

MANTISPUB01071  
20/06/2024

MANTIS  
pp 01071-01149

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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 THURSDAY 20 JUNE, 2024

AT 2.00PM

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

MS HUXLEY: Commissioner, I'm not sure if I mentioned at the last, before lunch, that Mr Cossu is not required for further questions as a result of producing those tax returns.

THE COMMISSIONER: All right then. Well unless anyone else wants him, I'm going to release him from his summons.

10

MS HUXLEY: Thank you, Commissioner. Mr Webb, I was putting to you a series of propositions in relation to whether you disclosed certain things to Mr Vangi, and I just have a few more to put to you. You didn't disclose that you were expected to receive any benefit from PMLV in relation to that recruitment arrangement?---No.

And you didn't disclose you were expected to receive benefits through PMLV from GWAC in obtaining council contracts?---No.

20 And I put it to you that you made a deliberate decision not to disclose that you were expected to receive benefits from PMLV because otherwise you wouldn't have had the opportunity to profit from those arrangements.  
---That's not correct.

And I put it to you that it was a dishonest exercise if your official functions in hiring people because you hadn't disclosed that you expected to receive a benefit in connection with that hiring.---I disagree.

30 And I also put it to you that it was a dishonest exercise of official functions exercised by you in connection with the award of projects to GWAC because you hadn't disclosed an expectation of receiving benefits through PMLV from that arrangement.---I do not agree.

Just going back, you gave some evidence that you did disclose that Mr Cossu was sourcing workers. Can you just explain what that conversation was?---I met with Mr Vangi every fortnight and in a regular one on one which was his normal course and I would say to him in that event when people were coming on board that he works for Pietro or something to that effect.

40

You gave evidence earlier this morning that your lawyers assisted you in responding to the bankruptcy trustee questions. Do you remember that?  
---Yes.

What are the name of those lawyers?---Mangioni Biggs.

Do you have possession of the financial statements of the family trust?  
---No.

10 Who does?---I'd have to say the accountants, yeah.

And who are the accountants for the family trust?---Commercial Associates and Advisors.

THE COMMISSIONER: Sorry, speak up.---CAAA. Commercial Associates and Advisors, accountants.

CAAA which is Commercial Associations and Advisors.---Commercial Associates, Advisors and Accountants.

20

And where are they located?---In the city somewhere, yeah, yeah I'm not quite sure of the address.

And I'll just go back to this arrangement that you had with GWAC. So the capital works program had an increase in expectations on delivery and presented a unique opportunity for you and Mr Cossu to get kickbacks from GWAC for work - - -

30 MR PARARAJASINGHAM: I object to the use of "kickbacks". This is unfortunately - - -

MS HUXLEY: Okay, I withdraw that, that's, I accept that.

40 MR PARARAJASINGHAM: Well if my friend can just unpack that, it's regrettably made its way into this Commission, but it really needs to be defined and in particular it needs to be conveyed that there is an illicit characterisation to that work. That wasn't done with Mr Cossu and regrettably he made an omission that, anyway, that's a submission for someone else to make, but I ask if it's going to be put to this witness, it is in unmistakable terms what it is that is being suggested.

THE COMMISSIONER: All right. I thought that kickbacks implied some sort of illicit or dishonest aspect of the transaction, but perhaps not everyone is of that view.

MR PARARAJASINGHAM: Given the level of the stakes, Commissioner, I don't think we can rely on implication.

THE COMMISSIONER: No, all right. All right.

10 MR PARARAJASINGHAM: I think we need to be sort of front up about this.

THE COMMISSIONER: All right.

MS HUXLEY: Well I put it to you that you had an arrangement with Mr Cossu and GWAC that involved you obtaining a benefit for exercising your official functions in a way that favoured GWAC to win council projects.---I disagree.

20 And I put it to you that the increased capital works budget and expectations on delivery presented an opportunity for you to benefit from that arrangement.---No.

And part of that arrangement involved you giving information to Mr Cossu to provide to Mr Clarke in connection with projects he was bidding for at council.---No.

And it included generating work for GWAC with Mr Cossu.---No.

30 It also involved changing the scope of work for projects.---No.

And it involved being involved in discussions with Mr Cossu to use Obnova and GWAC for the culvert project.---I disagree.

And I suggest to you that that's why you were, because of this arrangement, that's why you were so involved in the dispute with council immediately upon leaving council.---I disagree.

40 And you didn't disclose this interest to Mr Vangi during your time at council.---No, that's not the case.

Those are my questions, Commissioner.

THE COMMISSIONER: Yes, thank you. Mr Sutton, is Mr Sutton with us?

MS HUXLEY: He's not here, Commissioner.

THE COMMISSIONER: Not here.

MS HUXLEY: I think he's had to go and attend that AVL.

10

THE COMMISSIONER: All right, yes. All right then. We will proceed then, now who is going next, Mr Pararajasingham or Mr Moses? Mr Moses?

MR MOSES: I'm happy to go next, yeah. Thank you. Mr Webb. Are you, I think as you told our learned friend, you're still an undischarged bankrupt, correct?---Yes.

Yeah, since 2011, is that right?---Possibly, yes.

20

No, sorry, do you have a problem with your memory?---Yes I do.

You do, so - - -?---I can't recall exact dates, no.

Well - - -?---I can't recall that exact date.

Well you've been a bankrupt for over a decade.---Possibly.

Well sorry, not possibly, do you know or you don't know?---No.

30

No, okay. Well can I ask that Exhibit 93 be placed up on the screen. It's volume 2.1, page 203. Now in terms of this bankruptcy, Counsel Assisting asked you some questions as to what caused this bankruptcy. Do you recall that?---Yes.

Can you recall what caused this bankruptcy?---Yes, a dispute with my family's company that, that ended up in not a great way.

Okay. Well let's unpack that. What family company?---Well my parents' business at the time.

40

Yeah. What's the name of the family company? Can you focus on my question?

MR PARARAJASINGHAM: Commissioner, can I raise an objection. I apologise for this. This is a substantive objection that I raise, Commissioner. Commissioner, you are aware, we are all aware of the directions, the standard directions in this jurisdiction and what they mandate is that there can be no duplication or revisiting of issues subject to a confined exception. Now I have in mind in particular guideline 19.

10

THE COMMISSIONER: All right. Well you probably know a great deal more about it than I do, Mr Pararajasingham, but just tell me what it says. Just summarise it for me.

MR PARARAJASINGHAM: I do need to take you to it, Commissioner, because of what has just occurred and what I anticipate will occur.

THE COMMISSIONER: All right, all right,

20 MR PARARAJASINGHAM: Can I give you the document?

MR MOSES: Can I just raise one issue as well while my friend is doing that.

THE COMMISSIONER: Yeah.

MR MOSES: This should be done in the absence of the witness, number one.

30 MR PARARAJASINGHAM: I'm happy to do that.

THE COMMISSIONER: All right.

MR MOSES: And number two, I know where I'm going with this. It's different from where my friend went, Counsel Assisting. I can give you that assurance as senior counsel and I should be permitted to proceed. If my friend wants to continue to object because I happen to ask questions on a document that my friend did, that's a matter for him, but that does not contravene the directions of this Commission.

40

THE COMMISSIONER: Well are you pressing your objection, Mr Pararajasingham?

MR PARARAJASINGHAM: I am pressing my objection, given what's fallen from your Honour - - -

THE COMMISSIONER: All right. Can you go and wait outside please, Mr Webb, for a minute and you will be called back in in a minute. All right.

10 MR PARARAJASINGHAM: Permission to turn off the screens if that's possible as well, given that the witness will be out there.

THE COMMISSIONER: Oh, yes. Thank you for that. While that's hopefully happening, sort of which one was it again, Mr - - -

MR PARARAJASINGHAM: Yes. Can you turn to guideline 19, Commissioner. Commissioner, do you see what appears there is the following.

20 THE COMMISSIONER: Yeah.

MR PARARAJASINGHAM: "Once a witness has been cross-examined on a particular issue, no further cross-examination on that issue will be allowed unless the person wishing the cross-examine the witness on that issue can demonstrate that the proposed cross-examination differs to a significant degree from the cross-examination that has taken place." Those words, with respect, are exacting. There is no discretion and they are a - - -

30 THE COMMISSIONER: Well just a moment, these are guidelines. There's plenty of discretion, Mr Pararajasingham.

MR PARARAJASINGHAM: Well these are made pursuant to section 31B of the relevant Act and in my submission, nowhere, it is clear from these guidelines that where there is intended to be a revisiting of an issue, that the basis of that needs to be established. Now what I am seeking to avoid, Commissioner - - -

40 MR MOSES: Can I cut to the chase and tell my friend what this is about? In the CV of this individual, he doesn't disclose what he was doing prior to 2014.

THE COMMISSIONER: Right.

MR MOSES: I'm going to put to this witness that he withheld what he was doing before 2014 in an attempt to conceal from council what he had been up to before that time when he applied for employment. That's where I'm going.

THE COMMISSIONER: All right.

10 MR MOSES: I have been here patiently waiting to cross-examine this witness.

THE COMMISSIONER: Yes.

MR MOSES: If my friend thinks every time I'm going to ask a question that my learned friend Counsel Assisting has taken him to, that I'm going to tell him where I'm going to head, then he's in the wrong place, because I will not do that.

20 THE COMMISSIONER: Yes, all right. Yes, all right, Mr Moses.

MR MOSES: I know what the guidelines say.

THE COMMISSIONER: Mr Pararajasingham, look, these are only guidelines, number 1. I think they're guidelines, the one that you've referred to is the guideline designed to remind practitioners not to waste the time of the Commission. The credit of this witness is very much an issue, very much an issue, and so I'm going to allow the question.

30 MR PARARAJASINGHAM: Can I just say this. Having heard - - -

THE COMMISSIONER: Or questioning line of.

MR PARARAJASINGHAM: Yes. Having heard where the senior counsel intends to go with it, plainly that wasn't covered. That's fine. But can I just put everyone on notice that I'm alive to this guideline, and if I in the interests of my client think that something is being revisited in an attempt to have a second run at something that Counsel Assisting has done, I am going to object, and the objection with respect will need to be dealt with.

40



THE COMMISSIONER: All right. It will be dealt with, Mr Pararajasingham, but let's bear in mind that, number 1, these are guidelines, number 2, what we're bound by really is procedural fairness, and the other consideration of course is not to waste time, to be efficient.

MR PARARAJASINGHAM: And the other consideration, with respect, is that this is Counsel Assisting's inquiry. Ms Huxley has determined the material that is before the Commission. She has asked questions for the last day and a half. Commissioner, you should not permit, and I'm not  
10 suggesting this is going to happen, but plainly it is a sensitivity that I am entitled to hold in the circumstances that this witness, who has been in the box for a day and a half, isn't subjected to the same questioning or the same issue that he has already been questioned on.

THE COMMISSIONER: Well, clearly that's not going to happen in relation to this particular matter.

MR PARARAJASINGHAM: No, I accept that. I accept that.

20 THE COMMISSIONER: But I've got to take issue with you and with your contention that this is Counsel Assisting's inquiry. Actually, it's the Commission's inquiry, and in that regard I am the Commission effectively.

MR PARARAJASINGHAM: I understand that, Commissioner, but we are all - - -

THE COMMISSIONER: And I'll make the call.

30 MR PARARAJASINGHAM: Certainly, and I meant no disrespect on that matter, Commissioner.

THE COMMISSIONER: No, I know that, Mr Pararajasingham, but, you know, I think that you've got to bear in mind questions of efficiency as well, and so taking this sort of objection, if I think it's time wasting, believe me, I will intervene.

MR PARARAJASINGHAM: Certainly. Anyway, this is not time wasting. This is based on what is set out in the guideline, and as I said, I reserve my  
40 position in that regard.

THE COMMISSIONER: Yes. All right. I'm going to allow it, so can we have the witness back please.

MR MOSES: I can assure you, Commissioner, I don't wish to be here a minute longer than I have to be.

THE COMMISSIONER: No. No. No. I'm sure we all feel the same, Mr Moses, including the witness.

10 MR MOSES: I've been accused of a great many things but not being a second tackler, I thank my friend for that.

THE COMMISSIONER: Just resume your seat, thank you, Mr Webb. I'm allowing this line of questioning. Yes, Mr Moses.

