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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE HELEN MURRELL SC
COMMISSIONER

PUBLIC HEARING

OPERATION MANTIS

Reference: Operation E22/1852

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON TUESDAY 18 JUNE, 2024

AT 2.00PM

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

<PIETRO COSSU, on former affirmation

[2.06pm]

THE COMMISSIONER: Just before we start back on the evidence, Mr Cossu, having heard what you've said regarding the expenses of PMLV in relation to the recruitment, I am going to require you to produce some documents under section 35(2) of the ICAC Act.---Yeah.

So I require you to produce your tax, to produce tax returns for PMLV for the financial years ended 30 June '21, 30 June '22 and 30 June '23.---Okay.

10

DIRECTION TO PRODUCE: SO I REQUIRE YOU TO PRODUCE YOUR TAX RETURNS FOR PMLV FOR THE FINANCIAL YEARS ENDED 30 JUNE '21, 30 JUNE '22 AND 30 JUNE '23

THE COMMISSIONER: So when do you think you may be able to produce those? Tomorrow morning?---Not tomorrow, but yeah I'll go to straight to the, to the accountant after here.

20

Okay.---And see what we can do.

Okay. If you can't get them before, it'd be better if you could get them before 10.00 tomorrow, otherwise - - -?---Can you - - -

Mr Sutton - - -

MR SUTTON: There's no objection to that. I'm just thinking on a practicality level, as I understand it Mr Cossu's accountant is down in Wollongong.

30

THE COMMISSIONER: Right.

MR SUTTON: So he has - - -

THE COMMISSIONER: I mean soft copies are going to be fine.

MR SUTTON: We will certainly do everything we possibly can to get them, but I'll just foreshadow that potential practicality issue, but we will get them ASAP.

40

THE COMMISSIONER: All right. It's better if, I mean the thing is that it may be in Mr Cossu's interests as well to get them sooner rather than later so that if there's any matters to be addressed, we'll be still in the public inquiry.

MR SUTTON: As soon as we finish today we will be on the phone to the account to get them, but I just - - -

10 THE COMMISSIONER: I suppose you could do it now if you wanted, Mr Sutton. Do you want me to take a five-minute break so you can do that or - - -

MR SUTTON: That's probably a good idea just to - - -

THE COMMISSIONER: I think it probably is, to be honest, to get the ball rolling.

MR SUTTON: Thank you.

20 THE COMMISSIONER: All right. I will just take a very short adjournment for that to occur.

SHORT ADJOURNMENT

[2.08pm]

THE COMMISSIONER: Mr Sutton.

30 MR SUTTON: Thank you, Commissioner. I confirm I've spoken with the accountant. I've expressed the requirements of the order and I expect to be able to comply by 10 o'clock tomorrow.

THE COMMISSIONER: Thank you.

MR SUTTON: Thank you.

THE COMMISSIONER: Thanks very much. All right then, we're ready to come back to Mr Cossu.

40 MS HUXLEY: Before we do, Commissioner, I just want to put on the record that I understand the financials and the documents that I've taken this witness to about the financials will be uploaded onto the restricted website

with redactions and if the parties could turn their mind to whether there are any further redactions required we would be grateful for that, but I understand that's going to be happening in the next half an hour.

THE COMMISSIONER: Thank you.

MS HUXLEY: Mr Cossu, just before lunch you gave evidence that you've contributed about \$350,000 to Mr Webb as part of this investment into the software.---Yes.

10

Commissioner, can I seek a variation order over a non-publication order of Mr Cossu's compulsory examination on 5 March 2024 over page 193 and 194?

THE COMMISSIONER: All right. I haven't got those pages, but I am assuming that they relate to what was said regarding this investment in Progetto. Yes, Mr Sutton?

20 MR SUTTON: Your Honour, I'm not, I might have made an error in my note taking, but it's my understanding that the agreed price was 350,000. I'm not sure a total figure was actually said that was, that was compiled over that amount of money.

THE COMMISSIONER: Is there any objection to me lifting this order?

MR SUTTON: No, there's no objection to lifting the order but - - -

THE COMMISSIONER: No, all right, well - - -

30 MR SUTTON: - - - just in relation to that, the proposition was that he said, my client said - - -

THE COMMISSIONER: Well let's see what the witness has to say.

MR SUTTON: Certainly.

THE COMMISSIONER: Yes. I haven't seen those particular pages. Yes, whatever the order is, effectively the suppression order or the restricted publication order is lifted in respect of those pages.

40

**VARIATION OF SUPPRESSION ORDER: SUPPRESSION ORDER
LIFTED IN RESPECT TO PAGES 193 AND 194 OF PIETRO
COSSU'S CE HELD ON 5 MARCH 2024**

MS HUXLEY: Thank you, Commissioner. I'll just put them on the screen for you, Mr Cossu. Do you see at about line 10, you were asked if you had any documentation about this partnership in 2020 and you said "no" and then two questions down, "What have you contributed to the partnership?"
10 And you respond, "My financial, financially." And then the questioner says, "And how much do you say you've contributed financially to this partnership?" And you say, "Probably \$600,000."---Yeah.

So how much have you contributed to the partnership?---Much less than that ma'am.

It's less than \$600,000?---It's not even 350, I don't think I reached the 350.

THE COMMISSIONER: Sorry, speak up, it's not even what?---350 yet.
20 It's less than 350.---Yes.

MS HUXLEY: But so why did you say \$600,000 there?---I say to you probably, I didn't know ma'am.

And so have you got a better memory now about how much you've put in?
---Probably less than 350, not, I don't know exactly.

See down the bottom the questioner says, "What's your share in the
30 enterprise, 50/50 or more or less?" And you say, "It started 50/50 but at the moment we're 30/50." And then if I take you over to the next page, the question is, "Sorry, 30/50." And you say "Yes" and then the questioner asks, "Who is the 20%?" And you say "70% is him and then it's 70/30." So Mr Webb has 70% and you have 30%.---No, this is, it's shared in three people.

Pardon?---It's three people, me with Mr Ivan Webb and Mr Webb.

And so who has each share?---Me, Mr Webb and, and Ivan.
40

So what's your proportion of the share?---For me I believe that it's 35 but if we share it in three it should be three, three. I believe it's 35% for me, ma'am.

If I can take - - -

THE COMMISSIONER: So are you saying, is it a third to you, Ivan Webb, and Ben Webb is it?---Yes, but he promised me 35.

10 When did he promise you that?---Yeah.

When?---When I start thinking about this because when Ms Huxley actually asked me this, it's not really, I didn't even expect this. When I come here to give evidence I was not prepare of anything. I just, I'm sorry if I made a mistake.

MS HUXLEY: And so sitting here today, you think the figure is closer to less than 350,000?---I think so, yes.

20 And you're entitlement to the business is about 35%.---Yes.

When did you discuss this arrangement and investment with Mr Webb?
---Just after the B-Line. We started talking about B-Line but he never told me about being part of the B-Line. When we're in the B-Line we are assigned to do this. It was in his mind and he wanted to do it but he never, we never discussed about partnership.

And then, but so when did you discuss the partnership?---Just before I start but same period that we started in the, in the council.

30

Okay. So at about 2020, May 2020.---It could be before, it could be late.

And was the agreement reached with Mr Webb that you would put in a figure under 350,000?---Something like that, yes.

Or did you talk about the exact figure?---Well I said 35% of \$1 million, so 350.

40 Okay. So he wanted, so in order to get a 35% stake in the business, you had to pay 35% of \$1 million?---Yes.

And was that done through the provision of financial benefits to Mr Webb over the course of 2021 and following?---Yes.

If I can take you to volume 30.1, page 5. This is a message from Mr Webb to you on 27 July, “Can you put 7 K into” and it gives his bank account details.---Yeah.

And you did that?---I’m sure, yes.

10 Did you speak to him about what this payment was for?---No.

What did you understand the payment was for?---No, ma’am.

But was that part of the investment that you were putting in to his business - - -?---Yeah.

- - - or is that something else?---No, ma’am. It’s the same - - -

It’s part of the investment?---Yes.

20

It doesn’t say there that it’s part of the investment, neither you nor him mention that it’s part of the investment that you’re putting in to the account?---No.

Do you have any documentation that shows that you’re entitled to 35% of this business?---No, ma’am.

Why not?--- No reason.

30 If I can take you to volume 33.4, page 1? And that’s a table of transfers from PMLV to Mr Webb. Do you see the two entries on 27 July, and they total \$7,000?---Yeah.

And then it says “description site 1 and site 2”?---Yeah.

Did you put that description in there, site 1 and site 2?---I don’t know. Could be?

It doesn’t refer to an investment, does it?---I could have put 1 and 2?

40 There’s no reason, I don’t see any reason ma’am.

You gave evidence about a Commonwealth Bank account that was set up, and you gave Mr Webb the card. Do you remember what date you opened that account?---No, not by mine, but I got the, the printout.

THE COMMISSIONER: Sorry? What was that?---No, I don't remember, ma'am.

MS HUXLEY: So I take you to volume 33.3, page 161. So the account was opened in March 2021?---Yeah.

