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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 MONDAY 17 JUNE, 2024

AT 10.00AM

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.

THE COMMISSIONER: Mr Sutton, thank you for subjecting yourself to a test and good news that you're clear. I will probably still wear a mask, but no reflection on anybody or anything, okay.

MR SUTTON: No, accepted. It's because of the asthma it sounds 50% worse than it really is and with your leave I've got some cough lozenges just in case that plays.

THE COMMISSIONER: Yes, yes of course.

10

MR SUTTON: Thank you.

THE COMMISSIONER: Now Ms Huxley, we're ready to proceed with Mr Cossu, is that right?

MS HUXLEY: Yes, Commissioner.

THE COMMISSIONER: Can you come forward please, Mr Cossu? And just come forward and take a seat for a minute, thanks. Right, just take a seat for a minute.

20

MR COSSU: Thank you.

THE COMMISSIONER: Now I am sure you've heard me advise the other witnesses, but I will just advise you as well. At the public inquiry you must take an oath or an affirmation to tell the truth. You must answer every question that is put to you. You must produce any document or other thing in your custody if required by summons to do so or if I require you to do so. You must answer and produce, even if the answer to the question or the production of the document may tend to incriminate you. However, you may take an objection to giving an answer or producing a document or thing, in which case your answer or production can't be used in evidence against you, relevantly I think, in criminal proceedings. The protection does not extend to proceedings for an offence against the ICAC Act or proceedings for contempt of the Commission, so the objection would not protect you from having that evidence used in, for example, a prosecution for giving false evidence. To gain the benefit of the protection, you don't need to object to every question, you can take a blanket objection at the outset and that will protect you throughout. I take it you wish to take the blanket objection?

40

MR COSSU: Yes.

THE COMMISSIONER: Yes. So I declare that all answers given by the witness and documents or 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  
10 DOCUMENTS OR THINGS PRODUCED BY THE WITNESS WILL  
BE REGARDED AS HAVING BEEN GIVEN OR PRODUCED ON  
OBJECTION BY THE WITNESS.**

THE COMMISSIONER: You've heard me say repeatedly that you should make sure you understand the questions. If you're not sure, you should ask for clarification or if you can't hear, you should ask them to speak up so you can ensure that you know what you're answering. If you need a break at  
20 any time, let me know. Do you have any further questions?

MR COSSU: No.

THE COMMISSIONER: All right. Would you like to take an oath or an affirmation?

MR COSSU: An affirmation.

THE COMMISSIONER: Would you please stand and I will ask my  
30 associate to administer the affirmation.

THE COMMISSIONER: Please be seated. Did you want to say something, Mr Sutton?

MR SUTTON: Just very briefly, Commissioner. Can I just point out that my client is originally from Italy and Italian is still very much his prime language. I am not pretending for one moment he is not going to understand, but I have found, in taking instructions from time to time, there has been need for clarification, so I just ask that the simplest of words, I accept he's an engineer and he has good language, but I just ask that the simplest of words be used and make sure that clarification is clear.

THE COMMISSIONER: All right. So just to re-enforce then, Mr Cossu, that if you're not a hundred percent clear on what the question is getting at, you must ask for clarification.---Okay. Thank you.

Good. All right. Yes, Ms Huxley.

MS HUXLEY: Mr Cossu, can you tell the Commission about what your work background is?---I was a construction manager in Bankstown.

But what is your work experience? How long have you been working in the construction industry?---Many years, many years.

Do you have formal qualifications?---Yes, I do.

And what are they in?---Civil engineering.

Civil engineering.---Yes.

You have a company called PMLV.---Yes, ma'am.

And when was that set up?

MR SUTTON: Objection.

THE WITNESS: 2018.

THE COMMISSIONER: What's that?

MR SUTTON: The correct state is, he had a company called PMLV.

MS HUXLEY: Sorry.

MR SUTTON: He no longer owns that company.

THE COMMISSIONER: Yes, all right.

10 MS HUXLEY: You had a company called PMLV.---Yes, ma'am.

When was that set up?---I think around 2018. Maybe earlier, I don't know.

And why was it set up?---For construction, I guess, like a business.

To do what kind of work?---Civil work like construction was the objective.

Civil engineering work?---Yes, engineering work.

20 And would it be carrying out contracts for other, on particular work sites?  
---Yeah, I guess, yes.

Would it fabricate anything?---No, we didn't, no (not transcribable) was consulting.

Okay. Did it work on the Sydney Zoo contract?---Say that again?

Did it do any work in relation to the Sydney Zoo contract?---Yes. Yes.

30 And who did it do work for?---At that time, I can't remember the company  
but we done some work in the zoo, yes.

Was it a contract involving Mr Webb?---Yes.

And was it a contract that Mr Webb's company had or was he just working  
for the entity doing the Sydney Zoo contract?---I can't recall but I think he  
was managing the - - -

40 THE COMMISSIONER: What, you think he was managing the whole  
project?---Yes, ma'am.

MS HUXLEY: When did you first meet Mr Webb?---B-Line.

B-Line.---2018, I think.

And you were working on the B-Line.---Yes.

What was your role?---Site engineer.

And what was his role?---I can't recall, ma'am. I would be saying a lie.

10

Sorry, can you just keep your voice up.---I can't recall, but he was one of the managers there.

Okay. Sometime in 2020 did Mr Webb contact you about a role at council?  
---Yes.

What did he say?---I was actually looking for work, but we used to keep in contact all the time.

20 And he mentioned there was a role at council.---Yes.

And did he tell you what that role was?---No, but definitely was construction.

Did he put you in touch with a person called Ms Kielty?---Yes.

And you understood she worked at an agency called Randstad.---Yes.

30 And then did you get in touch with Ms Kielty or did she contact you?---I can't recall. Probably I called her.

Do you recall that the arrangement that was set up that you'd contract through your company?---I asked that.

You asked that?---Yes.

Of Ms Kielty?---Yes, I wanted to be a contractor, yes.

And she said that was okay?---I had to fill up documentation with regards.

40

And you did?---Yes, I did.

Yeah, and you sent that through to Ms Kielty.---Yes.

When you spoke to Ms Kielty did you discuss the charge rate for council?  
---I must have.

And the pay rate to you?---I must have.

Did you discuss these rates with Mr Webb as well?---I can't recall.

10

If I can take you to volume 3.1, page 60. So that's an agreement between you and Randstad and it identifies the agreed pay rate as \$113 per hour plus GST.---Yeah.

Do you recall that?---Yes.

Did you know that council was charging \$125.56 plus GST per hour for your services?---No. No, I didn't know.

20 Do you know who was responsible at council for approving your time sheets or the invoices to Randstad?---No idea.

How did the time sheet process work? You completed a time sheet?---I completed a time sheet and Mr Anderson, I think, used to approve them.

Okay, but did you send them to Mr Anderson or did you send it to Randstad?---I think I sent it to Mr Anderson and Mr Anderson used to send it to Randstad.---Okay.

30 Did Mr Webb know that you were being engaged as an ABN contractor through PMLV?---I don't know. Probably he did.

You don't recall having any conversations with him about it at that time?  
---It was not needed, I don't think.

Okay. And what was your role at council?---I was Construction Manager.

And so what did that role entail?---Facilitate the workers, the project managers towards achieving the completion of work.

40

THE COMMISSIONER: Sorry, what did you say, you helped them or you what? I didn't catch that word.---You help them. You go down, see if they see any issues. Sometime they call you and you facilitate different issues. Being older person, I guess.

MS HUXLEY: And was part of your responsibilities assisting in the delivery of the Capital Works Program?---The delivery of the capital work must have been for Ben Webb but mine was to ensure other things was working right that's all.

10

But were you part of Mr Webb's team?---Yes.

Yeah. So he relied on you and project officers to deliver the Capital Works Program.---Yes.

And would that require identification of particular projects?---I don't understand the question.

20 So whose responsibility was it to identify what projects would be part of the Capital Works Program?---I don't have idea.

But was there like a list of works that had to be completed per year?---I don't have a, we don't have access to that.

Okay.---You work for the job that you get allocated to, that's all.

Okay, so someone allocates you a job.---Yes.

30 Would that be to evaluate, send it out for quote?---Yeah, you can say that.

So one of your roles would be to identify potential contractors and send them a request for quote.---Some cases.

Sometimes it would be a request for tender.---Some cases.

And then sometimes it was an open tender.---Okay. Some cases, yes.

40 And then after it's sent out for quote or tender, you receive the submissions.---Not directly, yes, but we receive the company submissions, yes.



Sometimes you would, if it was a request for quote sometimes you would receive the quote directly depending on the quantity.---Depend on the quantity, depend on the job.

Yeah. And then part of your role would be to evaluate those quotes received or the tenders received.---You do a report in regard of the (not transcribable) you receive and then other people are the - - -

Yeah, other people.---Yes.

10

So you do a report that recommends something.---You put together what the person submits and then everybody evaluates. You not, you not evaluate by yourself. It's not your job.

Yeah. So there's, I mean, and there's usually two people on the evaluation panel.---Many times more than that.

Yeah, depending on how big the contract is.---Depend how big is the contract.

20

Yes. Yeah. And so you complete an evaluation panel report or - - -?---Yes.

And you recommend a particular contractor.---Yes.

And the evaluation of the contractors for the quotations or the tenders should be an independent assessment of their capacity to deliver.---Say that again, ma'am, I'm sorry.

So when you're assessing a quote or a tender - - -?---Yep.

30

- - - that needs to be an independent an impartial assessment.

THE COMMISSIONER: Do you mean when council's assessing or when he's personally assessing?

MS HUXLEY: Well, when he's personally assessing it.

THE COMMISSIONER: All right. When he's on a panel, you mean, or - - -

40

MS HUXLEY: Yeah. That process required you to bring an independent mind.---I usually write down, if you send me a quote I put it together and I give it to, to somebody that, in this case many times Peter Anderson or somebody else review it.

