



PUBLIC INQUIRY INTO LIVERPOOL CITY COUNCIL

**COMMISSIONED UNDER S 438U OF THE LOCAL
GOVERNMENT ACT 1993 (NSW)**

**PUBLIC HEARING
SYDNEY**

**MONDAY, 28 JULY 2025
AT 2.03 PM**

DAY 10

APPEARANCES

**MS T MCDONALD SC, SENIOR COUNSEL ASSISTING
MS B ANNIWELL, COUNSEL ASSISTING
MR E MCGINNESS, COUNSEL ASSISTING
MR D PARISH AND MR N ANDREWS, COUNSEL FOR LIVERPOOL CITY
COUNCIL
MS K RICHARDSON SC AND MS C PALMER, COUNSEL FOR MAYOR N
MANNOUN
MS C HAMILTON-JEWELL, COUNSEL FOR MR P RISTEVSKI**

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<THE HEARING RESUMED AT 2.03 PM

COMMISSIONER: Yes.

5 **MS McDONALD:** Commissioner, before my learned friend commences her questioning of Dr Jackson, could I correct a document that I tendered on Friday and correct the document number?

COMMISSIONER: Yes.

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MS McDONALD: It was exhibit 44.

COMMISSIONER: Yes.

15 **MS McDONALD:** It should be document LCC.002.001.5969.

COMMISSIONER: All right. And that can be corrected in the transcript at the appropriate point. We might just have Dr Jackson re-affirmed, since we've had the weekend break.

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<THOMAS EDWIN (EDDIE) JACKSON, RE-AFFIRMED

COMMISSIONER: Yes, Ms Richardson.

25 **MS RICHARDSON:** Thank you. Mr Jackson, my name is Ms Richardson. I appear on behalf of Mayor Mannoun. I'm going to ask you some questions about aspects of your evidence. You gave evidence on Friday about Civic Place Project. Do you recall that?

30 **DR JACKSON:** I do.

MS RICHARDSON: I just want to ask you a couple of questions about that. So you started at the Liverpool Council in late 2014 in a different role; is that correct?

35 **DR JACKSON:** That's correct.

MS RICHARDSON: That was manager Community Development and Planning at that point?

40 **DR JACKSON:** Sorry?

MS RICHARDSON: Was it as manager of Community Development and Planning.

DR JACKSON: Correct.

45

MS RICHARDSON: The title you had when you commenced in 2014. Is that correct?

DR JACKSON: That's correct.

5 **MS RICHARDSON:** And did that include, as part of that role, managerial input in relation to a project like Civic Place in the sense of a developmental project?

DR JACKSON: Not at that point in time.

10 **MS RICHARDSON:** But when that project was later being canvassed in council, that was something that you had input into as a manager; is that correct?

DR JACKSON: Well, it depends on the time frame, because in 2016 I took on the role of acting director of Community and Culture.

15 **MS RICHARDSON:** When was that?

DR JACKSON: It was - I think that was late February 2016.

20 **MS RICHARDSON:** So you were acting director from February 2016 onwards; correct?

DR JACKSON: That's correct.

25 **MS RICHARDSON:** And that was about the time that council already had in contemplation whether it would undertake a project like Civic Place, noting that it was in narrower scope at that point. Is that correct?

DR JACKSON: That's correct. Yes.

30 **MS RICHARDSON:** So you had managerial input in relation to that project at that point; is that correct?

35 **DR JACKSON:** No, I had no managerial - no direct input into the project. That was handled through the relevant director of Property Services.

MS RICHARDSON: And who was that person?

DR JACKSON: That was John Morgan.

40 **MS RICHARDSON:** Joe Morgan?

DR JACKSON: John Morgan.

45 **MS RICHARDSON:** John Morgan. So you're aware, aren't you, given your role with council since 2014, that in 2016 council authorised Civic Place Project in the iteration that my learned friend described as the initial scope, and that was a project costing approximately \$75 million. Do you recall that?

DR JACKSON: Something in that region, yes.

5 **MS RICHARDSON:** And that was when Kiersten Fishburn was the CEO of Liverpool Council?

DR JACKSON: Sorry?

10 **MS RICHARDSON:** That was when Kiersten Fishburn was CEO of the council?