10

That's over a month after the first two employees, sorry, the first two PMLV workers started at council. Do you know why did you open this account at that time?---I want, that one's for holiday for me, was made for holiday.

And then at what point did you decide to use that account for Mr Webb to use?---After we discuss in, regard of the Progetto.

But this is in 2021?---Yeah, but I never used this account for, for some time.

20 But you just gave evidence that you'd spoken about the Progetto in 2020? ---Yeah.

And this is 2021?---Yeah, but we never reach any agreement to anything. We are never, we never - we'd been speaking before.

So you'd been speaking about a business venture together in relation to this Progetto app?---Yeah.

30 And so when was it discussed that you would have a 35% stake in this business?---I couldn't recall it, ma'am. It's not there in this update. I can't remember.

So you gave Mr Webb a bank card - - -?---Yeah.

- - - so that he could access the money in this account?---Yeah.

And did you do weekly transfers of \$5,000 in to this account?---Yes.

And that was money from your PMLV account?---Yes, ma'am.

40

And that was sourced from the Spinifex Randstad payments - - -?---And - - -

- - - as well as the GWAC payments?---Yeah.

So was that the money that you were using to fund this so-called investment?---Yes.

Did you make other payments on behalf of Mr Webb, for example, his icare insurance policy? Do you remember paying that?---No, like, are we talking about last year?

10

In 2021.---I can't remember, ma'am. Can't remember.

Do you recall paying any AGL bills in 2021 for Mr Webb?---No, I can't remember that.

Do you recall paying any Storage King bills on behalf of Mr Webb?---Yes.

Do you know how much they totalled?---No.

20 Do you recall - - -?---No - - -

- - - purchasing a piece of furniture from Koala Furniture?---Yes, ma'am.

And that was in 2022?---Yes, ma'am.

And was that part of the investment?---Yes.

Do you recall purchasing a Toyota Kluger for Mr Webb?---It was for me, I bought it for me, but I, he uses it.

30

I take you to volume 30.1, page 96.---It's still in my name.

So you send Mr Webb two photographs of two cars?---Yes.

And you say, "The only two cars available in this range, no many colours to choose from, \$68,000 - - -?---Yeah.

- - - approx. Doing the quotes. I should know by tomorrow. Are they okay for you?"---Yeah.

40

So it was bought for him?---It's my name, for him to use, yes.

But so why did you do that?---No reason. No, there is no reason, really.

There's no reason why you bought him a car?---I bought it for me. He use it.

Well, I'll take you to volume 34.1.---Yeah.

10 No, sorry. Don't worry about going to that. Does he still have use of that car?---Yes.

Is that because it's owned by PMLV?---No, it's owned by me.

It's owned by you?---Yeah.

Do you recall if the registration was in your name or PMLV's name?
---Yeah, it's in my name.

20 In your name?---Yeah.

Was it always in your name?---It was in PMLV first.

It was in PMLV?---Yes.

Has it since been transferred to you?---Was, was transferred in, in May, in my name.

May this year or May last year?---May last year.

30 Okay.---May or June, I can't - May or June, made that period.

Was his use of that car a reward for him approving workers, the PMLV workers, for hire at council?---No.

Was it part of his share in the profits?---No, he's a friend and I don't want him to be walking, that's all.

Did you also purchase a car for Mr Ivan Webb to use?---Yes.

40 Why did you do that?---That one was, he needed a car and I thought that would have been a good thing to him - - -

THE COMMISSIONER: Sorry? I didn't catch that. You talked to what?
---Was part of the investment that I was doing for him, for Mr, Ivan, yes.

MS HUXLEY: And who owns that car now?---Mr Ivan does that.

I take you to volume 30.1, page 153. It's a message from you to Mr Webb.
"My car is on last legs. Company's account okay? I will have to not pay tax
for one payment, postpone." Is that you asking Mr Webb if you can use the
10 company's account to buy a car for yourself?---I was asking him advice.

You were asking him for advice?---Yes.

You weren't seeking his approval to use the company's account?---No.

Why did you phrase it like that?---I thought he was smarter than me, that's
all, the taxes - - -

But if you were just seeking advice, wouldn't you ask, "My car is on the last
20 legs, should I get another one?"---Maybe. If I speak like you, yes. My - no.

Well, it's very strange language to use - - -?---No.

- - - if you're not seeking approval from someone else to buy a car.---Yeah.

And you're actually asking him there is it okay for you to use the
company's account to pay for the car.---Okay.

And the reason I am putting to you that you did that is because Mr Webb
30 was also part owner of PMLV in reality.---No ma'am, he wasn't.

THE COMMISSIONER: If I can just interrupt for a minute. Mr Cossu, I
think you said that it wasn't until quite late in the piece that you found out
that Mr Webb was an undischarged bankrupt.---Yeah.

When did you find that out?---Probably last year after we finished
Bankstown. After we - - -

After you, after you and he both left Bankstown.---Yes.
40

Right. So even though you were close friends before that, you never knew?

---No, he never mentioned that to me, no.

Okay.

MS HUXLEY: You said it was after Bankstown, and I'll come to the sale of PMLV in a minute, but was it before PMLV was sold?---Yes.

What's your understanding of what an undischarged bankrupt means?

10 ---Very, very limited amount, but my solicitor explained to me at lunch time what it is. Now I do understand.

Does that mean that even after you became aware that he was an undischarged bankrupt, you didn't quite understand what that meant?---I didn't, no.

And what do you understand it now to mean?---from what my solicitor explained it, you can't give an account or everything, somebody checks your account and you can spend only a limited amount or somebody that is in charge to that account tells you what to do, something along those lines.

20

When you first became aware that Mr Webb was an undischarged bankrupt, did you understand that that meant that he'd had problems with money in the past?---Yes.

And problems with paying his debts?---Yes.

So you understood that last year?---Yes.

Okay. Have you heard of a company called the W Project?---Yes.

30

And do you know who the director and shareholder is of that company?
---Yes, I know now.

Who is it?---It's Ivan Webb.

From February 2023 - - -?---Yeah.

Hold on, I'll take you to volume 33.6. So you see that first table there, it says from February 2023.---Yeah.

40

There's a series of payments from, so payments of \$5,500.---Yeah.

Into the ACN account.---Yeah.

From your PMLV account.---Yeah.

What are they for?---They're still part of the, continuing the, that investment.

10 But so why weren't they still going into the CBA account that you'd set up for use?---I can't remember why.

Well is it because by that stage, Mr Webb had left council?---Most probably.

And so you no longer needed to hide the fact that he was using that money? ---I didn't need to hide anything, but yeah.

Do you see that last payment on 9 June?---Yeah.

20 Do you know what that payment was for?---This is part of the all three payments. 49, 15, 41, the total is about 140 grand.

Sorry, say that again? The 9th of June there's a transfer of 49,000. What was that for?---That one is part of the, the other two. It was supposed to be a payment for paying taxes and then insurance.

So that was your intention in transferring it to ACN?---That, my - - -

30 Sorry, see that row 11?---Yeah.

And it's a transfer from you to ACN for \$49,000.---Yeah.

Do you know what that payment was for?---It's a transfer of funds to Mr Webb because he's buying the company and - - -

What company is he buying?---He's buying PMLV.

40 But you own PMLV.---I used to own PMLV, but this is in June. The end of the, of the year and - - -

But if you own PMLV, why are you paying him to purchase PMLV?---No, no, no, I had outstanding taxes.

Oh, I see.---And that was some amount of a hundred and, yeah.

When did you first discuss with Mr Webb him taking over PMLV?---Just before that, May, something like that.

I'll take you to volume 30.9.---I can't remember.

10

Page 370. I've got the wrong reference, I'll come back to that. So when you first started talking about Mr Webb taking over PMLV, did you talk about how it was going to happen?---I made a contract.

You made a contract.---Yes.

And so how did you arrive at the purchase price?---I asked him for a favour of \$1 million, 500,000.

20 500,000.---Yes.

And how did you determine that figure?---That was my number. That's what - - -

So that wasn't based on any evaluation or anything?---No.

I'll just take you to volume 30.9, page 372. I'll start at 371, sorry. So Mr Webb says, "Whenever is better for you, I can wait. We need to plan out how this is going to work." And then at page 372 you respond, "I think take
30 the PMLV shares and Shardana shares. There's no need to transfer your vehicles either, just try to talk via mail with JC. Let's pay the debts and do as you wish, I'm too stressed." Is that when you'd first spoken to Mr Webb about him taking the PMLV shares?---I can't recall this, ma'am but probably.

See there's also a reference to the Shardana shares.---Can I, okay, thank you.

40 But you still have control and ownership over Shardana, is that right?---A hundred percent.

And so why wasn't, how did that happen, why didn't Shardana get included in this?---I don't even remember honestly.

I'll take you to volume 34.36 which is Exhibit 73. And if I can take you to page 5. This is the agreement for the sale of the shares to, from you to Mr Webb, Ivan Webb.---Yeah.

And the purchase price is \$500,000.---Yep.