THE COMMISSIONER: I just think there might be a little confusion here, Ms Huxley. The witness said that, and correct me if I'm wrong, but I think you said that it was part of your job sometimes or quite a bit, to put together this report to the evaluation panel, is that right?---Majority of my job was to  
10 go around - - -

I know, but just talking about the evaluation aspect of it. So what role did you play if there was an RFQ or an RFT, for example?---I receive the quote.

Yeah.---I check it up, what is the quote about.

Yeah.---And then I submit it to the relevant person, but I can't approve or disapprove anything. I can always say that one is possible to be done with this or not. That's - - -  
20

But the person that you submit it to, is that the evaluation panel, or who is that?---If it's small job, I've got to, to Mr Peter Anderson like this or to the designer that, I guess, it's a bigger picture, it's not that you are, usually the job is belong to a, to a person that is the, is the owner of that job.

The project manager or - - -?---No, no, no, we only managing the job, but that specific work belongs to somebody else. Every asset that you have in the, in the, in the company belongs to one person. That person looks after that asset. Okay. You, the designer decide to do this, I go there and check,  
30 then the asset owner says to me no, I want it like this and then you, you go back and then you assess it, that's all. But you haven't got no, no power to do nothing. The asset owner and the, and the responsible people in the council will decide what price because I do not. I have to make sure that the guy that is doing the job is putting in the right value, that's all. Or, or, or can be done with that, with that means.

MS HUXLEY: So you evaluate the quote received?---I evaluate the work, not the value.

40 The work, okay. But do you also have a look at whether the company that provided the quote has the capability to execute the job?---That's it, yes.

And where you received two quotes or three, you look at which one will be the best value for money for council.---Yeah.

And that role required you to be impartial.---Absolutely.

Yeah. Were you involved in the preparation of any of the tender documents, or is that something that would be done by a different group?  
---Yeah, I'd prefer, I never got involved with the preparation, I prefer not to do that.

10

Was that more the Design Team, or would there also be people in the Construction Team that would - - -?---Construction and Design.

Okay.---I don't like writing.

Fair enough. Where it was a request for quote process, you'd normally have to send it out to at least two.---Yes.

20 Potentially three, depending on the quantity.---Yes.

Who would be responsible for identifying the suitable contractors for that? Who would identify who gets the opportunity to quote on that?---I wouldn't know to, to reply in that, in that way. So are you asking me who is the person, so okay, just have you ask that again.

30

Sorry. Sometimes there have been occasions where you have sent out a request for quote to two or more people. Do you remember that?---Usually my requests are very short to assess please give me price of this, that's it because I don't - - -

Yeah, but how do you work out who to send it to?---No, if it's in the minor panel, I would search the minor panel. But if nobody is available, I'll try to, I'll look for people.

Okay. So that was something within your role to identify who to send out the quotes to?---Yes.

40

And then once the project was awarded and someone with the appropriate delegation approved it, who was, was part of your role to oversee the delivery of that project by the contractor?---Yes.

And would that include dealing with variations?---Yes.

And, where required, to push back on the contractor against certain variations requested?---Say that again?

10 So if a contractor said to you, I need this variation, would you question the need for that variation?---Usually it's the asset owner that asks if they want something different then they, the contractor puts the price in. You take the documentation and forward it to the asset owner, whoever is in front of you higher than you. It's not something that you can approve.

So you weren't approving the variations.---Only have to - - -

You'd have to send it on to someone else to approve.---Yes. Yes, it's the process.

But you could recommend that a variation be approved.---Absolutely, yes.

20 And so when a contractor comes to you with a variation, sometimes those variations aren't reasonable.---Then I reject them.

Yeah. So part of your role was to push back against a contractor if they were proposing a variation that should be part of their costs rather than council's costs.---Yes.

Did you have any financial delegation at council?---No.

30 Who was your supervisor?---Peter Anderson.

And did you also report to Mr Webb?---Yes.

Did you have any understanding during your time at council of the code of conduct?---My understanding was a general understanding.

So where you have an interest in a particular company or project, you'd have to disclose that interest?---Yes.

40 Did you know who you would have to disclose it to?---To my supervisor.

And who was that?---Peter Anderson.

Okay. Did you understand that that extended to things like loans and gifts to you?---Yes.

And it also extended to if you anticipated receiving money from a particular contractor?---Yes.

And did you understand council's practice at the time if a conflict was disclosed that you would be removed from the decision-making process?

10 ---What do you mean?

Well you wouldn't be able to participate in evaluating the tenders received if you had a conflict of interest.---Yes.

Because it was important to make sure that the decision being made was an independent and impartial decision.---I don't know the reason, but I know.

You don't know why they removed people from, if they had a conflict?

20 ---No, but you're telling me something, I don't know what, what you're telling me.

Okay.

THE COMMISSIONER: Well, okay. I think what Ms Huxley is saying, like in your mind if you disclosed a loan or a gift for example, you'd be removed from involvement with it. Is that right?---I asked to be removed from the evaluation.

30 No, no, no, we're just talking hypothetical.---I don't know. I never ever thought

Okay.---I never ever thought I just knew that if I was, if I was too close to somebody, I was supposed to disclose it and that's what I done.

And why would you have to disclose it?---Because it wouldn't be fair to that person, it probably would be more towards that person, that's all.

Favouring them.---Favouring, yes.

40 Yes, okay.---That's why I removed myself.

MS HUXLEY: And that's why council had the policy to make sure that the decisions being made were independent.---I wouldn't be able to tell you why the council had that.

Okay. When you joined council, was there a lot of work going on at the time?---Lots.

And there was a need for greater resources.---Absolutely.

10 Including more personnel.---Yes.

And did you know if Mr Webb had the ability to engage personnel?---I didn't know at the time.

At the time you were engaged, when did you find out?---When I see that they were trying to get people, they couldn't find people, and I asked if they wanted I could help.

20 Who did you ask?---I asked Mr Webb.

And what did he say?---That he spoke to the, as far as I remember, as far as I knew, he spoke to the director and, or whoever above him and it was possible for me to, to bring people.

But so when you had that discussion with Mr Webb, you said that you could have helped find people.---Yes, so that I'd be able to find people and I'd bring them in for me, yes.

30 Sorry, bring them in?---Yes.

To work at council?---Yes.

Did you say at that time that you would be employing them through PMLV?---I never went through the details to anybody, yeah.

So that's a no. Did you say that at the time?---I never went through the details, o I'll say I don't know.

40 Well did you convey to Mr Webb at that time that you were going to take a cut of the charge rate that council was paying?---I didn't have any discussion with Mr Webb in regards of my financials.

Did you ever have a discussion with Mr Webb about the machinations of hiring these people?

MR SUTTON: Objection.

THE COMMISSIONER: Just a little bit simpler, Ms Huxley.

10 MS HUXLEY: I think he did use the word machinations, didn't you?---I don't understand what you're - - -

Oh, sorry. I thought you said machinations. Did you ever have a discussion with Mr Webb about how this would work in terms of PMLV taking some money for their employment?---No I didn't.

THE COMMISSIONER: Can I just clarify, Mr Cossu, so you said that you asked Webb if you could help by bringing in people, is that right?---Yes.

20 So, like, do you remember when this happened roughly?---No, I do not remember. I don't remember but - - -

How long after you started? Do you remember?---It was shortly after I started. We couldn't get people to do the work.

Are we talking days, weeks, months? What are we talking?---Probably a couple of months after I start, yeah.

30 A couple of months after, all right. And so when you asked him were you in the officer or where did this conversation occur?---I can't remember. I wouldn't, me, I'm actually speculating at the moment that I must have spoke to him about, in regards, because I can't remember the case.

You can't actually remember speaking to him.---I can't remember at all, but it couldn't have come from nothing, so I'm sure that I asked the man if I could bring the people.

You don't remember asking him. You're just saying it must have happened.---Yes.

40 And why must it have happened?---I don't think I can bring anybody to work here without asking you.

It's just common sense that you wouldn't bring in people without asking.  
---It is a common sense, yeah, exactly.

Okay. All right. Yes, go on, Ms Huxley.

MS HUXLEY: And so does that mean you don't remember a conversation  
where Mr Webb said that he spoke to the Director about it?---As far as I am  
concerned I wouldn't have brought anybody without him asking to the, to  
10 the relevant, relevant person.

But that's not a specific recollection. That's just - - -?---No, they're not.

THE COMMISSIONER: So are you saying that, first of all you feel that  
you must have asked him, is that right?---I think, I think, here I'm getting  
confused. I'm getting confused between too many, you know - - -

Too many people asking you questions.---Okay.

20 Well, just stick with me.---Many, many, many questions that I don't know.  
Okay.

Okay. Can you just stick with this.---Please.

I think that you said that you don't actually remember the conversation but  
you think you must have asked him, must of asked Webb, is that right?  
---Can we say what, please.

Yes, what.---Yes.

30

Okay.---Please, can we say what.

Well, you tell me what.---Can we go back with the (not transcribable)  
questions and then we, we go back.

Why you tell us what happened then.---Like I say to you, when I arrive  
there I couldn't find, there were no people to, we, we couldn't find people.  
So I offer him if he wanted to, I would brought people with my company.

40 Oh you did mention your company.---How do I bring people? How?



Okay.---So I say, "Is it possible?" I remember this, this I remember. Mr Webb says to me that he was going to ask if it was possible to, to Mr Vangi or to Mr Stewart. After that, that's it. I brought people.

All right. So a minute ago I thought you said that you didn't actually remember speaking with Mr Webb but you assumed that you must have spoken to him.---But we're now talking about what I was asking, isn't it? I couldn't remember. What was the second question (not transcribable)

10 Okay. I better leave it with you, Ms Huxley.---I like that. I really have enjoy - - -

I'll leave it with Ms Huxley to sort out.---I really - - -

MS HUXLEY: So in around January 2021 you started supplying workers to council.---Yes, ma'am.

And that was through PMLV.---Yes, ma'am.

20 And Randstad or Spinifex were also involved in that.---Yes, ma'am.

Yeah. And so did you have a discussion with Mr Webb about this arrangement sometime in early January or late December?---I can't remember what type of discussion I had.

But did you speak to Mr Webb about being able to supply workers to - - -?  
---Yes.

