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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE HELEN MURRELL SC  
COMMISSIONER

PUBLIC HEARING

OPERATION MANTIS

Reference: Operation E22/1852

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON WEDNESDAY 5 JUNE, 2024

AT 10.00AM

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

MS HUXLEY: Commissioner, I think some inquiries are just being made about the first witness.

THE COMMISSIONER: All right.

MS HUXLEY: And whether he is here yet.

THE COMMISSIONER: That's Mr Nikolaev?

10 MS HUXLEY: Yes, Commissioner.

THE COMMISSIONER: Right. Okay. Let me just take a seat while those inquiries are pursued.

MS SUTTON: Commissioner, can I indicate - - -

THE COMMISSIONER: Yes, Mr Sutton.

20 MR SUTTON: Thank you. For the record, for Mr Cossu. For the purposes of the questions that were asked yesterday about notification by 4pm today, I can say in respect of Mr Anderson I will require him. In respect of Mr Vangi I don't have a transcript. I'm still waiting.

THE COMMISSIONER: Yes.

MR SUTTON: And given that I'm here, it's highly unlikely I'll be able to form that view before 4 o'clock today.

30 THE COMMISSIONER: Okay. So I guess the bottom line is that both witnesses should be available.

MR SUTTON: I think so because some of the questions I'm going to ask Mr Anderson might well flow into Mr Vangi given his seniority.

THE COMMISSIONER: Okay. All right then. Well, look, now, could Mr - is there someone here from council? Mr Baine, could you make sure that that information is conveyed, thanks.

40 MR SUTTON: Council representatives are behind me. I'm sure they heard, your Honour.

THE COMMISSIONER: Good. Okay. Good.

MS ALDERSON: Apologies, Commissioner, counsel has just walked through the door, so - - -

THE COMMISSIONER: No. No, that's fine. I just wanted to make sure that the council was aware that Mr Anderson and Mr Vangi will both need to be here tomorrow.

10 MS ALDERSON: Thank you, Commissioner.

THE COMMISSIONER: Yeah. All right.

MR WONG: Commissioner, can I mention my appearance for the first time for Mr Ivan Webb.

THE COMMISSIONER: Oh yes.

20 MR WONG: Yes, my name is Wong.

THE COMMISSIONER: Yes, thanks.

MR WONG: Mr Webb is present today to give evidence. Authorisation was previously given by the Commission.

THE COMMISSIONER: Right. He's here now, is he, Mr Wong?

MR WONG: He is, yes.

30 THE COMMISSIONER: Okay.

MR WONG: Thank you.

THE COMMISSIONER: We're just trying to locate the witness who we were going to call before him.

MS HUXLEY: I understand he's ten minutes away.

40 THE COMMISSIONER: Right. So how do you want to proceed, Ms Huxley? If Mr Wong's here do you want to go - sorry, Mr Wong and Mr

Ivan Webb are here. Do you want to go there or do you want to wait the ten minutes?

MS HUXLEY: We could start with Mr Webb and then take Mr Nikolaev after.

THE COMMISSIONER: All right. All right then. Well, do you want to come closer to the front, Mr Wong? Feel free to do so and we'll start with Mr Ivan Webb.

10

MR WONG: Yes, your Honour. Can indicate he seeks a blanket declaration and he'll take an affirmation as well.

THE COMMISSIONER: Yes, understood. All right. Can you come down here please and just take a seat for a moment. Just take a seat for a moment. Now, just to explain, you're probably well aware of this, but just to explain, Mr Webb, at the public inquiry you must take an oath or affirmation to tell the truth. You must answer all questions put to you. You must produce any document or other thing that you are required by summons to produce or

20

MR WEBB: Yeah.

THE COMMISSIONER: And you must answer and produce, even if the answer or production might tend to incriminate you. However, you may object to answering a question or production and that would mean that your answer or production couldn't be used against you relevantly in any criminal proceeding.

30 MR WEBB: Okay. Thank you.

THE COMMISSIONER: The protection would not, however, extend to proceedings for offences against the ICAC Act or proceedings for contempt of the Commission. For example, the evidence that you gave could be used against you if you were prosecuted for giving false evidence to the Commission. That's an example of something where the objection wouldn't protect you.

40

MR WEBB: Okay.

THE COMMISSIONER: So as Mr Wong has already indicated, you don't need to take an objection to everything. You can take a blanket objection at the outset which will provide you with protection, and Mr Wong has indicated that that is what you wish to do. Is that correct?

MR WEBB: Correct.

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

**DIRECTION AS TO OBJECTIONS BY WITNESS: I 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.**

20 THE COMMISSIONER: You understand that if you can't understand the question or you can't hear it properly or you want clarification, you should say so, and I'm sure you know what question you're answering. If you need a break let me know. Now, is there anything else you want to know before we start?

MR WEBB: No, that's fine, thank you.

THE COMMISSIONER: Right. Would you like to take an oath or an  
30 affirmation?

MR WEBB: Affirmation, please.

THE COMMISSIONER: All right. Can you please stand and I'll ask my associate to administer the affirmation.

<IVAN WEBB, affirmed

[10.07am]

THE COMMISSIONER: Yes, Ms Huxley.

MS HUXLEY: Mr Webb, are you - - -

THE COMMISSIONER: Just a moment, Ms Huxley. Oh okay. Just wait a moment. There's a problem with sound on the live stream apparently. Just  
10 take a seat, Ms Huxley.

MS HUXLEY: Commissioner, I understand it might take ten minutes to resolve the issue. Perhaps we can take a short adjournment.

THE COMMISSIONER: Sure, we can do that. We're not under any time pressure today anyway, but, okay, we'll give it ten minutes and then if it's not resolved we might have to see whether, what we're going to do about it.

MS HUXLEY: Just press on.  
20

THE COMMISSIONER: Okay. All right. Well, we're going to take an adjournment and hopefully it will be fixed in ten minutes. If you just excuse me I'll just finish up this. Yes, I'll adjourn.

**SHORT ADJOURNMENT**

[10.11am]

MS HUXLEY: Thank you for that indulgence, Commissioner. I  
30 understand it's now working.

THE COMMISSIONER: Yes.

MS HUXLEY: So, Mr Webb, you are Ben Webb's father?---Correct.

In 2020 to 2023 were you working?---I beg your pardon?

Were you working? Were you employed or working?---Yes. Yeah.

40 What were you working as?---Site manager.

Site manager. And where was your work?---Various locations. Sydney and Melbourne.

Okay.---And Brisbane, yeah.

Okay. And what type of sites do you manage?---Just a site for different companies like to do with steel, like steel installing.

Like steel fabrication?---More the installation, sorry.

10

Okay. And did you work for companies or did you have your own company that you were subcontracting to to those large companies?---I had my own, own company and then I subcontract to, yeah, other companies.

And you're aware that Mr Webb joined Canterbury Bankstown Council in February 2020?---Sorry, I didn't?

Sorry. And you're aware that Mr Webb joined Canterbury Bankstown Council in February 2020?---Yes, I'm aware of that, yeah.

20

Do you know what his role was there?---Not his specific title but I know he worked, was working on larger projects, yeah.

And he's got a background in construction management, is that right?  
---Correct, yeah.

Did you talk to your son a lot about his work at that time?---Yeah, we talked a fair bit about work, yeah.

30

Did he speak to you about the pressure that he was under to deliver an increased Capital Works Program during this time?---Yes.

Did he speak to you about the resourcing requirements of council at the time?---Yes.

And what did he say about that?---He just said he was under a lot of pressure to get the bigger jobs done from the hierarchy and that it took a long time for council to release tenders and so forth.

40

Did he ever talk to you about the need to employ more workers at council to deliver that program?---Briefly but not in detail, no.

Did you know of a person called Mr Cossu?---Yes, I do.

And when did you first come to know about Mr Cossu?---I know that him and Ben have been friends for a good while, ten years or so, I imagine, and -  
- -

Do you know how they met?---Through work, I think, yeah.

10 THE COMMISSIONER: Sorry, did you say that you met Cossu ten years ago or Ben met him?---No. No, Ben, sorry.

Yeah.

MS HUXLEY: Did you ever meet Mr Cossu?---Probably first time I met him in person was probably late 2022, I couldn't tell you the exact date.