10 Calculated to be paid in accordance with clause 19.---Yep.

I'll just take you to clause 19. That's at page 11. And there there's \$13,888 instalments for a three-year period. Has any of that been paid?---No.

Why not?---(NO AUDIBLE REPLY)

Has either Mr Webb or Mr Ivan Webb given an explanation for why it hasn't been paid?---No, not yet, but - - -

20 Have you asked them?---No.

You haven't asked them.---Not yet.

Why not?---Because the work is not as much. It's not working at the moment and I'm working there with them. He's paying me a salary at the moment and the minute he picks up, I hope to get my money back.

So this agreement is on 27 June 2023.---Yeah.

30 And it's been almost a year since that date.---Yeah.

And you haven't been paid anything.---I've been paid a salary, yes, but that's it.

So that's a separate part of this agreement, isn't it?---Yes.

I'll take you to page 6 at clause 4.4.---Yeah.

40 They offered an employment package to you based on a salary of 120,000. ---Yeah.

So are you saying they've been paying your salary?---Yes, they have.

Into what account?---My personal one.

And so do you still do work for PMLV?---Yes.

What kind of work are you doing for them?---I'm doing tenders.

10 I'm going to suggest to you the reason why you haven't been paid the
\$500,000 is because it was never an intention to pay you for this company
because Mr Webb was always a beneficiary of this company.---I disagree
with - - -

There was always an understanding between you and Mr Webb that he was
entitled to half of this company.

MR SUTTON: Objection.

20 THE COMMISSIONER: Yeah.

MR SUTTON: It's just a number of propositions that were put.

MS HUXLEY: Sorry.

THE COMMISSIONER: Okay.

30 MS HUXLEY: So I suggest to you that, so Mr Webb didn't have an interest
on paper as in he was never a shareholder in PMLV until this, Mr Ben
Webb, sorry I'll start again. Mr Ben Webb has never been a shareholder in
PMLV.---No.

But there was an understanding between the two of you that he would be
entitled to at least 50% of the PMLV profits.---Why is that?

Over the period that both of you were employed at council.---Why is that?
Where you see that?

40 I'm putting to you that that was the situation. That was the true situation.
---No.

And that's the explanation, I'm putting to you, as to why the \$500,000 purchase price hasn't been paid to you.---No, ma'am.

On the same day that this agreement is executed, there's a \$50,000 transfer from PMLV to the W Project, which was referred to as a capital transfer. Do you know what that was for?---The, the last of those three payments.

Pardon?---That's the last one of those three payments.

10 But what was it to be used for?---For paying the taxes.

And then there was another payment of 41,000.---Yes.

And so was that part of that?---The total was 140,000.

So you sell the PMLV shares for 500,000 according to that agreement - - -?
---Yes.

20 - - - and then in the two days that follow that agreement there's \$91,000 being transferred into that account, into PMLV.---140.

Pardon?---Yes.

Why didn't you just deduct those payments from the purchase price?
---That's, those taxes were part of my payment. I was supposed to pay them and I ask him, I says, "Look, I can pay the things and then you take off the company," but, you know, we wanted, we wanted to start earlier than the end of June.

30 Well, Mr Cossu, you've given evidence that the benefits that were paid to Mr Webb from 2021 to 2022 were part of an investment.---Yeah.

And I suggest to you they weren't actually part of an investment. I'm just putting to you that they weren't actually part of an investment. Do you agree or disagree?---I disagree.

And they were in truth payment of the profits that were being received by PMLV from the recruitment scheme. Do you agree or disagree?---Disagree.

And they also included payments as part of an involvement in - Mr Webb's involvement in the GWAC scheme. Do you agree or disagree?---I disagree, ma'am.

You and Mr Webb had an arrangement where both of you would source candidates to be supplied to council through PMLV.---I never had any agreement with him.

10 THE COMMISSIONER: Sorry, what did you say, Mr Cossu?---No agreement.

Okay.

MS HUXLEY: Well, Mr Webb provided you with that employment contract, didn't he?---He was not (not transcribable)

MR SUTTON: I'm just conscious of the language issues. Can we be specific about what employment contract we're talking - - -

20 MS HUXLEY: Well, we went through a number of employment contracts that were signed by the PMLV workers. The template that was used to create those contracts was provided by Mr Webb, wasn't it?---Yes.

And we went through messages where Mr Webb would sometimes source candidates and refer them to you.---Yes.

And you would present them through Spinifex or Randstad to council for employment.---Yes.

30 And in some instances you would communicate to Mr Webb whether they were PMLV candidates.---Yes.

And sometimes he would ask you which ones were the PMLV candidates.---Yes.

Because part of the arrangement was for him to hire or show preference for those PMLV candidates.---That I can't answer.

40 And that was, the engagement of PMLV workers at council was a profitable enterprise for you.---Yes.

And part of that arrangement was so that profits would be shared between you and Mr Webb.---No agreement.

Well, then that's why you paid a number of the benefits that we've gone through today.---No, ma'am.

And you knew that this arrangement hadn't been disclosed to council.---I was certain it was disclosed to council.

10 Sorry, by arrangement I mean that Mr Webb was also making money off this scheme to supply workers through PMLV.---There was never a scheme.

THE COMMISSIONER: You said that you were certain that the arrangement was disclosed to council. That's the arrangement whereby PMLV was supplying workers, is it?---Yes, ma'am.

What made you so certain about that?---Going back yesterday, we couldn't find workers.

20 No, I'm not talking about why it happened. I'm asking you why you're certain that there was a disclosure of the arrangement to council.---I wouldn't have put nobody there unless somebody gives me authorisation.

So you spoke to somebody.---Yes.

Who did you speak to?---Ben.

Right. So you told Ben about this arrangement with PMLV, or asked him if it was okay?---Yes, I ask him if it was okay.

30

And that was before anybody started with PMLV.---Yes, ma'am.

And what did Ben say?---That he was going to ask Mr Vangi and the top people.

And after that what did Ben say?---That it was okay.

So he came back to you and said it was okay?---I'm certain, yeah.

40 Okay.

MS HUXLEY: Commissioner, those are my questions.

THE COMMISSIONER: Yes.

MS HUXLEY: Oh, I should just tender that extract from the compulsory examination which I understand will be Exhibit 79.

10 **#EXH-079 – Transcript of Pietro Cossu’s CE held on 5 March 2024
from page 193 to 194**

THE COMMISSIONER: Thank you. Yes.

MR MOSES: Commissioner, I just wanted to ask whether I could, through
you, have a look at the signing page of the contract for the sale of PMLV
that my learned friend was examining the witness on. I don't think it's up
yet on the volumes. I just wonder if I can just have a look at the date page if
I could before I commence some questions for Mr Cossu if that was
20 convenient.

THE COMMISSIONER: Yes.

MR MOSES: I am happy to accept the date if it's told to me from the bar
table.

MS HUXLEY: Oh, it's 27 June, 27 June 2023.

MR MOSES: Thank you. Thank you very much.
30

THE COMMISSIONER: All right, yes Mr Moses.

MR MOSES: Yes, thank you, Commissioner. Mr Cossu, you told Counsel
Assisting yesterday that you undertook some work with Mr Webb for when
you were doing work at Taronga Zoo. Is that correct?---Yes.

And was that in circumstances where he, PMLV had won a tender to do
some work at Sydney Zoo, is that right?---I'd done a quote, yes.

Yes. If I could just ask that volume 3.1, page 1 be brought up on the screen and Mr Webb there, his name comes up as being part of SPG Projects. Is that right?---Yes.

Did Mr Webb, you knew Mr Webb before winning this contract, correct?
---Yes.

You did some work with him at the B-Line.---Yes.

10 Did he recommend you tender for this contract?---Yes.

And did he provide you with some assistance in terms of winning the tender for this particular project?---No.

Are you sure - - -

THE COMMISSIONER: Sorry, what was that?---No.

MR MOSES: Are you sure about that?---Yeah.

20

Okay. Okay, thank you. By the way you've been making some notes in the witness box. What are those notes about?---They're personal.

No, you've got notes in the witness box with you.---Yes.

What, are they, you've been making notes in the witness box or did you bring those notes in before you started giving evidence?---No, I am making them now, I am making them now, yes.

30 Okay.---Do you want me to read it to you or - - -

No, if I want them I will ask the Commissioner to get access to them.
---Okay.

I won't do that yet, if at all. Now you commenced work with the council as a result of entering into an agreement with Randstad, correct?---Yes.

And you were to report to Mr Webb?---Yes.

40 And when you came into council, you were provided with a code of conduct, correct?---Yes, but I can't remember now, I can't confirm it.

Well you signed a code of conduct, didn't you?---No.

What?---I cannot recall it now, sir.

Okay. Well let me show you a document.---Okay.

You can tell me whether this refreshes your memory.---Yeah.

10 If I could ask the Commission's associate to provide a copy to the witness and to the Commission. I may just ask for one copy back just to give to one of my friends. You've seen this document before?---Yeah.

Sir, you went straight to the last page. That's your signature there?---Yes.

Yeah.---I wanted to check it was signed, that is mine.