30 And did you say in that conversation that it would be through your company?---I must have. I can't remember exactly.

And then is it your evidence that Mr Webb was going to ask someone if that was possible?---Exactly.

And did he come back to you?---I can't remember.

The first two employees that were supplied were Mr Nikolaev and Ms Chaparro. Do you remember that?---Yes.

40 And you actually knew Mr Yavor, Mr Nikolaev?---I met Nikolaev. Are you asking me when I met him?

Yeah, you knew him at the time.---Yes, I met him in, in the B-Line.

And sometime in early 2021 or even late 2020 did you ask him if he was interested in a role at council?---Yes.

And I'll just take you to volume 26.1, page 1. And I'll just start, where it says from Mr Nikolaev to you, and it looks like Mr Nikolaev has sent his CV to you.---Yeah.

10

And then you forward that on to Mr Webb.---Yes.

Why did you forward it on to that particular email address for Mr Webb?---I don't recall. Usually you put a name in and then the computer comes out by itself. I probably didn't check. That's all.

And you sent it from an email address, that PMLV email address.---Yes.

20 So by November 2020 you had a conversation with Mr Webb about supplying people to council? That's the - - -?---Yes.

And then you sent this to him.---Yes.

So why did you send it to him?---To see if it was suitable.

Okay. And did you have a conversation with Mr Webb after sending him this email?---I can't recall.

30 Well, do you recall what happened with Mr Nikolaev?---What did you ask me?

What happened after you sent this email in terms of Mr Nikolaev coming to work at council?---Yavor was a, forgot his name - - -

A surveyor.---A surveyor, and I introduce him to, to Assad.

Assad.---Yeah.

40 And there was an interview between the two of them.---Yes.

And were you present at that interview?---No.

Did you have any discussions with Mr Webb about council making a decision to hire Mr Nikolaev.---No.

I'll take you to page 11. So on 25 January 2021 you've emailed Ms Kielty with Mr Nikolaev's CV, and you said, "He had a site interview already and good to go."---Yeah.

So that means his engagement at council was ready to proceed.---I guess.

10

Do you understand that she then sent that off to Mr Webb for consideration?---How will I know that?

I'll take you to page 20. That's an email from Ms Kielty to you confirming that, "Randstad will pay your company \$90 per hour plus GST for Mr Nikolaev."---Yeah. Yeah.

Do you know what the charge rate to council was for Mr Nikolaev?---No.

20

I'll take you to page 28. So that's an email from Mr Nikolaev to you attaching an employment contract.---Yep.

And you'd sent that to him the day before for signing? Had you sent that to him the day before for him to sign?---I don't know when I sent it to him but I sent it to him.

Okay, but yeah, it was a document that came from you.---I sent the contract for sure but I don't know when.

30

Yeah. And I'll just take you to page 29. Where did you get this document? Who drafted it for you? I can take you to volume 2.1, page 218. So this is an email from a person called Ms Ford to Mr Webb in 2018, attaching an employment contract and if I take you to page 219 that's the front page and then if we go to page 220, the table of contents, and if we just keep going down each page, I'll just stop there for a moment, can you see that schedule? Does that look familiar?---Yeah.

It looks like the one that's in your contracts with these PMLV workers? ---Yeah.

40

So did Mr Webb send this to you?---Not this for sure.

If I can take you back to volume 26.1, page 28.---Not this exact one at least. Yeah.

And if you go down, just do the same exercise with this contract. If we just stop at that schedule, so that's identical to that document that we've just seen. Do you accept that?---Yes, they're similar, yeah.

10 And the contract template that was located on your laptop shows that it had last been updated by Mr Webb.---I don't understand that.

So you can look at the metadata of a document to tell you who created it. ---Yeah.

Or who last edited it.---Yeah.

20 And the one that was, the contract that was found on your laptop, the metadata shows that it was last updated by Mr Webb on 28 January 2021, so did Mr Webb send you this contract for use to employ these people?---Not the contract, not this contract. The document maybe.

Yeah, so the underlying, the document and then you amended it depending on who you were proposing to employ.---He'd get me at the end to, for the document, yes.

But so why did Mr Webb send you that template then?---We exchanged many documentation and not, with no reason, really. I have a great respect for Mr Webb.

30 Well the reason he sent this to you, isn't it, that he was also involved in this scheme to supply workers to PMLV.---What are you asking again?

I'm asking, I'm saying to you that the reason he sent you this document is because he was involved in this scheme with you to provide workers to council through PMLV.---Absolutely not.

40 THE COMMISSIONER: All right. Well I might just interrupt here. So how did Mr Webb come to send this document to you?---I must have asked him if he had a, a document contract done already and I don't have to spend money to go to a, to a lawyer, I guess.

Okay. So what did you say to him in that conversation?---I don't know. I can't remember that, but definitely I must have asked him if I could have something, yeah.

You must have asked him if he had a suitable contract?---A contract that I could use, yeah.

That you could use for what?---For this.

10 For?---For the contracts, contracts, employment contracts I guess.

Okay.

MS HUXLEY: In relation to Mr Nikolaev, do you recall requesting a price increase of \$10 for the pay rate to PMLV in September 2021?---No, I can't. I gave Mr Nikolaev something, what are you asking me now?

I'm asking if you requested from council and Ms Kielty an increase, a \$10 increase of the charge rate to council and a \$10 increase which would mean  
20 a \$10 increase from the PMLV pay rate.---Possible.

Did you pass that on?---No, I couldn't remember, but I, I paid something like \$4,000 for some training for him and yeah. No, I didn't pass it on probably.

THE COMMISSIONER: So you did not pass it on?---I can't remember.

Can't remember.---I can't remember.

30 MS HUXLEY: Sorry, if I just go back to page 44, and the pay rate, the ordinary rate of pay for Mr Nikolaev under that contract is \$50, \$55 per hour.---Yeah.

And you were receiving \$90 per hour.---I can't remember ma'am.

Well there's an email that I just took you to that said Randstad would be paying PMLV \$90 per hour.---Yeah.

And so that's a difference of - - -

40

THE COMMISSIONER: \$45.

MS HUXLEY: 45, thank you. \$45.---I can - - -

There are occasions where you didn't pass on the pay rate. Do you remember that?---I don't know.

But if the documents show that it wasn't passed on, do you accept that there were occasions where you didn't pass it on, or do you want me to take you to the documents?---I agree with you. I am accepting it.

10

Okay.---I can - - -

And why didn't you pass it on?---I can't remember that, ma'am.

Was it just so you could make more money off the arrangement?---In, in three years that I was working there, I received about \$6.3 million from the contract and I pay over \$5 million in gross only. So I spent \$5 million, I received \$6.3, only percentage there, it gives you about 25% which is ordinary for any company. So I don't understand where we're going, and that, that is without holidays and without taxes and without all the rest and I've got documentation of that, but it's not, I pay my taxes.

20

So, yeah.---I pay everything.

So you do - - -?---It's easy to point out one person here, but I don't know, I really don't know, my lady.

But yeah, so I mean at a high level you accept that you profited off this, you made money off this scheme?---My company was for that, I was a contractor, I was trying to build the company, another company, yes, definitely it was for making a profit, yes.

30

Do you ever speak to Mr Nikolaev about the possibility that he could just contract through Randstad rather than through PMLV?---I don't know, I can't remember. I don't think so.

Did you ever tell Mr Nikolaev that he shouldn't speak to anyone at council, including Assad, about this arrangement?---I'm sure that HR must have known, there were 26 people there.

40

Well when you say "I'm sure HR must have known" what's the basis for saying that? Why do you say that?---Because everybody goes around and see how their own workers work, isn't it, like I used to go to each one, if they need any problems, if they need anything. I'm sure that council must have gone to each one of them and asked how they are or they came here and all the rest, that's what happens in any, in any organisation.

10 But according to, I mean from council's perspective they understood they were being employed by, contracted through Randstad and Spinifex.---Well why don't they ask?

Well - - ?---I was not hiding anything. There were 26 people walking around, they used to use council email they used to communicate.

They were communicating about council work in that council email?---So for the, for salaries and pay dates and everything. There was no hiding anybody there.

20 I'll come back to the steps taken to hide this arrangement in a moment. ---Thank you ma'am.

So your position is that people at council must have known.---Yes.

And did anyone say anything to you about that arrangement?---Nobody asked me, no.

30 Nobody came to you and said why are you making money off employing these people who are engaged through Randstad and Spinifex?---No, not that I recall. I don't think so anyway.

What would you have done if someone had said that to you?---I don't know. It would depend on the, in the situation if Mr Vangi to come to me and say to me, Pietro what are you doing here and discuss it and tell him exactly what was going on. If he had to tell me, Pietro please, you have to leave here because it's not right, I would have left.

You also supplied workers through Mr Trapman?---Excuse me?

40 You also supplied workers through Mr Trapman at Spinifex?---Absolutely, yes.

And Mr Webb put you in touch with Mr Trapman?---Yes.

And you spoke about you had a phone call with Mr Trapman sometime around 25 January. Do you recall that?---I wouldn't be able to - - -

MR SUTTON: Commissioner, perhaps the conversation could be put.

THE COMMISSIONER: Yeah.

10 MS HUXLEY: I'll just take you to volume 3.2, page 16. Sorry, page 17. So this is an email from Mr Trapman to you and it says, "Nice talking with you earlier. Attached is our ABN contractor form that you will need to complete." So you had a discussion with Mr Trapman about supplying workers through PMLV and he's asking you to complete certain documents to send back to him to set that up.---Okay.

Do you recall that conversation at all?---No. But I'm sure that I supplied whatever they required.

20 Do you see there it says, "Ben has also confirmed a pay rate of \$84.85 per hour plus GST"?---That is above my pay rate, ma'am. I don't know.

Do you see that it said that in the email there, "Ben has also confirmed a pay rate"?---That's what is written there and that's what - yes.

And did you understand that that was a pay rate for PMLV, that was what was going to be paid from Spinifex to PMLV?---That's what it says, yes.

30 So why was Mr Webb involved in confirming a pay rate for PMLV?  
---Wasn't he a manager for the - - -

Yeah, but this is how much your company's going to be paid, not how much council is going to pay.---I can't tell you that. Honestly, I can't.