Had you spoken to him before you met him in person?---No.

20 Did you come to know that Mr Cossu was engaged by council during Mr Webb's time?---I knew they were both working there, yeah.

And who told you that?---Ben, I imagine, yeah.

Did he ever say anything else about Mr Cossu while Ben was working at council? Sorry, did Ben ever say anything about Mr Cossu while he was working at council?---No, just that he was, I, no, not really, no.

30 After you met him in 2022, have you had many dealings with Mr Cossu since that time?---No. I've bumped into him on site a couple of times, but probably three or four times at the most I imagine.

Have you, when you say on site, where do you mean?---Like on a different building site.

And is that a site that Mr Cossu was also engaged to do work on or - - -?  
---Yeah, he would be, yeah.

40 Do you know in what capacity he was engaged to work on that site?  
---More or less project management, yeah.



Have you spoken to him on the phone many times since you met him in late 2022?---Not that I can recall.

Exchanged any emails with him between that time?---No.

Are you aware of a company called PMLV?---I am.

And how do you know about that company?---Ben, we were looking to acquire it off Mr Cossu.

10

When was that?---First speak about it in 2022 sometime, I couldn't give you a date.

Was it before December 2022?---Yes, it would have been before.

Can you say how much before that date?---Not really, no.

Was the first time you became aware of PMLV in the context of you looking to acquire it, or were you aware of it earlier than that?---Just in discussions with Ben I was aware of it, yeah.

20

And can you tell the Commissioner what was said during those discussions about PMLV?---Just that we were looking to acquire it to move on because Mr Cossu was retiring in a few years and we'd take over it as we were trying to build a family business again, yeah.

Was this during the time that your son, Mr Webb, was still at council?  
---Yes, it would have been.

30

When you say "looking to acquire it", who was looking to acquire it?  
---Myself and Ben, yeah.

Did you understand what kind of work PMLV did at the time that you were looking to acquire it?---Yeah, yes I did, yeah.

And what type of work was that?---Project management, consulting and then recruitment.

40

What did you know about the recruitment aspect of the business?---Not much, nothing to be honest.

Did you understand that they had a number of employees already engaged as part of the recruitment aspect of the business?---I knew they had, I knew people were working with them, yeah, I didn't know if they were for them or with them or - - -

Do you know where those people were working at the time?---Like - - -

Like were they just working on PMLV projects or were they working somewhere else?---Oh, PMLV I imagine, like I can't, can't be sure on that.

10

And who told you about the kind of work that PMLV did?---Ben.

And was that discussion prior to Mr Webb leaving council?---Prior to leaving?

Yeah, prior to him leaving council.---It would have been, yes, yeah.

Were you aware that during 2021 and 2022, while Mr Webb was employed at council and Mr Cossu was engaged by council, that Mr Cossu was using PMLV to subcontract workers to council through two recruitment agencies?---At the time, no.

20

When did you become aware of that?---Probably when all this blew up, to be honest.

THE COMMISSIONER: Sorry, when what?---This, all this happened, sorry.

MS HUXLEY: So in the context of the investigation.---Yeah.

30

THE COMMISSIONER: Sorry, can I just clarify. You said that it would have been before December 2022 that Ben let you know, or you'd had discussions with Ben about acquiring this PMLV business.---Correct.

Right. And I thought you also said that possibly before you had the discussions about acquiring the business, that you learned something about PMLV before that. Is that correct? Is my understanding correct on that one?---As far as we're looking to build a family company again and probably taken that on board as part of that.

40

Right. And when did that sort of discussion start?---Again it would have been in 2022. I was, I think I was in Melbourne at the time.

And when did you come from Melbourne to Sydney?---Numerous times. I couldn't be honest, deadset honest with you what time.

Right, but when you - - ?---But I was back in Sydney in late 2022.

10 All right. But prior to you coming back to Sydney in late 2022, you had some discussions with Ben about acquiring a new family business.---Yeah, putting the structure together for - - -

And at that time, was PMLV mentioned?---Not exactly at that time, but later on it would have been, yes.

Later on being when?---Oh - - -

20 Before December 2022 as you said.---It would have been before December 2022.

Okay. But the discussions about the family company started earlier.---Beforehand, yes.

MS HUXLEY: At some point while Mr Webb was working at council, you referred some workers to him.---I did.

Do you remember their names?---James Bejar and Nosa, and I can't think of his last name.

30 Dankaro?---Yeah, yes.

Why did you refer those workers to Mr Webb?---Because they were just good young kids and hard workers.

Did you know that Mr Webb was looking for people at that time?---Yes, I knew he was looking for good people, yes.

40 Did you know what role they would be performing?---James would be a site manager and Nosa was a junior project manager I think.

Did you know if they were going to be supplied to council through Mr Cossu's company?---No.

Have you ever heard of a company called General Works and Construction?---No.

So you're aware that Mr Webb left council in late 2022.---Yes.

10 Did you know the circumstances in which he came to leave council?---What was that, sorry?

Did you know why he left council?---I think he was sick of the politics, basically.

And did he say that to you?---More or less give me that indication, yes.

Do you recall that around September 2021, you and Mr Webb owed money to Watson Mangioni for some legal fees?---To who, sorry?

20 Watson Mangioni for legal fees.---Possibly, I can't remember offhand, no.

Do you know if those fees were paid in September/October 2021?---Again, I'm not a hundred percent sure.

Did you ever speak to Mr Webb, your son, about those fees or the payment of those fees, sorry?---I can't say directly, but yes.

Is the family residence an address at [REDACTED], Dubbo?---Correct.

30 Number [REDACTED], Dubbo.---Correct.

I will just remind everyone there's a non-publication order over that address.

THE COMMISSIONER: Thank you.

MS HUXLEY: And was that the family residence for many, many years?  
---Yes.

40 And it had been sold in around 2012 but you and your family continued to live there.---Yeah, we rented, yes.

So you paid rent to the person who purchased it.---Correct.

Do you recall what that rent was?---A week, around about 500 bucks, 450, \$500.

And in February 2022 you became aware that the owner of the property wanted to sell it.---Correct.

10 And she asked you if you were in a position to buy it.---Correct.

Did you then speak to Mr Webb about that?---I did.

And you proposed putting you and your wife's super into it?---At one time, yes, yeah.

And did you tell him at that time in February 2020 that the owner wanted between 375 to \$405,000 for it?---At that time but it did go up later.

20 Yeah. Mr Webb responded to you, and I can take you to the text messages if you'd like, that he would see "what we can do"?---Sorry.

No, that's okay. I'll take you out the text message. Volume 30.8, page 36. ---Yeah, that's correct. That's what we're look at that stage.

Yep. Given that it had been the family residence for many years, you were anxious to secure it?---Yes.

And was Mr Webb also anxious to secure it?---Yes.

30

Mr Webb there responded in that last sentence, "I will work out what we can do." Did you ask him what the "we" referred to in that message?---Just us, mostly.

At that time did you have the financial ability to fund the purchase of a house valued around \$400,000?---Probably not, unless we put all super and everything like that in, yeah.

At the very least you'd need to engage finance from a bank to pay for it?

40 ---Correct, yeah.

At that time was Mr Webb an undischarged bankrupt?---At that time, I'd have to check the dates, to be honest.

If we go down to page 72, and there's a message from Mr Webb to you asking you to get a draft contract from Nina.---Yeah.

Is that the person who was selling the house?---Correct.

10 And he says, "I'm not sure the company name yet. It will be a shelf company so just get a draft." At that point was it proposed that the house would be bought in a company name?---Yeah. I, my understanding, yes.

And did you have discussions with Mr Webb about that structure at that time?---No, not at that time.

At a later point in time?---I would have had to, yes, but I can't, can't think of what time.

20 If you're in a position to ask for a draft contract did that mean that you were confident that finance could be obtained to purchase this property?---We were looking for that, yeah.

And where were you looking for that finance?---At that stage anywhere we could get it, like, looking at our options in, yeah.

And do you recall what those options were at around April 2022?---No. No.