MR MOSES: If that document could be placed back on the screen, please, Commissioner. Sir, you've been bankrupt since 2011, correct?---Yes.

20 And the family company that you say was the cause of this, what's the name of the family company?---It was Webb Welding.

THE COMMISSIONER: Sorry, what is it, sorry?---Webb Welding.

Webb Welding.

MR MOSES: Were you an employee of that company?---Yes.

And were you employed by that company prior to 2014?---I, possibly.

30 No. No. Were you or were you not?---I, I can't recall to those dates.

You don't recall. Okay. What were you doing before 2014? What were you working as?---A project manager.

Where?---Where?

Yeah, where. Where were you working prior to 2014?---I don't know. I can't recall.

40 You don't recall?---No.

Are you serious?---It's, it's a long time ago.

Okay. So Webb Welding company Pty Ltd, is that right?---That was the business name of the company.

And that company went into liquidation.---It did.

And were you the guarantor for that company's loans.---Across all of it, yes, there was, our family were, yep, including me.

10

I'm sorry?---Yes, across all of it, our family were including me.

And you were based in Dubbo at the time.---Yes.

By the time, did you ever work for another local government authority apart from Canterbury Bankstown City Council?---I don't think so.

I'm sorry, you don't think so?---No, not directly, no. I don't think so.

20 Not directly. Well, let's unpack that. Prior to 2014 did you work for any local government authority, a local council?---No.

No. Okay. So prior to 2014 you worked for the family business?---Yes.

Okay. Is there a reason why you didn't disclose that when you applied for an employment with Canterbury Bankstown City Council?---Disclosed what, sorry?

30 That you worked in the family business pre-2014.---I didn't know that I had to.

Okay. What jobs did you hold before 2014?---I was a project manager, various roles.

Where?---Where?

Yeah. You look confused. Do you - - ?---I am confused.

Can you follow my question?---Yeah, I don't recall.

40

You don't recall where you were employed before 2014?---Not - - -

THE COMMISSIONER: Mr Moses, just for clarity, I think you mean by whom he was employed.

MR MOSES: Yes.

THE COMMISSIONER: As opposed to the location of the employment.

10 MR MOSES: Oh of course, Commissioner, yes. Who was your employer before 2014?---The family company, I think.

You think.---Yeah.

Okay. And what did that family company do?---It was a welding business.

Welding business. And who did it perform work for?---All sorts of companies.

20 Do you know whom?---Lots of different ones.

Okay.---Yeah.

And why did that company go into liquidation?---It had a large construction dispute.

With whom?---I can't recall now.

You can't recall.---No.

30 Okay. And can Exhibit 94 be placed up on the screen, 2018, bankruptcy. If I can go to the second page, which I think is page 206. You were taken to page 205. If you go to page 206, please, which is the next page. In terms of the petitioning creditor Furnish & Finish Pty Ltd, is that an interior decorator business?---Yeah, it was.

Yeah, okay. Well, I just want to help you now with your memory because you said you couldn't really recall why this one went down. What was this company?---They supplied some material, some furnishing material.

40 To whom?---To me.

To you personally.---Well, yes, I think so.

What do you mean you think so?---Well, yes.

Okay. Where were you employed in 2018?---I, I think I was an independent contractor at that time.

Doing what?---Project management.

10 Yeah, but doing what in project management?---Managing 2018, probably still finishing the B-Line Project.

Well, Furnish & Finish Pty Ltd, that had nothing to do with the B-Line Project correct?---No, you asked me where I was employed.

Yeah. Well, focus on this, what were your business dealings with Furnish & Finish in 2018? What were you doing?---They furnished the house that I was living in with my family.

20 Did they?---Yes.

Is that your memory of it?---I think so, yes.

You think so or you know so?---No. No. That's, I think so. That's my memory of it.

Okay. Sir, where were you employed in 2018?---I believe I was an independent contractor at that time.

30 Doing what?---Project management.

Yeah, where?---At the B-Line, I thought.

Okay. Could I ask the Commission to bring up onto the screen volume 31.1, commencing at page 162. Is that your resume?---Yes.

Okay. You told Counsel Assisting yesterday that where you cited your Bachelor of Architecture and Environmental Design, you hadn't completed it, right?---Correct.

40

And you weren't seeking to mislead the council that in fact you held that degree.---No.

Okay. Can I ask then you go to page 164, please. You say between 2017 to 2019 you were working Hammons Holdings/RMS, project director Sydney BridgeClimb. Do you see that?---Yes.

Were you?---Yeah, that's right, yeah.

10 Well were you an independent contractor then?---Yes.

Okay. So you weren't employed by Hammons Holdings?---No.

No, okay. So you were a contractor, were you?---Yes.

Did you only perform for them during that period?---Later in that period I think I did some work for Sydney Zoo as well.

20 Well between 2017 to 2018, were you only working at Hammons Holdings?---I think so.

Well, sorry, what do you mean you think so?---Well there may have been another client at the time, but yes, generally.

Well if there was another client, would you have listed it here in your resume?---Only if it was relevant.

Well only if you considered it to be relevant. Is that right?---Yes.

30 Okay. If you go to then the next page, 165, you've got a reference there to the bridge climb in 2018.---Yeah.

Was that an independent contractor job?---Yes.

And then if you go to page 166, 2016 to 2018, the Northern Beaches B-Line Program.---Yes.

You were an independent contractor there?---Yes.

40 Through a company or through your own?---Through a company.

What was the name of the company?---SPG.

Thank you.

THE COMMISSIONER: Sorry, what was it?---SPG.

Right. Sorry, did you say that was at the B-Line?---Yes.

10 MR MOSES: And were you an independent contractor anywhere else through SPG?---I don't think so.

Okay. So when you were doing independent contracting work from 2017 to 2019 at Hammons Holdings, you said you were an independent contractor. ---Yeah, a contractor, yes.

Yeah. Well through whom?---SPG.

20 So you were also through SPG at Hammons Holdings?---Yes, it's the, that was, my dad and I's, yeah.

Okay. And what about the bridge climb in 2018?---I think it was the same, yes.

Okay. And then if we go over to the page at page 168, 2014 to 2016, was that through SPG as well, the International Convention Centre?---Yes, I think so, yeah.

30 And what about before 2014, what were you doing?---I don't really recall. Working, yeah I, I, I don't really recall past that time.

Okay. Is there a reason why you didn't include the Welding company business in this resume?---No. There's no reason.

Were you trying to hide the fact that you were a bankrupt?---No.

No. Are you sure about that?---Yes.

40 Okay. And with your interview, you had an interview, did you, with a Ms Carpenter?---Yes.

And did you tell her about your history or background in terms of working in Government work?---I can't recall the interview.

Were you asked any questions about whether you had any criminal convictions?---I don't recall.

THE COMMISSIONER: Sorry, who was it who interviewed you?

MR MOSES: Judith Carpenter.

10

THE COMMISSIONER: Oh, right. Mr Carpenter, okay.

MR MOSES: You don't recall if you were asked any questions?---No.

No. Do you have any criminal convictions?--- [REDACTED]

20

[REDACTED]

30

[REDACTED]

Well how many companies has your family had?---A few.

40

Well let's go through them. You had the company which is the Welding Company.---Yeah.



And were you a director of that company?---No, I don't believe so.

Okay. What is the other family company that you can remember your family has, sir?---There was another one and then there was SPG, yeah.

So SPG is a family company?---Yeah, yeah.

10 Oh, okay. So who are the directors and shareholders of that company?---I thought my dad was, yeah, I think.

Because you can't be.---No.

Because you're a bankrupt, right?---No, because - - -

No, answer my question. You can't be because you're a bankrupt.---No. I did answer your question. The question was, the answer was no.

20 So you agree with me?---No.

No.---I said no.

So why aren't you a director of SPG?---I wasn't.

Okay. When did that company get formed?---I can't recall.

After you were made bankrupt?---Yes, it would have been.

30 And you were the one doing the work as a contractor, correct?---Amongst others, yeah.

Well, well - - -?---Or my dad, my dad was there as well, yeah.

Are you suggesting, I mean just to be sure here, are you suggesting that your father also was a project director for Hammons Holdings?---No, that was one, one thing we did at the time.

So you're not suggesting that?---No.

40 No, okay.---I'm not suggesting anything.

So let's go through this again. SPG, you're not a director.---No.

You're not a shareholder.---I don't believe so.

Okay. Was that company set up in order to defraud the official trustee in bankruptcy?---No.

No. Are you sure about that?---Yes.

10 Okay. So is SPG still operating?---No.

No. What happened to that company?---Placed into voluntary administration.

Yeah. What, what happened to that company? What was the misfortune with that company?---Well there was a number of disputes around it, yeah.

That's very unfortunate. With whom?---The client.

20 Who was?---Hammons Holdings and RMS.

Okay. They didn't pay monies, did they?---That's right.

I'm sorry?---That's right.

Yeah. Is that because they were suggesting that you were charging for work you didn't do?---No.

30 Oh, so what was the dispute over?---Work that was done that was not paid for.

Yeah, because what, did they say to you the reason they're not paying for it is because that work wasn't done?---No. That's not - - -

So why didn't they pay it?---Why didn't they pay it?

Yeah.---You might have to ask them.

40 I'm sorry?---You'll have to ask them.

Well focus on this because documents can be sought. Did they tell you why they weren't paying the money?---No, I don't believe so.

Well when you say you don't believe so, do you know why they didn't pay the money? Did they tell you?---Who is "they"?

Hammons.---No.

Listen to the question.---No, well you say "they".

10

No, listen, listen to the question. Hammons Holdings, did they tell you why they weren't paying the bill?---No, not directly.

Well what, tell me indirectly, what did you learn? Give me your best shot. ---Well - - -

Go on. They didn't tell you directly. What did you learn indirectly?

MR PARARAJASINGHAM: I object.

20

THE COMMISSIONER: No, no, Mr Moses, you were perhaps shouting a little.

MR MOSES: All right, thank you.

THE COMMISSIONER: Yes.

MR MOSES: Of course. I do that at times, Commissioner. Did you do it directly or indirectly?---No. So there was a dispute.

30

Yeah.---Over a proposal that we had put together to have a climb, which was part of the bid to RMS, on the right-hand side of the bridge, which we had done work on, which they refused to pay for.

Yeah. And did they tell you why?---No.

So you said you didn't know it directly. Indirectly did you learn?---No.

No, okay. And when was this?---I can't recall the exact date.

40

Okay. Is there a reason why this wasn't disclosed in your application to council?---No.

No. Is it because it wouldn't have reflected well on you?---No.

No, okay. So SPG went into liquidation and when was that?---2020 I think.

Okay. And any other family business that you're referring to?---No, I don't think so.

10

[REDACTED]

[REDACTED]

[REDACTED]

20

[REDACTED]

[REDACTED]

Okay. So only two family companies?---I can't remember how many the family has had, but yes I think so.

Well so there had been three family companies?---I don't know.

I'm just trying to follow your evidence.---I don't, I can't recall.

30

Is it fair to say you didn't refer to any of these in your application for employment with the council?---No.

And is the reason you didn't refer to them is that you didn't want it to be revealed the fact that you were a bankrupt?---No.

40

No. Okay. Thank you. Now can I just also ask you this question. In relation to your bankruptcy, you told the Commission that your bankruptcy was something that you had discussed prior to your employment ending do you think, correct? With Mr Cossu.---Yes.

Is it something that you discussed with him when you working with him at the B-Line Project?---No, I don't believe so.

I'm sorry?---No, I don't believe so.

When you say no, you don't believe so, you're not in a position to give a view?---I don't think I discussed it with him.

10 Yeah, okay. And in terms of your relationship with Mr Cossu, he's a good friend?---He is.

Somebody that you maintain daily contact with?---Yes.

And Mr Clarke, is he a good friend?---No.

No. You knew Mr Clarke before joining the council?---I knew of him.

20 Okay. Thank you. And just to be clear so I understand what your understanding is, do you what fraud is?---Yes.

I'm sorry?---Yes.

Yeah, what is fraud?---It's misappropriation of funds, I guess.

Yeah. Wrongful deception intended to result in financial gain. Do you accept that's what fraud is.---I accept that.

30 And do you accept the proposition that you've engaged in fraud in relation to the city of Canterbury Bankstown?---No.

No. You've been involved in a conspiracy with Mr Cossu to engage in fraud of the council.---I have not.