Well, is a reason he's confirming the pay rate to PMLV because he had an interest in this arrangement?---I don't know what you're asking. Sorry.

40 I'm saying the reason he's confirmed that pay rate to PMLV is because he was involved in this arrangement with you.---He was not involved with me,  
no.



If I can take you to volume 3.2, page 26. Now, this email wasn't to you but Mr Trapman is summarising the phone call that he had with you where you say, "His company will have one starter as of Wednesday and up to five project managers coming up in total" and that PMLV will be the ABN contractor with multiple candidates and the council, the client payrolled and invoiced through Spinifex. And then he talks about the pay rates. So there's that pay rate, \$84.85 plus GST. That's the pay rate to PMLV and then the charge rate, \$98 plus GST is the charge rate to council. So that information would have come from your conversation with Mr Trapman?---I don't know  
10 what you are asking me, ma'am.

So I'm just saying, does that accord with the conversation that you had with Mr Trapman?---How do I know?

Well, you're the one that spoke to Mr Trapman about this arrangement. So, is that what you envisaged?---How I manage - - -

Does that accurately describe the arrangement that you were putting in place in 2021?---It's talking about my arrangement with Mr - - -  
20 Yeah.---Yes.

And the first engagement with Spinifex was Ms Chaparro. Do you remember that?---Yes.

Do you know who sourced Ms Chaparro?---I can't remember. A long time ago. Could be Mr Trapman, I don't know.

I'll take you to volume 4.1, page 1.---I know, I remember now, I remember.  
30 Do you remember now? Who was it?---It was Ben.

And there's that email where Ms Chaparro is attaching her CV to Ben. ---Yeah, yeah.

Did Mr Webb then send this through to you?---Yes.

And then you sent Ms Chaparro a contract at page 7 of that volume.---Yes, yes.  
40

And she reviewed it and signed it.---Yep.

Can I just take you to page 23, and that the schedule, "Employer, PMLV consulting. Employee, Ms Chaparro", and a rate of pay at \$40 per hour.  
---Yep.

Do you recall what PMLV were receiving for this engagement?---No.

Do you know what Council were being charged for her employment?---No, ma'am.

10

Would a figure of about \$85.59 sound about right for the pay rate to you, or to PMLV?---I can't remember, ma'am.

So I think you accepted earlier that you placed about 26 contractors with council.---Yes.

And who had sourced those people?---I did. Some - - -

Did Mr Webb also source some of these people?---Probably, yes.

20

Well then why would he refer then to you rather than just to Mr Trapman or Ms Kielty?---I can tell you this case, like Ms Chaparro. Ms Chaparro wanted to be permanent worker because wanted to go back home and I give leave and all the rest, as permanent worker, including holidays and everything. That's the only reason.

Well, what about Mr - and I apologise for my pronunciation of this name - Mohammed Qutubuddin?---Yes, probably the same reason.

30 So for - - -?---Oh, Mr Qutubuddin, sorry - - -

So to the extent that Mr Webb sourced them, they were only the people - - - ?---I remember Qutubuddin. Qutubuddin needed a permanent work because of his visa or something like that and council couldn't do that.

What about Mr Dankaro?---Oh, can't remember, ma'am. I wouldn't be able to - - -

40 Would you notify Mr Webb to let him know that a particular candidate was a PMLV candidate?---Again, I can't, I can't confirm that.

If I take you to volume 30.1, page 1. So down the bottom there Mr Webb sends you a message saying, "You are going to send me some CVs?" on 21 July 2021.---Yeah.

So that would be a reference to you sending him CVs for potential candidates for council?---I guess.

And if we go to page 2 you respond, "Yes, got the first one just now. Will call the other now." And he says, "Okay".---Yeah.

10

And then five days later, "Can you get that young boy to Ben Trapman so he can send through".---Yep.

And then on page 3 you say, "Should I send the young man the contract or wait for Trapman?" And he says, "You can send." So, he's saying to you you can send the young man the contract, that is your employment contract with the PMLV contract?---I can't define what this conversation. I can tell you only that Mr Webb at the time was looking for people, or council were looking for people, they couldn't find people. I couldn't confirm what is this discussion.

20

Well, this discussion is you and Mr Webb - or Mr Webb saying to you that you can send the PMLV contract because this person will be engaged by council, so you can send it now.---I don't agree with that but I can agree the conversation.

Then on page 3 you say, "Question from Ben", which I take it to be a reference to Mr Trapman?---(NO AUDIBLE REPLY)

30 And then I can take you to page 4, which sets out what question is. "When do you expect Najee to start and will she be like James, Melanie and Mohammed where her time sheets go to you for approval? I send her the registration forms once I have the below: position, period and pay rate".  
---Okay, yeah.

And then Mr Webb responds - - -?---Excuse me, no, no, what was the question first?

40 So the question that I asked before was when you say, "Question from Ben" you were referring to Mr Trapman?---Is this one, I send it to whom, 96?

To Mr Webb.---695 is my number from - this is mine.

Yeah.---I send it copy as well.

So I think you've copied an email or a communication you had from Mr Trapman and sent it onto Mr Webb.---Probably I wanted to ask him when we starting, when they need people.

And what the period would be?---Yeah, probably, yes.

10

If I can take you to page 18 and the message down the bottom is from you to Mr Webb saying, "Hi Ben. The two guys have already signed the contract. Trapman has activated them in the system. Is there anything else we can do, or just wait?" So these were two candidates for council?---Yeah.

And then at page 19, he says to you, "Trapman needs to send me the CVs from Spinifex so I can put them in the system and raise a purchase order." So why are you talking to Mr Webb about this arrangement?---Because he is the guy that needs the people, not me.

20

So it's his decision to actually hire the people?---He can't do nothing but, yes, to tell me if he needs people or not.

But it's ultimately his decision at council as to whether those people would be engaged?---I'm sure, I don't know.

Well, you do know. You understood that he was responsible for approving this.---I don't know the (not transcribable) yeah, probably, yes.

30

And then he asks you, "Is Mo's wife still looking?" Is that a reference to Ms Johan?---Yes. Yeah. We, we are looking for an accountant person at the time and I know that the wife of Mo was an accountant.

And then on page 20, you said you'd spoken to her and that she will send an updated CV.---Yeah.

And she asks what she will be doing so could adapt the CV and Mr Webb told you what the position was.---Yep.

40

And then on 9 August he says, "Who are the people you have ready? Ben Trapman sent me five. Are they all from you?"---Yeah, okay.

And then on page 21 you say, "I have three. The two boys and the girl" and Mr Webb asks you to send him the names and you send those three names.  
---Yep.

So you're telling him which ones the PMLV candidates are?---All three.

And is the reason you are telling him who the PMLV candidates are so that he could give preference to those people?---No, that was not the reason at  
10 all. He probably wanted to know what I am going with that, you know what I mean? He always keeps a tab with anything. Ben is like that.

He keeps a tab on everything?---Yeah.

See that second name there, Ilhan?---Yep.

Was there an issue with getting him engaged at council, do you recall?  
---(NO AUDIBLE REPLY)

20 Was there potentially an issue about whether he would get vaccinated at that time against COVID?---Yes.

And that's why he couldn't be engaged by council?---He couldn't, he, I think he refused the - - -

And that's why they couldn't engage him?---Probably, yes. I would like to, to tell you, Ms (not transcribable) still works in council.

30 So then on page 22, Mr Webb says to you in the middle of the page, "He has sent them to me but only quotes. I need him to send the CVs with the quote." So he's telling you to tell Mr Trapman to send him the CVs as well?---Ask again?

So is the reason he is, is he saying to you there - or did you then go and tell Mr Trapman that he needed to send the CVs with the quote?---So he sent to, to me. This is, what, the second part is, is Ben's, isn't it?

40 Yeah. So Mr Webb's saying to you, "I need him", being Mr Trapman, "to send me the CVs with the quote".---Probably couldn't get hold of Trapman, then he's asking me to call him.

And then the next message, “Hi Ben. Got another engineer. He works for Downer Roads at the moment and he is happy to join us. He lives Campbelltown area and suit him better Bankstown. I will send to your private email his CV.” Why did you say you would send it to his private email?---I wanted him to read it first before I present it to anybody.

But what difference does it make whether it’s going to his private or his council email?---Probably nothing.

10 Well, you were trying to keep this arrangement secret, weren't you?---What?

Well, that’s why you were sending it to his private email.---Why? This one was the first one?

Pardon?---No, nothing.

I’ll take you to page 136, and you've sent Mr Webb a screenshot of a message and I can take you to that screenshot. Let me know when you’ve finished reading, when you’re ready for me to take you to the screenshot.

20 ---What do you want, what are you asking?

So I’ll show you what that message that you sent Mr Webb was, and if you go to page 289 this is a message to you from Mayra.---Yeah.

And she was one of your candidates that had been placed at council.---So, talk to me.

So do you recall this candidate was raising an issue about her pay?---Not at all. I know that I paid it.

30

Yeah, but she had an issue with how much she was being paid, so she raised a concern with you.---When is this date, do you remember?

I’ll take you back to page 136.---When is the period, I want like to understand.

Yeah, I will just tell, I will tell you the date that you sent this screenshot to Mr Webb. It was 23 December 2021.---23rd ’21, okay.

40 And then Mr Webb responds to you with something to send to Mayra. ---What, in reply?

So say the next message from Mr Webb, that is - - -?---That's a clear, clear shot from the previous it looks like, isn't it?

So the first message from you to Mr Webb is a screenshot of what Mayra had sent to you.---Yeah.

And then Mr Webb has written the response for you to send back to her.---I can't remember this ma'am.

10

But do you see, reading that now, that that is Mr Webb sending you a response to send to Mayra?---I can see that.

So why was he sending you a response to send to one of your employees? ---My English is not the best in writing.

So you'd asked him to help you?---I would if I have to.

THE COMMISSIONER: Sorry, what was that?---I would, yes, I would ask.

20

MS HUXLEY: And he was responsible for hiring Mayra?---He wasn't the architect, him, I think it was Assad.