30 Was it you looking for the options or Mr Webb looking for the options?  
---Ben was looking for options, yeah.

And at page 81, and the last message on that page, "Finance is due to be ready mid next week. I paid the set ups of companies and trusts." Did Mr Webb tell you how the property was going to be financed?---At that time, no.

When did he tell you that, tell you about how it would be financed?---He just said that he got some finance and we're going to move ahead.

40 If you go to page 86, Mr Webb there is telling you that she, I take it as a reference to the vendor for the property, has gone from 400 to 430.---Yeah.

Do you remember that?---I do.

Had you already agreed a price of 400 with the vendor?---That was originally probably back a couple of months, so yeah.

Okay. And then on the next page, you confirmed with Mr Webb that you thought you'd agreed 400, and then Mr Webb says, "The solicitor is going to offer 400 and see what they say."---That's correct.

10 And then on the next page, page 88, Mr Webb tells you, "Everything is being worked out on 400." Did you take that to be the finances being worked out at 400?---What was that last bit, sorry?

Did you take that to mean that finance had been obtained for 400?---Yes.

And then the next message from Mr Webb to you, "He's got finance ready. If she accepts 400 he can settle within 48 hours." Do you know who the "he" Mr Webb is referring to there?---Not there I don't, no.

20 Did you ask him?---I can't recall, to be honest, like - - -

If you go to the next text message it says, "I made Pietro the settler of the trust because someone needs to sign in Sydney. We can change whenever." Did you understand that to be a reference to how the property was going to be purchased?---Again, sorry, my hearing is not the best.

Sorry. That last text message where he says, "I made Pietro the settler of the trust because someone needs to sign in Sydney. We can change whenever," did you take that, did you understand that to mean the trust that  
30 had been set up to purchase the property?---Originally, yes.

So when he refers to Pietro there did you understand that to be a reference to Mr Cossu?---I do.

And did you at the time?---I hadn't met Pietro at the time. I had heard of him but I hadn't met him.

And so looking at those two text messages together did you understand that Mr Cossu was providing the finance for the purchase of the property?  
40 ---Basically yes.

And did you confer that with Mr Webb? Did you ever speak to him about it being, that Mr Cossu was providing the finance?---Yeah, after a while, yes.

And can you tell us about that conversation?---Just that Pietro was going to buy it and then in the future we'd look at taking it, taking it, buying it off Pietro.

So was that around the time that the property was purchased that you had that conversation?---Roughly, yes.

10

And so you felt comfortable with Pietro purchasing it in an entity set up around him - - ?---Yeah, well, Ben, Ben trusted him and he had known him for a good while.

And because eventually PMLV would be taken over by Mr Webb.---I don't know what date that is but I - - -

This is April 2022.---I would have had no idea on PMLV at that stage.

20 I'm not asking that. I'm just asking whether you felt - so if you had no idea about PMLV does that mean the fact that Mr Cossu was potentially purchasing it through PMLV, that didn't provide much comfort in terms of you receiving it?---I knew he was going to purchase it, yes, but - - -

THE COMMISSIONER: I think, are you trying to say, Mr Webb, that you knew that Cossu, Pietro Cossu was going to purchase it, but at that point when you realised that Pietro Cossu was going to purchase it you didn't know that it would be PMLV as such.---No. No, sorry.

30 Is that correct?---That's correct, yes.

Okay.

MS HUXLEY: In the discussions that you had with Mr Webb around this time about Mr Cossu financing the purchase, was that when Mr Webb raised with you the prospect of purchasing one of Mr Cossu's companies in the future?---It wouldn't have been at this time. It would have been later, later on.

40 Around the time of settlement on the property?---I don't think so, I think it would be later on as well.



Did you speak to Mr Webb about whether your family would be able to continue to reside in that property after the settlement went through?  
---Yeah, we had a discussion about it, yeah.

And what did Mr Webb say to you about that?---Obviously we pay rent until we, yeah, got everything sorted.

Pay rent to who?---Pietro or one of his companies.

10

And had that rent amount been agreed?---I think it was, from memory, it is 800 a week.

And who would be paying the rent?---Either myself or Ben. Ben has been, Ben handles most of the financial stuff and I sort of do boots on the ground, so - - -

Do you know if rent was ever paid for that property?---As far as I know, yes.

20

And who did you understand made those payments?---Ben has, yeah, so - - -

Do you know who paid the deposit for the property?---I imagine Pietro. I don't know for sure, but yeah.

But do you have any visibility about the payment of the deposit for that property?---No, no, I didn't, no.

Do you know the name of the entity that ultimately bought that property?  
---Not off the top of my head, no.

30

But you understood that that entity was associated with Mr Cossu. Is that right?---Yes.

Does the entity that brought the property still own the house?---As far as I know, yes.

In late July 2022, did you come into possession of a Mitsubishi Triton with the registration number E-U-D-8-0-F?---I did.

40

Can you explain the circumstances in which that came about?---Yeah, that was, well for me to do my construction work.

Who brought it for you?---It was, Ben and Pietro bought it, yes, so I could continue the construction work.

When you say Ben and Pietro bought it, what do you mean by that? Who paid for it?---Oh, well it possibly could have been PMLV.

10 Was it something that Ben organised for you? You understood it was something that Ben organised for you.---Correct, yeah, yeah.

And possibly funded by Mr Cossu.---Possibly, yeah.

Did you make any payments in relation to that vehicle?---Did I?

Make any purchase payments in relation to that vehicle.---No.

20 Do you know who did?---No, again Ben organised that stuff.

Did you ask for the car or did Ben offer it to you as something that he could arrange for you?---No, he said you might be able to arrange something, yeah.

As at July 2022, had you met Mr Cossu?---No, I didn't meet, no, no.

What was your primary source of income in and around 2020 to 2022?  
---My prime?

30 Yeah.---Steel installation.

And were you paid a wage for that, or were you paid, was it kind of contract work?---Subcontract, yeah.

You said earlier that you lived in Melbourne for a period of time. When were you living in Melbourne?---2020 I got stuck down there for COVID.

40 So you couldn't leave because of the lockdowns?---I got away sometimes, but not, not very often.

And in 2021 were you living in Melbourne?---At some stage, yes.

Can you say how many months you were in Melbourne? I mean was it for the majority of the year?---Off and on, like a few months of the year, yeah.

And so when you would go to Melbourne, how long would you stay in Melbourne?---It would all depend on, on the job, so a big job obviously is longer, a smaller job less time.

So it could be weeks at a time?---It could be weeks or months, yes.

10

Okay. And then you come back to New South Wales.---Correct.

When you came back to New South Wales, where would you stay?---Stay?

Where would you reside?---I've got a unit in Pyrmont but I still consider myself to live in Dubbo, so - - -

So when you came back to New South Wales, would you go to stay in Dubbo or would you stay in Pyrmont?---It all depends what the work situation was.

20

Would you ever do any banking at a Bathurst ANZ branch?---Not that I, personally no, I can't remember.

Or a Bankstown ANZ branch?---Bankstown ANZ. Not that I can remember, I'm not saying I haven't.

Did you ever give money to Mr Webb during 2020 to 2022?---Did I ever give him money?

30

Mm-hmm.---At times, yeah.

And how would you do that? Would it be through bank transfer or - - -?  
---Bank transfer.

Would you ever give him cash? Would you ever give him cash?---Very rarely, no.

Would you ever have done a cash deposit for him? So if he gave you cash to put into his bank account.---Not that I can remember, no.

40

Can you explain to me what the W Project is?---It's part of a, a company we set up. I, I use it to the structural side of the business, the on-site stuff.

So your business?---No, it folds across both of us.

So part of the W Project is your business dealings?---One side is construction, the other side is project management and that sort of thing.

And that's dealt with by Mr Webb, is it?---Correct.

10

Is the W Project the business name of a company name of ACN 660 240 522 Proprietary Limited?---I think so, yes.

I'll just refer to it as ACN for present purposes.---ACN, yeah.

And was that company established on 17 June 2022?---'22. Yes, I think so.

20

And so whose idea was it to set up that business?---Both of us, as I said before, we wanted to build a company and some, get some things moving as a family.

And you are the director of that company?---I am.

And you're the sole shareholder of that company?---Correct.

Why isn't Mr Webb a director of the company?---Because he's, he's still bankrupt, he, he hasn't been released.