Okay. So I'm going to ask you some questions then about your obligations, and I'll take you through some topics and then I'm going to put some propositions to you so that you have an opportunity to disclose your answers or your opportunity to come up with an answer to them. You were employed in the position of Manager of Works and Projects, correct?---Yes.

40 And you signed a letter of offer on 21 February with the council, correct? ---I'm not sure of the date but yes.

And at no stage, I think you've conceded this, at no stage did you disclose during the recruitment that you were an undischarged bankrupt.---That's right.

And you didn't consider it relevant to do so.---No.

And you also accept, don't you, that you underwent code of conduct training on the day that you were engaged.---I seen the video, yes.

10

Well, you certainly have, don't you, no problem recalling that you read the code of conduct?---No, I said I, I had read it and signed it.

Yeah, and you understood it.---Oh I said I read it and signed it.

No, answer my question. Do you understand it?---I read it and signed it.

No, that's not my question. Did you understand the code of conduct?---I understood the general part of it.

20

Okay. Well, you understood that you weren't to misuse your position to obtain a private benefit.---Yes, I agree.

And you understood that you had to act lawfully and honestly.---Yes.

And you understood what a pecuniary interest was.---Yes, generally.

Well, what did you understand it to be at the time you were employed by council?---Yes, I understood it.

30

No, what did you understand it to be?---Well, if there was a financial benefit somewhere you had to declare it.

Okay. And that had to be in writing, correct?---Yes.

And that you then had an obligation to disclose those pecuniary interests to people who were not subordinate to you, correct, that is, the people you reported to?---Yes.

40

Now, with Mr Cossu, in terms of SPG Projects, which I think you've said is your family's company, the family company, correct?---Yes.

You were involved in awarding work to PMLV Consulting, that is, your family company, when you were working at the B-Line, correct?---No.

You weren't.---No, I don't think so.

Okay. Well, SPG Projects of course was the entity through PMLV through which it obtained contract work at B-Line, correct? Are you aware of that? ---No.

10

No. Okay. The Sydney Zoo minor works contract.---Yeah.

That went to PMLV.---Yes.

Were you working at SPG Projects at the time?---Yes, I think so.

Yeah, and was that the company that liaised with PMLV to do that contract work?---Yes, there was some work there.

20 THE COMMISSIONER: Sorry, where was that?---Sydney Zoo. Yes, they did some work, yep.

MR MOSES: It's fair to say that you and Mr Cossu had a longstanding relationship, correct?---We've known each other for ten years plus, yep.

And SPG awarded that contract to PMLV, correct?---No, we made a recommendation for that to happen, yeah.

30 Yeah, that that company PMLV do the work?---Yes, they did some work.

Yeah. And about the tender by PMLV to Transport for NSW, was that done through SPG?---No.

Okay. Were you ever at any point the contact person on the tender work for PMLV when it was doing work for Transport NSW?---No.

Are you sure about that?---Yep.

40 Okay. Can I ask that the witness be shown tab 14, volume 3.1. Sorry, volume 3.1, page 83 and page 106. The email address has you there ben@pmlvprojects. That's you, isn't it?---No.

No. No. Go down, contact - - -?---I've never had that email address.

Let me finish. Contact person details, Benjamin Webb, Chief Executive Officer, ben@pmlvprojects, do you see that?---Yes.

Is that you there?---No, that's not me.

Oh.---That's not my, I've never had that email address.

10

Okay.---And I'm aware of this document. I've seen the document in the transcript. It was never submitted.

Oh okay.---No work was every done for Transport for NSW.

Okay. Do you know how this document came to be prepared?---No.

When is the first time you say on your evidence here today that you saw this document?---I can't recall when I first saw it.

20

You speak to Mr Cossu every day.---Regularly.

Yeah.---Not every day but regularly, yes.

When you first saw this document did you say to him, "Pietro, why is it that I'm described as the CEO of your company in this document?"---No.

You didn't?---No.

30

Oh. I mean, the truth is, isn't it, as Counsel Assisting put to you, that PMLV is in essence a company that you, for all intents and purposes, you owned and operated as your company, correct?---No.

Yeah, and that PMLV was established as part of your scheme to defraud the trustee in bankruptcy, correct?---No.

Are you sure about that?---Yes.

40

Okay. So what do we make of this document in terms of the tenderer detail? You cannot explain how this document came to be prepared.---No.



Okay. Have you ever described yourself as the Chief Executive Officer of PMLV?---No.

Okay. Have you ever had an email address at PMLV?---No.

Never? Okay. What about that phone number? That's yours, isn't it?  
---It's an old number, yeah.

I'm asking you is that your number?---It's an old number, yeah.

10

When did you cease having that number?---When I went to council.

Okay. So that was your mobile number until you commenced employment with the council?---Yes.

Okay. Sir, you want to stick with that answer, that that is a document that you have no idea how it was prepared?---Yeah.

20 Okay. Thank you. Now, just to be clear about your role at council, you contacted Mr Cossu, did you, about the opportunity to work at the council in April 2020?---I think, my memory is that Mr Cossu contacted me. He was looking for some work.

But you knew he was looking for work.---No.

You didn't know.---No.

No. Okay. You referred him to Ms Kielty at Randstad.---Yes.

30 To have him engaged, correct?---Yes.

And you signed the assignment agreement with Randstad.---Yes.

And you said that you already had contacted referees for Cossu.---Yes, I knew referees for Pietro, yes.

No. No. You said to Ms Kielty that you had already contacted referees for Pietro, correct?---Yes.

40 That wasn't true, was it?---Well, I knew Pietro's referees.

No. No.

THE COMMISSIONER: You knew what, sorry?---I knew his referees, yes. I'd worked with him previously.

MR MOSES: I'm going to ask you the question again. You told her that you had already contacted referees for Pietro. That wasn't true.---I, there's no need to. I already knew them.

10 Yeah. So why did you tell her you had already contracted referees for Pietro?---Because I knew Pietro's referees.

So you lied to her.---No.

Why didn't you say to her, "There's no need for me to contact referees because I already know people."---There was no need to.

So you just lied to her.---No.

20 Okay. Who were the people that knew Pietro?---Who are they?

Yeah, who were the people that you just referred to that knew Pietro?---A number of people that we had worked with over the years.

Yeah. Who were they? Name them.---Who I, who I would speak to about him?

The people you just referred to. Don't worry about asking me questions. You just said "people". Who were the people you were referring to?---Mr  
30 Masagos, Mr Naumoski. There's a number of them, yeah.

So just give me those two names again?---Robert Masagos, Steven Naumoski, both people, yeah.

And where were they from?---They would have worked with Pietro at B-Line as well.

You say they would have. Did they work with him at B-Line?---Yes, they would have worked with him at B-Line.

40 Not would have, did they work with him at B-Line?---Yes.

Okay, thank you. Now in terms of the assignment agreement that Mr Cossu entered into to start work with council, you were aware, weren't you, that he was to be engaged through his company. Is that right?---No, I wasn't aware.

No, okay. Well PMLV was a company well known to you, correct?---No.

10 Well SPG, your family company, contracted with PMLV.---Yes, but whether that was what he was doing at the time, no, I did not know.

You knew of the existence of PMLV before Mr Cossu commenced at the council, correct?---Yes, yes, I knew of the existence. I never lent my mind to it at the time.

20 Well let's be direct about it so we don't have to do this the hard way. SPG contracted, or arranged for contracts to be provided, to PMLV before he commenced engagement with the council. Correct?---Quoted, contracted and awarded, yes.

Yes, thank you. Now you were aware of course in respect of the arrangement under which he was to be engaged that he was to be paid \$113 per hour plus GST.---Something to that effect, yeah.

Okay. And you would approve his timesheets, is that right?---Not always.

Okay. Well can the witness be shown 3.1, page 66 please. You see there approved by you on 8 May 2020.---Yeah, yes.

30 And is that an example of you approving one of the timesheets related to Mr Cossu, your friend?---That would be one of them, yes.

And how would you go about the process of approving the document?  
---There's a link sent through to you that has, has the timing on it and you have a review of it and review if it's okay and then you can approve it.

Okay. And you satisfy yourself of course that there are no issues with what is being claimed in terms of the hours per week, correct?---Yes, yeah.

40 And in respect of that timesheet that we have in front of you, that's the Randstad document. Is that right?---Yes, that's a Randstad document.

Okay. And could I then ask that volume 3.1, page 142 be brought up. Are you familiar with this document?---Um - - -

I'm sorry?---I'm not familiar, but yes, yeah.

Okay. In terms of this document, what it shows there is that Mr Cossu is the team leader and construction reports to you, correct?---That's what it says.

10 Yeah. And that in fact was the line, wasn't it? You ultimately supervised his work.---Not always, no.

Ultimately you were the person who was the report.---Not ultimately, no.

There was Mr Anderson and you, correct?---Yes.

Okay. And in terms of this charge rate and the quantity of hours worked, in terms of what is there, the \$125.56, is there any explanation for the difference of what the charge rate there is compared to the one where his  
20 agreement was for \$113 per hour?---No.

No, okay. You don't understand the difference?---No.

Okay, thank you. Now there is evidence in these proceedings from Mr Trapman from Spinifex that you were involved prior to Mr Cossu coming onto the scene in referring workers to his recruitment agency who could then be provided to council.---Yes.

30 Yeah, you're aware of that evidence?---Okay, yeah.

Yeah. And that is correct?---Yeah.

And then after Mr Cossu commenced working at the council through PMLV, you stopped referring workers to Spinifex. That was Mr Trapman's evidence, correct?---No, I don't think that's the case.

But you recall that was Mr - - -?---I don't, I don't agree with that.

40 But you recall that was Mr Trapman's evidence, correct?---No, I don't recall that. I didn't read that, no.

Okay. You don't agree that after Mr Cossu commenced, you stopped referring workers to Spinifex?---No.

Okay. Did you keep referring workers to Spinifex?---I think there was some, yes.

You think there was some.---Yes.

You think.---Yes.

10

How would you refer them, the workers, would you send an email, would you call them?---I, I don't know.

You don't know.---No.

You're just making that up, aren't you?---No.

20 Okay. Now Mr Cossu told you, did he not, that he was going to source workers and he was going to have them come to council from Spinifex or Randstad, but undertaking work through his company, correct?---No he didn't.

Is that what he told you? No.---No, I can't recall a conversation like that.

Okay. Well did Mr Cossu tell you that he was going to find workers and refer them to Spinifex or Randstad and they would work through PMLV? ---No, I don't recall a discussion like that.

30 Do you deny that?---No, I don't recall that discussion.

Okay. Okay. Did you know that Mr Cossu was employing workers through PMLV to provide to council?---Yes I did.

You were. And how did you become aware of that?---I knew Pietro was sourcing workers and ultimately I became aware that was through PMLV.

Say that again.---I became aware that was through PMLV.

40 Okay. When did you ultimately become aware of that?---I, I don't recall when.

Was it during your employment with council?---Yes.

Did you understand that he was making a profit out of these workers?---I never lent my mind to it, and no, I didn't know what the detail was.

Okay. Did you know that he was receiving payments from Spinifex and Randstad concerning these workers?---Yes, he would have been.

10 He did, okay. Were you aware that he was charging a rate for these workers to Spinifex and Randstad that was far less than what the workers were being paid?---No.

When did you first become aware of that?---When someone raised it with me.

Who was that?---I can't recall who. Peter - - -

Was it - - ?---Peter Anderson I think.

20 Whilst you were employed by council?---Yes.

Did you raise it with Mr Cossu?---No, I don't think I raised it with Mr Cossu. I told the staff to speak to Mr Cossu directly.

Say that again.---I, the person that raised it, I told them to speak to Mr Cossu directly.

30 Who did you tell?---There was a couple of, I think his name was Leo and, and Mohammad, yeah.

And who?---I think his name was Mohammad and Leo, yeah.

Okay. You told them to raise it directly with Mr Cossu.---Yes.

But you didn't.---No.

40 Did it cause you concern that Mr Cossu seemed to be making a profit out of workers who were engaged to perform work for the council?---Did it cause me concern?

Yeah.---No.

No. The reason it didn't cause you concern is that you were part of this scheme, weren't you?---No.

MR PARARAJASINGHAM: Commissioner, I object Commissioner. And Commissioner, you accused me of wasting time, this is covering the same ground that was covered by Counsel Assisting.

THE COMMISSIONER: The witness did give this evidence before.