So he didn't approve her hiring?---I can't remember. I would be lying and I don't want to make a mistake.

I'll take you to page 196. Hold on. Volume 30.7, page 196. So that's an email from Mohammad to you and asking if he could claim the tax free threshold on his weekly payment.---Yeah.

30

And you send that to Mr Webb at page 21.---Yeah.

And Mr Webb says yes.---Is that what he says? Yes. And what does it regard?

Well, so why were you sending him that message?---Like I said before, I would ask him a lot of things, it's possible.

40 Okay. So he was giving you assistance in your interactions with your candidates?---Yes, it looks like it.

If I can take you to volume 3.2, page 211, so is this a summary that you've sent to yourself of how much money you were making with different scenarios?---I don't know why, but yes, this is for myself, yes.

And so at that time you had four people?---Yes.

And then you modelled income if you had six people?---Yes.

10 And then at page 212 you modelled what you would have with seven people.---I think it's, I was in dreamland, but yes.

And if I can take you back to page 211, you say there "we have four people". Who is "we"?---PMLV.

But PMLV was your company at that time.---Yes.

So who is the "we"?---PMLV.

20 If I can take you to volume 30.1, page 15. So you've sent Mr Webb an attachment and that attachment appears at page 202. So that's a similar spreadsheet to that earlier email, the first one.---Yeah.

And now you've changed it to "people I have" now. So why have you changed it from "we" to "I"?---I'm still PMLV at that time, don't I, am I?

You said earlier that "we" was PMLV, but now you're sending this, you've changed it to "I".---What is your question, ma'am?

30 Well I'm just asking why you changed it to "I".---Same reason.

If I can go back to page 16, so page 15 ends when you sent it, if we just go back to page 15, and then at page 16 Mr Webb says, "Okay" in response to you sending that.---Yeah.

Did you send that to him just to keep him updated on the profits that the two of you were making from this arrangement?---Not us two. There is not two, it's one, but probably I told him because it was happy, I don't know, for me to, to be successful.

40 And then after that, so that was early August, and then after that you go about sourcing some more people.---Where do you see that?



I'll take you back down to page 18.---Yeah.

That's 6 August, so four days later the two guys have already signed the contract and Trapman has activated them in the system.---Yeah.

And then on page 19, Mr Webb is telling you what Mr Trapman needs to send him.---We saw it before, this, yeah?

10 Yeah. And then if we go back down to page 21, you're communicating again that you had three people there, two boys and a girl, and that's on 9 August. So after sending a spreadsheet that indicates what the profits were for four people, you've gone about presenting three more people for hiring so you could make more money off the scheme.---Do you have any question?

No, I am just asking you if that's what you did. Did you, in early August, go about finding more people so that you could make more money off the scheme?---Are you asking me if I was making more money or - - -

20

No, I was asking you if you were motivated to find more people because you could make more money off the scheme.---That's why I go to work every day.

Okay. If I can take you to 34.10, page 1. This is a spreadsheet that was located on your laptop. Do you recall making this spreadsheet?---If it was on my laptop I'm sure that I did.

30 Yeah. And if I take you to page three, and if you can just zoom in on that table to start with, so this is accurate as at the time Mr Dankaro had been employed?---I don't know.

Well it's got Noosa at item 10, so does that mean he'd been employed then or was about to employed?---I don't know.

Well, he must have been if he had been identified already as a candidate at least, that he might be employed?---The, the, the name of the people, yes so

40 And so then you've worked out what the gross income per week.---No, I don't think - yeah, I guess.

And then you've worked out without tax, that's the total yearly profit.  
---Without insurance, without taxes. Without insurance, without tax,  
without PAY, without taxes, that - - -

Yeah, and then you put - yeah, and then tax, is that 0.4, so you've applied  
like 40% tax?---What do you mean? Where do you see that?

So you've got without tax. It says \$1,054,560.---I will give you a better  
result. 6.3 minus 5.1 is 1.2.

10

Sorry, what figure did you just give me then?---This is the real figures, what  
they are in, the Tax Office.

But I'm just asking you what you've done in this spreadsheet.---I don't  
know. I haven't got - - -

So you've put tax 0.4. Does that mean you've taken 40% off for tax?---I, I  
don't have a clue what I done there.

20 Okay. Well, then you say net per year, 506,188.80.---I don't have a clue  
what I do there.

So that's what you were anticipating making net from the scheme per year.  
---What was the last question?

So you were anticipating at this time making - - ?---253,000.

So that was your share of the net?---No. No. That was probably 253, going  
back to the tax, and 253 probably to me.

30

No, that's not what that says. It says net per year, \$506,188.80, and then  
you've split that into fifty-fifty.---50, 50% goes to taxes and 50% for me.

No no no, Mr Cossu. Without tax is the figure about at 105,560. You're  
not paying \$750,000 in tax of a gross taking of \$1 million a year, are you?  
You're not paying a 75% tax rate, are you?---Like I say to you - I don't  
know.

40 You don't know. Do you think in Australia there's a 75% tax rate.---In  
Australia you pay the taxes, but not 75%, but I don't know.

So the explanation is, for these figures, is that you're anticipating making from this scheme \$506,188.80 per year and that was split fifty-fifty. 50% went to you and 50% went to Mr Webb, isn't it?---That's what, your assumption.

No, I'm asking you. I'm asking you what that other 50% represented. ---You say that that was an explanation. That's what you say now. It was an explanation.

10 Yes, that's what I - - -?---I disagree. I don't know what this is.

Well, you created this document, didn't you?---I don't know even know what I had for breakfast this morning, but anyway.

Well, at the time you were running a profitable company.---This, we're talking about 7 August 2021. Which year are we in now?

2024.---That's it.

20 So you can't recall why you put 50%, you divided it up 50% and 50%.---I done so many spreadsheets that, you know, it's not even true.

When you work out, then you divided that \$253,000 figure into a weekly amount and it's about \$4,876.20.---Wouldn't it be easier to go to the ATO tax bracket and - - -

30 THE COMMISSIONER: How much tax was PMLV paying in relation to these contract workers?---In a gross profit was probably 25% remain, 25% of which generally what a company should be making. Then you pay all the insurances and all the rest.

No. No, I'm not asking you about insurances.---Yeah, exactly. As a, as a GP, 25%.

25%.---Yes.

All right. Well, do you see that line where it says Tax in this document - - - ?---I wouldn't be able to, yes.

40 Can you see it?---Yes, I can see it. Which line are you talking about?

Yeah, I'm talking about, do you see that heading Tax?---Yeah.

Do you see under that it says Without Tax 1,054,000 and so on?---Yeah.  
Yeah.

Next to that it says \$0.4.---Yeah.

Presumably that's a reference to 40 cents in the dollar.---Then, and - - -

10 No, just a minute.---Yeah.

I haven't finished. Do you see that?---Yeah.

Do you see that's under the heading of Tax.---Mm.

So what would be 40 cents in the dollar tax?---Ma'am, I wouldn't be able to  
tell you what is this.

No idea.---No idea.

20

All right. Well, do you see next to that it says 0.12 in the dollar? Do you  
see that?---Yes.

Under the heading of Tax?---Yes.

What would 12 cents in the dollar tax be a reference to?---I haven't got no  
clue.

No clue. Okay. Yes, go on, Ms Huxley.

30

MS HUXLEY: Do you recall a candidate called Nameer Maleko?---Yes.

And had Mr Maleko sent you his CV, or do you recall how you came in - - -  
?

---I can't remember. I don't recall.

I'll take you to volume 30.3, page 30. So Mr Trapman sends you a message  
saying, "Your architect Nameer rejected by Ben." Do you recall this  
exchange with Mr Trapman?---No, I don't recall.

40

And then the second message from you, it says, “I didn’t have a chance to talk to him and I will not break my leg in a hurry.” When you said, “I didn’t have a chance to talk to him,” do you mean you didn’t have a chance to tell Mr Webb that he was a PMLV candidate?---No, in the sense if he makes up his mind you can do whatever you want.

Well, did he talk to you about Mr Maleko and why he rejected him?---I haven’t got a clue if I did. I don’t remember.

10 So I'll take you to volume 30.2, page 5. About six weeks later you send Nameer’s resume to Ms Kielty.---Yeah.

And she says, “Yeah, got his resume.”---Yeah.

So whose decision was it to now go through Randstad rather than Spinifex for Nameer?---Can we check the previous one. What page are we talking about?

Sure. I'll take you back to 30.3, page 30.---Okay.

20

And then if we go back to 30.2, page 5. So this is a message between you and Ms Kielty. You ask her if she’s got Nameer and she says, “Yeah, got his resume.” So you’d sent Nameer’s resume to Ms Kielty around 1 August 2022.---Yeah.

And so why did you send it to Randstad and Ms Kielty rather than sending it to Mr Trapman?---I have got no idea.

30 Mr Nikolaev was ultimately presented to Mr Webb and engaged by council.---I remember him, him being part of my team, yes.

And that went through Randstad rather than through Spinifex.---I don’t know why, honestly.

I take you to volume 30.1, page 57.

40 So there’s a screenshot from you sent to Mr Webb and underneath it says, “Title, I think Angela made a mistake.” Is Angela a reference there to Ms McEwen?---Most probably, yes.

And she was Mr Webb's assistant?---Yeah. Can you zoom up more? I can't see - - -

Yeah. I'll take you to the actual page because it's a bit difficult to see.  
---Yeah.

So it's at page 224.---Yeah.

Let's just zoom out a little bit.---Yeah.

10

So, is that a screenshot of Mr Haddad's contact details as put in the council system?---Sorry, Ms - - -

So what is that a screenshot of?---Is the same, same as one of my boys.

Yeah. But that is a picture taken from a council system.---Yeah.

So Angela, you say, "I think Angela made a mistake" because Angela had identified him as a PMLV Consulting person in the council system?---Yeah.

20

Oh, because, see, I didn't even notice. Sorry.

But the reason you were sending this to Mr Webb was you say, "I think Angela made a mistake"?---Yeah, but I can't remember for what reason, making mistake.