30

And why are you the sole shareholder of that company?---Again, we were looking to set up a company, a family company.

But so you have the only financial interest in that company.---Our family does, yeah.

So you regard it as a company that benefits your family.---Correct.

Even though you're the sole shareholder.---Yes.

40

Yeah. The W Project bank accounts, are you the signatory to the NAB bank account for that company?---For which sorry, the - - -

For the NAB bank account for the ACN company.---I am, yes.

Is Mr Webb a signatory on that?---No.

Can Mr Webb operate that bank account, by which I mean can he make transfers from that bank account?---He can, yeah.

And some of the income that he generates for the business is paid into that bank account.---It is.

10

Do you have an understanding with Mr Webb as to how the funds in that bank account are to be used?---Yes, he obviously pays things that need to be paid.

Is Mr Webb able to transfer money out of that bank account for his own use?---Yes.

Were you responsible for obtaining the Australian Business Number for that business or is that something Mr Webb organised?---The - - -

20

The ABN, the Australian Business Number.---both of us, probably.

And the Tax File Number for that business, was that something you organised or was that something Mr Ben - - -?---Oh again would have been both of us.

If I can just take you back to that volume 30.8 at page 104. There Mr Webb is asking for your tax file number and he's going to call the accountant.

30 Was that a tax file number in relation to the ACN account?---I imagine so, yes.

So you were both liaising with each other to get the necessary numbers to set the family business up.---Yes, that's right. That was the aim.

Did Mr Webb organise a director identification number for you?---Sorry, again?

Sorry, I'll take you to page 109. So that first message is, from Mr Webb to you with the details of the company and the ABN.---Yeah.

40

So he's providing that information to you.---Yeah.

And then you ask him about the directors ID.---That's correct.

And then he says he will, in those later two messages, he will, in effect, sort it out for you.---Yeah.

If I can take you to page 126. At the bottom message Mr Webb is asking you to email someone at NAB to set up the internet banking and deposit book. So he's giving you an instruction to set that up for the company.

10 ---That's correct.

And did you go and do that?---I would have, yes.

And then you later sent the internet banking details for that account to Mr Webb.---I would have, yes.

The money that was coming into that bank account, did you have access to that money?---Yes.

20 And you were able to apply it to your personal needs?---If I wanted, yes.

And Mr Webb was in a similar situation?---Yeah.

And you both had a degree of discretion about how much money you took out at any given time, so long as there was enough money in the account. ---Basically, yes.

If I can take you to volume 33.6 and page 2 of that volume. Do you recognise that as a bank statement for the ACN company?---Yes.

30

And that's for the period of December 2022 to March 2023, end of December 2022 to 31 March 2023?---Which day did you say, sorry?

Sorry, top right-hand corner, statement starts 31 December 2020 - - -?  
---Oh okay. Sorry.

- - - to 31 March 2023.---Yeah.

40 And if I take you down to page 3, can you see on 13 February 2023 Mr Cossu is transferring \$5,500 into the W Project's bank account.---Yeah, I can see that.

Do you know why he was doing that?---No, to be honest. No.

Was the W Project providing any services to Mr Cossu that you know of?  
---Not that I know of, no.

On 27 June 2023 you were appointed as a director of PMLV Invest & Construct, do you recall that?---I do.

10 Can you tell me how that came about?---Again just the, acquiring a family business and trying to build, yeah, some business within a - - -

So when was it first discussed that you would acquire PMLV?---Sometime in 2022, mid, late, I'm not sure the actual date.

And when it was purchased, the shareholder became the ACN company, so the shareholder was - - -?---Yeah.

The shares were transferred from Mr Cossu to the ACN company.  
20 ---Correct.

If I can take you to volume 34.36. So this is the agreement for the purchase of those shares.---Correct.

And you're listed as the guarantor.---Correct.

Do you understand what role you had as a guarantor?---Yes, I do.

And what was that?---Well, I'm guarantor on the financial side of the  
30 company.

And the purchase price, if you go to clause 2, which is on page 5, is 500,000.---Correct.

And there's a reference there to clause 19.---What was that, sorry?

And there's a reference there to clause 19, a payment, it was to be paid by way of instalments as referred to in clause 19.---Yes.

40 If you go to page 11, clause 11 essentially requires instalment payments made every month of \$13,880.---Correct.

Over a 36-month period.---That's right.

Have any instalments been made to Mr Cossu?---I think there was three main and then he got a workers comp bill for \$90,000 so that sort of put a hold on everything until we sorted stuff out.

Did you discuss with Mr Cossu putting that on hold?---What was that, sorry?

- 10 Did you discuss with Mr Cossu putting that instalment agreement on hold?  
---I didn't. Ben had, yeah.

And did Mr Cossu agree to that? Did Mr Cossu agree putting the instalments on hold?---I'm not sure of the conversation I had.

Do you know if Mr Cossu is going to charge the interest rate at 10% until the instalment is paid in full?---I'm not sure. I wasn't involved in that conversation.

- 20 If I can take you back to clause 4.4, which is on page 6, there was an agreement to offer an employment package to Mr Cossu on a salary of 120,000 plus super.---Correct.

Have any payments been made pursuant to that employment package?---I'm not sure, to be honest.

Who's responsible for that?---Ben looks after all that side of it, yes.

- 30 When you referred earlier to the, there were three instalments made, out of what bank account would they have been made?---NAB, I imagine.

The ACN account?---I would imagine. I'm not, again, I'm not a hundred percent sure, I just know that there was two or three made.

If I can take you back to volume 33.6. We start at page 25. So that's another bank statement for the ACN company.---Yeah.

From 1 April 2023 to 30 June 2023.---Yes.

- 40 And three days before 30 June was 27 June when you were appointed as the director of PMLV.---Yes.



If I can take you to page 26. Can you see that on 28 June there was what's called a capital transfer from Mr Cossu?---I do.

Of \$50,000.---Yeah.

Do you know why that transfer was made?---No. Again, this is Ben's side of the business.

10 Did you ask your son about it?---No, I hadn't checked it, to be honest with you.

Were you aware that that payment had been made at around that time?---No.

Has Mr Webb ever spoken to you about a project management software?  
---Yes, yeah.

And what's he said about that?---It's something he's been working on for a good while and they're looking to put a, assess them together, like a  
20 package where it looks after all the problems you have on site.

And did you know if Mr Cossu had anything to do with that?---I know they, I think so, they collaborated on it all the time and I often collaborate on it because I'm on site all the time.

What's the status of that software?---Still in progression, yeah.

So at what, is there a software developer working on it?---I know they've spoken to engineers, but that's as far as I know, yeah.  
30

How long has this aspect of the business been explored?---Oh, again I couldn't be exact, but he's been talking about it for, you know, seven or eight years at least I imagine.

Commissioner, those are my questions for Mr Webb.

THE COMMISSIONER: Thank you. Now I expect that Mr Pararajasingham, do you have some questions?

40 MR PARARAJASINGHAM: I have no questions for Mr Webb.

THE COMMISSIONER: No questions. What about you, Mr Sutton?

MR SUTTON: Can I just have a moment please, Commissioner?

THE COMMISSIONER: Yes, certainly.

MR SUTTON: Thank you. Would you excuse my back for a moment Commissioner, thank you.

10 THE COMMISSIONER: Yes, of course.

MR SUTTON: Thank you, Commissioner. Just a couple of very brief questions. Mr Webb. Have you heard of the name Shardana Proprietary Limited?---Yes, I have. I think it's, yeah, I have.

And is that in the context of the house at Dubbo?---I think so, yes.

And in fact that is the company that ended up buying the house at Dubbo, is that correct?---I think so. I'm not a hundred percent sure on the name, yeah.  
20

All right. And in relation to the rent, to the best of your knowledge, rent has always been paid on that property?---As far as I know, yes.

And if you don't know the answer to this, say, but it's the case, is it not, that Mr Pietro Cossu bought that as a market price firstly?---I'm not sure, yeah.

Okay. And as an investment for his own purposes.---I would imagine so, yes.

30 Okay. Thank you Commissioner.

THE COMMISSIONER: All right. Any questions from any other legal representatives?

