, like, someone call me from 26 and send me the contract and everything and I say, yes, like, I was going to review and send it through.

Do you recall who from the agency contacted you, what the person's name was?---It was Pietro, yeah.

40 So Mr Cossu contacted you?---Yeah.

And what did Mr Cossu say to you?---I mean, like, he say, like, “Oh Ben it’s okay to go with the contract and I, I will send the contract.” I mean, for me it was the agency doing his job to send me the contract through.

Did you have any conversations with a person called Mr Trapman around this time?---Yeah. So my conversations with Ben Trapman was following to this.

10 So after you spoke to Mr Cossu?---Yeah. I think because I recall Pietro was who send me the contract. However, Ben Trapman also called me. I don’t remember any, that Tuesday, like, same time. He also asked me for my background, my career background and he also ask me to fill a form of details. So the details they were, like, if I was agree to take a police check, driver licence and all those checks. Also if I was available, yeah, works, if I have all full rights to work in Australia and he ask me for references, so I give two references back in Colombia from my boss, the PMO manager and a PM, a project manager that work with me.

20 During that first conversation that you had with Mr Webb where he was asking you about your experience in Colombia, was there any discussion about salary or pay?---No, zero.

Was there any discussion with Mr Cossu about salary or pay?---No, everything was in the contract.

So the first time you saw what you were going to be paid was when Mr Cossu sent you the contract?---Exactly.

30 And so if we can go to page 7 of volume 4.1, Exhibit 32.---Yep.

So that’s an email from you, sorry, from Mr Cossu to you attaching a PDF? ---The contract.

And that was the contract.---Yep.

And so if we can then go to the next page. Do you recognise that as the contract?---Yes, I do.

40 And can I go to page 11? See underneath that table, just above 3.0, it says, “The employee agrees to keep this employment package confidential”? ---Yes.

Do you remember reading that at the time?---No, to be honest. It was my first professional job here, so I like, it's (not transcribable) clear, but not I didn't recall that.

And so when you read the contract it becomes apparent that schedule 1 is the most important page?---Sorry?

10 So, schedule 1 is a schedule to the contract. If we could just go to page 23.
---Mm-hmm.

Do you remember seeing this?---Yeah. That, that was a description, like, the duration of the contract. Yeah. I - - -

And so looking at this you saw that PMLV Consulting would be your employer?---Yes. I understood that, yeah.

In relation to a project at Canterbury Bankstown?---Yes.

20 So did you understand Mr Cossu worked at Canterbury Bankstown?---Not at the moment.

You didn't know at that point?---No.

Did you know that Mr Webb worked at Canterbury Bankstown Council at that time?---Mr Webb, yes, because he contact me and all his signatures was Capital Works Manager at Council.

30 When you spoke to Mr Cossu, did you understand that there was a relationship between Mr Cossu and Mr Webb?---No.

But did he say anything about Mr Webb?---No, no. He was just processing the contract. It was very straightforward to send me the contract.

And so in that contract you have an ordinary rate of pay of \$40 per hour?
---Yes.

40 Did you have any understanding of your superannuation entitlements under the contract?---I read the percentage and things but I didn't go deep on that.
As I say, like, it was my first professional job here in Australia. So I didn't question a lot.

Did you understand that you were entitled to leave, you had leave entitlements under the contract?---Oh, yes. I read that I have leave and I have I think five sick leave, leaves per year, or something like that.

So sick leave entitlements?---Yeah. Yeah, something.

And carer's leave entitlements?---Yeah, but I didn't care about that one. I didn't, I didn't put a lot of impact or, in that one, yeah.

10

Yeah. And so you signed this contract?---Yes, I did.

And who did you email it back to?---Pietro.

Do you know if Mr Cossu paid any superannuation to you?---If he was paying superannuation to me?

Dud you provide him with your superannuation details?---Oh, yes, I provide the details, yes.

20

Did you ever take leave during the time of your employment with Mr Cossu?---Yes. I took leave on December that year. So I started working on February. So I took I think 15 days, or 12 days in December.

And did PMLV and/or Mr Cossu pay you for that time that you spent on leave?---Yeah. So, yeah, so every time that I was working, every week, it was like summarising time entitled me hours.

How many days of leave had accrued?---Exactly.

30

And then you took that period of time?---Yes, on December that year.

And you were paid for that period of time?---Yes, I was.