10

MR MOSES: I know that.

THE COMMISSIONER: Yeah.

MR MOSES: I know that, but - - -

THE COMMISSIONER: Are we going further, are we, Mr - - -

MR MOSES: Yeah, I've got to get to where I'm going.

20

THE COMMISSIONER: Okay. All right, if you're on your way somewhere else, that's all right.

MR MOSES: We have to do this sensibly, otherwise you just can't jump to different questions.

THE COMMISSIONER: Okay, no, no, no I will allow it.

30 MR MOSES: That's now how it works, as we all know. Yes. Now in relation to your discussion with Mr Vangi about this issue, did you provide instructions to your council in these proceedings to put a proposition to Mr Vangi as to your alleged discussion with Mr Vangi about Mr Cossu being able to find workers?

MR PARARAJASINGHAM: I object to that question. That's - - -

40 MR MOSES: Well I will rephrase that. Let me put it this way. I'll do it this way because there's been a number of accounts given to this. What do you say you said to Mr Vangi about Mr Cossu being able to source work?  
---I met with Mr Vangi every fortnight and I, we were looking for workers

in council generally and I said Pietro can source workers and I also told him that that person is working for Pietro.

Sorry, say that again?---That person works for Pietro, whoever that might be. I made that clear to him a number of times.

10 So that person works for Pietro. Who are you referring to there?---We'll, it could have been a number of - when we bring people onboard I would tell him who was coming onboard and I said to him on a number of occasions "That guy works for Pietro."

When did you recall that conversation?---It happened a number of times. We met every fortnight.

Did you read the transcript of your barrister asking questions of Mr Vangi? ---No, I didn't.

20 Do you know that he didn't put what you just put in the witness box to Mr Vangi?---No.

MR PARARAJASINGHAM: I object.

THE COMMISSIONER: Hang on.

MR PARARAJASINGHAM: If counsel wants to make a submission about inconsistent accounts, then he can do that without trying to go behind legal professional privilege.

30 MR MOSES: I'm entitled to do this. This happens all the time. I can do this.

THE COMMISSIONER: No, no, hang on - - -

MR PARARAJASINGHAM: You can make a submission about inconsistent accounts if that's where he's going with this.

40 THE COMMISSIONER: No, no, just a moment. So I think that Mr Moses was asking the witness whether he was present, or he heard, you put questions to Mr Vangi. That's what was asked. I don't think that's venturing into any legal professional privilege.



MR PARARAJASINGHAM: Yes.

THE COMMISSIONER: Is that what you were asking, Mr Moses?

MR MOSES: That was the first part and then the second question was - the point I'm trying to get to, what he's now saying is different from what has been suggested previously.

10 THE COMMISSIONER: All right. Well, as long as we stick to what was asked in court, well not in court I shouldn't say, in the Commission it's no problem.

MR MOSES: Yeah, don't worry, I'm not piercing privilege. It's fine.

THE COMMISSIONER: No, no, no. All right. So where were we up to then?

MR MOSES: You say that you told Mr Vangi on occasions that that person works for PMLV?---No.

20

No?---Pietro is what I said.

Works for Pietro. Mm-hmm. So you knew the identity of the workers who were working for Mr Cossu, do you?---Yes, when they were sourced by Pietro, yes.

How would you know that?---Because it would come through in a sheet, or otherwise, on an assignment sheet most of the time.

30 Are you saying that there's a document you've seen that when you were employed by council that showed that PMLV was employing a particular individual to work at council at a particular rate?---Yes.

And that that rate was being paid by PMLV to that worker?---No.

So what sheet did you look at?---The documents that were shown, Counsel Assisting showed, the assignment documents had PMLV beside the name of the employee.

40 Were these the assignment sheets that you were signing off on?---Yes, and sending them to Procurement.

THE COMMISSIONER: Sorry, I'm just trying to clarify. What were the documents again that the - - -?---So if you recall the document come through from - the assignment sheet from the agency.

When the worker's first engaged?---Yes. And it'd have PMLV beside their name and I'd sign those and send them to Procurement.

10 MR MOSES: And on how many occasions so you say you had these discussions with Mr Vangi?---Oh, I don't recall. We met every fortnight throughout that period. So - - -

And you would tell him every fortnight that worker works for Mr Cossu? ---Not every fortnight. When people were coming onboard. Likewise with other, with other agencies, where they were coming from. We discussed a lot of things. There was a lot of work going on at that period.

20 Can you recall an actual conversation in which you said that to Mr Vangi about a particular employee?---I can't recall a specific date, no.

Because you're just making it up, aren't you?---No.

MR MOSES: Okay.

THE COMMISSIONER: So let me just clarify. The assignment sheet that you'd seen, it would have, what, the name of the worker on it, would it. or - - -?---Yeah. It would have the name of the worker and then it would have PMLV beside it.

30 So that meant that you knew that that worker was actually employed through PMLV right from the outset?---Yeah. And they were sent to the Procurement Team and then the engagement occurred.

Right, okay.---Yep.

MR MOSES: You were in a very senior role at council, correct, yes?---I wouldn't call it very senior, but a senior role.

40 And part of your job was to ensure there wasn't a waste of council money, correct?---Yes.

Why did these workers have to come through Spinifex and Randstad to get to PMLV rather than PMLV disclosed directly as their employer?---The, the procurement method was through that contingent work force panel.

But why not do it directly through PMLV rather than having to pay Randstad and Spinifex money?---Because that was the procurement method council had.

10 No. Isn't this the proposition? The reason why that was being done was it was part of the conspiracy with Mr Cossu to hide the scheme that you had entered into?---No.

And that as a senior manager of council, doing your job honestly, you would have put a stop to it had you not been receiving a benefit, correct?  
---No, I disagree.

20 Counsel Assisting showed you a number of emails whilst you were employed by council that showed private emails being sent to your private email address to do with council business. Do you recall those?---Yes.

Do you accept that it was completely inappropriate for you to be engaging in communications using private emails rather than your council emails to do with council work?---I don't think I communicated. I had things sent to me.

Did you stop it?---I, I didn't stop it. I don't think I made any reference to it.

No. You didn't stop it, did you?---There was no need.

30 There was no because that's what you wanted so that you could - - -?---No.

Let me finish the question. So that you could hide from the council what you were up to with Mr Cossu.---No.

40 Okay. Can the witness be shown volume 3.1, page 2, please? That's the wrong one. Sorry, it's 30.1. I may have given the wrong reference. 30.1, page 2. It's 38.10, page 273. My apologies to the operator. That private email address there, how long have you had that one for?---Oh, I don't know.

Do you still have it?---Yep.

So this email that was forwarded to you was an email that was forwarded from Pietro Cossu to you, correct?---Yes.

And this was a communication in which you had been copied into by Faiza, correct? If you go down.---Yes.

To your work email address.---Yes.

10 And that Pietro Cossu is forwarding that to Mr Clarke at GWAC. Do you see that?---Yes.

And that then goes to what appears to be Mr Cossu to you. Do you see that?---Yes.

Now, just in relation to the attachments, do you have any recollection of what those attachments are sitting here today?---I'm not sure what that attachment is based on that email.

20 Do you have any recollection, when you received this email, of having a discussion - - -?---Sorry. That's the attachment of what I originally sent to - - -

Well, you didn't send anything, you were copied into the communication. ---Oh, sorry. Well, it would – I think it was my correspondence.

Did you contact Mr Cossu after you received this email?---No.

30 Did you have a discussion with him about the contents of this?---No.

Are you sure about that?---Yeah.

If I can then ask that we show the witness volume 3.2, page 26.

In relation to your involvement with the sign-off of rates to be paid to PMLV, you will see there that Mr Trapman is sending you details in respect of the arrangements concerning a particular employee. Do you see that?--- Yes, I see that.

40 Why were you involved in this process?---Mr - - -

Given your duties, why were you involved here?---Well, he had asked if that role had the same rate, and yes, the role had the same rate.

So just to be clear, are you saying it was part of your duties to liaise with the recruiters as to what rates were to be paid to PMLV Consulting?---No, it was the rate that, agreed for the, for the recruiter to council.

So let's have a look at the pay, \$84.85. Do you see that?---Yes.

10 Was that to go to the worker?---I don't know.

No. No.---I don't know.

You are being sent an email to seek your response. Do you see that?---Yes.

Okay. What did you understand the reference to pay meant?---That the rate that Spinifex would be paying. The charge rate is the oncost of Spinifex.

20 Did you understand that the charge rate of \$98, the overwhelming part of that was going to go to PMLV?---No.

When did you become aware of that?---I don't know.

You don't know?---No, I don't know the exact time.

Okay. The truth is you knew it all along, didn't you?---No.

30 Okay. Now, you told Counsel Assisting, I think you accepted the basic proposition that you were paid moneys by Mr Cossu while you were working at council, correct?---Yes.

About 200 to \$250,000 in cash all up?---Not, not exactly.

I'm sorry?---No.

No. Okay. Well, in terms of the amount of money that PMLV received from Spinifex, you were aware that it was over 6.4 million that recruitment - -?---No, I'm not aware.

40 MR PARARAJASINGHAM: Commissioner, I object. I'm sorry. The very thing I foreshadowed happening is in fact happening. He was taken through

this ad nauseum by Counsel Assisting, and this is just a second crack at it. Let us be blunt about what's happening here, Commissioner, with respect.

THE COMMISSIONER: No. No. I think it's heading somewhere else. It's just laying the foundation, I'm assuming, Mr Moses?

MR MOSES: I think (not transcribable) assume that, like, so far I've managed to get out of the witness a number of things which were different from Counsel Assisting. I reject that Counsel Assisting was engaging in ad  
10 nauseum cross-examination of the witness. Her examination was relevant and on point. I'm going to a different point. I'm here representing the council that is the subject we say of fraud, and we have a public obligation to also assist the Commission to get to the bottom of this, because ultimately people will have to be held accountable for it. So I have a job to do as well.

THE COMMISSIONER: Yes, I think that can all be accepted.

MR MOSES: So can I get on with it, if I may, Commissioner, or should I -  
--  
20

THE COMMISSIONER: Yes, I allow it. I allow it.

MR MOSES: Thank you. You were paid approximately somewhere between 200 to 250,000 by Mr Cossu during the period that you worked at council, correct?---Yes, for, for the percentage in the software, yes.

I'll come to that in a minute. You accept, don't you, that sitting here today you should have disclosed - - -?---Yes.

30 Let me finish. To council the fact that you were receiving these payments from Mr Cossu, correct?---Yes, I accept that.

And the reason that you needed to disclose it, because you were in a position to award valuable contracts to him, correct?---That never entered my mind.

But listen, the reason you had to disclose it, you understand don't you, is 'cause you were in a position to award valuable contracts to him.---Yes.

Okay. And the reason you didn't disclose it, because this was a dishonest scheme devised to hide the payments you were receiving as a benefit from the contractor payments, correct?---No.

Okay. Thank you. Now, can I ask you this then in respect of your involvement with Mr Cossu and the workers that he was bringing into the council, you say that you knew, or had some understanding of which workers worked for Mr Cossu, correct?---Yes.

10 Were they introduced to you when they came in?---Some of them were, no different to anyone else.

Well, did you know for a fact which of the workers were people that were employed by PMLV or people that were coming in through the traditional labour hire processes of Spinifex and Randstad?---No, there was so much going on, I, I didn't know who was who specifically.

Okay. And the only reason why you would know who was who was if Mr Cossu told you who was his person.---No.

20

Well, how would you know that so and so, as you told us before, worked for Mr Cossu?---It would be the assignment sheet mostly.

Okay. Thank you. Now, when did you first learn that Mr Cossu had made a profit, I want to ask you this question, made a profit out of his arrangements with Spinifex?---I don't know when I first, first knew of that.

It was whilst you were employed, correct?---Well, possibly, yeah.

30 Yeah. And you didn't draw it to the attention of anybody within council, correct?---I didn't see it as an issue.

You didn't see as an issue the fact that PMLV was making a profit out of workers who were working for council.---No.

And the reason you didn't see it as an issue was that you were getting your cut of the action.---No.

40 Okay. Now, this cash payments you were receiving, these were cash payments which you were withdrawing from a bank account that you were given a cash card for, correct?---Yes.

I just want to understand the evidence. The money that was then deposited into your bank account with the representation that it was coming from your parents, was that the cash that you were withdrawing from the Cossu controlled bank account?---That was, yep. Yes.