MS ALDERSON: No, no thank you, Commissioner.

THE COMMISSIONER: No, very well. Well then should this witness be released, Ms Huxley, or not at this point? Perhaps we'll leave it.

40 MS HUXLEY: He can be released.

THE COMMISSIONER: He can be released. Very well. All right, you are released from your summons, so that will be the end of your evidence, Mr Webb.---Thanks very much.

**THE WITNESS EXCUSED**

**[11.17am]**

10 THE COMMISSIONER: You can step down and I take it we'll take an adjournment now before we start the next witness, Ms Huxley.

MS HUXLEY: Thank you, Commissioner.

**SHORT ADJOURNMENT**

**[11.17am]**

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

20 THE COMMISSIONER: Yes, thank you. Could you please come forward? Can you just take a seat for a moment? I'll be with you in a moment. I'm just trying to find something. All right. Now, So Mr Nikolaev.

MR NIKOLAEV: Yes.

THE COMMISSIONER: I don't think you've got a legal representative here, is that correct? That's fine, I'm not suggesting you should, I'm just double checking.

30 MR NIKOLAEV: Yeah. No, no.

THE COMMISSIONER: No, fine. All right. So just to give you a bit of advice. At this public inquiry you must take an oath, a religious oath, or an affirmation to tell the truth. You must answer all the questions that are put to you and you must produce any document or other thing that you are required to produce by summons or by me. You must, as I have mentioned, answer all questions, even if the answer or the production of a document may tend to incriminate you. However, you can take an objection to answering and if you do so then your answer can't be admitted against you  
40 in any criminal proceedings or, I think, criminal proceedings is the relevant one for you, or disciplinary proceedings. Except your answer can be

admitted against you if it's a proceeding for an offence against the ICAC Act, such as giving false evidence to ICAC, or being in contempt of ICAC.

To get the benefit of this protection you don't need to object to every question. You can take a blanket objection at the outset and then that will provide you with the protection throughout your evidence. So I presume that you would like to take a blanket objection, that is what witnesses would normally do to get that protection?

10 MR NIKOLAEV: Yes, okay.

THE COMMISSIONER: All right. So I 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.

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

THE COMMISSIONER: Now, Mr Nikolaev, if you have any difficult understanding any question, or can't hear it properly, please say so. It's very important you understand all the questions that you are asked.

MR NIKOLAEV: Okay.

30 THE COMMISSIONER: And if you need a break, let me know, but I don't think your evidence is going to take very long. So that probably won't arise. Is there any other information you would like before we start?

MR NIKOLAEV: I'm ready, thank you.

THE COMMISSIONER: Now, would you like to take a religious oath or an affirmation to tell the truth?

MR NIKOLAEV: Yeah, I would like oath.

40

THE COMMISSIONER: An oath, very well.

MR NIKOLAEV: Yeah.

THE COMMISSIONER: Just be seated, thanks. Yes, Ms Huxley.

MS HUXLEY: How do I pronounce your name correctly?---My name is Yavor Nikolaev.

Nikolaev?---Yes, Nikolaev.

10

And do you know of a person called Mr Cossu?---Yes, I do.

And when did you first meet Mr Cossu?---Beginning or mid-2018 when, when he came to the apartment I was living in at the time, Airbnb.

So you were living in an Airbnb at the time?---Yeah. And I met him there.

And he came to the apartment?---Yeah. He was living there for a short period of time also.

20

So he was also living there?---Yes.

And how long did you live together?---It was not a consistent period. He was coming over because, as I understand, he was living in Wollongong, coming for work and that was in Dee Why and then coming back and then coming over.

So he would only stay for short periods of time?---Yeah. From time to time coming over.

30

And did you know what type of work Mr Cossu was doing at that time?---I know, as I remember, the project was the B-Line and - - -

Were you working at the time?---No, I was not, no.

THE COMMISSIONER: So you were not working at that time?---No. I was just, just, just the first month or two after I came to Australia. I was looking for a job at the time.

40 MS HUXLEY: You were looking for a job?---Yes.

And did you tell Mr Cossu what your qualifications were at that time?  
---Yeah. He knew, we spoke about it. I'm a surveyor.

You're a qualified surveyor?---Yes.

And did Mr Cossu say anything about trying to help you find a job at that time?---Yeah. He did try to, to help me.

10 And so when did Mr Cossu stop staying at that Airbnb that you were living in at the time?---Are you asking about what month roughly he left or - - -

What year?---What year?

Yeah.---That was the same year.

Oh, same year, okay.---I, I even left I think around the end of the year. I was there for not more than six to one year.

20 And did you keep in touch after that?---Yeah, yeah, we did.

And how was that, through phone calls or text messages?---Yeah. Yeah. We called each other for birthday and met out few times as well, kept in touch.

In late 2020 you emailed Mr Cossu your CV.---Okay.

I can take you to the email if you would like.---Yeah, okay.

30 So at volume 26.1, page 1. Just ignore the top part, but see in the body of the email from Yavor Nikolaev?---Okay.

Dated 25 November 2020.

THE COMMISSIONER: It might be the wrong one.

THE WITNESS: What was that? Oh, that one.

40 MS HUXLEY: And earlier on 25 November Mr Cossu, looks like Mr Cossu must have written to you and the subject matter is "Send to me." So had Mr Cossu requested you to send your CV to him?---Yeah. Obviously looks like it.

Did he speak to you around that time about whether he had a job available for you?---That must have been the case. It seems that this should be about the job in the council.

And so did he call you about that job?---Yeah. Seems to be. Yeah. He reached to me about position in the council. I am looking at the email. Seems to be around that date.

10 And so what did he say to you when he called about that role?---Nothing much at the time. That was a year before I started, that was at February next year, '21. So I'm not, I don't really recall more details about - at that time I was working in a different company.

Okay.---And eventually we just maybe spoke that we might work together in the future but not, not in specific that date I'm looking at, November.

But did he or anyone else from council call you at the end of 2020 about a role at council?---No, no.

20

Did he call you at the beginning of 2021 about a role at council?---Yes.

And so what did he say at that time in early 2021?---He said that there was a position in the council and he was interested that I would, I would want to know more about it.

And so how did that progress?---I accepted that. I was interested. We went out on a meeting and a coffee to speak about it, like interview.

30 Just between you and Mr Cossu?---Yeah, that's right.

And do you remember around what date that was?---That should be the beginning of '21.

Sometime in January?---Most likely, yes.

Yeah. Did you speak to anyone else at council at around, in January 2021, do you remember speaking to anyone else?---Yeah, after that meeting concluded I went to interview with, in, in the council itself and we spoke  
40 about the position there.



And who was that with?---A few, the Management Team, Assad and Nara, then later we moved to another room to meet Ben.

Did you know if Mr Cossu worked at council at that point in time?---Yeah, yeah, I know.

Do you know what role he was?---Project manager.

10 And was he in Assad's team or Mr Webb's team?---He was in Mr Webb's team, not Assad's team.

Did you know that before you started your work or did you only come to know that after you started?---I knew that after, yeah.

So after that interview, what happened?---After the meeting in the council, I received a request in email to provide more information, as in documents, and to start the work itself because it was a successful interview.

20 And so who emailed you those documents?---I think it was Assad.

Pardon?---Not, he, they asked me to provide documents. And also I asked them as well for a job description.

Okay.---But I don't know which documents you want specifically.

But so did you ask council for the, so who did you - - -?---I, I asked - - -

30 Do you remember the name of the person that you asked?---Pietro, I asked Pietro.

Mr Cossu.---Yeah.

And so you asked Mr Cossu for documents.---Yeah.

And Mr Cossu also provided you documents or did someone else provide you documents?---I'm not really sure, I'm pretty sure he arranged that, but I'm not sure who sent the email itself with the job description. Either him or Assad.

Did you know how you were going to be engaged at council? Was it through a direct employment relationship or was it through a contracting relationship?---Yes, I knew how to be through PMLV.

So you understood that, and did you know who owned PMLV?---Yeah, Pietro.

So you were working for Mr Cossu's company, PMLV, and he was supplying you to council?---Yes.

10

Did you understand there was any other agency involved in that?---Not at the moment of hiring, but later I understand that that was happening through Randstad.