Yeah. You signed it on 6 May.---It looks like.

20 Well when you say "it looks like" have you got a problem - - ?---Yes.

It is your signature, okay.---Yes.

And do you recall reading this code of conduct?---According to this it's been signed 6 May 2020.

That's not my question. Do you recall reading this code of conduct?---No, sir.

30 You don't.---No.

Are you saying you didn't read it or you just can't remember now?---I can't remember now.

Do you accept this, as part of your obligations working for council, you could not conduct yourself in a manner that involved the misuse of your position to obtain a private benefit?---Yes, sir.

40 And you also understood, as part of your obligations working for council, that you had to disclose if you had an interest in a matter because of a likelihood or expectation of getting a financial gain, correct?---Yeah.

And it's fair to say, isn't it, based on the evidence you have given to the Commission that you did misuse your position to obtain a private benefit for yourself, correct?---Yes, sir.

And you do accept, don't you, that you did not disclose a pecuniary interest when you should have, correct?---I accept that.

10 And you did so in order to hide the fact that you were, in effect, receiving substantial amounts of money of council funds. Correct?---Yes, sir.

And this was known to Mr Webb, was it?---Would you, would you ask again?

Well, Counsel Assisting has been very fair and asking you questions for the last day to obtain the truth from you that you and Mr Webb were part of a scheme to defraud money from the council, weren't you?---It was never a scheme.

20 It was never a scheme.---No.

It just happened, did it?---What happened?

Well it just happened that you won all these contracts through PMLV and made a lot of money out of council, did it? Was that, it just happened that way, did it?---Those contracts, you say, or - - -

Yeah.---What contracts?

30 Would you like me to go through it the longer way for you, because I can. ---You - - -

Do you want to accept the proposition or not?---I accept the proposition that I made money from the people that were there and the council was aware of that.

Well you made money from the rate payers of Canterbury Bankstown Council, didn't you?---Yes.

40 Yeah. It wasn't going to an ATM machine, you actually were taking money - - -?---Working, yes, and putting people there.

- - - from working people in the council area, correct?---Yeah, living people there, yes.

Do you accept that?---I accept.

Yeah, okay. Now can I just ask you, if I can, I want to go back to Mr Webb, you said that you met him when you were working in the B-Line contract. Is that right?---Yes, sir.

10

And you currently work for him through PMLV, correct?---Yeah.

His father gave evidence in this case that you started discussing the sale of PMLV to them in 2022. Is that correct?---He must have made a mistake.

Okay. Well when did you start discussing it with them?---'23.

Okay. You told council assisting that you became aware last year that Mr Webb was an undischarged bankrupt.---Yes.

20

Who told you?---I can't recall that.

I'm sorry?---I can't recall it.

You can't recall.---No.

Well you, you have no memory of how you found that out?---No.

Do you know that he had been an undischarged bankrupt since 2018?---No.

30

Did he tell you he had been an undischarged bankrupt?---No he didn't.

Okay. You told council assisting this afternoon that you provided your card to him so that he could withdraw money from your bank account.---Yes, sir.

And is your explanation for that, that you were involved in an investment in a business to potentially develop a computer program?---Yes, sir.

And you don't know exactly how much money you gave him for that investment. Is that right?---Less than 350.

40

Less than 350.---Yes.

And how much did they purchase the company for?---550.

550. Was that an amount set off against the amount that they owed you to purchase the company?---I can't understand that. What do you mean?

Well what happened to the money that you gave him for the program? Where is it?---We're still developing the program.

10

We are or he is?---I am part of that, isn't it.

You are part of it.---Yes.

Okay. You've got no documents about the investment?---No.

No. But you gave him your card to take money out when he needed to. ---Yes.

20 Why not transfer it into his bank account?---I think we, we discussed that before, isn't it? I couldn't remember.

No, I am not interested in your discussion before. Why didn't you transfer it into his bank account?---I cannot recall it.

You can't recall.---No.

Because these payments, weren't they, were payments you were giving him in return for him giving you valuable contracts from the council, correct?

30 ---No.

Were these bribes? What were they? Were these bribes, yes or no?---No.

Well, how is it that in the private examination you told the Commission that you gave him \$600,000 in respect - - -?---Well - - -

- - - let me finish, the investment in to the program and now you've changed your evidence to say it was 350? Why is that?---Because I couldn't recall it.

40 It's because you're making it up, aren't you?---(not transcribable)

No. Don't say okay. You're here to give truthful evidence. Do you accept that you were just making this up, to hide the real reason why that money was given to Mr Webb? Do you accept that?---No.

You don't. Okay. You want to stick with that evidence?---I do.

Okay. When's the last time you spoke to Mr Webb?---Every day I speak to him.

10 He's a close friend of yours?---Yes.

And you've been coming here to listen to the evidence in this case?---Every day.

And have you been speaking to Mr Webb about that evidence?---He doesn't speak, we don't speak about this, because the Commission told me not to speak about - - -

20 Told you not to speak about it?---Yeah.

Okay. Well, can I just ask you, then, some questions and you can tell me whether you agree with some of these propositions?---You're most welcome.

You said a short while ago that Mr Webb informed you that he had informed the council of your involvement in PMLV. Correct?---Yes.

You have a certain recollection about that?---I don't know what you mean?

30 Do you have a recollection that that's what he told you?---In writing or - - -

In your memory?---No, no - yes.

You do?---I would definitely think that, yes, 'cause he must have asked, yes.

You definitely think or he did tell you that?---Yes, he did me.

40 When did he tell you that?---I can't recall. But I wouldn't have started without having confirmation.

So it's because Mr Webb told you that he told the council about it?---Yes, sir.

Why didn't you disclose it?---To whom?

Why didn't you disclose it in writing?---To whom?

In writing to Mr Webb?---I don't understand it.

10 Well, you told him - - -?---What's this - - -

You told him - - -?---Yeah - - -

What did you tell him about PMLV? Explain to me?---Okay. We are looking, you, council was looking for people. They couldn't find people. I offer to, to bring people in, through PMLV if was possible. He say to me that he was going to ask.

20 So you suggested that to Mr Webb?---Yes.

So Mr Webb told you they couldn't find people. Is that right?---No, but "We are looking for people all the time."

Is that what he told you? And what did he then say?---Say that again?

Well, what did he then say? Did he say, "I'd like to use your company to get people"?---No.

30 Well, what did you say in response?---I ask him, "If you want people, I can get people to produce that, if it's possible."

Okay. And what did he say?---That he was going to ask.

And did you tell him what company you use to get these people?---PMLV, yes.

You told him?---Yes.

40 And you can't recall when you told him?---No.

And you can't recall the month, the date - - -?---No.

- - - nothing?---Not the day, not the hour, no.

Before you started or after you started?---After I started.

A week later, a month later?---I don't know. I can't remember.

You don't know?---No.

10 Okay. And he said, "I've told somebody"?---Yes.

Did he say who he told?---No.

And did he tell you this in writing or verbally?---Verbally.

Okay. And you then went ahead and started finding people?---Yes.

Okay. How did you work out how much money you were going to make out of the hiring of people through your company?---I didn't work it out.

20

You didn't?---No.

You just took a cut of the action?---I have a spreadsheet that I can calculate the expenditure for my people.

Well, you told counsel assisting it was 12% Was it 12%? What was your profit margin out of getting people to work for the council?---Was never, I never, with the council, we discuss it. For me, what I remember was 25% and he says approximately what it's going to be, probably half of that.

30 That's what I say.

Yeah. About 12%?---Probably.

So you were getting 12% for doing nothing?---Yes. Looking for people, bring the people in, like any other agency does that.

Why didn't you send the people directly to the recruitment agency?---I was trying to make a business on it, isn't it.

40 Were you trying to be a middleman, were you?---Yes.

Making a profit - - -?---Yes.

- - - by acting as a go-between between the council and the recruitment company?---Yes.

And, in effect, taking 12% for doing nothing. You accept that?---Yes, I accept.

10 Now, Mr Trapman, from Spinifex, did you know him well?---Not well at all, but, yes, I know him.

You built up a good relationship with him?---Yes.

And did Mr Trapman ever discuss with you how much money you were receiving out of providing workers to Spinifex?---Why should he, he - - -

I'm asking you. Did he - don't, you're not here to ask questions. You're here to answer them. Sorry. Do you understand?---I don't understand, so can you please elaborate what, what you're asking me?

20

Well, you understand English quite well, don't you?---Yes, I do.

You've got a number of degrees?---Yes. Carry on.

Both overseas and in Australia?---Yeah.

You've got an impressive CV - - -?---Thank you.

30 - - - correct? You said you've got computer program specialities?---Thank you very much.

So do you want to answer my question?---I want you to give me the question, please?

Okay. Did you and Mr Trapman - - -?---Yeah.

- - - have a discussion about how much money you were getting out of workers being placed with Spinifex?---I can't remember this discussion, but - I can't recall a discussion that you, that you mention - - -

40

I'm asking you, do you recall having such a discussion?---I can't remember.
No.

Okay. Now, Mr Clarke from GWAC.---Yes.