Well, the mistake is that she refers to PMLV Consulting there, isn't it?---No, no, no. I didn't have any direct contracts to the council and this was supposed to be - actually, this one proves to you that I was not hiding anything, isn't it?

30

No, because you have sent it to Mr Webb to say, "I think Angela has made a mistake".---But was the truth because it was - - -

No, but the reason you sent it to Mr Webb to say, "I think Angela has made a mistake" is because she identified Haddad as a PMLV candidate in the system.---No, no. I'm quite happy that she done that.

40 Well then why did you say, "I think she's made a mistake"?---Because I didn't have a direct contract with the, with the council. So he was supposed to put the right contract that was there.

Sorry, say that again?---Because I had, I was a subcontractor.

But what was the mistake you're referring to in this picture?---Probably that was supposed to me - what his name? He was working for Spinifex, isn't it? Supposed to be Spinifex there, not PMLV.

So it should have been Spinifex, not your company?---Theoretically, yes.

10 And so you didn't want it known that PMLV was another company sitting behind it?---No, I was quite happy.

Well then why did you say, "I think Angela made a mistake"?---Am I - - -

Why did you say she made a mistake, because it should say Spinifex there? ---Yes, it should be Spinifex.

It shouldn't refer to PMLV?---No. I'm happy if it is there but should be Spinifex.

20

MR SUTTON: Your Honour, I'm loathed to - sorry, Commissioner. I'm loathed to object but I just notice the pace of Counsel Assisting's conversations are getting quicker and quicker and I'm just concerned that the cross talking with Mr Cossu over Counsel Assisting rather than having a time for comprehension and things to flow.

THE COMMISSIONER: All right. Well, I'm inclined to agree. If the questions can be limited to only one particular point and kept shorter, but also Mr Cossu, if you can just stick to the question.---Yeah.

30

That would be good.

MR SUTTON: Thank you, Commissioner.

THE COMMISSIONER: Okay. Yes, Ms Huxley.

MS HUXLEY: If I can take you to volume 30.1, page 112. You're asking Mr Webb if it's possible to give Asfia a \$10 increase. Do you see that? ---Yes.

40

And then on the next page Mr Webb says to you “No” and then another message, “She is on more than some engineers. I can't approve it”.---Yep.

And you say, “Okay”.---Yep.

Did you have a conversation with Mr Webb about this?---No.

Mr Cossu, I'm going to now ask you some questions about Mr Clarke and your relationship with him.---Yeah.

10

When you first - - -

THE COMMISSIONER: Ms Huxley, did you want to take a break at this point, do you think, or - - -

MS HUXLEY: I'm content to keep going until lunch, but if other people would like a break, I'm happy to take a break.

THE COMMISSIONER: I am - - -

20

MS HUXLEY: I think Mr Sutton would like a break.

MR SUTTON: I wouldn't mind just five minutes.

THE COMMISSIONER: Yes, yes. No, look, I think we'll take the normal break. Five minutes is very ambitious. I don't think we'll manage that, so we'll take a 15-minute break.

30 **SHORT ADJOURNMENT**

**[11.55am]**

MS HUXLEY: So Mr Cossu, can you tell us when you first met Mr Jeremy Clarke?---Yes. I know the guy.

Pardon? You know him.---Yes.

And how did you meet him?---I met him many years ago for, well I met him in Wollongong.

40



A long time ago?---Yeah, quite, quite a few years back, yes. 2010 maybe. Eight, ten.

THE COMMISSIONER: Sorry, maybe, what, eight or ten years ago?  
---Yes.

MS HUXLEY: Did you meet him in a professional capacity, like at work?  
---We worked together, yeah. Not together, we worked, yeah I, I met him at work, yes.

10

And did you do, did you keep seeing him around on different projects that you were working on?---Yes, yes, yeah.

And did he work on the B-Line Project?---Yes.

Was he there at the same time that Mr Webb was there?---Yes.

Did you know what their relationship was like?---Their, their relation?

20 Yeah.---No, not good, no.

It wasn't good.---No.

Do you know why?---Not really, no, but no, not good.

Did you speak to, when you started at council, did you have any chats with Mr Clarke that you had started there?---We communicated on, communicated to each other and sometimes I used to do quotes for him, yes. I told him that I was working there, yes.

30

And did you speak to him about an opportunity to do some of those projects at council?---Definitely. He was a good, he's a good, a very good man. He really worked, he's a good worker, very good.

So what can you tell us about those discussions, what did you talk about?---I can't remember the discussions, I would be lying, no.

Did you say that you could help him get work at council?---Probably.

40 THE COMMISSIONER: Sorry, what was that?---Probably, yes. It's not - -  
-

MS HUXLEY: And did you explain to him how you might be able to help get him work from council?---No.

What did you think, when you said you could help get him work at council, what were you thinking in your mind would be the help?---I don't understand what you're asking me.

No, sorry.---I apologise.

10

So when you said to him, you know, I can help you win some projects - - -? ---Yeah, if you, do you have work, I can help you get some work, yes, if, you know, the prices were right of course.

And so when you said I can help you get some work, what kind of help did you think you could help provide him?---Yeah, I mean provide him, I don't know, he'd just go out and then do the job I guess.

20 Would it be notifying him of particular projects coming up?---Those you can get in the, online I guess, yeah, probably, yeah.

And you know, mention it to people at council that - - -?---Yes.

- - - there was this person who could do the work?---Probably, yes, yes, yes, yeah, yes.

At that time did you think you might be able to help him put together the quotes?---At the time no, but yeah.

30 And what about helping him deliver any of the projects, did you think you would be able to help him actually do some of the work?---I'm lost here. You are asking me if I could help him to do this.

Yeah, so you had a discussion in, before you started doing the work. ---Yeah.

Where you said I could help him do, I could help you do, get work at council.---Yeah.

40 And in your mind, did that include helping him do the work?---No. He's good doing the work.

Okay.---He's very good doing the work.

Did he talk to you about which company he was going to use to do the work at council?---Not that I recall, no.

Have you heard of a company called General Works & Construction?  
---Yes.

10 And so do you know, did Mr Clarke tell you that he had set that company up? You understood it was Mr Clarke's company?---Yes.

Yeah. Did you have any discussions with - - -

THE COMMISSIONER: Sorry, I didn't, I'm not sure if you actually answered, counsel asked you, sorry, it was a question that the witness didn't answer or not verbally anyway. I think it was about whether you knew he set the company up or something like that.

20 MS HUXLEY: Yeah. Why he set the company up.

THE COMMISSIONER: Oh, did you know why he set the company up?  
---No.

Okay, okay. That's fine. I just didn't hear anything. You probably shook your head or something.---It's all right.

Yeah, okay.

30 MS HUXLEY: When you first raised this with Mr Clarke that you could help him get some work at council, did you have any discussions about whether you would be paid for that?---No.

Did you have any discussions with him about a joint venture arrangement?  
---We decide to, we talked about a time that one day we could be working together. We always enjoy the company, we always talk, but we never discuss.

40 When did you first have that, was that prior to this conversation about doing work at council?---We've been talking many years.

You've been talking about it for a long time.---Yeah.

And here was an opportunity where you could do work together.---I couldn't work with him when I was there in council.

Sorry, you couldn't work with him, and what was that second bit?---When I was in council, no. It was not, the opportunity was not there from now.

10 And is that because you were actually working at council at the time?  
---When I got into council I was working at council.

Yeah. But so did you have any discussions around mid-2020 about a joint venture arrangement with him in relation to the work at council?---He offered me to become part of the company, but I didn't sign anything. I didn't want to be part of it, that's all.

Why?---Because I was not interested.

20 You weren't interested in being part of the company?---No, no.

Why not?---I was not interested.

Why weren't you interested if you'd been talking for years about working together one day and here's an opportunity?---I was quite happy where I was.

Okay. Is that because you had the ability to influence what happened at council?---I don't think so.

30 And you could influence what work GWAC received?---I don't agree with that, but anyway - - -

THE COMMISSIONER: Sorry, I couldn't hear you.---I don't agree with that.

Okay. Can I just ask you, when Mr Clarke offered for you to be part of his company, when was that?---I, I saw it yesterday in the papers, in here, in the, in ICAC. I couldn't even remember that he offered me.

40 Do you remember it now?---Now that I saw the papers, yes.

That's reminded you.---Yes.

Okay. But did he mention that, about being part of the company, did he mention that before or after you said you could help him at council?---I can't recall that, no.

Okay. Sorry, Ms Huxley, go on.

10 MS HUXLEY: That's okay. Did you have any discussions with Mr Webb about Mr Clarke and helping Mr Clarke win work at council around this time?---I can't recall that.

I'll just take you to volume 35.1, page 50. And when you just gave evidence a moment ago that when you saw the papers, it jogged your memory, is this the papers that you're referring to? The Orsum Engineering agreement.---Yes, yes, that's (not transcribable)

20 So that's June 2020. And was it about this time that you'd had the conversation with Mr Clarke about doing work at council?---I think I was doing work in council already by then, isn't it?

So you'd started in May. You started at council in May 2020.---Yes.

And then this is June 2020. So would this have been about the same time that you had the discussion with him about getting work from council for GWAC? Do you remember if this - - -?---I didn't even remember this paper.

30 Okay.---So - - -

If I take you to page 62, it has you as chairman and Mr Clarke as a director.--Yeah.

Who put those names there?---I didn't even know that my name was there.

You didn't see that?---No.

40 Okay. If I take you to page 83, this is an email from you to Mr Webb at his, at a personal address, not his council address, attaching that same agreement. Why did you send that to Mr Webb?---Probably for a laugh, I don't know.

Well did you laugh when you received the email from Mr Clarke?---I can't remember. I didn't remember then, yesterday, I don't remember now.

Is the reason this was sent because Mr Webb was going to be involved in this arrangement to get work for GWAC from council?---(NO AUDIBLE REPLY)

10 I'm putting to you that the reason you sent this to Mr Webb is because he was also going to be involved in helping GWAC get work from council.---I disagree, ma'am. No.

MR SUTTON: I object.