Okay. And your father you understand has given evidence in these proceedings.---I understand.

10 And do you understand that your father hasn't been able to explain why transfers were made because that was your part of the business?---No.

And can I just ask that that sheet come up involving the transactional payments that were represented to the trustee in terms of the payments going into the Webb bank account said to be from Ivan Webb and his wife. 2.1, page 167, and the page I'm after is page 169 to 170. So I just want to be clear. In respect of Ivan and Elaine Webb, each time there's a payment going there can we assume for tracing purposes that's the money that you were withdrawing from the Cossu controlled account and going into your  
20 account? Is that correct?---I don't understand that question, sorry.

Well, okay. What this shows is an account in your name held at the ANZ Bank, correct? Do you understand that?---Yes.

Okay. And, Mr Webb, what this is showing are deposits into this bank account at various branches.---Yes.

Okay. And the notes have a representation being made that these were deposits being made by your parents. Do you see that?---I see that, yes.  
30

Okay. Is it your evidence that in fact the person who was making these deposits into the bank account was you?---I made the deposit.

Yeah.---It was, but it was our family money, correct.

Well, let me - - -?---I've gone to that previously.

No. No. Let me finish. Were these payments being made in cash?---No.



Okay. So how were these transactions occurring from 21 February through to 28 February 2022, were you - - -?---Well those, those deposits were being made in cash, yeah.

That's the question I'm asking you.---Yes.

And was that the cash that you were withdrawing using the ATM machine from Mr Cossu's account?---That was the payments for the software, yes.

- 10 That wasn't the question I asked you. Do you have a problem with answering the question I asked you? I'm not asking you for an explanation, okay. Was that the money that you withdrew from Mr Cossu's account using his ATM card?---Yes, yeah.

Okay. And if you go down to page 170, again can we assume each and every time those payments are recorded as being payments from your parents, that is you physically depositing cash at those branches?---Yes, with my parents, yeah.

- 20 Well I'm going to come to this. You're not throwing your parents under the bus here, are you?---Not at all.

Okay. You never had a discussion with your parents that you, on these occasions, would be putting cash payments from Mr Cossu's controlled account, into your bank account. Correct?---No.

Do you agree with me, correct?---No, I don't agree with you.

- 30 You don't agree with me, okay. Your father has said that this was your part of the business. He didn't know anything about the transfers. Are you aware of that evidence?---No.

No, okay. So just to be clear, you're saying that, how many conversations did you have with your parents about this?---I speak to my parents every day about various things.

So you would tell them every day that you were transferring money that was coming from Mr Cossu into your bank account that otherwise belonged to them?---Not every day, no.

- 40 Okay. Well when did you first tell them that's what you were going to do?

---I don't recall when I first spoke about it.

Yeah, because you're just making it up, aren't you?---No.

No. And what this document is, is it right, is a document that has contained in it, in effect, false accounts of where the money was coming from, correct?---No.

10 And this was being done in an attempt to hide the fact that you were receiving payments from Mr Cossu in return for giving him valuable work at the council.---No.

Okay. Now you told the Commission earlier that this document was prepared with the advice of lawyers. Is that right?---Yes.

Was that Mangioni lawyers?---Yes.

20 Which solicitor told you that?---Which solicitor told me what, told me what?

What lawyer gave you advice to disclose your parents as the people that were depositing money into your bank account - - -?---That, that wasn't their - - -

- - - rather than disclosing that the money was coming from Mr Cossu. Which lawyer told you that?---That wasn't their advice and that's not what I said.

30 No. When you told Counsel earlier, Assisting, in answer to her question about this, you were attempting to smoke in here, weren't you?---No.

You were trying to deceive the Commission that somehow some lawyer had sprinkled holy water on this fraud that you were engaged in.---No.

No. So do you accept now that no lawyer told you to disclose your parents as the ones who were the depositors of money into this bank account? ---That's completely out of context and I don't accept that.

40 Do you accept what I've just told you?---No, I don't accept that.

So you say a lawyer told you to do that.---No, I didn't say that and I didn't, and again I don't agree with that.

Well the record will show that you told Counsel Assisting that this was done with the advice of lawyers.---The response was, yes.

Was it done with the advice of lawyers?---The overall response was yes.

10 Did you tell the lawyers that you were depositing money into these accounts from Mr Cossu?---No.

No. Yeah. So the answer is, is this right, is this your evidence, that you didn't tell the lawyers where the real money came from. Correct?---That's not the answer.

Well you didn't tell the lawyers it came from Mr Cossu, correct?---Well, I, we, I can't recall what we spoke about at the time.

20 Okay. Now this project management software that you're referring to, did you work on that whilst you were employed by the council?---Did I work on it?

Yeah.---Yes, outside of it, yeah.

No, no.---Outside of council, yes.

My first question is did you work on it whilst you were employed by council?---Yes.

30 And did you work on it, you say, outside of council time?---Yes.

Okay. And are you a software developer?---No.

Do you have any computer qualifications?---No.

And when did you first come up with this idea?---Years ago. Ten years ago or probably longer.

40 When?---Probably ten years ago or longer.

Okay. And you still haven't managed to complete the work on it, correct?

---No, that's correct.

How long did you speak to your parents about this for?---I've worked with, with my father in particular because he's in the industry for a number of times, yeah.

Yeah, for how long?---I don't know.

Was it ten years ago you started speaking about it?---Possibly.

10

Okay. Do you have any recollection at all?---A number of discussions but nothing in particular.

Are you a bit concerned to answer my question because I might be looking at your father's evidence in my hand?---No.

No, okay.---No.

20 So in terms of the entity that owns this business, you said it's a family trust. ---No. What I said was the business, or the company, the entity hasn't been set up as yet.

Oh, okay.---And that the assets currently (not transcribable) in the family trust, correct.

Well that's what I'm getting at. So, because you said before that the family owns this, right?---Yes, yeah.

30 And the family is, according to you, you defined the family, when the Commissioner asked you, was you, your father and your mother, correct? ---Yeah, yeah.

Anybody else involved in the family?---No.

No, okay. And the trust, what's the name of the trust?---The Webb Family Trust.

40 THE COMMISSIONER: Sorry, the Webb Family Trust?---Family Trust, yeah.

MR MOSES: Thank you. Are you a beneficiary?---I don't know. I don't know.

What's that?---I don't know.

Is there a trustee?---It's a corporate trustee I think.

Did you execute it?---No.

10 So you didn't execute the trustee?---No.

You didn't sign it?---I don't think so. I don't think I could have, no.

Because you're a bankrupt.---No, because my father did.

Okay. Your father executed it?---I think so, yes.

Have you seen a copy of it?---I don't know that I have.

20 Do you know whether it exists?---I believe it exists, yeah.

Who told you?---Who told me?

Yeah.---That's - - -

You haven't seen it, you think it exists, who told you that it exists?---I think our accounts told me, yeah, or the lawyers.

Is that - - -

30

THE COMMISSIONER: Sorry, you think, sorry, what?---Accountants or lawyers, one or the other, yeah.

Sorry?---Accountants or lawyers, I think it was set up, yeah.

Oh, okay.

MR MOSES: Are they the same accountants or lawyers that you told the Commissioner their names earlier today?---Yeah, yeah.

40

Okay, thank you. And in relation to that trust, family trust, does the corporate trust deed refer to this software program as being part of the business of the family trust?---I don't know.

I'm sorry?---I don't know.

Okay. Okay. Did you tell your father that Mr Cossu had collaborated with you on this software program?---Yeah, we've worked on it before, so I don't know whether, I can't specifically remember speaking to dad about it, but  
10 he knows that I've spoken to Pietro about it, yeah.

No, but did Mr Cossu work on the program with you?---He's worked on input to the program, yes.

Okay. When did he start working with you on the program?---We've spoken about what's required from site a number of times.

Yeah, but when?---I don't know.

20 Okay. The reason you can't commit to a time is that this is just an attempt by you to come up with a false story to explain the money that was going into your account, correct?---That's incorrect.

This is a fantasy, correct?---That's incorrect again.

Okay. Now in terms of Mr Cossu's evidence, you've heard that he has previously said that he had paid \$600,000 to you in respect of this software development business.---No.

30 You're aware of that evidence?---No I'm not.

Okay. How much has he paid to you for it?---Just short of 350 is what I understand, yeah.

Okay. When you say "as I understand" what - - -?---I couldn't give you the exact figure, Mr Moses.

Okay. Is that exact figure recorded somewhere in your books, right?  
---We'd have to work it out, yeah.  
40

No, no, not work it out. Is it recorded somewhere?---It would be, yes.

Where?---I'd, I'd have to work out all the details.

Oh, so you haven't done that yet?---No, there's, there's a number of pieces of information, put it together, yeah.

Because you're making it up on the run, correct?---No, Mr Moses. I'll tell you that again.

10 No. Okay. So how much has he actually invested in this software program?---That's the same response again.

I'm sorry?---I'll give you the same response again.

You have to work it out.---Yeah.

Okay. Is that because you, in fact, don't know how much money you've been given by him as part of this corrupt scheme?---No, I don't agree with that.

20

Okay. So the answer to my question then is you don't, you haven't worked out how much money he's given you in respect of the software program, correct?---I don't agree, no.

Well how much has he given you?---Again, somewhere in that figure, but I'd have to work out the exact number.

You haven't worked it out.---No.

30 No. Okay. You don't want to commit to a number?---I don't know the exact number.

Okay. Thank you. Now, in relation to GWAC, Mr Clarke was somebody known to you?---I knew him, yep.

You worked with him previously?---I'd come across him but not worked with him.

At B-Line?---Yes, that's where I'd come across him, yep.

40

Did SPG do any work with him prior to him joining the council?---I don't believe so.

So when you say "I don't believe so", is that because you can't remember but you think not or you can remember that there's been - - -?---No. I - - -

Did Mr Cossu tell you that he was going to approach GWAC to work for the council?---No, I don't think so.

10 When did you first become aware that GWAC was performing work for the council?---I understood they quoted on some work, yeah.

I'm sorry?---I understood they quoted on some work at some point in time.

And do you accept this basic proposition that if you knew at any time during your employment with council that GWAC was giving money to Mr Cossu in return for Mr Cossu giving him inside information concerning tenders, you would have reported it?---Yes.

20 Who would you have reported it to?---Mr Vangi.

And the reason you would have reported it, because you accept that that would have been corrupt conduct?---It would have been inappropriate, yes.

And you're aware now, aren't you, through evidence in this case that that is what was happening?---Yes.

Have you spoken to Mr Cossu about that?---No.

30 He's still a good friend of yours?---He is.

And he's still somebody you want to invest in your software project?---He's a very good friend of mine and - - -

And he's still somebody that you want to invest in your software project?---He already has, so - - -

And he's a partner with you in the business, is he?---Not with me, with us generally, yes.

40 Who's us?---My family.



You mean the family trust?---Well, yes.

Is the reason you keep referring back to the family is because you are scared to admit that you have committed offences in respect of your bankruptcy?  
---No.

And you're hiding behind your parents, aren't you?---No.

10 And you're putting them at peril, aren't you?---No.

THE COMMISSIONER: Mr Webb, when I saw Mr Ivan Webb, your father, giving evidence and it struck me that he was not a particularly sophisticated person in the business sense. Would you agree with that?  
---No.

You wouldn't?---No, no.

20 Well, he seemed, from his evidence, to have been relying upon you to basically handle things in terms of the W project. Would you agree with that?---No. I don't think so. We talk regularly about what's going on, yeah.

Yes, sorry, go on, Mr Moses.

MR MOSES: No, thank you, Commissioner. Your father, is he living in the property at Dubbo that was purchased?---No.

Who is living there?---My mum.

30 And in respect of that property, you asked Mr Cossu to purchase it?---No.

Your father contacted you in a state of upset about that property, correct?  
---No.

He discussed with you the fact that he was concerned that the family might have to move out of it?---No, not really.

Not really, no.---No.

40 Well, your father contacted you about the property, correct?---Yes.

And you then contacted Mr Cossu?---I spoke to him about it, yep.

Yeah. You asked him to buy it.---No.

Now, you confirmed in your evidence that you were assisting GWAC in its dispute over the culverts after you left the council?---Yes.

You said that you were going to be paid for that work.---Yes.