I think you said he's a close friend of yours?---Yes.

You're still in constant contact with him?---Yes, not much anymore, but,
yes.

10

Well, you heard his evidence here, that you'd sent him a text message about
a possible job?---Yes.

And in relation to GWAC, you've accepted the proposition, haven't you,
that you were awarding tenders to GWAC. Correct?---Yes.

And you were providing Mr Clarke with information about other tenders, so
that he could put forward a more attractive tender to the council. Correct?
Do you accept that?---I don't accept it.

20

You don't?---No.

So you never provided him with information about what other tenderers
were putting forward for contracts with the council?---No.

You don't?---No. Because the, the council, you should know, is quite close
on that. Before, before you reach to the - first, you put the price and then
you know.

30

Well, I'll do it this way with you, then, and see whether you accept this.
---Mm.

Mr Clarke was sending emails to your private email address, with quotes for
council work. Correct?---Yeah.

And that you were then changing those quotes and sending them back to
him from your private email address - - -?---Yes.

- - - back - let me finish - back to his email address. Correct?---Yes.

40

And then he would then send you the final quote to your council address.
Correct?---Yes.

And you increased the quote prices in the tenders. Correct?---Or decrease
one or - - -

Well, you were increasing them, too, weren't you?---Yes.

10 And the reason you were increasing them was so that you could get more
money from GWAC. Correct?---Yes.

So, in effect, you were increasing the price that council was to pay, so that
more money would go in to your pocket. Correct?---Yeah.

And you'd accept that you stole that money from council, didn't you?---I
don't accept that.

Sorry?---I don't accept that.

20 You understand what steal means, don't you?---Do you?

Yes. Do you understand what steal means?---Yes, I do.

What does it mean?---Taking something that does not belong to you.

Yeah. Correct.---This is work that is, was done, not, not money that was
taken from no one.

30 But you did no money, you did no work for the money that you took from
council, by increasing the quotes for the tenders for GWAC?---We never,
(not transcribable)

Do you accept that or not?---I don't accept it. I still - - -

I know it's hard for you to accept the truth, but - - -?---No.

- - - you stole that money?

40 MR SUTTON: Objection.

THE WITNESS: Nuh.

THE COMMISSIONER: Yes, yes.

MR MOSES: I withdraw the question, Commissioner. You don't accept that proposition?---No, I don't.

10 So what work did you do for increasing the quotes that GWAC was to charge ultimately the council for? What work were you doing?---I was doing the quotes for him, isn't it? I was doing quotes, probably reviewing quotes and making sure that he was not undercutting. That was what is, what you're responsible for - - -

So - - -?--- - - - not trying to ruin somebody, then once he's ruined, just be happy because he's ruined.

So, sorry. You were doing work for GWAC to increase their tender price?--
-I was - - -

20 Yes?---No, I was not doing that. Not to increase because I was decreasing the price, isn't it, sometime.

You're not following me.---Okay.

When you increased the price on quotes, why were you doing that?---In which case you're doing this?

Would you like me to take you through them?---Go for it.

30 Yeah, okay. Can I ask that the Commission bring up onto the screen the summary of tenders which were a schedule of GWAC request for quotes which was shown to Mr Clarke? I withdraw that, which was provided to the lawyers, I think, for the parties to check the accuracy of it.

THE COMMISSIONER: Yes.

MR MOSES: If that can't be found quickly we can take the witness through some examples if that would - - -

40 THE COMMISSIONER: I think we've got it.

MR MOSES: Thank you. Have you seen this document before, sir?---No.

Okay.---I saw it, yeah.

I'm sorry?---I think I saw it, yeah in this, in this very room.

THE COMMISSIONER: I don't think it was shown to you in the witness box, but you might have been shown it by your lawyer. I'm not sure.---No, I'm not sure. Okay.

10 MR MOSES: Well just by way of example, if I could just take you to the Belmore Stadium fencing at page 2.---Yeah, yeah.

There's an example of a quote that was sent to you from Mr Clarke which you then increased by \$10,000 which was ultimately what was submitted to council at your email address. Do you see that?---What is it?

Page 2. It's at the top of the page. It's on the screen. Do you have it in front of you?---Yeah.

20 I can take you to each of these documents, but do you accept that you increased the quote?---He must have done it, but yes.

I'm sorry, he must have done it or you did it?---Yeah, I can, I could have showed him what was supposed to be the job, and then the final price is made by him.

But you amended the quote and you sent it back to him.---Impossible.

Impossible.---Okay, look I accept it. I accept it.

30

THE COMMISSIONER: What do you accept?---That I amended the quote, ma'am.

MR MOSES: So you were amending the quote and sending it back to him, correct? Yes?---Yes.

And then he would then send it to you at your council email address?---Yes.

40 Why was he sending it to your private email address at PMLV, why wasn't he sending it to your council email address?---I can't tell you that. I don't know.

Well you were trying to hide the fact that you were increasing the figures, correct?---Yes.

Yeah. Because you knew you were doing the wrong thing.---Yes.

Thank you. You said in your evidence yesterday that your relationship with Mr Clarke wasn't a secret, you weren't keeping it as a secret.---No.

10 Do you recall giving that evidence? Page 724, line 20, you told counsel assisting.---That was not no secret, no.

I'm sorry, it wasn't a secret?---No.

Was it a secret that you were doing work for GWAC?---Yes, probably.

Yeah. Thank you. And the reason you were doing work for GWAC wasn't because Mr Clarke was a good friend, but also because you were getting money out of it. Correct? Do you accept that?---No, I don't but yes,
20 whatever.

You don't.

THE COMMISSIONER: Sorry, what do you mean?---I wanted GWAC to be, to work, and that's why I was helping him the majority, that's all. Now this evidence tells me that I was taking money from GWAC, then I was taking money from GWAC.

MR MOSES: Yeah, but you know you were taking money from GWAC,
30 sir.---Continue.

Don't you? You know that, don't you?---Okay.

THE COMMISSIONER: So I gather, Mr Cossu, that you had two reasons for doing this. One was that you were a friend of Mr Clarke and you wanted him to be successful and the other one was that you wanted to make money.---Yes. Looks like it.

Looks like it or do you agree?---Yes, ma'am, I have to agree.

40 Okay.

MR MOSES: There were questions asked of you by council assisting as to how much money you received from GWAC into the PMLV account.
---Yeah.

And I think where you ultimately agreed in terms of what you say was the amount that you received from GWAC was about 1.247 million, is that right?---Something like that, yes.

10 That's after expenses.---1.27 was the amount of money that we paid for the culverts.

But how much money did you make out of this arrangement with GWAC?
---About 200,000.

Out of all the money that you were given, you only made 200,000?---About 200.

20 Are you serious? Is that a serious answer?---It is a serious answer, yes, but we are going to see it from the documentation that we're going to bring.

Okay. Well do you know how much council paid to GWAC? It was about 5.2 million.---I was part of the culverts and as far as I know, you paid him 1.7 million.

Do you know how much money, do you know how much money you received from the PMLV account?---From him?

30 Yeah. That is, I withdraw that, from GWAC to PMLV. Do you know how much money went into that account?---1.4 million.

Yeah. That's between November 2020 and May 2023, correct?---Yes.

And you accept that part of that money was for payments that were being made to you by Mr Clarke in return for him getting contracts with the council, correct?---I don't agree, but yes.

40 Well I don't understand why you say you don't agree. See, the Commissioner has to make findings at the end of this hearing.---Done.

So the Commissioner has to look at your evidence and has to look at documents in order to form a view. Do you understand that?---Yeah.

It doesn't really assist if you answer that way. You either accept it or you don't. Are you, and you are here to tell the truth, correct?---Yes, absolutely.

So do you accept that part of that 1.2 million was money that Mr Clarke paid to you because you were providing him with contracts with the council?---I accept.

10

Thank you. Now can I just ask you about the culverts for the Appian Project?---Yes.

Yeah. You said that you provided some assistance to Mr Clarke in respect of his claim against the council, correct?---Some.

Yeah. Well you said after you finished working for the council, you had some discussions with him. Correct?---Yes.

20 Did he still owe you money from the work that you had undertaken on the culverts?---No.

He had paid you everything by that stage?---We paid every, everything, yes.

No, I am asking you, before he commenced his claim against the council for the Appian project, had you been paid all your money?---Yes.

So you'd been paid everything going to your company?---Yes.

30 How much was that? Just remind me.---I can't remember. In total it was 1.4 million.

Was paid to you for the culvert project?---That was the whole money, but the culverts were paid and then I paid Obnova. The culverts and transport.

Well I am just trying to understand how much money did you charge, how much money did your company charge his company for that work?---How much I charge Obnova, 250,000 I think.

40 No, how much did, how much did you charge GWAC?---Nothing.

Nothing.---No.

Are you sure about that?---Yes.

Well Mr Clarke has provided a statement in proceedings to say that he contracted your company to undertake work. Are you aware of that? Are you saying that he didn't pay your company one cent for the Appian project?---No, he didn't.

10 He didn't.---No, he paid me for the culverts.

He paid you for the culverts.---Yes.