DR JACKSON: Again, 2016 was a pretty busy year for Liverpool City Council. Michael Cullen took over as acting CEO with the departure of Carl Wulff. That would have been in the period May or June 2016.

15 **MS RICHARDSON:** But on and from, say, October 2016, that was when Kiersten Fishburn was CEO; is that correct?

DR JACKSON: That's correct.

20 **MS RICHARDSON:** Thank you. And are you aware that at a later point, after the initial resolution authorising the \$75 million project - I will call that the initial scope, using the language that Ms McDonald used on Friday - that the council signed a resolution to expand the scope of the Civic Place Project? Do you recall that?

25 **DR JACKSON:** That's correct.

MS RICHARDSON: Yes?

30 **DR JACKSON:** That's correct. Yes.

MS RICHARDSON: And that was - I can tell you there was a resolution in late October 2018 to that effect. Does that sound correct to you?

35 **DR JACKSON:** That's correct.

MS RICHARDSON: Thank you. And would you agree with me that the scope of the change that council resolved to approve in late October 2018 was a significant change in scope of that project?

40 **DR JACKSON:** It was, yes.

MS RICHARDSON: It was a significant change in terms of the amount of money it would cost council; correct?

45 **DR JACKSON:** That's correct.

MS RICHARDSON: And the amount of money that might have to be borrowed to fund that cost?

DR JACKSON: That's correct.

5

MS RICHARDSON: And in terms of physically what the project would involve; correct?

DR JACKSON: Sorry?

10

MS RICHARDSON: What the project would physically involve, in terms of building, that was a significant change in the scope of the project?

DR JACKSON: Well, the project scope expanded to take in - as far as I could recall, though I wasn't directly involved in any of those early negotiations - and the project scope changed significantly in terms of the size of the council facilities, including the library. I think it went from 3000 square metres to 5000 square metres. The office space, similarly, was expanded.

MS RICHARDSON: So just stopping you there, there was a significant change in the commercial leasing aspect of the project, in terms of leasing out floor space to outsiders; is that correct?

DR JACKSON: I had no influence or role in the commercial side of it.

25

MS RICHARDSON: I'm not asking you whether you had any influence, I'm just asking you to assist the Commissioner with the change in scope of project. Do you agree that when the project - change in scope in late 2018, another significant change was the amount of commercial leasing space that was incorporated in the project?

30

DR JACKSON: That's correct, yes. That's correct.

MS RICHARDSON: Thank you. Do you agree with me that at the point the then council decided to significantly change the scope of Civic Place, that there was no agreement binding the University of Wollongong to take up space in the new Civic Place Project?

35

DR JACKSON: That's correct.

MS RICHARDSON: And you're aware, aren't you, that there were later reports criticising the council in relation to what happened at Civic Place, and one of them was the amount of commercial space that had to be leased where there was no tenant bound to take up that place? Are you aware of those criticism that were made?

DR JACKSON: I'm aware that around about that period the University of Wollongong had indicated informally that they were very keen to take up some of the commercial space.

45

MS RICHARDSON: Sorry, we're limited for time, Dr Jackson. Just if you could listen to my question. I'm not asking you - well, firstly, in relation to University of Wollongong, to your understanding, they did not sign a document binding themselves to take up leasing space in Civic Place; is that correct?
5

DR JACKSON: That's correct.

MS McDONALD: I'm sorry, maybe if the time could be indicated. At what time.
10

COMMISSIONER: I think that's -

MS RICHARDSON: Certainly. At the point at which the council in late 2018 was deciding to expand significantly the scope of Civic Place, do you agree with me at that point that the council did not have any binding obligation from any tenant to take up space in the new building? Is that correct?
15

DR JACKSON: That's my understanding, yes.

MS RICHARDSON: Thank you. And are you - the question that I asked you before was you're aware that there was - are you aware of a report by Centium which was an external independent review in relation to the decision-making to expand the Civic Place Project? Are you aware of the Centium report?
20

DR JACKSON: I'm not.
25

MS RICHARDSON: Not aware of that?

DR JACKSON: Not that I recall.
30

MS RICHARDSON: You received communications from the New South Wales Auditor-General in relation to the Civic Place Project. Do you recall receiving those types of communications criticising what had happened in relation to the Civic Place Project? Do you recall receiving communications to that effect?
35

DR JACKSON: No, I don't.