10 Who did you have that agreement with?---Mr Clarke.

It was Mr Clarke?---Yeah, I think so.

How much were you to be paid?---\$1,400 a day.

\$1,400 an hour?---A day.

A day, okay.---Yes.

20 And what was the consulting work you were going to do for him?---I was going to assist him in resolving the dispute.

Well, how were you going to assist him to resolve the dispute. You're not a lawyer.---No, I'm a project manager.

So what were you going to do?---Not every dispute requires a lawyer, Mr Moses.

What were you going to do?---Assist him in resolving the issue.

30

Were you giving him inside information that you had learnt from council as to how he should go about to do council over in the adjudication?---No.

Are you sure about that?---Yes.

So what was he to pay you \$1,400 a day - you're not a lawyer and you're not Mick Gatto, so what were you doing for the \$1,400 a day to resolve the dispute?---I didn't get paid anyway, Mr Moses.

But that's not the question. What were you going to do to earn \$1,400 a day with him?---It was just in the commercial aspects, and ultimately I referred him to a lawyer.

But these are just words, "to assist in the commercial aspect." What was it that you were going to do for him to assist him in this dispute.---To try and resolve it, exactly that.

10 Yeah, but how, what were you going to do?---Work through the issues that were there.

The reason why you were involved in this dispute was because GWAC owed money to PMLV which was money that you were expecting to receive, correct?---No.

That's why you decided to jump in and get involved in something, correct?---No.

20 And you did so in circumstances where, whilst you were at council, you were involved in the very same issue that was the subject of the dispute, correct?---No.

Yes?---No.

Now, Mr Cossu, he said that you were somebody who he had a close relationship with, you were good friends with him, correct?---Yes.

30 And you were the one who went along to lawyers meetings as part of this potential claim against the council?---I went to one meeting and made an introduction.

To which lawyer?---Vincent Young.

THE COMMISSIONER: Sorry, who was it?---Vincent Young.

Vincent Young?---Yeah, yeah.

40 MR MOSES: Did you read the statement that had been prepared by Mr Clarke?---No.

Are you sure about that?---Yes.

How much money are you aware that - I withdraw that. Did Mr Cossu tell you how much money had been paid to his company by GWAC whilst you were employed by council?---No.

What about after?---No.

When was the first time you became aware of that?---These proceedings.

10 Well, can you tell us how much do you think - - -

MR SUTTON: I'm sorry, Commissioner, if the witness can keep his voice up. I'm just trying to - - -

THE COMMISSIONER: Yes. Do keep your voice up, yes.---Sorry

Get closer to one or other of those mics.

20 THE WITNESS: Only, only what I have heard here.

MR MOSES: And what have you heard here?---That he was paid a significant amount of money.

You can't recall how much?---No.

Over millions, how much?---I don't know. I can't recall.

30 The payment that was received as an investment in the computer program, do you accept that that wasn't declared to the trustee?---No.

You accept that?---No.

So you have declared it?---No. I don't, I don't, I don't make a decision either way. No.

Well, did you declarer that payment to the trustee and bankruptcy - - -?---I don't believe it's required to be.

40 I'm asking you the question, did you declare it to the trustee?---No, no. No.

Now, I just want to be clear with you about a submission that I'm going to put to the Commissioner at the end of this case. I want to put to you clearly that you have told the Commission, or you have given false evidence to the Commissioner about this computer program business investment with Mr Cossu to hide the fact that you were receiving bribes in return for facilitating the cover up for the money that was being received by Mr Cossu for the labour hire arrangement which he shared with you. Do you accept that?  
---No.

10 And it's also untruthful evidence that you've given to this Commission in the fact that you were receiving payments from Mr Cossu in return for you facilitating with him inside information being provided to GWAC so that they could be awarded tenders by council. Do you accept that?---No.

And that you've come here to the Commission to deliberately deceive it in respect of these matters, yes?---No.

I'm just going to ask, we're just going to email a document to the Commissioner because I just want to as a matter of fairness put this to the witness so that he's aware of the allegation that we're putting. We can provide hard copies as well to the Commission and to the lawyers with an interest in this. Do you want to hand those out for me. Just these, this one here. So one for GWAC and one for the recruitment. Thanks. If I can show the witness first if it's been provided to him, the recruitment of workers scheme. Isn't this really the scheme that you and Mr Cossu were involved in to defraud money from the council in terms of the workers scheme, do you accept that?---No.

Well the both of you worked on a number of projects together before Mr Cossu commenced working with the council, correct? Yes?---That's correct, yeah.

And that was done with the assistance of you through the family company SPG that's now gone into liquidation, correct?---No.

Yes?---Not with the assistance, no.

Well, you certainly were involved in the awarding of tenders, correct, yes?  
---Not always, no.

40

You became bankrupt in, that should read 2011, and then again in 2018, correct?---Yes.

And it's fair to say that you were desperate to recover your financial position, correct?---No.

Well, you father said that, in respect of PMLV, that was a way for you to rebuild the family business that had been lost, correct?---That's a different proposition, Mr Moses.

10

Well, you were desperate from the moment you became bankrupt to make money as a result of losing money through the various liquidations and you going into bankruptcy, correct?---No, no.

That's the truth, isn't it?---No.

That Mr Cossu acted as a referee for you in your application to be employed by the council, correct?---Oh, I can't recall.

20 Well, you put him up as a referee. I can show you the document.  
---Possibly, yeah, yep.

You were then employed by the council as the Manager of Works and Projects, correct?---Yep.

Yes?---Yeah.

And that you then facilitated his engagement as Team Leader Construction which ultimately reported to you, correct?---No. Oh, well, ultimately, yes.

30

That the both of you discuss him sourcing work as to perform work at the council?---No.

That he identifies potential workers and sends their details to the recruiters, correct? You were aware of that, weren't you, sir?---Yes. I'm, I'm reading it, Mr Moses.

Yes, okay. But you were aware of that, correct?---Yes.

40 And that Spinifex and Randstad then forwarded those workers details to the council, correct?---Yes.

That council approved the engagement of those workers, correct?---Yes.

And that PMLV then entered into an agreement with the worker for the provision of services to the council, correct?---Well, yes.

Spinifex and Randstad invoiced the council for the worker services, correct?---Yep.

10 Canterbury Bankstown Council paid Spinifex and Randstad, correct?---Yes.

That Spinifex and Randstad then paid PMLV, yes?---Yes. I assume so.

That PMLV pays the workers' agreed hourly rate and retains the remainder as profit, correct?---I'm not aware, but, yes.

Well, you've since become aware of that, haven't you?---Since I have, yes.

I want to put to you that you were aware of it at the time because that was  
20 part of the deal with Mr Cossu, correct?---I disagree.

And that both of you shared the profits that were retained by PMLV from the recruitment scheme?---I disagree.

And that in 2023 you and your father entered into an arrangement to purchased PMLV from Mr Cossu for the sum - was it \$550,000 - which has not been paid, is that right?---That's not correct.

Well, that money has never been paid to Mr Cossu.---No. There was -  
30 sorry? There has been money paid to Mr Cossu, yes.

Has there? Okay. How much of it is left outstanding?---It's unresolved. Mr Cossu given indemnity, as I said earlier today.

THE COMMISSIONER: Was it 500, or 550,000?---500.

MR MOSES: Yeah, how much was it?---500, I thought.

500. So how much is it though, do you know how much it was that the  
40 company was purchased for?---500, I believe.

Was it you and your father entered into the agreement to purchase the company?---Yes.

And where were you going to get the money from? You're bankrupt. Where were you going to get the money from?---Oh, it was, my father and I discussed it but I didn't enter into the agreement.

But in truth this was an agreement for you and your father to purchase the company, correct?---What's the question, Mr Moses?

10

Were you hiding behind your father in terms of this transaction because in truth it was you who was acquiring the company from Mr Cossu but you couldn't do it because you were bankrupt?---That's not the case.

Well, where was the money going to come from?---There was ongoing trading, yep.

See, in truth, there was never any agreement that you were going to pay money, or your father was going to pay money, to Mr Cossu because PMLV was always a company that you controlled, correct?---Incorrect. That's not correct.

20

You were the mastermind of the scheme to defraud the council, weren't you?---No.

And Mr Cossu was your stooge, wasn't he?---No.

THE COMMISSIONER: Can I just clarify one matter? Regarding that third-last box, or on the bottom line, the second from the left, "PMLV pays the workers' agreed hourly rate and retains the remainder as profit". You said that you didn't know that. I think you said that to Mr Moses a moment ago.---Oh, not at the time.

30

But I thought that, in your evidence, you said that that at the time you assumed that PMLV was making a profit because otherwise why would Mr Cossu bother doing it, more or less.---Yes. I assumed he was but I hadn't - -

-

So you assumed, it's just that you didn't know?---I didn't know.

40

Hard and fast, as a matter of fact?---Yeah. Yep.



MR MOSES: Commissioner, is it convenient to proceed to the next document?

THE COMMISSIONER: Yes.

MR MOSES: Thank you. What you now should have in front of you, if not in hard copy but on the screen coming up, is something entitled the GWAC scheme. If I can jump straight away to the second line, because the first five  
10 boxes are what we've been through with the recruitment scheme. You were aware, weren't you, that Mr Cossu had approached Mr Clarke to tender for contract work with Canterbury Bankstown City Council, correct?---No.

When did you become aware that he had approached Mr Clarke to do that?  
---I don't believe I ever became aware that he had approached him.

When did you become aware that Mr Clarke had incorporated GWAC for part of the purpose of getting work with the council?---Never aware.

20 What about GWAC sending drafts of quotes to Mr Cossu at his PMLV email address whilst Mr Cossu was engaged by council. Were you aware of that?---No.

When did you first become aware of that?---These proceedings.

If you then go to the third line, Mr Cossu providing Mr Clarke with information regarding the tender and at times sending amended drafts of quotes back from his private email address, back to Mr Clarke, whilst engaged by council? When did you become aware of that?---These  
30 proceedings.

Are you sure about that?---Yes, I believe so.

When you say you believe so, is that because you're uncertain?---No.

Is there any possibility that this was something that was known to you whilst you were employed by council?---No, I don't think so.

You don't think so.---No.  
40

Mr Clarke submits the final quotes from GWAC to Canterbury Bankstown City Council which he would often copy Mr Cossu at his council email address. Were you aware that was happening whilst you were at council?  
---No.

No, yes?---No.

You played a role in the awarding of tenders to GWAC?---No, not directly.

10 Well, Mr Cossu would recommend that GWAC be awarded the contract, correct?---Not always.

And you would sign off on these tenders from time to time?---Not always.

Well, sometime you would, wouldn't you?---Sometimes I was part of the process, yes.

Yeah, you were. And you knew that GWAC had a relationship with Mr Cossu whereby they were providing him with payments in return for contracts being awarded to Mr Clarke's GWAC, correct?---No.  
20

And that you were to get a cut of the action, correct?---No.

And what about the next box? When did you become aware that GWAC paid 1.247 million to Mr Cossu for that two-year period?---I'm not aware.

When did you first become aware?---I don't, I'm not aware of the number at all.

30 And I want to suggest to you that that money was shared with you by Mr Clarke, correct?---No.

Yes? No?---No.

Okay. Now, can I just ask you this question, the amount of money that was in the PMLV bank account when your father took control of the bank account, how much was in there.---I didn't see the exact bank account, where there was a transfer made to us.

40 How much?---148,000, something to that effect, yep.

THE COMMISSIONER: Keep your voice up.

MR MOSES: Now, PMLV, you told the Commissioner as to what was being paid to Mr Cossu for the company and you said to was because of the personnel there, correct?---Yes.

The truth is what you were getting were the payment streams from those workers being contracted out to third parties, correct?---No.

10 Well, that's the benefit that you're getting. You're not buying an individual. You were buying what you could earn off the back of their work through third parties, correct?---No.

That's what you were buying, correct?---No.

And what this document was was in effect a sham to cover up the true relationship that had been going on all along, that you were the one calling the shots in respect of PMLV's work with the council, correct?---No.

20 And that this was an attempt to in effect distract and confuse ICAC with the real thing that was going on here which was that you were in effect the central part of the scheme to defraud money from the council, correct?---No.

Okay. Thank you. Commissioner, I just want to just check my notes on one thing.

THE COMMISSIONER: Sure.