THE COMMISSIONER: Sorry, what - - -

MR SUTTON: This agreement purports to be some joint-venture arrangement that didn't actually occur and it's been put as a statement of fact that it was sent to Mr Webb to bring him into that arrangement that  
20 didn't actually occur.

THE COMMISSIONER: I think the question is fine, Mr Sutton. Ms Huxley's put to the witness that he received this shareholder's agreement from Clarke and that he sent it to Webb and that the reason he did so was because in his mind, at that time, that is 15 June 2020, he thought that Webb would be in on the prospective arrangement. Is that right, Ms Huxley?

MR SUTTON: And the way - I have no objection to the way Madam Commissioner that you phrase that, in on the prospective but - - -  
30

THE COMMISSIONER: Well, I thought that was fairly clear but anyway, maybe you can put it again, Ms Huxley, so we're all 100% clear on it.

MS HUXLEY: So at that time that this was sent, the reason it was sent to Mr Webb was because there was a prospect that he would also be involved in helping GWAC get work from council?---No, I don't agree, ma'am.

THE COMMISSIONER: Sorry, what was the answer?---I don't agree with that, no.  
40

MS HUXLEY: If I can take you to volume 35.1, page 122. That's the procurement expenditure matrix. Did you ever consult this while you were working at council?---No. But I know, I know what it is.

But you gave evidence earlier that there were, sometimes you went and got quotes, other times there were tenders and open tenders?---Yeah. I didn't need to, to check these.

10 You didn't need to refer to this to get that, okay. But the evidence that you gave is consistent with the matrix that applied at the time you were at council?---I probably ask Peter or - - -

You weren't the only person involved in sending things out for quotes, so - - -?---No.

You see in this matrix there's a few times when it's mandatory for procurement to be involved in the process. See the bottom two rows?---I can see that, yeah.

20 And is that consistent with your understanding of when procurement were involved in your time at council?---I don't have any understanding of this.

Were there times at council where in order to participate in the Evaluation Panel you had to sign a conflict of interest declaration?---I think happened once.

And is that just it only happened once in relation to the panels you were involved on?---Yes.

30 Do you recall which one that was?---That was a culvert supply or the Appian way.

So the culvert supply?---Yes.

Did you also have to fill one in for the Milperra drain?---I can't remember. I remember only that I, I, I didn't sign.

Do you remember the first project that GWAC were awarded?---The BLAKC tower.

40

Do you know when that was awarded?---No.

I'll take you to volume 36.1, page 2. This is an email from you to Mr Clarke.---Yeah.

Attaching a document that set out what was required and you had a discussion with him about the works?---Yeah, I guess, yeah.

And you've asked him for a quote. Is that you asking him for a quote?  
---Yeah.

10

That "we require a design and build"?---Yep.

Do you recall sending this to another entity called F3 Industries?---Yep.

And Steelbiz?---Yep.

When you engaged F3 Industries, did you ask them to include the price for installation in their quote?---I ask, yes. I think, I don't know, I can't remember.

20

If I take you to page 8, this is an email to you from Mr Kirkness attaching a quote and at page 10 is the quote.---Can you bring me back to the previous -  
- -?---Sure. Okay, thank you.

So that's a quote for just the fabrication and design of the item required?  
---Yep.

Doesn't include a price for the delivery or the installation?---Yep. No, that doesn't (not transcribable)

30

THE COMMISSIONER: Sorry, what's that, Mr Cossu, I didn't hear that?

MR SUTTON: He's just reading the document out loud.

THE COMMISSIONER: Oh, okay. Sure.

THE WITNESS: Yeah.

40 MS HUXLEY: So that doesn't include a quote for the delivery or installation of the item?---Graeme doesn't install.



He doesn't do installation?---No.

Did you know that before you contacted him?---I didn't know but when I took him there - - -

He told you "We can't install"?---No, he doesn't install. He doesn't install, yeah.

But so if he doesn't install why would you ask him to provide the quote?  
10 ---Fabrication, for me he is one of the best guys that I know, that's all. And competitive, but anyway.

And on page 15 this is a quote obtained from Steelbiz.---Yeah.

I'll just take you back to page 12. This was received by you on 17 July 2020.---Yeah.

And if you go back to page 15.---Just a second (not transcribable). Yeah.

20 And it has there a price breakdown.---Yep. Can you bring me back to that previous - - -

Page 12.---Thank you.

If I can take you to page 17. Mr Clarke emails you at PMLV the price for the platform.---Yep.

Why did he email it to your PMLV address?---You have to ask him that.

30 Did you ask him to email it to your PMLV address?---No, definitely not.

Did you ask him to do that because you wanted to check it before it was submitted?---That's - no.

See there, the price is 16,890.---Yeah.

So that was him saying to you that that would be the cost as at 17 July 2020.---I don't know what was telling me (not transcribable)

40 And then at page 18, this is at 5.30pm, he emails you to your council address another quote.---Yeah.

And if you go down to page 19.---Yeah.

This is the quote that he sent to council.---Yeah.

And then at page 20, \$27,980, excluding GST. So his quote increased in price by over \$10,000.---Yeah.

10 If I just take you to 36.15, page 1, if you go to the entries for 17 July you have a number of conversations with him after he sent his first quote through to your PMLV address. Do you see that there?---Yeah.

Did you tell him to increase his quote?---I was probably asking him if he, if he put everything in the quote.

THE COMMISSIONER: If he could what?---If he put, like I used to do to any other contractor if he forgot anything, like SWMS, like transport, like, you know, anything that is required.

20 MS HUXLEY: Did you tell him how to itemise those in his quote?---Say that again.

Did you tell him how to itemise what else he needed to put in the quote? ---Not how. What he forgot, if he forgot something. Then he probably came back to, with another price. I don't know.

Did you give him the copy of the Steelbiz quote?---I doubt.

30 Did you tell him what numbers to include for each of those items?---(NO AUDIBLE REPLY)

I can do a comparison with the Steelbiz quote if that assists. Do you remember if you spoke to him about what exactly to put in the prices?---I don't think I, I can't remember anything like that.

So if you go to page 15 of that volume, this is the Steelbiz quote. See there it has design costs of \$2,200, structural materials of \$4,540, galvanising \$3,900, fabrication \$5,800.---Yeah, I see it.

40 And then if we go to page 19. There it's design, \$2,080, so \$120 cheaper than materials \$4,086, just under \$500 cheaper. Galvanising, 3,210, \$700

cheaper, and grating is about under \$100 cheaper. So did you tell Mr Clarke what figures to put in that so that he could undercut Steelbiz's quote?---You have to ask him for that.

No, I'm asking you if you told him those numbers.---No.

It just happens that the numbers that he nominates in his quote are slightly cheaper than the figures nominated in Steelbiz's quote.---They look so, yes.

10 And it just so happens that they're the same cost breakdown items than what Spinifex - - ?---Are they the same?

Can I take you back. So see there design, materials, galvanising, grating, holding down and assembly bolts, fabrication and management, and then next page, site works, delivery installation, supervision and safety. If we go to 15. Design, structural materials, galvanising, fabrication, grating, hold down bolts and fasteners and management. And then, sorry, Steelbiz refers to it as transport. Mr Clarke refers to it as delivery. Then there's installation, supervision and safety. So all exactly the same line items. Is that because you told him exactly what line items to include.---No, I don't need to.

Do you recall you're a member of the Evaluation Panel for this project?  
---(NO AUDIBLE REPLY)

I can take you to volume 36.1, page 28. Do you remember this panel report?---I don't remember but, yeah.

And it's got the two quotes there, Steelbiz and GWAC.---Yeah.

And F3 Industries was nonconforming.---Yeah.

Why was it nonconforming?---No installation.

No installation. And then at page 29 you recommend awarding the contract to GWAC.---Yeah.

And did you understand that that recommendation was ultimately approved?---Yeah.

40 And were you the superintendent's representative for the project?---Yeah.

Can you just explain what that role is?---Looking that the job is performed in order.

Did you tell anyone at council at the time that you'd helped Mr Clarke put the quote together?---No.

Why not?---'Cause I didn't help him.

10 Did you disclose to anyone at council that you had a longstanding friendship with council?---That I had what?

A longstanding friendship with Mr Clarke?---No - I'm sure that I did.

You mentioned it in passing?---That I knew him, yes.

Who did you tell?---Oh I don't know. I can't remember, but I was not hiding anything.

20 THE COMMISSIONER: Sorry, what was that?---It was not a secret. I was not keeping as a secret.

So are you sure you mentioned it to someone?---Yes, I'm sure.

What makes you so sure?---Because he's a good friend. You know, he's a, he's, he's a man that I didn't hide to, to know him.

So it's another case of you must have mentioned it because it's such an obvious thing?---Yes.

30

Okay.

MS HUXLEY: Did you tell council that you'd told Mr Clarke to increase his, to include further things in his quote? So we saw in an initial quote sent to you for 16,920.---Yeah.

And then the next quote that he sent through was for 27,980.---Yeah.

40 And so did you tell anyone at council that his initial quote was for the lesser sum of 16,920?---I was supposed to tell the council what?

No, I'm just asking if you told anyone at council that his initial quote was almost \$10,000 cheaper than the quote that he ultimately put in to council.  
---I don't understand the question honestly. So - - -

THE COMMISSIONER: Do you know, Mr Cossu, remember when Mr Clarke originally sent you a quote, it was for 16,000 and something or other I think and then later on he sent you a quote that was ten or \$11,000 more.  
---Yeah.

10 So did you tell anyone at council that his first quote had been the 16-odd thousand one?---I don't know. I can't, I can't remember. I could have, but I don't remember.

Okay.---Yeah.

MS HUXLEY: Well when Mr Clarke sent through the increased quote, did you question him about why had it increased so much?---Probably I asked him if he put safety, transport, and all these types of things.

20 So you were trying to make sure that - - -?---That he was not going to lose money.

- - - the quote that he gave adequately reflected all the costs that would be associated with the project?---I guess, yes.

But that's a matter for him, not a matter for you at council.---I think you have to do both sides. It's a matter of making sure that the guy is able to finish the job or to do it, to complete the job.