Anything else?---No.

Are you sure?---Absolutely.

Well is that the only work you did for him on this project?---I can't remember.

20

I'm sorry?---What do you mean, I don't understand what you're asking.

Well we're trying to get your assistance here about this arrangement. You're obviously somebody who was part of it, right?---Yes.

So, for instance, what did you charge for the design costs?---I can't remember. I gave him a contract. I'm sure that the contract is still available.

30 Was there a contract?---Yes. I made a contract, yes. A purchase order. He made, gave me a purchase order and then I will, then I obey to that.

And I just want to understand. Did you give him an estimate for what the design costs would be?---I cannot remember. I have to go through the purchase order.

And you didn't do that work yourself, correct?---No. I - - -

So what contractor did you contract with to do that work?---Obnova.

40

Anybody else?---No.

Are you sure about that?---Yes.

Because what Mr Clarke told the Supreme Court was that he contracted with PMLV for the supply of various items, including the design variation and that PMLV in turn contracted out various works to different subcontractors. So that's not true?---That was part of the contract.

10 No, no. Did you use a number of subcontractors or one?---I would use one.

You only used one?---Yeah.

Did Mr Clarke show you a statement that he prepared for the application that he was pursuing against council?---He sent it to me, I think, but I - - -

He showed you the statement?---Yes.

20 Did he ask you whether he could include your name in the statement?---I can't recall it.

Did you tell him not to put your name in the statement?---No. I didn't say nothing to him.

You didn't?---No.

Well, I'm just going to show you a document. It's just the statement of Mr Clarke of 15 January. Commissioner, we've already provided that to the Commission.

30 THE COMMISSIONER: Thank you.

MR MOSES: I'm just going to show the witness pages 12 and 13, if I could provide a hard copy.

THE COMMISSIONER: Thank you.

MR MOSES: I think everybody else has got their copy.

40 MR SUTTON: Commissioner, I don't have a copy.

MR MOSES: I can give my friend one

MR SUTTON: Thank you.

MR MOSES: Have you seen that before, sir?---No.

You haven't. Can I ask you to go to page 12 and 13?---Yep.

10 You will see there there's a reference to telephone calls at pages 12 and 13.
The first one that I want to take you to is paragraph 37. I just want to be
sure, are you sure you haven't seen this statement before today, sir?---Yeah.

You haven't seen this before today?---I can't recall it.

Didn't you tell Counsel Assisting that - I withdraw that. Was it emailed to
you?---If it was I never opened it.

So you didn't see this at all, did you?---No.

20 Did you say those words in paragraph 37, that Mr Clarke is referring to
there?---(NO AUDIBLE REPLY)

Did you tell him, okay, that you would develop the IFC drawings?

THE COMMISSIONER: So, is it - - -

MR MOSES: Paragraph 37, I'm sorry, Commissioner, page 12.

THE WITNESS: Is this the same time we doing the culverts?

30 MR MOSES: I'm asking you, do you recall this conversation at all?---I
can't recall the documentation either. I'm just asking, is this it the same
period that we are doing or, or after?

These are discussions that are going on in respect of the culverts, correct.

THE COMMISSIONER: I don't know what the witness has got but I think
I might have two statements here.

MR MOSES: Page 11, Commissioner.

40

THE COMMISSIONER: Yeah, page - yeah.

MR MOSES: It starts and page 11 and then goes to page 12.

THE COMMISSIONER: Yep.

MR MOSES: If you don't recall any of this, just say so, sir.---I can't recall.

10 Did you arrange for lawyers to act for GWAC in respect of this claim
against council?---I was in the meeting when we are looking, when he
wanted to, to do something for council I don't know for what, but I never - -
-

Well, I think - well, you were here I think when Mr Clarke said that
originally Mr Sutton's name had been raised but it had been decided that he
couldn't be used and somebody else was going to be used.---Yeah, but I
can't recall that. Yes, I was here when he said, when he mentioned it.

20 Did you attend meetings with Mr Clarke's lawyers?---I think in the, on, on
the, on the phone, once.

And was Mr Webb present?---He could have been in the - what is name - in
the, in the call. Not with me.

On the screen?---On the screen, yeah.

And why were you involved in this meeting?---Jeremy asked me.

I'm sorry?---Jeremy had asked me to, to come along.

30 Is it because you were going to get some money out of this?---No. Because
I, he wanted my support, I guess. I didn't get any money from him.

That statement can be returned, thank you.---The statement is - okay, sorry.

The Commissioner asked you some questions about the culverts for this
project. Do you remember that?---Yeah.

40 You don't know, do you, anything at all about the culverts that were
produced for this job, do you?---What do you mean?

Well, the Commissioner was asking you questions, were they too short, were they too long, and you didn't seem to understand what was wrong with the culverts, correct?---Oh. I understand the culverts.

So what was the problem with the culverts that you supplied for this job?
---There was no problem.

There was no problem?---No. In fact, you still use the mould.

10 So there was no problems?---No.

No, okay.---And you can, and the same person continue producing them for you, that's what Vangi said here, unless he was lying.

So there were no issues with the culverts you produced?---No.

Did you produce the culverts?---No. Obnova produced the culvert but I supply them. Therefore I checked them. I was there nearly every day.

20 But you were working with the council at that time.---No, I wasn't.

You weren't?---No.

In 2022, no?---Oh, in the end of '22, yes. Yeah, before, before the end, before I left, yes.

But this contract was with council before you left, correct?---Yes.

30 So you were there every day?---Not every day. When we had to pour it and going to, to check it, I used to go there, yes.

You were with council until December 2022?---Yes.

So, how were you there every day?---After December I was there every day.

Oh, okay.---Yeah.

And what about the culverts that were being produced before then, were you there?---I used to check when they call me, yeah.

40

So you would go out to visit them?---Yes.

Whilst you were being paid my council?---Yes.

So you would be paid by council to do your day job and you would go out there to do work in respect of money you were going to get from PMLV?
---Yes.

Now, just in relation to the property that was purchased in Dubbo.---Yes.

10 What company owns that?---Shardana.

And you paid it in cash, is that right, the full amount?---Not in cash, but I, I pay - - -

I'm sorry? Yes?---It's paid, yes.

In full?---It's paid in full, yes.

20 Where did that money come from?---From the work that I was doing.

Part of that money was from the money that you were getting from GWAC, correct?---That money was part of the money that I made a profit on, yes.

Well, part of the money that was paid to you by Mr Clarke, correct?---I can't deny that, no.

Well, you understand why I'm asking you these questions, don't you?---I know.

30 Yeah. Because that money is really council's money, correct, you understand that?---No, that is my money because we working on it.

It's your money, oh, okay. Well, we'll see. In relation to the Dubbo property, that property you purchased because you were asked to do so?
---No. It was made to me by suggestion that it would be a good investment.

Oh, you had money to burn, did you, at that time?---No. I didn't have money to burn but it's a good investment.

40 So Mr Webb told you to buy it?---He didn't tell me but he suggested.

Well, when did he suggest you to buy it?---Before I bought it.

But when?---I can't remember when I bought it.

I'm sorry?---I can't remember when I buy it.

You can't remember?---No.

10 Which agent did you purchase it from?---I can't recall that but I can bring you the, the papers if you want to.

You can't remember what agent you purchased the property from?---No.

Do you remember whether you checked to see what the prices were in Dubbo before you bought it?---Yes.

And was the price a good price?---Yes.

20 And who was living in the house?---I didn't know. I think was the mother of Ben, or the grandmother.

And did he tell you that?---Yes.

Okay. And that property is owned by, what's the name of the company again?---Yes, Shardana.

Shardana, okay. And it's your, you regard that to be your property, do you?---Absolutely.

30 Okay. In respect of the car that council assisting asked you about, is that that car as in what name?---My name.

Your name.---Yes.

Your personal name.---My personal name.

And you purchased it for Mr Webb to use?---To use, yes.

As part of his work with your company.---No.

40

No. So is it, how is it recorded in your accounts?---It's my car.

Is it a business expense?---It was a personal name, it's my car.

Is it a business expense for your business?---Now?

No, back then.---Probably, yes.

So you were defrauding the tax office? Yes?---Yes.

10 Okay. You were doing this because Mr Webb asked you to, is that right?
---No.

No, okay. I just want to go back to Mr Webb and his bankruptcy. I just want to be clear about this. You have no recollection, sitting here today, as to who told you he was bankrupt?---Yes.

You have no idea.---No.

20 Okay. But it was last year.---Yes, it has to be last year, yes.

Why does it have to be last year?---Because I recall this to be last year. Before that, I doubt very much I would have recalled.

Is it possible you knew before last year?---No.

No.---No.

30 Okay. Did you keep a record of all the amounts of money that Mr Webb withdrew from your bank account using your card?---Yes.

Where is that recorded?---I've got it at home I'm sure.

I'm sorry?---Where is it recorded you say?

Yeah, like how do you know, when your card was being used by him to take money out of the account, that it was him taking the money out?---I have a statement, a full printout.