Did Mr Cossu provide any training to you?---No.

Did you have any understanding of how the arrangement worked, that you were employed by PMLV Consulting yet working for council?---Can you clarify that?

40

So under your employment contract you were employed by PMLV Consulting.---Yes.

Which, did you understand that to be Mr Cossu?---I, I, I mean, he was the person in the contract so I, of course, believed like it was his company, but, yeah, but I, like, I - can you clarify again, sorry?

Yeah. So you're employed by PMLV Consulting?---Yes. Yes.

- 10 But the work that you were doing was at Canterbury Bankstown Council?
---Yes, I understand that.

Did you know how that operated, like, did you know how it was that you were working for PMLV but you were contracted to council?---No, for me, that was transparent - - -

So it was just a contractual arrangement?--- - - - I mean, that's the way that currently I work to, yeah.

- 20 Did you know that it involved a recruitment company called Spinifex and Ben Trapman?---So, for me, I mean like I been listening (not transcribable) with my knowledge, but for my knowledge at that moment, Spinifex, it was when, like, admin job for, for PMLV Consulting. That was my knowledge.

Okay. Yeah. The pay rate of \$40 per hour, did you consider that to be a good rate, a good hourly rate?---For my experience, and for my titles as a Master Degree Engineering, of course not, but, as I say, that was my (not transcribable) was my first job, looking for, like, one year and a half. So I think, I accept that.

30

Did you say you were looking for a year and half for work?---Yes, I end my Masters in 2019 but during COVID it was quite difficult to get a job.

And so was your Masters in Australia or in Colombia?---In Australia, yeah.

So you accepted it - - -?---Yes.

- - - the pay rate because you wanted a job?---Yeah. Exactly.

- 40 Were you aware that Mr Cossu's company was being paid \$85.59 per hour, plus GST to supply you to council?---No.

Were you aware that you were supplied to council through another company called Spinifex?---No, I mean, as I say, like, I thought it was administration, but I didn't know the whole relation between them.

Did you know at the time that they were being paid \$98 per hour, plus GST, by council for your engagement?---No.

10 A pay rate of \$85.59 per hour, given that you had a masters more in line with what your pay expectations were?---Sorry, the 88?

\$85.59 per hour.---Yeah, that, that would - more aligned with what I did, yeah.

What was your masters in?---Project Management and Administration.

20 At the time that you were engaged, did Mr Cossu or Mr Webb inform you that one option available to you was to contract directly through Spinifex? ---No.

In which case, you would be earning the \$85.59 cents per hour?---No.

If that option had been available to you, would you have taken that?---For sure.

Even though that option wouldn't have involved being given four weeks of holiday pay?---Yes, I would have take that.

30 You'd prefer the higher rate?---Yes.

And forego any leave requirements?---Exactly.

And forego sickness pay?---I, I would prefer the higher rate.

Did you ever request a pay rise during your time at council?---I didn't.

You didn't?---No.

40 Do you know if PMLV, there was any pay rise requested by PMLV for your engagement at council?---No, or not that I am aware.

When you joined council, did you find that there was a lot of work to do?
---Yes, yes. Yeah, I mean, he was setting up completely PMO. There was another employee before me, so he wanted to complete all this job and set up a full team as a PMO and instruct that in the council, so, yeah, it was a lot to do.

So to your observation, there was a need for additional workers at council at the time?---Yes, yeah, yeah.

10 Commissioner, those are my questions.

THE COMMISSIONER: Right.

MR PARARAJASINGHAM: Commissioner, I just have a couple of questions.

THE COMMISSIONER: Yeah.

MR PARARAJASINGHAM: I'm happy to - - -
20

THE COMMISSIONER: Are you happy to ask them now?

MR PARARAJASINGHAM: I'm happy to do it now. Yes, I can do it now.

THE COMMISSIONER: All right. Is everyone happy to stay on for ten minutes or so?

MR SUTTON: May I just go to the back of the room and just speak to my client - - -
30

THE COMMISSIONER: Please do. Yes, of course.

MR SUTTON: - - - because it might be very short.

THE COMMISSIONER: Yes.

MR PARARAJASINGHAM: Ma'am, it's the case that in that early conversation that you had with Mr Webb, you conveyed to him a preference for full-time work. Correct?---Like, if I have a, a conversation with him to
40 become a full-time work?

Yes, so - - -?---No, I didn't.