Okay. Was it Mr Cossu who later told you that it was happening through Randstad?---Yes, that's correct.

Who did you have, I mean in terms of what you would be paid, who did you speak to about what you would be paid before you started the role?---I had the same conversation with Pietro first at the coffee and then later with Assad on the meeting.

20

And so when you first spoke to Mr Cossu, what pay rate was discussed with you?---60.

So he suggested 60.---He asked me, we arranged that together so, he asked me how much I would like to work for.

Oh, okay. And so was the \$60 per hour suggested by you?---Yes. No, actually I suggested 55.

30

Okay.---Like he said do you need more, so we arranged that 60. There was a little bit of misunderstanding later with Assad, if that's what you're (not transcribable)

40

Okay. So then when you came to speak to Assad, what was the discussion about pay there?---Yeah, well I was expecting that he knows about that, but he basically started discussing the salary over, like he was not informed of that and he was surprised that, of the number that I assume was arranged at the time and then we decide we conclude to - - -

Sorry, just to go back a step, does that mean you suggested in that interview \$60 per hour?---Yes, and he was surprised of that number and Nara as well, assumes too much.

So he expressed surprise.---Yeah.

But did he say anything to you?---Yes, he says, he also compared it to the designer's pay and he said that cannot happen and then I agreed to lower that to 55.

10

Who did you agree that with?---With Assad.

Prior to that interview with Assad, did Mr Cossu, before you went in to have that interview with Assad, did you understand that the role involved you being engaged by Mr Cossu's company, PMLV?---Yeah.

Did Mr Cossu, before that first interview with Assad, tell you not to tell anyone about that?---Not in that way, no.

20 So in that interview that you had with Assad, when you suggested 60 and he expressed surprise, did you say anything about that being an agreement that you and Mr Cossu had?---No, I didn't. No.

Why not?---It's - - -

You just didn't think to mention it?---Just, yeah, for me it was not as important, the salary itself, so I just went on with the interview, I mean it was under the - - -

30 What was the most important part of it for you then if salary wasn't - - -?  
---For me the type of position as the first position as a senior was important to have a team of surveyors, that was something that attracted me to the position.

THE COMMISSIONER: Before you went to that interview with Assad, did Mr Cossu say that there was anything that should not be mentioned?---Not in that specific way, no. Not exclusive - - -

40 All right. Well in any way?---Sometimes when I was speaking to Pietro about Assad and he referred to Assad as not being informed and doesn't need to be informed about everything, that the main person to speak to and

the person hiring me is Ben, not Assad, so that's why we could disregard in one way Assad's opinion. Something like that, but - - -

Disregard Assad's opinion about what sort of things?---In general, just not, I can't remember any details that I mentioned Assad about. He was just saying that he's not as important as Ben, which is mostly like because the position of Ben is higher.

10 MS HUXLEY: Did that conversation occur after that interview, that first interview with Assad?---Yeah. It happened several times as the general opinion towards Assad, yeah.

Okay. I'll come back to that. So was it Mr Cossu who informed you after that interview that you were successful in obtaining the position, or was it someone else?---I think it was, I actually knew the day of the interview with Assad and Ben that it was successful as well and yeah, basically it was obvious you know and he needed, well at the time Assad also mentioned that there was a second candidate who they didn't like (not transcribable) approve them, approving from Assad's meeting, so - - -

20 Prior to, so were you working prior to starting at Canterbury Bankstown Council?---Yeah.

And what role were you in at that job prior?---Surveyor.

A surveyor, but not a senior surveyor?---No.

And were you a full-time employee or were you on a contract?---Yeah, I was full time.

30 If I can take you to volume 26.1, page 28. So that's an email from you to Mr Cossu attaching a signed contract.---Yeah, okay.

And then I'll take you to the contract on the next page, page 29.---Yes.

Do you recognise that?---Yeah.

That's the contract you signed?---That's right.

40 Did you read this contract before you signed it?---Yeah.

And if I can take you to page 32, underneath that table there it says, "The employee agrees to keep the employment package confidential" but that you would have the right to discuss it while seeking financial, legal or other professional advice. Do you remember reading that at the time?---I must have read it, yes.

And was that consistent with conversations you had with Mr Cossu later about not telling people about employment with PMLV?---No. This, I think, regards to the salary itself. Usually it's in all contracts.

10

So at page 34, that says your hours of work are 38 per week.---Okay,

Plus reasonable additional hours. Do you remember reading that part?  
---Yep.

And then the schedule at the end, schedule 1 at page 44, sets out PMLV Consulting as the employer and you as the employee. So you understood you were working for PMLV Consulting?---Yeah, yes.

20 And you were reporting to Mr Cossu?---Yes.

In relation to a project at Canterbury Bankstown Council?---That's right.

And the commencement date was 1 February 2021 and then the rate of pay was \$55 per hour.---Yes.

And then there was a super contribution on top in relation to that.---Yep.

Do you know if Mr Cossu paid superannuation to you?---I assume so.

30

Did you give him your superannuation details to do so?---Yes.

And if I could just take you back up to page 35, that sets out your leave entitlements. Did you ever take leave during your period at council?---Not very sure about it if I did. Should be, maybe seek leave for one or two days, or four, if I was caught, I'm not really remember what kind of leave.

So under this contract you were entitled to four weeks of annual leave per year.---Yeah. I remember them being paid off at the end of the year in - - -

40

So when you finished work that was paid - - -?---Reimbursed.

- - - out to you?---Yeah, yeah. I remember that. So it means that I didn't take the - - -

So you had a lump sum?--- I had some, not - - -

At the end of the contract you had a lump sum paid to you by PMLV?  
---Yes. That's right, yeah. I had some paid leave, paid in, in money.

10 Was there any training provided through PMLV by Mr Cossu?---Yes.

What type of training?---I went through a course to become a drone pilot.

A what, sorry?---Piloting a drone, as a surveying for monitoring breach, infrastructure.

THE COMMISSIONER: So sorry, I didn't catch it. What is it?---Drone pilot.

20 Oh, drone course.---Yeah, course.

Oh, okay.---To, to pilot that.

MS HUXLEY: Was that the only training provided or was there other training as well?---I, through the council itself, they had some self-education courses that I went through and also in LinkedIn there was a specific type of - - -

30 That drone course, was that through council or through PMLV?---No, through Pietro.

And was that a week-long course, or what was the period of time that that course took place?---It was self-paced. I prepared for it, didn't really finish it, so, yeah.

So you started work at the council on 1 February 2021. Did you have any conversations with Mr Cossu just prior to you starting work?---Yeah.

40 And what did he say to you in those conversations?---Oh, that we going to work together. I knew that he will be in the same office, it's an open office,

you know, desk nearby and that we would not be in the same team but we will be in the same floor.

Before you started at council, was the only interaction you had with Mr Webb meeting him after that interview with Assad?---Yes, yes. I didn't know.

And prior to you starting work on 1 February, did Mr Cossu tell you not to tell anyone about your arrangement with PMLV?---No,

10

Did he tell you to not tell anyone about your arrangement with him, that you were employed by him?---No, no-one know that.

Do you recall being interviewed by officers at the Independent Commission Against Corruption?---Yeah.

That interview took place on 14 November 2023?---Oh, okay, I remember. You meant not telling Assad, is that what you mean, with the question before that?

20

Oh, telling anyone at council but was it specifically in relation to Assad? ---Maybe, yeah, if, if you're referring to what I said in the interview.

Yes.---Yeah, okay. Yeah. I remember maybe I, I said there was, not to inform Assad about everything that I'm doing there because he was not part of the employment relationship. It was basically through PMLV and Randstad, hired by Ben, not Assad and Assad was presented to me, from Pietro, was just a manager there, who being my direct manager but would not be involved in the process of my hiring there and doesn't need to know all about that, or maybe he is curious or think about it but it's not his position to know all the details regarding my employment there. In, in that case, if that's what you mean.

30

So Mr Cossu said to you in that conversation that Mr Webb was involved in the arrangement?---I, I don't remember exactly which conversation but that is what - - -

In a conversation.---In a conversation, yeah.