40 And had you kept a record of the dates that he took the money out?---Yes, sir.

Where is that record?---It's at home.

Okay. Is it on a spreadsheet?---Yes.

Okay. And that will show the monies that Mr Webb took from your bank account?---Yes.

Okay. And that's about 350,000?---No, less than that. Two - - -

10 How much?---200. 200 and something.

Okay.---225.

And where did the rest of the money come from for your investment in the business?---That was his money now, isn't it?

I'm sorry?---I don't know what you're asking me.

20 Well you've told counsel assisting you invested about 350,000 in the business.---That was the money.

The investment.---That was the value of the business.

MR SUTTON: Objection.

MR MOSES: I withdraw the question.

THE COMMISSIONER: Yeah.

30 MR MOSES: You said that you invested money in the programming business, correct?---Yes.

How much was that?---350.

Okay. And 220,000 was how much was taken out of your bank account, correct?---Yes.

From ATM machines in cash.---Yes, oh, yes.

And what about the rest of the money? That's what I am trying to get at. The 130,000, how did you make those payments?---Quite a few, few amount of insurances or furniture or other things.

So you would buy him - - -?---And the car, yes.

So you would buy him gifts, is that right?---No, I paid him bills.

You would pay bills for him.---Yes.

10

And then you'd keep a record somewhere.---Yes.

Okay. And you've got that somewhere at home too?---Yes.

Okay. I just want to go back then to your properties. Did you use any of the money that you were provided by GWAC in respect of paying off a mortgage to Macquarie Bank in respect of the Figtree property?---If you, you're saying to me that GWAC was giving me money.

20 Well that's a fact.---Okay. Yes, then.

That's money that they were giving you whilst you were contracted to council. Correct?---Yes.

Yeah. And money that you were getting with the arrangement with Spinifex. You were using that money to pay the mortgage with Macquarie Bank at Figtree, correct?---Yes.

30 And what about the Kanahooka property, the mortgage with Macquarie Bank, that property that you own with Sharon Cossu, did you use money that was given to you by GWAC whilst you were contracted to council to pay the mortgage on that property?---Yes.

And the money that you were getting with the Spinifex arrangement, that was also being used to pay that mortgage?---Yes.

Whilst you were contracted with council?---Yes.

40 And the other property owned by Shardana, which is Roselands property, that's another mortgage to Macquarie Bank?---Yes.

And the money that you got from GWAC whilst you were contracted with council, that money was also used to pay that mortgage?---Yes.

And the money that was received with the Spinifex arrangement, that was also used to pay that mortgage?---Yes.

And the Wollongong property which is owned by the Cossu superannuation entity, is that property fully paid off?---Yes.

10 And when did you pay off that property?---Last year.

And did you use money that came from GWAC whilst you were contracted to council to pay off the mortgage on that property?---Yes.

And did you use money that came from the Spinifex arrangement to pay off that property?---Yes.

And you've got no plans at the moment to sell any of that property have you, sir?---No.

20

Okay, thank you. I have no further questions.---Thank you.

Yes, Mr Pararajasingham.

MR PARARAJASINGHAM: I have no questions for this witness.

THE COMMISSIONER: No questions. Then Mr Sutton?

MR SUTTON: I seek an indulgence for a few minutes, Commissioner.

30

THE COMMISSIONER: Yes, sure. Let's take a five-minute break then.

MR SUTTON: Thank you.

SHORT ADJOURNMENT

[3.36pm]

40 MR MOSES: Commissioner, I do apologise. I just had one question to ask the witness which I forgot to ask, if I could raise that.

THE COMMISSIONER: Yes.

MR MOSES: Sir, you said that you loaned some money to Mr Clarke, is that right?---Yes.

That was about 130,000. How much money did you give him?---Which time? It was always in small amounts, and each time he used to pay me back.

So you would pay him an amount, then he would pay it back.---Yes.

10

And has he paid all that money back?---Yes.

When was the last payment he made to you in respect - - -?---I can't recall that.

Was it this year?---No, not this year, no.

Last year?---Yes.

20 Yes.---Mm-hmm.

And was that after he received money from the council?---I don't even know that you have any money from the council.

Okay.

MR SUTTON: Sorry. Sorry, Ms Moses. I just can't hear what he's saying.

30 THE COMMISSIONER: What did you say?---No, I don't even know when he received money from council. He paid me, he paid me for paying the culverts.

MR MOSES: When was the last time that he had repaid the loan to you, the last payment he made for the loan?---That was much before the culverts.

Okay. And when's the last payment he made for the culverts?---I couldn't recall it.

40 Was it last year?---I couldn't recall it.

Okay. Thank you. I have no further questions.

THE COMMISSIONER: All right then. Mr Sutton.

MR SUTTON: Thank you, Commissioner. And thank you for that break. It was useful, and I'll be very quick (not transcribable) Mr Cossu, just in relation to what's been described as the recruitment scheme, but the recruitment function that you were performing, I'm just going to ask you a few questions about that, do you understand?---Yeah.

10 You've told the Commission that there was a problem in recruiting appropriately trained specialists around this time. Do you recall that evidence?---Yes.

And we're talking about surveyors and project managers, designers, things of that nature. Technical employees, is that correct?---Yes.

And you could see that happening with your own eyes.---Yes.

And you approached Mr Webb.---Yes.

20

And you asked him if you through PMLV could recruit people on behalf of the council.---Yes, sir.

Is that a yes?---Yes.

Thank you. And you said also Mr Webb said that he would speak to someone and ask about that?---Yes.

30 And did he come back to you and tell you he had spoken to Mr Vangi?
---Yes.

Did he mention Mr Stewart's name as well?---I can't recall.

And did Mr Webb - - -

THE COMMISSIONER: Sorry, what was the answer to that question?---I cannot recall, I can't recall.

40 MR SUTTON: Can't recall, your Honour. And did Mr Webb tell you that he had got permission for you to act in that capacity?---Yes. That's my understanding.

And did you speak to Mr Trapman at Spinifex?---Yes.

And to your knowledge, did Mr Trapman likewise make internal investigations with the legal - - -

MR MOSES: Objection. Is the question did Mr Trapman tell him that he'd made - - -

10 THE COMMISSIONER: Yes. That should be the question.

MR SUTTON: Certainly. Did Mr Trapman tell you he had made investigations with his own legal department to see if they could subcontract to you?---Yes.

So from your perspective, had you made - sorry. I withdraw that. Did you make the same inquiry with Randstad?---Yes. I must have, yes.

Well, must have or you did?---Yes. I did.

20

So from your perspective had you made all the inquiries you could to ensure that what you were doing was legal?---Yes, sir.

MR MOSES: Objection. I mean, there are a number of problems with this. Positive questions weren't put of that nature to any of the relevant witnesses. I mean - - -

THE COMMISSIONER: There was some evidence from Ms Kielty about this.

30

MR MOSES: But not from Mr Trapman.

THE COMMISSIONER: I don't recall it.

MR MOSES: And there was no attempt to put propositions to Mr Vangi or Mr Anderson, who were here for the council, that they'd had such a discussion with Mr Webb. No - - -

THE COMMISSIONER: There was with Vangi.

40

MR SUTTON: Yes.

MR MOSES: Not in those terms.

THE COMMISSIONER: I couldn't say exactly what the proposition was that was put to Vangi but - - -

MR SUTTON: I don't have that in front of me but it was my recollection because that's always been my understanding.

10 THE COMMISSIONER: What aspect of it do you say was not put to Vangi, Mr Moses?

MR MOSES: Is the proposition that my friend was leading from the witness was that PMLV was to be used as the vehicle to recruit workers for the council and to be paid for it? I don't think that proposition was put in those terms positively to Mr Vangi.

THE COMMISSIONER: No.

20 MR MOSES: I mean, if my learned friend for Mr Webb says he put it that way, I will accept that he says that he put it that way and I won't object now. I'll deal with it later.

THE COMMISSIONER: Well, maybe what we can - I mean, the witness was - I'm not sure how helpful it is to me, Mr Sutton, for you to be leading the witness at all on these matters. So perhaps I could just ask the witness, what exactly, as best you can recall, what exactly did Mr Webb say to you about his getting permission from someone else on council?---Yeah, to get permission from someone in council before I could, before I could put
30 anybody in.

And did he say who he had to get permission from?---Anthony Vangi.

He said that, did he? You remember that?---Must have been, yes.

Must have been, but do - - -?---Okay, yes, yes.

You actually remember that?---Yes.

40 And then he got back to you later?---Yes.

And what did he say?---That I could bring people.

Bring people.---Yes.

Yes, Mr Sutton. Now, as far as Mr Trapman's concerned, I'm fairly sure that nothing was put to Mr Trapman. Is that right or not?

MR SUTTON: I thought it was but as I sit here I can't point to the transcript. So - - -

10

MR PARARAJASINGHAM: Just before my friend continues, just to be clear, my recollection of what I put to Mr Vangi, just so it's clear is, I think something to the effect that Mr Webb had a conversation with Mr Vangi in which he said something to the effect that Cossu had some guys, or Cossu had some people. I don't think PMLV was put. As I said, I'm just doing this off my memory now but just given what was just raised I just wanted to sort of clear up the position.