30 MR MOSES: Just for the sake of completion I want to show - I am going to tender those two documents but I just want to amend one box in each of them to refer to 500,000 in terms of the agreement, and there's a spelling error in one, so we'll, we can make those changes now and email to the Commission the version to be tendered.

THE COMMISSIONER: All right.

MR PARARAJASINGHAM: Can I just take an objection that, Commissioner.

40 THE COMMISSIONER: Yes.

MR PARARAJASINGHAM: These two documents are really nothing more than submissions that have been broken up into oblong blue boxes for some reason.

THE COMMISSIONER: They are. They're just submissions. It's true.

MR PARARAJASINGHAM: So they shouldn't be part of the evidence. They shouldn't be on the public website certainly. These are just assertions. This is their case theory, as it were. It is not evidence. The evidence is  
10 what we've heard and the answers given.

THE COMMISSIONER: Yeah, Mr Moses, I think that's probably right.

MR MOSES: I don't really care - - -

THE COMMISSIONER: I mean, it is a submission.

MR MOSES: I don't really care, Commissioner, what the Commission does with them. They were done for assistance - - -  
20

THE COMMISSIONER: Well, what we can do is - - -

MR MOSES: - - - to take the witness through them, so it's a matter for you, Commissioner.

THE COMMISSIONER: - - - we can mark them for identification.

MR MOSES: Sure.

30 THE COMMISSIONER: I don't know if we've got any MFIs. I can't remember.

MS HUXLEY: We're up to MFI 5.

MR MOSES: I think I introduced MFIs into this process so - - -

THE COMMISSIONER: Oh did you? Okay. We'll make them MFI 5 for the recruitment one and MFI 6 for the GWAC one, shall we?

40 MR MOSES: Of course, yeah.

**#MFI-005 – Recruitment of Workers Scheme**

**#MFI-006 – The GWAC Scheme**

THE COMMISSIONER: All right.

10 MR MOSES: Can I just show the witness this document, which is his contract of employment with the council, his letter of appointment. If, Commissioner, I just need to show this to the witness. Perhaps if the associate can do that rather than one of us doing it.

THE COMMISSIONER: Yes.

MR MOSES: Thank you. I don't think on our review this has been uploaded onto the portal so we just thought we should tender that given the fact that I asked him some questions.

20

THE COMMISSIONER: Right. This is the offer of employment.

MR MOSES: That's correct, yeah. That's your signature that appears there?---Yes.

Thank you. Yes, I also seek to have that tendered by Counsel Assisting or that can be marked, thank you.

THE COMMISSIONER: Yes. I'm not sure what exhibit we - - -

30

MS HUXLEY: I'm happy to tender that now. I understand Mr Baine will check this against whether it has already been tendered.

THE COMMISSIONER: All right, and if it's not been tendered then it can be tendered.

MR MOSES: We're pretty confident it hasn't been 'cause it wasn't sought by the Commission, I think.

40 THE COMMISSIONER: Oh all right.

MR MOSES: I just wanted to show the witness one other document which is the record of his training at the council.

THE COMMISSIONER: Is this the code of conduct training?

MR MOSES: Yes, and refresher training on it, just so that, the Commission often in these matters, as you know, Commissioner, likes to have this evidence before it as to training of staff.

10 THE COMMISSIONER: Good.

MR MOSES: Yes, if I could, through the associate have a copy of that shown to the witness. Just so that it's not said later that, oops, somebody forget their efforts at the front door because council didn't tell them repeatedly what their obligations were. Do you accept, sir, that during the course of your employment you received not only training on the code of conduct but also refresher training?---Do I accept? Yes.

20 Yes. Thank you. I also seek to have that tendered by Counsel Assisting, otherwise I'll seek to tender it.

THE COMMISSIONER: Are you happy to tender that, Ms Huxley?

MS HUXLEY: Yes, Commissioner, which I understand will be Exhibit 96. Yeah, 96.

**#EXH-096 – Benjamin Webb Training History**

30

MR MOSES: Just in terms of property, do you own any property, Mr Webb?---No.

You have no assets?---No.

What about a motor vehicle?---No.

No assets at all?---No.

40 And you're currently living in rented accommodation?---Yes.

Thank you. No further questions.

MS HUXLEY: Commissioner, I just have two topics that I should have questioned this witness about, and one of them related to the document that Mr Moses took this witness to. Out of fairness I think I should probably just do that now in the event that either of my friends have questions.

THE COMMISSIONER: Yes.

- 10 MS HUXLEY: Do you recall being shown that PMLV tender document?  
---Yes.

And I'll just take you back to that. It's at volume 3.1 at page 80. I think you said, is it you couldn't recall or you don't know who created this document?---I can't recall.

Did you make any amendments, or do you recall making any amendments to this document?---No, I can't recall.

- 20 I'll just take you to page 90. That sets out the company of PMLV's experience.---Yeah.

And then at page 91.---Yeah.

Just going back up to page 90, those two entries there, that's actually a reference to your experience on those projects, isn't it?---It is, yeah.

- 30 So this document represents PMLV's experience by referring to your experience on those projects.---Yeah, as I said, I don't recall what this document is or where it was submitted or what it was used for.

Okay. In the metadata of this document, shows that it was created in September 2022. I'll just take you to that, it's volume 39.13.

THE COMMISSIONER: Created, when was it?

MS HUXLEY: September 2022. I should say it shows that it was last saved on 10 September 2022 and it was last saved by you.---Okay.

- 40 Can you see that?---Yeah.

Can you give any explanation for that?---No.

You have no explanation for why that records you as the last author of this document?---May be a document I saved or something, no, I don't know.

And that's consistent with the position that you were always part of the PMLV company.---No.

I suggest that's not true.---I disagree.

10

And you gave some evidence about telling Mr Vangi that Mr Cossu, these were Mr Cossu's workers. Did you ever tell Mr Cossu that you had spoken to Mr Vangi about the arrangement for him to bring workers in?---Yes.

And what did you say to him?---Mr Vangi had no problem.

So you told Mr Cossu that Mr Vangi had no problem with him sourcing workers?---Yes.

20 Was that the extent of it?---Yep.

Okay. Commissioner, they're the questions that I thought I should ask.

THE COMMISSIONER: Thank you.

MS HUXLEY: I will have some questions arising from Mr Moses' questions, but perhaps I'll wait until the end.

THE COMMISSIONER: Yes. All right, Mr Sutton.

30

MR SUTTON: I thank Counsel Assisting for that. The last question was one I was going to ask. Mr Webb, you're aware my name is Sutton and I am acting for Mr Cossu.---Yes.

Just one issue or one matter I want to draw on your knowledge of. When you bought PMLV, I want to suggest to you that there was a discussion between you and Mr Cossu about tax debts and about workers liability. ---There was a discussion around liabilities generally, yes.



If I could ask if volume 33.6, page 1 can be brought up. You can see the mid spreadsheet on the page, numbers 1 and 2. 50,000 and 41,000. See those two transactions?---Yes.

I want to suggest to you that they, combined with the transaction at number 11 totalled \$140,000 that was paid across to what I will call your PMLV account by Mr Cossu. Do you accept that?---Yes.

10 And I suggest to you that was payment for approximately, and I don't have the numbers in front of me, 70,000 for workers compensation, I think it was 78,000 if memory serves me correctly, and the balance was to do with a tax debt that was incurred by PMLV when it was in Mr Cossu's hands.---So the tax debt was certainly declared. The worker's comp was found later to be outstanding, it wasn't given a time and - - -

Just so we're absolutely clear, I am suggesting to you that he declared both to you and/or your father and that \$140,000 was in relation to those two obligations.---Not just those two, but there was other liabilities as well, yes.

20 Okay, thank you. Thank you, Commissioner.

THE COMMISSIONER: All right. Yes, Mr - - -

MR PARARAJASINGHAM: Commissioner, can I just enquire through you of Counsel Assisting how long she intends to be in re-examination or whatever it is?

MS HUXLEY: It's really four questions and they're very short.

30 THE COMMISSIONER: Yes.

MR PARARAJASINGHAM: Sure. I don't propose to ask questions of Mr Webb, but I'd ask that these questions be asked now and Mr Webb not be required to come back tomorrow.

THE COMMISSIONER: You're not going to be asking - - -

MR PARARAJASINGHAM: No, I have no questions for Mr Webb.

40 THE COMMISSIONER: All right, yes.

MS HUXLEY: Okay. I'm content to wrap this up today if we can.

THE COMMISSIONER: Yes.

MS HUXLEY: In response to some questions that Mr Moses asked you, you referred to signing the assignment sheet that identified the worker as PMLV and that it was sent to procurement. That assignment sheet didn't identify Mr Cossu in relation to that candidate or his connection to PMLV. ---No, it didn't.

10

And they weren't sent to Mr Vangi, were they?---No.

They were just sent to procurement.---That was the process, yeah.

Commissioner, those were my questions. I should just raise an issue with whether there ought to be a non-publication order in respect of this witnesses' history of criminal convictions just based on the Criminal Records Act and whether they ought not to be published or published by the media.

20

THE COMMISSIONER: Yes.

MR PARARAJASINGHAM: Yes, we seek that.

THE COMMISSIONER: Yes, all right then. Well I think that's appropriate because if the ten year period applies, that would be the way to go. So I make a non-publication order in relation to references to the witnesses' criminal history.

30 MR MOSES: I don't have an objection, Commissioner. The only thing I note is that I don't actually know when that conviction was in terms of it's just what he said.

THE COMMISSIONER: Yes, yes.

MR MOSES: I wouldn't want your decision to be based on something the witness said.

40 THE COMMISSIONER: Well I think enquiries have actually been made, Mr Moses.

MR MOSES: Okay, thank you.

MS HUXLEY: There was a reason why I hadn't gone to it, but I just thought given what the Commission knows, that an order is appropriate.

THE COMMISSIONER: Yes, thank you.

MR MOSES: I accept that, thank you.

10 MS HUXLEY: I should also put on the record, I understand the offer of employment is part of Exhibit 61. It's already contained in Exhibit 61.

THE COMMISSIONER: All right.

MS HUXLEY: Exhibits will also be uploaded to the ICAC website in the coming days and there may be additional Exhibits tendered in chambers and uploaded to the ICAC website.

HER HONOUR: Yes.

20

MS HUXLEY: I just put the parties on notice of that prospect.

MR SUTTON: If that occurs, Commissioner, is it possible, given the very small number of people involved in this matter that an email could be fired off to give us notice, particularly with the difficulties I've got of continually having to change passwords to get in.

THE COMMISSIONER: Yes, yes. Can that be done - - -

30 MS HUXLEY: Yes.

THE COMMISSIONER: Yes thanks. The solicitors will do that, yes.

MS HUXLEY: And I understand today's un-proofed transcript will also go onto the restricted website and I also have a list of documents to tender. It's quite long, I apologise. Extracts of volume 30.1 will be Exhibit 97.

**#EXH-097 – Extracts of Volume 30.1**

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MS HUXLEY: Extracts of volume 30.2, Exhibit 98.

**#EXH-098 – Extracts of Volume 30.2**

MS HUXLEY: Extracts of volume 30.3, Exhibit 99.

10 **#EXH-099 – Extracts of Volume 30.3**

MS HUXLEY: Extracts of volume 30.6, Exhibit 100.

**#EXH-100 – Extracts of Volume 30.6**

20 MS HUXLEY: Extracts of volume 30.7, Exhibit 101.

**#EXH-101 – Extracts of Volume 30.7**

MS HUXLEY: Extracts of volume 30.8, Exhibit 102.

**#EXH-102 – Extracts of Volume 30.8**

30 MS HUXLEY: Extracts of volume 30.9, Exhibit 103.

**#EXH-103 – Extracts of Volume 30.9**

MS HUXLEY: Extracts of volume 30.10, Exhibit 104.

40 **#EXH-104 – Extracts of Volume 30.10**

MS HUXLEY: Extracts of volume 30.12, Exhibit 105.

**#EXH-105 – Extracts of Volume 30.12**

MS HUXLEY: Extracts of volume 30.14, Exhibit 106.

10

**#EXH-106 – Extracts of Volume 30.14**

MS HUXLEY: Extracts of volume 33.1, Exhibit 107.

**#EXH-107 – Volume 33.1**

20 MS HUXLEY: Extracts of volume 33.2, Exhibit 108.

**#EXH-108 – Volume 33.2**

MS HUXLEY: Volume 33.3, Exhibit 109.