40

But did this happen prior to you joining council or the week that you joined council or after?---After. That was after. After we spoke about Assad, he

explained to me what Assad's role was because I was surprised because he was leading the interview basically, when I was there, that's why.

Was this after that first interview?---Yeah. That's why I was surprised of, of him as well.

And before you started at council then?---I didn't know of Assad before starting at council.

10 But so Assad interviewed you?---Yeah.

At that time you weren't engaged by council?---No.

And then there was, do you recall how many weeks passed between Assad interviewing you and you starting work at council?---Maybe the next week. I'm pretty sure.

20 So during that week did you have a conversation with Mr Cossu and is that where he told you not to tell Assad or was it?---I, I don't remember it was exactly this week or a bit after, or maybe after I, everyone already start.

So it may have been in the first - - -?---Maybe in the first month or - - -

But at some point early on?---Early on when I started asking about Assad's position. Yeah, it was explained to me what his role was in my, in the management.

30 And so Mr Cossu said to you in that conversation that Mr Webb was involved in the hiring of you?---Yeah.

And not to tell Assad about - what did he say not to tell Assad about?---He said that Assad is not part of that employment. Not any specific not to tell him. But because when I was asking about the questions he is asking, he says he doesn't need to know anything, everything if he is not part of my employment, yeah.

So did he use those exact words? Do you remember the exact words he used?---No. That's the impression I was left with.

40 So you understood what he was conveying to you is don't tell Assad - - -?  
---That was, he was coming from, yes.



- - - he doesn't need to know anything?---Not anything, everything.

He doesn't need to know everything.---Yeah, yeah.

And that the employment arrangement was with - - -?---Ben instead of Assad, yes, yes. That's what my understanding was.

10 And did you understand from that that you shouldn't tell Assad that Mr Cossu was involved in employing you?---No.

So did you take that to mean that you shouldn't tell Assad - so you just said you shouldn't tell - I'll start again. So what was your understanding about what you should not disclose to Assad?---It, it's not like a, I was not advised by Pietro to do anything like that. I was more likely explained from Pietro what Assad's role was and then when Assad asks question, they don't need to be answered because he is not part of my employment, that's the reason for - - -

20 Okay.---Similar to when, as you pointed to, the contract, anyone asking me about my employment, I'm not only not obliged but not even supposed to explain the details of my employment, as in this (not transcribable)

So if Assad asked you who was employing you, did you understand Mr Cossu to say you shouldn't answer that question?---No. No, I would answer if he asked me who employs me. I would say for PMLV, yeah.

30 THE COMMISSIONER: When did you first meet Webb?---At that interview.

At the interview with Assad?---Yes.

And what role did he play?---He was the head of the department, Design Department.

40 Yeah, but I mean what role did he play in the interview?---Oh, well, after we finished the interview I was introduced by Assad and Nara. We went to the room and we spoke a bit about my past in the career, so to be informed more about it, yeah.

Yeah, thank you.

MS HUXLEY: Did Assad ever ask about how you came to be employed at council or what the arrangement was?---Not directly.

But did you come to tell Assad about the arrangement?---Yeah, down at, at one point I did, yeah.

10 And when did that happen?---There was a conversation with a woman from, I think she was in Randstad in, via email or phone. We spoke about the weekly hours with her and Pietro, and then at that same topic, I don't remember many details, but I involved Assad in it and we went to Ben's office at that time to speak about that. And at this moment when - not this moment, in this day, in this conversation, the line of conversation, I mentioned Pietro to Assad, if that's what you're referring to from the interview.

So did that happen in Mr Webb's office?---No, that was just outside of his door.

20 Did Mr Webb hear that or did he - - -?---No. No.

Okay.---It was outside of his office.

And so what did you say to Assad?---I mentioned Pietro. Nothing specifically. Oh maybe within the emails with that woman, I forgot, sorry forgot her name, from Randstad - - -

30 That's okay.--- - - - I was explaining what actually happens, what my conversation went through and then I showed Assad I think an email from Pietro while I was explaining him an SMS or something from Pietro. When I mentioned Pietro he was surprised.

Did he say anything to you about Mr Cossu's involvement?---He asked me and I said that I work through him. He then said, "Didn't you work through Randstad?" And I say, "Yes, through Randstad and Pietro," and that was that. He was very surprised by that.

Did he say he was going to do anything about it?---No.

40 So I'll take you to volume 26.1, page 97, which is Exhibit 54. Is that your signature down the bottom left-hand corner?---Yes.

And you signed that on 2 March 2021?---Yes.

Do you know why you had to sign this document?---Yes, so Pietro explained to me that that's additional contract for the agency for the Randstad, and as I understand this is how much PMLV was getting as a difference and looking here the pay rate is different as the cut for PMLV, as I understand the difference between that and my salary.

10 Yes. And so did you notice that pay rate at the time?---Yes.

And did you speak to Mr Cossu about it?---No, I expected that to be the case.

Okay. Had you had an earlier conversation with Mr Cossu where he told you he was going to be getting more from Randstad?---No, but I was expecting him to be getting more from the council anyway, so it doesn't really matter for me.

20 Okay.

THE COMMISSIONER: Can I just ask you about this. You mentioned that there was a difficulty with the hours, I think, and you had a conversation, you spoke to Assad and in that conversation it emerged that you told him that you were working with both Cossu and Randstad, or through both Cossu and Randstad, and he seemed surprised, and then I think you said that you went in together and you spoke to Webb.---I assume so, if not, I'm not really certain whether we did on the same day but we - - -

30 Okay. Well, at some point on that sort of subject matter you went in and spoke to Webb?---No, I didn't. No, I don't even remember speaking. Maybe Assad did but not me myself with Webb about that topic, about the hours, if (not transcribable) document.

I see. So - - -?---I, that kind of finished with me and Assad and he arranged those hours to be fixed after.

So you were standing with Assad outside Webb's door.---Yes. Yes, we were heading there, yeah.

40

But Assad was the only one who went in.---Yes, I think so.

Sorry.

MS HUXLEY: Did you know that Randstad was being paid \$96.35 per hour plus GST by council for your engagement?---No.

Did you understand what Randstad's involvement was in this?---They, the agency providing workers to the council.

10 And so did you think that they received a particular percentage of what council paid for your services?---Yeah, I assumed so, yeah.

Did you know that an option available to you would be to work yourself for Randstad rather than through PMLV?---No. At that time I was not approached by Randstad. If I was I might have considered it. I was approached by Pietro.

Did Mr Cossu ever suggest to you that you could just go straight through Randstad rather than through him?---No.

20

Looking at the pay rate to PMLV for your services, would you have preferred to do it direct through Randstad rather than through PMLV?  
---Yes.

Even if that arrangement would have meant that you didn't receive any leave entitlements?---Well, for me that's not as important, but in general I would assume it would be better circumstances if I not work for PMLV but directly for Randstad. Even comparing them working directly for the council would be even more preferable for me, not in detail for the contract details, but just in general.

30

When you started work at council did you find there was a lot of work to do?---Yeah, there was.

And were the people around you working hard?---Some of them did, yeah.

Was there a need at council for additional workers to deal with the works program that council had?---I think so.

40 They're my questions, Commissioner.

THE COMMISSIONER: Yes. All right.

MR PARARAJASINGHAM: Nothing from me, Commissioner.

THE COMMISSIONER: Nothing from you, Mr Pararajasingham. Yes, Mr Sutton.

MR SUTTON: Thank you, Commissioner. Mr Nikolaev, hopefully I'm pronouncing your name correctly.---Yeah, that's good.

10

Thank you. My name is Sutton and I'm a solicitor for Mr Cossu. I'm shortly going to show you a couple of documents but I just want to go over my notes for a moment, so if you just get me - - -

THE COMMISSIONER: Yes, sure.

MR SUTTON: Thank you. Now, tell me if this is a fair summary, Mr Nikolaev. First of all you were looking for work.

20 THE COMMISSIONER: Sorry, can you keep your voice up or maybe get - - -

MR SUTTON: Sorry, I've moved away from the microphone.

THE COMMISSIONER: Yeah. There we go.

MR SUTTON: Thank you. You were looking for work. Sorry, no.---No, I wouldn't say I was looking for work.