20 THE COMMISSIONER: Well, what you're saying, Mr Pararajasingham, is very similar to what the witness has just said about having permission to bring people, him having permission to bring people.

MR PARARAJASINGHAM: As I stand here now, I don't think I put to Mr Vangi that the vehicle to be used was PMLV.

THE COMMISSIONER: Yes. That sounds right.

MR PARARAJASINGHAM: Does that accord with your recollection, Commissioner?

30

THE COMMISSIONER: Yes.

MR PARARAJASINGHAM: Yes, thank you.

MR MOSES: I thank my friend for that. The point that I was trying to make was that there was no suggestion that Mr Cossu was to receive money for bringing guys in, if that makes sense, which is the heartland of what Counsel Assisting was asking questions about in terms of - - -

40 THE COMMISSIONER: Well, that was where it was led but - - -

MR MOSES: - - - pecuniary interest issues.

THE COMMISSIONER: - - - when the witness has given his own account, he hasn't mentioned that.

MR MOSES: No, I understand that. Thank you.

THE COMMISSIONER: Yes, Mr Sutton.

10 MR SUTTON: That was it, your Honour. Nothing further.

THE COMMISSIONER: Nothing further, all right. Did you have anything, Ms Huxley?

MS HUXLEY: Just two things that require variation to the non-publication order in relation to the compulsory examination. One's in respect of page 172 of the transcript on 5 March 2024. So I seek a variation for that non-publication order.

20 THE COMMISSIONER: Yes. That's granted, a variation of the non-publication.

VARIATION OF SUPPRESSION ORDER: SUPPRESSION ORDER LIFTED IN RESPECT TO PAGE 172 OF PIETRO COSSU'S CE HELD ON 5 MARCH 2024

30 MS HUXLEY: Just in respect of that page. Could that be put on the screen, please? While that's happening, Mr Cossu, you were asked some questions about when you first became aware that Mr Webb was a bankrupt or an undischarged bankrupt and you said in your evidence today that you became aware sometime in 2023, prior to the sale of PMLV. Do you recall that?--- Yeah.

And you were subject to compulsory examination on 5 March this year - - - ?---Yeah.

40 - - - do you recall attending? So at line 13 there, you were asked when you found out that he was a bankrupt?---Yeah.

And you started saying, "I think probably last year in June, before June" - - -
?---Yeah.

- - - and then you correct yourself and say, "No, I found out before, I found
out before probably mid before I finished with council." Do you see that
there?---Yeah, I couldn't recall it. Yes.

And then the next question you said, "Could be six months" before you
finished with council?---But I can't confirm it, yes.

10

So did you find out before you finished with council that he was a
bankrupt?---Like I say now, I can't recall it, because I can't recall it. What I
gathered from - I can't recall it.

MR PARARAJASINGHAM: I'm sorry. I can't hear this.

THE COMMISSIONER: Okay. So - - -

20 THE WITNESS: I, I can't recall it and I can't recall it, even now. But I
think - - -

MS HUXLEY: Well, is it possible that you found out while you were still
at council?---He could have told me.

He could have told you while you were still at council?---Who?

30 I'm asking you, you've given evidence that you are aware that Mr Webb
was a bankrupt. We're just trying to find out - - -?---In point 10, I say (not
transcribable) wouldn't you know, but I found out later, yeah, and about six
months, last year, I say, that time. Then says, I say that probably before, but
I couldn't remember, I can't remember.

So you can't remember when you found out?---No, ma'am.

Could it have been while you were still at council?---I doubt, but could be.

Then there's another page, page 270, Commissioner, for - - -

40 THE COMMISSIONER: Yes. I vary the order in relation to that.

**VARIATION OF SUPPRESSION ORDER: SUPPRESSION ORDER
LIFTED IN RESPECT TO PAGE 270 OF PIETRO COSSU'S CE
HELD ON 5 MARCH 2024**

MS HUXLEY: You gave some evidence today about the purpose of payments from PMLV to the W Project shortly before and shortly after the sale of PMLV to Mr Ivan Webb. Do you recall that?---(NO AUDIBLE REPLY)

10

Mr Cossu, just let me ask you a question.---Yes.

Do you recall giving evidence today about payments made from PMLV to the W Project?---Yes.

And you said that they were payments for tax, to pay tax owed by the company?---Yes.

Now, if I show you at line 10 - - -?---Yeah.

20

- - - you talk about the sale of PMLV or you're asked a question about the sale of PMLV?---Yes.

And then a series of transfers from the PMLV account to the W Project at around the time of sale?---Yeah.

And then there were payments of about 140,000?---Yeah.

And they were described as capital transfer?---Yeah.

30

And then you were asked what the reason for those payments from PMLV to the W Project were. And you said capital that is needed to carry on with the company?---Yeah.

So you didn't mention there that they were payments for tax?---No.

Because they were actual capital payments?---Yes.

40

So do you agree now that they were capital payments?---I was going to pay the taxes. I was not going to pay the taxes.

So you said today that it was for tax, to pay the tax.---Yes.

And back in March 2024 you said it was for a capital transfer.---But the capital pays the, the expenses of the company, ma'am.

But you didn't mention there that it was for the payment of taxes.---So I sell the company, I'm going to pay the taxes.

But I'm just saying you didn't say - - -?---I, I didn't.

10

- - - on 6 March that it was for the payment of taxes.---Definitely I didn't. I can read it.

Yeah, but why didn't you mention that?---I thought it was implied.

Okay. You were asked some questions, and you understood, about what, a conversation that you had with Mr Webb about the recruitment scheme. Do you remember that?---Yeah.

20

And those questions, and your evidence was that you understood Mr Webb communicated to you that he had spoken to someone more senior.---Yeah.

That you were going to supply workers.---Yeah.

And you were going, and he said to you that that was okay. To your understanding that didn't involve a conversation that you would be making money from supplying workers.

30

MR PARARAJASINGHAM: I object. I mean my friend can just ask whether something was said in the conversation.

THE COMMISSIONER: Sorry, is there an objection? Sorry, Mr Pararajasingham.

MR SUTTON: I'll take it up then. Yes. If there's a particular conversation my friend is putting then - - -

MS HUXLEY: Well - - -

40

THE COMMISSIONER: Well, I think this is the conversation we're all so interested in.

MR SUTTON: That's right. That's exactly right.

THE COMMISSIONER: So I don't know that there's terribly much difficulty identifying the conversation.

MR SUTTON: But I'm saying is if there is a particular conversation then -
- -

10 MS HUXLEY: Mr Cossu has given evidence about a conversation that took place between him and Mr Webb. I'm trying to explore what was - - -

THE COMMISSIONER: Do you understand what conversation we're talking about, Mr Cossu?

MR PARARAJASINGHAM: Sorry, could I come back to my objection 'cause it was sort of derailed by Mr Sutton.

20 THE COMMISSIONER: Yes, sorry, Mr Pararajasingham. Yes, what is it?

MR PARARAJASINGHAM: But the point I was making is that, as I understood the question, it is really seeing to elicit from this witness things that were conveyed to him by Mr Webb rather, but instead it was framed in terms of his understanding, so surely the straightforward question - - -

THE COMMISSIONER: I see. Yes.

30 MS HUXLEY: Did Mr Webb convey to you that he had spoken to someone higher up?---Yes.

Did he convey to you that he told that person that Mr Cossu was going to source workers?---Yes.

And he conveyed you to that that person was content for that to occur?
---Yes.

Did he say to you that he told that supervisor that you were going to make money from that arrangement?---No.

Thank you. Those are my questions, and I need to tender that extract, those two pages from Mr Cossu's compulsory examination, which I understand will be Exhibit 80.

THE COMMISSIONER: Yes, thank you.

**#EXH-080 – Transcript of Pietro Cossu's CE held on 5 March 2024
pages 172 and 270**

10

MS HUXLEY: Given that there's an outstanding document to be produced from this witness perhaps he not be excused from the summons until that document has been reviewed.

THE COMMISSIONER: Yes. Well, you will need to supply that document tomorrow morning - - -?---Yes.

- - - before we conclude your evidence, Mr Cossu.---Yes.

20

Yes. All right.---Will Mr, Mr Sutton will be able to bring it?

You liaise with Mr Sutton about that, but I suppose in the event that the document is produced, which we are expecting it will be, Ms Huxley, should the witness also attend in case there's some questions arising from it?

MS HUXLEY: I think that would be preferable.

30

THE COMMISSIONER: I think that would be wiser, yes. So, Mr Cossu, yes, the document needs to be produced but also you will need to come along as well, just in case there's some questions that need to be asked about the document, or documents, I should say.---All right.

Okay. All right then. You can step down. So we'll reconvene tomorrow at 10.00 and we will be moving on to the next witness, hopefully the last witness. All right. I'll adjourn.

40

THE WITNESS STOOD DOWN

[4.05pm]

AT 4.05PM THE MATTER WAS ADJOURNED ACCORDINGLY
[4.05pm]