So what I'm suggesting to you is when you spoke to Mr Webb in - he contacted you, right? I understand your evidence is that he reached out to you through LinkedIn - - -?---Yeah.

- - - and then there was a phone conversation?---Yes.

10 And in that conversation, Mr Webb was asking you questions about your work experience and your general interest. Correct?---Yes.

And can I suggest that in that conversation, you conveyed to Mr Webb a preference that you were looking for full-time work. Correct?---No, I, I didn't - - -

20 Was it not the case that you were looking for full-time work at that point in time?---No, as I say, I was looking for a job, so I, I was either contractor, by agency or by permanent, like, I was happy to just have experience in Australia.

Sure. But, surely, in your mind, you had a preference for full-time work than working as a contractor. You accept that, don't you?---I'm, I'm sorry? Can you clarify that?

Certainly. That, in your mind, at around the time that you spoke to Mr Webb - - -?---Yes.

30 - - - it must have been the case that you had a preference for working full-time, with all the benefits that come with that, as distinct from working as a contractor. You accept that, don't you?

THE COMMISSIONER: Do you mean permanent as - just so we're all clear - - -

MR PARARAJASINGHAM: Sorry. Yes, yes, yes. Permanent. ---Permanent?

Permanent. Sorry. I apologise if I've confused you.---Yeah. It's all right.

40 I'll ask the question again. At around the time that you spoke to Mr Webb, it's the case that you had a preference for permanent work, as distinct from a

contract?---I mean, permanent roles, of course, give you stability, but at that moment, I'd say I was happy to just have experience, my first experience in Australia. So either the contract have any benefits or if it was a permanent contract, I was happy with, go with it. So I was, even if, of course, I wanted stability. I didn't mention or I indicate like, having, like, a preference. I was, yeah, I was happy just to sign a contract to have my experience in Australia.

10 I'll just ask this one more time. But, surely, given the choice, your preference would have been for a permanent position. You accept that?---I mean, I, I don't, like, for me, it wasn't different, as I say, like, permanent or contract, like, for me, wasn't different. I don't understand - - -

And just finally, I want to suggest to you, put it to you squarely, that, in fact, in that conversation that you had with Mr Webb - - -?---Yes.

20 - - - you conveyed to him that you had a preference for permanent work. Do you agree or disagree with that?---No, I'm not, I don't recall that, yes, I don't. Sorry.

You don't recall. Thank you. Nothing further.

THE COMMISSIONER: Mr Sutton?

MR SUTTON: Very briefly.

THE COMMISSIONER: Yes.

30 MR SUTTON: Very briefly, depending on the answer to this question. Ms Chaparro, my name is Sutton.---Yeah.

I act for Mr Cossu.---Yes.

Okay. Since working in that council on the contract that you had, have you worked on other contracts?---Like, lately or before?

40 Any contracts at all or have you been a permanent employee somewhere?
---So I was permanent employee in the ISX? and, currently, I have a contract with a company, yes, with (not transcribable) yeah.

So just focusing on that for a moment, in that current contract, you don't get - well, I'll ask you. Do you get annual leave with your current contract?
---No, I don't.

Do you get sick leave, carers leave, superannuation - - -?---No, I don't. I get a very higher rate.

So you get a higher rate, to replace those other benefits?---Yes.

10 Thank you. When you were working in Colombia, did you have contractor roles there or were you permanently employed?---No, I was permanent, almost seven years in the same company.

So you've only effectively had two contracts, that's the one with Mr Cossu - - -?---Exactly.

Thank you, Commissioner.

20 THE COMMISSIONER: All right then. Nobody else? What about Mr Moses?

MS ALDERSON: No, thank you, Commissioner.

THE COMMISSIONER: No. No. Right. No questions. Ms Huxley?

MS HUXLEY: No more questions, Commissioner.

THE COMMISSIONER: All right. So I can release this witness?

30 MS HUXLEY: Yes, Commissioner.

THE COMMISSIONER: Thank you. You're released from your summons.---Thanks.

So that's the end of your evidence.---Thank you.

We don't need to speak again. Thank you.

40 **THE WITNESS EXCUSED**

[4.10pm]

THE COMMISSIONER: There's nothing further today then? Right. I'll adjourn until tomorrow at 10.00.

AT 4.10PM THE MATTER WAS ADJOURNED ACCORDINGLY

[4.10pm]