30 Okay. You were employed somewhere prior to the council contract, is that right?---Yes.

And Mr Cossu approached you and said there was work available, is that the correct scenario?---Yes.

Thank you. And you entered into a contract with PMLV, yes?---Yes.

40 And it came as no, sorry, that contract was transparent. You were shown a copy of it and if you need to see a copy again on the screen, that can occur, but you were shown a confidentiality clause that said you were not to discuss the terms and conditions of the contract. Did I hear you correctly to

say that, in your experience, that's a standard type of clause?---Yeah, I think I've seen similar non-disclosure on many contracts I've signed, yeah.

It certainly didn't say anything in there particularly related to Mr Cossu or PMLV the company that you were not to discuss either of those two entities, did it?---This, this is how I understand it, yeah. As of my understanding, this is correct, yes.

Yes. So we're in agreement with each other.---Yes, yes.

10

Okay. So as far as the employment terms, that is who you were working for, you could tell anyone that at any time.---This is what my understanding was, yes.

And it was never impressed upon you that you need to keep it secret at any time.---No, I don't remember that being so.

And you were asked a number of questions about Mr Assad and what you should or shouldn't tell him. Do you remember that counsel assisting was asking you those questions?---Yes.

20

Okay. Can I summarise, and if I get this wrong, please tell me, but is it the case that Mr Assad, on this particular point, that is the employment regime, should be treated a bit like a busy-body, he didn't need to know so you don't have to tell him?---Yes, exactly.

But I think you also said that if you were directly asked, you would have told him.---Yes.

30 So again, as far as you are concerned, it's no secret.---What exactly do you mean whether it's a secret or not?

It was not a secret that PMLV or Cossu were - - -?---Yes, yes.

Okay. And there were a number of other people who were at council while you were there. Is that correct?---Yes.

And you would have been aware that a number of those persons who were contractors or contingent workers, were also through Mr Cossu's business.

---He later, when we spoke about, yes, he did answer that when I asked him about company team buildings, I think he said there are some people here as well, but yeah.

Yes. So he never sought to hide from you that there were others who were coming through his business.---Yes, he mentioned the colleagues, yeah.

Are you aware if any colleagues, to use your word spoke about it between each other?---I've never met any of them. I spoke about it with Pietro. He  
10 said they're different departments.

Okay.---That's why we don't meet, yeah.

All right, thank you. I just want to show you a document, I've got a copy here for you Commissioner and for council assisting, Mr Pararajasingham, if someone - - -

THE COMMISSIONER: Yes, have we got somebody - - -

20 MR SUTTON: I'm happy to run it up myself.

THE COMMISSIONER: My associate, can you please go and assist Mr Sutton?

MR SUTTON: And I apologise to my friends from the council, I think I've undercut my own copy but I will make it available. Commissioner, witness and counsel assisting. Thank you. Actually no, I do have one. Now before we go into the document, you were asked by counsel assisting about training that took place. Do you recall that, and you spoke about a drone course.  
30 ---Yeah.

And that drone course was paid for by PMLV.---Yes.

Okay. So just in front of you there, you will see an email, if you see on the front page, second block of text, it says "From Yavor Nikolaev."---Yes.

And that's your email address?---Yes.

And that's on Wednesday, 21 July 2021 and it was sent at 4.22am. Is that  
40 right?---Yes.

And you've sent it to Mr Cossu.---Yes.

And it says, "Thank you very much Pietro! Regards, Yavor."---Yes.

Okay. Now just below that is a St. George Bank transfer for \$4,295. Is that correct?---Yes.

10 And it says within the body of that, and the document will speak for itself, transferred from Pietro to a BSB number 034 069 and an account number ending in 659. You see that?---Yes.

And can I suggest to you that that's a transfer from Mr Cossu to you for \$4,295?---No, I think that's for the course itself, not to me. That - - -

Oh, it's paid direct to the course, was it?---Yes, yes.

Thank you. And if you go over the page, so on page 2, there is a tax invoice there from Ace, A-c-e, Aviation.---Yes.

20 To PMLV Consulting.---Yes.

And they're based in Upper Mount Gravatt in Queensland.---Mm-hmm.

And in the description just over midway down the page on the left-hand side, it says "Gold - RePL and AROC course."---Yeah.

"Six days in class face to face", and then it says, "Student name, Yavor Nikolaev."---Yes.

30 So is this the invoice for the training that PMLV paid for you to attend? ---Yes.

Thank you. Madam Commissioner, I would ask in the fullness of time this, with leave of course, be tendered through Counsel Assisting.

THE COMMISSIONER: All right. Just keep an eye on that, Mr Sutton.

MR SUTTON: Will do.

40 THE COMMISSIONER: So it's not overlooked.



MR SUTTON: Thank you, Commissioner. That's concluded, the cross-examination.

THE COMMISSIONER: All right. Does any other legal representative have any question? All right, yes Ms Huxley.

MS HUXLEY: I don't have any further questions for this witness and he can be released from his summons.

10 THE COMMISSIONER: All right. Thanks, that's the end of your evidence. You're free to go, you're released from your summons.---Thank you.

**THE WITNESS EXCUSED**

**[12.27pm]**

MR SUTTON: Sorry Commissioner, the witness is just wondering what to do with the document. I will just take that back.

20

THE COMMISSIONER: Oh, yes. All right. So we have no further witnesses today and we have the - - -

MS HUXLEY: Or for the week, so we will start with the GWAC witnesses on Tuesday.

THE COMMISSIONER: We'll we've got Anderson and Vangi tomorrow.

MS HUXLEY: Oh, sorry, Mr Anderson and Mr Vangi back tomorrow.

30

There's a number of documents that have been shown to witnesses which I anticipate tendering either tomorrow morning or next Tuesday. If I don't get to it tomorrow morning, we'll endeavour to make them available on the restricted website so the legal representatives can access them.

THE COMMISSIONER: Certainly.

MS HUXLEY: And I anticipate there will also be two schedules that will be made available on the restricted website for the review of the, by the other parties' legal representatives in relation to the recruitment allegation and the GWAC allegation.

40

THE COMMISSIONER: Yes. Yes, that's important, Ms Huxley. I am aware of that, so the legal representatives should keep a look out for these two schedules. One relates to recruitment, the other two various contracts with GWAC because they attempt to summarise a great deal of information, as I understand it, so they could be useful to you. It's also important that you check that they're accurate from your perspectives.

10

MS HUXLEY: And Commissioner, I request if there's any issues about accuracy, for the legal representatives to notify the instructing solicitors.

THE COMMISSIONER: Yes, that would be very helpful.

MS HUXLEY: And we can resolve it and then hopefully tender it so it's useful for everyone.

20

THE COMMISSIONER: Yes. Yes, that's good. It would be very helpful to me if these schedules could reflect an agreed position or at least narrow down any disputes, but at least with many aspects of them, I can't anticipate there will be a lot of dispute. All right. Anything else for the moment, Ms Huxley?

MS HUXLEY: No, Commissioner.

THE COMMISSIONER: All right. Mr Sutton.

MR SUTTON: Can I just observe, Madam Commissioner, that yesterday afternoon's transcript is still not, well I can't see it on my screen so I will accept my friend's assertion that it is.

30

THE COMMISSIONER: All right, all right, okay. Sorry about that, Mr Sutton, but it happens when it happens.

MR SUTTON: Of course. I'm just conscious of that - - -

THE COMMISSIONER: Yeah, I know. I understand you want to peruse it for the purposes of tomorrow.

40

MR SUTTON: And also to try to oblige Mr Moses in his request of notification before 4pm.

THE COMMISSIONER: Yes, thank you.

MR SUTTON: Thank you.

MS HUXLEY: Sorry, Commissioner, just on that I'd understood the position this morning was both witnesses would be required because there may be some questions for Mr Anderson.

THE COMMISSIONER: Yes.

10 MS HUXLEY: Sorry, for Mr Vangi, based on what Mr Anderson says, so I think both - - -

THE COMMISSIONER: Yes. It's certainly my understanding that both witnesses should be here tomorrow. All right then, thank you. Well, I will adjourn until tomorrow at 10.00.

**AT 12.30PM THE MATTER WAS ADJOURNED ACCORDINGLY  
[12.30pm]**

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