**#EXH-109 – Volume 33.3**

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MS HUXLEY: Volume 33.4, Exhibit 110.

**#EXH-110 – Volume 33.4**

MS HUXLEY: Volume 33.7, Exhibit 11.

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**#EXH-111 – Volume 33.7**

MS HUXLEY: Volume 33.8, Exhibit 112.

**#EXH-112 – Volume 33.8**

10 MS HUXLEY: Volume 33.9, Exhibit 113.

**#EXH-113 - Volume 33.9**

MS HUXLEY: Volume 33.13, Exhibit 114.

**#EXH-114 – Volume 33.13**

20 MS HUXLEY: Volume 35.1, Exhibit 115.

**#EXH-115 – Volume 35.1**

MS HUXLEY: Volume 36.1, Exhibit 116.

30 **#EXH-116 – Volume 36.1**

MS HUXLEY: Volume 37.1, Exhibit 117.

**#EXH-117 – Volume 37.1**

40 MS HUXLEY: Volume 38.1, Exhibit 118.

**#EXH-118 – Volume 38.1**

MS HUXLEY: Volume 38.2, Exhibit 119.

**#EXH-119 – Volume 38.2**

10 MS HUXLEY: Volume 38.3, Exhibit 120.

**#EXH-120 – Volume 38.3**

MS HUXLEY: Volume 38.4, Exhibit 121.

**#EXH-121 – Volume 38.4**

20

MS HUXLEY: Volume 38.5, Exhibit 122.

**#EXH-122 – Volume 38.5**

MS HUXLEY: Volume 38.6, Exhibit 123.

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**#EXH-123 – Volume 38.6**

MS HUXLEY: Volume 38.7, Exhibit 124.

**#EXH-124 – Volume 38.7**

40 MS HUXLEY: Volume 38.8, Exhibit 125.

**#EXH-125 – Volume 38.8**

MS HUXLEY: Volume 38.9, Exhibit 126.

**#EXH-126 – Volume 38.9**

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MS HUXLEY: Volume 38.10, Exhibit 127.

**#EXH-127 – Volume 38.10**

MS HUXLEY: Volume 38.11, Exhibit 128.

20 **#EXH-128 – Volume 38.11**

MS HUXLEY: Volume 38.14, Exhibit 129.

**#EXH-129 – Volume 38.14**

MS HUXLEY: Volume 38.15, Exhibit 130.

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**#EXH-130 – Volume 38.15**

MS HUXLEY: Volume 38.16, Exhibit 131.

**#EXH-131 – Volume 38.16**

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MS HUXLEY: And volume 39.13, Exhibit 132.



**#EXH-132 – Volume 39.13**

THE COMMISSIONER: Thank you. Now Mr Webb is still sitting here. Are you seeking for him to be discharged from the summons?

MR PARARAJASINGHAM: I am, Commissioner.

10

THE COMMISSIONER: Yes. And Ms Huxley, there's no problem with Mr - - -

MS HUXLEY: Just subject to one thing.

THE COMMISSIONER: Yes.

MS HUXLEY: There may be a request or notices to produce issued in relation to other entities.

20

THE COMMISSIONER: Yes.

MS HUXLEY: I'm in the Commissioner's hands as to whether Mr Webb should be excused and then if he's required to attend for a further - - -

MR PARARAJASINGHAM: Well if I can get ahead on that Commissioner, these are to be issued by the entities. I don't see why Mr Webb should be subject to his summons. He should be released, those notices issued and dealt with in the normal way.

30

MS HUXLEY: It may be that further questions arise from the production of that material. It may be that he can be excused and then if further questions are necessary we can reissue a summons.

THE COMMISSIONER: Yeah. Well Ms Huxley, let me ask you this. It would be anticipated that these summonses would be issued in the next 24 hours presumably for production within the next what, seven days or something like that.

40 MS HUXLEY: Yes, Commissioner.

MR PARARAJASINGHAM: Well in those circumstances he really should be released from his summons and if there's a need to reissue a summons for him, then that can go, that can be done and go through the proper processes. To keep this man subject to a summons for up to seven days - - -

MS HUXLEY: Yeah, I agree.

THE COMMISSIONER: All right.

10 MS HUXLEY: I mean I am reluctant to urge that he be not excused.

THE COMMISSIONER: All right. You are discharged from your summons. If further questions arise, you may receive a new summons. ---Thank you.

**THE WITNESS EXCUSED**

**[4.09pm]**

20 THE COMMISSIONER: You can step down. All right. Now then the question of a timetable for submissions. So we will keep the timetable very tight. Ms Huxley has indicated to me that, hopefully I'm not putting words in her mouth, that her submissions on exposure as opposed to corruption prevention will be available in 14 days from tomorrow, so that will be the - - -

MS HUXLEY: 5 July.

30 THE COMMISSIONER: 5 July. And then Mr Baine may know this, or you may Ms Huxley, but I think there was an expectation that the corruption prevention submissions would be available seven days thereafter as the corruption prevention staff would need to review the exposure submissions to finalise their submissions. Is that right?

MS HUXLEY: I don't know, I don't think there's been further communication as to whether they can commit to that.

THE COMMISSIONER: Well I'm going to make that direction anyway.

40 MS HUXLEY: Okay.

THE COMMISSIONER: So that's for the corruption prevention submissions by 12 July. Now just before we move onto the submissions by the represented parties, in terms of the submissions, it's not helpful to me to canvas the facts unless they're necessary to canvas to make the relevant submissions. There are some critical facts which are very contentious I gather. For example, in relation to payments, the nature of the payments made to Mr Webb in respect of recruitment and/or procurement and that is tied in with the question of the voracity of this claim regarding payments for the software development project, Progetto. There's the contentious, or at least somewhat contentious issue of whether anything was said to Mr Vangi by way of disclosure of the recruitment arrangements, if so, what was said. Although I don't know, if anything was said I don't know if there was that much contention about what it was, but there might be some, and of course what might flow from that if anything.

Then what I think I would really benefit from is some sort of bringing together of the situation regarding the financial payments and what went where and what people say about why and so on. And the legal issues, there are a number of legal issues that may be contentious. What comes to mind particularly are what should be done about section 9 of what crimes might have been committed, what matters might justify termination of employment or whatever the expression is in section 9 and what other, I'm sure there are many other issues that need to be canvassed of a legal and perhaps of a factual nature, but they're the things that have been at the forefront of my mind at the moment.

Now what Ms Huxley, and bearing in mind too that we will have to have some requirements in relation to font, or any page length becomes meaningless, so if we're looking at, and I'm not sure what it is, at whatever the requirements are for the Court of Appeal, it will be a decent font size I'm sure.

MR MOSES: I've got experienced eyes, your Honour.

THE COMMISSIONER: Yes. So what about 40 pages, Ms Huxley? Plus any tables as well. Like there are those schedules in respect of recruitment, for example, and procurement as well but - - -

MS HUXLEY: Yeah. I think to err on the side of caution to make sure that we have enough space to address everything, if we could have 50 pages for our submissions.

THE COMMISSIONER: All right.

MS HUXLEY: But with the caveat - - -

THE COMMISSIONER: Try to make it shorter.

MS HUXLEY: - - - to the extent possible, I will be endeavouring to make them as short as possible. I'm just concerned that there may be some factual  
10 matters that, as a matter of procedural fairness, need to be set out in a bit more detail and can't necessarily be done in a cursory way, so I would be grateful if we could have 50 pages.

THE COMMISSIONER: Yes, 50, okay.

MS HUXLEY: 12 point, one and a half spaced for ease of reading is my normal practice.

THE COMMISSIONER: I'm not sure what the Court of Appeal  
20 requirements are but that sounds, it sounds like that would probably fit the bill.

MS HUXLEY: Okay. That's what I can commit to.

THE COMMISSIONER: Okay. All right then. So then with the page length for the corruption prevention submissions, I mean the number of pages I mean for the corruption prevention submissions, what - - -

MS HUXLEY: It might be that, to the extent that any directions made on  
30 the page limit that an in chambers direction might be required. I'm not sure of - - -

THE COMMISSIONER: No I think, I can always vary it if need requires it.

MS HUXLEY: Yeah.

THE COMMISSIONER: How about 30? What do you think would be reasonable? I'll say 30.

40 MS HUXLEY: Thank you, Commissioner.

THE COMMISSIONER: All right. So then from those two dates of the 5th in respect of exposure submissions and the 12th in respect of corruption prevention submissions, I'm assuming that probably counsel is the only one that would be wanting to make submissions about corruption prevention presumably. I mean others are perfectly welcome to, but no.

MR MOSES: Lessons learned or lessons not repeated.

10 THE COMMISSIONER: What about two weeks for the exposure and a further one week for the prevention? We're on a tight timetable because there are lots of other things happening in the Commission too, you see.

MR SUTTON: I understand that, your Honour. I do understand that. I go straight from here to two weeks plus at Newcastle for a trial before Judge Blackmore.

THE COMMISSIONER: Well that's going to work well for you then, Mr Sutton, because you're not going to get these submissions for two weeks.

20 MR MOSES: Commissioner, can I be excused?

THE COMMISSIONER: Yeah, sure.

MR SUTTON: No, but I then come back to a four week the Local Court and then a week's leave.

30 THE COMMISSIONER: Look, I'm very sorry, Mr Sutton, but there's a lot of, I mean it's not just a case of there's a lot of things that have to be done here at the Commission, but it's the case that the public expects these reports to hurry up and - - -

MR SUTTON: That's understood and I understand the timing issues, but as has been evident to the Commission with me flitting in and out, the three weeks have been hard for me to be here consistently. I've done the best I can, I'm just making you aware of my practical difficulties and I'd ask for two weeks more than you're already talking.

40 THE COMMISSIONER: No, I'm sorry Mr Sutton. You've been present throughout. The evidence is extensive but fairly, I mean the pattern of it is fairly clear and so, and I mean I think if I, and I genuinely don't recall what all the standard directions say, not having had to - - -

MR SUTTON: Well I can only make the request and I hear you, your Honour.

THE COMMISSIONER: But where I am getting to is in terms of adverse findings, I think that the draft report, you get an opportunity to respond to these adverse findings, is that right? No, not really. Oh, okay. Anyway you will get a chance to see counsel's submissions. So no, look I'm sorry, Mr Sutton, you might have to engage some assistance because we need to  
10 get these reports moving.

MR SUTTON: Thank you, Commissioner.

THE COMMISSIONER: Anybody else want to add anything about the timing of submissions? No, all right. Well so then it will be, so for the exposure submissions, it will be two weeks from the 5th, and so that will be the 19th, and for the prevention submissions it will be two weeks from the 12th, so that will be the 26th. Now what about lengths? I wouldn't have  
20 thought that the submissions in response to Counsel Assisting need to be as long as those of Counsel Assisting. I'm thinking 30 pages?

MR RAUF: We'd be content with that I think, Commissioner, thank you.

THE COMMISSIONER: 30 pages for the exposure and - - -

MR RAUF: If we could also have the indulgence of plus any tables or - - -

THE COMMISSIONER: Yes, plus tables. Tables are always helpful. That's a good way to get, you know - - -  
30

MR RAUF: Thank you.

THE COMMISSIONER: But don't overload me, please.

MR RAUF: No, of course. I understand, thank you.

THE COMMISSIONER: Okay. So has anybody, Mr Sutton or Mr Pararajasingham, do you want to say anything about the 30 pages or anything else for that matter?  
40

MR PARARAJASINGHAM: No, I think that should be fine, Commissioner, if there's a need to extend, a pressing need, we might approach the Commissioner, but I'm happy to start with 30.

THE COMMISSIONER: Yes, that's good and then the corruption prevention response, what, 20 pages?

MR PARARAJASINGHAM: Yeah, I think we're content with that, Commissioner, thank you.

10

THE COMMISSIONER: Yes. Don't feel a need to occupy an entire 20 pages, but yes good.

MR PARARAJASINGHAM: No, I understand.

THE COMMISSIONER: So is there anything further then? No.

MS HUXLEY: No, Commissioner.

20 THE COMMISSIONER: Well thank you to Counsel Assisting and the other counsel for their assistance and particularly for some very good focussed questions and it's really assisted me, so thanks everybody. I'll adjourn.

**AT 4.20PM THE MATTER WAS ADJOURNED ACCORDINGLY**

**[4.20pm]**

30