30 But if he's committing to do the job with the, and provide all the certification for 16,920, why is it in council or your interests to pay another \$10,000 if he hadn't quoted it properly?---Then I pass this, I can't remember.

Did you then give Mr Clarke the contact details for F3 Industries so that they could be - - -?---Yes.

Yes.---Yes.

40 And did you do so, so that Mr Clarke could engage them to do the fabrication?---And the design.

Because you knew Mr Clarke couldn't do the fabrication.---Because I knew that F3, the industry was good.

He would need to subcontract that.---Yes.

And F3 Industries had given you a good quote - - -?---Yes.

- - - for the fabrication.---Yes.

10

And your experience with them was that they were capable of doing the work.---Yes.

One of the initial, one of the documents that council - - -

THE COMMISSIONER: Sorry, can I just interrupt, Ms Huxley. So I think you said earlier, Mr Cossu, that, am I right in saying that the only reason that F3 was deemed non-conforming was because they weren't able to do the installation?---Yes.

20

And you remembered that Mr Kirkness had told you at the site visit that they didn't do installation.---Yes.

Doesn't, it sounds rather odd to me that a firm that is so specialised as this in fabricating stuff doesn't actually install it.---Yeah. Installation usually you need to have more people to do installation and, and he's very good, he's got fabrication set up, he's very good in the fabrication.

How hard is it to do installation?---Quite hard. You have to - - -

30

Quite hard.---Yes.

Do you need specialists, do you?---Yes, like, not really. It's like making somebody that makes cupboards and somebody that assembles them.

Right.---Or comes and installs them here.

Usually people who make cupboards will also install them though, won't they?---Not all the time, no.

40

Oh, okay.---Unless you make one, you know, there is small companies that they do that and the other companies that they prepare and the others going to install, or have the team that installs.

Yeah. Okay. Yes, Ms Huxley, sorry.

MS HUXLEY: Is it the case that for the installation, you'd need a bunch of labourers in order to carry the platform inside?---Yes.

10 And then you'd need people who were trained in putting it together.---Yeah.

And for a fabricator, they might not want to have labourers on their books for days to do that?---I can't tell you that, but yeah.

So one of the documents that council requested in relation to this after GWAC was awarded this work was a program. I'll take you to, I'll take you to volume 36.1, page 35. So this is an email from Mr Luu to Mr Clarke awarding, informing him that GWAC had been awarded the cooling tower works.---Yeah.

20

Identifying you as the representative and then asking for a construction program.---Yeah.

Did you prepare that timeline for Mr Clarke?---Which timeline?

Sorry, the construction program.---I must have discussed it with him, yes.

I'll take you to volume 36.1, page 59. It's from you at your PMLV address to Mr Clarke.---Yeah.

30

With the platform fabrication and installation.---Yeah.

And if you go to page 60 was that the document that you created?  
---Probably, yes.

And that has platform fabrication for August.---Yeah.

And with handover on 3 September, and the handover is identified as 3 September.---Yeah.

40

And that, did you think at that time that that program was achievable?

---Probably, I think so, yeah, I don't know. I can't remember.

And then at page 61, Mr Cossu sends that to you at your council address.

---Yeah.

And to Mr Luu, but you had already seen that document.---I'm sure.

You'd actually created it.---I don't know if I created it. I can't remember.

10 THE COMMISSIONER: Sorry, what's that?---I can't remember. I don't know if I created it. I wanted him to get the job for sure, but I don't know if I created it.

MS HUXLEY: Why did you want him to get the job?---He's a good man and I, I really think that I wanted to help him.

I'll take you to volume 36.1, page 67. This is you forwarding the quote, that original quote from F3 Industries to Mr Clarke.---I'm sure I did.

20 Did you do that so that Mr Clarke could then engage F3 Industries?---Yes.

The date of that email is 9 September. That's six days after that program had identified a date for handover.---So what are you looking at there?

So see the date of that email from you to Mr Clarke, 9 September 2020.  
---Yeah.

And the date that had been identified in that construction program was 3 September for handover.---Yeah.

30

Do you remember we just went to that?---Yes.

Why had it taken so long for anything to happen in relation to this work?---I have got no idea or recollection to that.

Did you speak to Mr Clarke about it?---I can't recall. There must have been a reason. Probably access or maybe site access, I can't remember.

40 I'll take you to page 74 of that volume. I might start at page 73, sorry. See down the bottom, Mr Clarke on 14 September sends you an email at your



council address? At the very bottom, and I'll take you to the email in a minute. If you could just go to page 74.---Yep.

And then go back to page 73, you then sent that onto Mr Anderson for his approval.---Yep.

And Mr Anderson approved it.---Yep.

10 If I can go back to page 74. So you discussed these variations with Mr Clarke?---Yep.

Did you push back on the need for any of them?---Say that again?

Did you tell him that you didn't think that council should bear the costs of any of this?---These type of variation, they must have come from the owner.

Well, if you see the first one there, the acceleration of the installation work - - -?---This is the, the only, this is only the acceleration and I agree with that.

20 You agreed that he should be paid for accelerating the installation work? ---This is working on the weekend. So that must have been somebody telling me that has to be done only on the weekend and then you have to pay for that. The second one is the - - -

No, no, no. Let's just stay with the first one.---Sorry.

The first isn't just for working on the weekend.---Yep.

30 The first is the need for acceleration of the installation, which meant that he had to work on the weekend. So had council, or you, communicated to him that you had to accelerate the installation?---I must have communicated with him but is not my decision, ma'am.

But so the reason that the installation work had to be accelerated is because Mr Clarke hadn't conformed with the timeline, or the program, that he had sent through earlier?---I wouldn't be able to reply to that.

40 Well, so he had committed to handover by 3 September?---I, I don't think it's the owner of the, the place to go to work. I don't know why he couldn't, ma'am. I don't know.

But do you remember speaking to him about whether that was a cost that council should bear or whether that was a cost that he should bear?---It's too long ago. I wouldn't be able to tell you that.

In relation to the eye wash station relocation, again that was a cost that Mr Clarke should have been responsible for?---This is usually the, the owner of the place that tells you probably was not part of the work and when you was doing the work the only of the area must have told him, "Move to here" - - - or move to there and it's \$260 for bring material.

10

THE COMMISSIONER: When you say the owner of the area, who was the owner of the - - -?---I can't remember, I can't recall it but it's, like, the person that responsible of this place, you know, that says to him, "No, I don't want this make here, I want it here. So you have to move it to that side" and probably the \$260 was the extra material. So, it's not something that I can approve. I have to pull it together and then present it to my supervisor and he checks up with the, with the owner of the place and says yes or not.

20 MS HUXLEY: I thought your role was assessing whether the variations were reasonable.---My role was to make sure that the variation was used for the job, not the value of the, of the variation.

Commissioner, that might be a convenient time.

THE COMMISSIONER: Yep. Okay. We'll take the lunch break and come back at 2 o'clock.

30 MS HUXLEY: Apologies. I've got some things just to tender. So they can be placed up on the restricted website.

THE COMMISSIONER: Oh, all right. Well, you can step down, Mr Cossu. We'll get back to you at 2 o'clock. We've just got a few documents to be handed up at the moment.---Thank you.

MS HUXLEY: Commissioner, I tender volume 3.2, which will be Exhibit 59.

40 **#EXH-059 - Volume 3.2 Pietro Cossu – PMLV Association with Spinifex and Randstad Brief**

MS HUXLEY: I tender volume 31.1, which will be Exhibit 60.

**#EXH-060 - Volume 31.1 CP Recruitment Brief**

10 MR SUTTON: Sorry, which was that volume?

MS HUXLEY: 31.1.

MR SUTTON: Thank you.

MS HUXLEY: And volume 31.2, Exhibit 61.

**#EXH-061 - Volume 31.2 CP Recruitment Brief**

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MS HUXLEY: Volume 31.3, Exhibit 62.

**#EXH-062 - Volume 31.3 CP Recruitment Brief**

MS HUXLEY: Volume 31.4, Exhibit 63.

30 **#EXH-063 - Volume 31.4 CP Recruitment Brief**

MS HUXLEY: Volume 36.6, Exhibit 64.

**#EXH-064 - Volume 33.6 Payments from PMLV to the W Project for Webb**

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MS HUXLEY: Extracts of MFI 1, which was produced by counsel and shown to Mr Anderson, Exhibit 65.

**#EXH-065 - Extracts of MFI 1 (produced by Council) shown to Peter Anderson**

10 MS HUXLEY: Extract of MFI 1, which was shown to Mr Vangi, Exhibit 66.

**#EXH-066 - Extracts of MFI 1 (produced by Council) shown to Anthony Vangi**

MS HUXLEY: And volume 34.10, which will be Exhibit 67.

20 **#EXH-067 - Volume 34.10 Spreadsheet for labour cost**

MR SUTTON: Sorry, that number?

THE COMMISSIONER: Sorry, the last number, Ms Huxley?

MS HUXLEY: Oh, sorry. Volume 34.10, and it's Exhibit 67.

MR SUTTON: Thank you.

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THE COMMISSIONER: Right, thank you. Mr Sutton, did you want to raise something?

MR SUTTON: Only to inquire whether it's appropriate at this stage, there was other MFIs that were marked, or is that for counsel at the end of the matter?

MS HUXLEY: I think a process is being undertaken to eventually tender that.

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MR SUTTON: I was just conscious that I didn't want to forget it, that was all.

THE COMMISSIONER: No, no. Hopefully someone will remember it and it will go in at some point, Mr Sutton, but good to keep track of these things.

MR SUTTON: Thank you.

10 THE COMMISSIONER: All right. Do you have any idea, Ms Huxley, how much longer you will be with Mr Cossu, just wondering about - you seem to be moving through it quite quickly.

MS HUXLEY: Yeah. I think definitely most of the rest of today and probably - - -

THE COMMISSIONER: Into tomorrow?

MS HUXLEY: Into tomorrow.

20 THE COMMISSIONER: Yes, all right. Very well. Thank you. I'll adjourn until 2.00 then.

**LUNCHEON ADJOURNMENT**

**[1.07pm]**