MS RICHARDSON: You don't recall that?

DR JACKSON: I think at that point I was - 2018, I believe I was still in the - what - City Deal delivery office.
40

MS RICHARDSON: I'm talking about a report that was issued later in time, in September 2022, criticising what had happened in relation to the Civic Place expansion project, and a key criticism was that -
45

DR JACKSON: In September 2022?

MS RICHARDSON: Yes.

5 **DR JACKSON:** I had left the organisation in February.

MS RICHARDSON: Thank you.

DR JACKSON: Which explains my lack of recollection.

10 **MS RICHARDSON:** Thank you. Would you agree that it was a shortcoming of the council at that point that to significantly expand the scope of Civic Place, in terms of cost and loans that would be needed without having any tenant bound to take up any commercial space, was a financial risk that the then council took?

15 **DR JACKSON:** I can't really comment on that because I wasn't involved in those considerations.

MS RICHARDSON: I'm asking you to comment - you gave -

20 **DR JACKSON:** As an individual?

MS RICHARDSON: I'll just start again. You gave evidence on Friday that, in effect, you had discussed with Mr Mannoun that you had inherited the Civic Place Project as a problem. Do you recall that, that that was a distinct thing that you had to
25 deal with?

DR JACKSON: When I was appointed as chief executive, initially in the acting role in June and then formally in the substantive role in November - and we were in the throes of COVID and there were many other pressing areas that needed to be
30 addressed as a priority.

MS RICHARDSON: I'll just -

DR JACKSON: I didn't get time to actively become directly involved in the project
35 until - I think it was December 2020.

MS RICHARDSON: Well, Mr Jackson, you gave extensive evidence on Friday about the amount of time that you had to spend trying to source external funding from commercial lenders.
40

DR JACKSON: That's correct.

MS RICHARDSON: That you spent a lot of time doing that; correct?

45 **DR JACKSON:** That was from the period December 2020.

MS RICHARDSON: And that was a direct result of the fact that the council had decided to significantly expand the scope of the Civic Place Project that you had to then go and seek external funding when the TCorp funding fell through; is that correct?

5

DR JACKSON: I think I would disagree with the causation there. It wasn't because of the expansion of the project. The expansion of the project was - in retrospect, has been really well thought out. It addressed growing community demand for community hub, civic plaza, library, childcare, all of which had been advanced through council, through various resolutions, including some from the Liberal Party in regard to child care. The issue was around the sourcing of money to fund that and the securing of loans. That's what caused me the biggest challenge within -

10

MS RICHARDSON: Do you agree with -

15

DR JACKSON: - a very constricted time frame.

MS RICHARDSON: So you were faced with a significant challenge because the Treasury Corporation refused to lend the amount of money that council needed for the expanded scope of project; is that correct?

20

DR JACKSON: That's not correct. You know, it wouldn't have mattered if it was 75 million or 200 million. I would still have been faced with it at that time - had money not been secured, I would have been faced with having to secure that funding from external sources.

25

MS RICHARDSON: But do you agree with me that one of the issues you faced was having to secure the funding for a project that the council was already committed to? Correct?

30

DR JACKSON: No, I -

MS RICHARDSON: You don't accept that. And do you accept that the challenge that you faced because of the expanded scope of project that council had committed to was significantly more grave because you had to raise double the amount of money because of the expanded scope of the project? Do you accept that?

35

DR JACKSON: No.

MS RICHARDSON: You don't accept that?

40

DR JACKSON: I disagree.

MS RICHARDSON: You don't accept that it's much harder -

45

MS McDONALD: Well, he was about to explain why he didn't agree with that. I -

MS RICHARDSON: I apologise.

MS McDONALD: (Indistinct) his answer.

5 **COMMISSIONER:** Yes. Did you wish to add something to the answer? Did you wish to add anything to your last answer?

DR JACKSON: Sorry, Commissioner?

10 **COMMISSIONER:** I'm sorry. Did you wish to add anything further to your last answer?

DR JACKSON: The fundamental point I would like to make, Commissioner, is the figure, whether it was 75 or 200 million - and the same process had to be followed to
15 secure external and commercial funding. That - the securing of that funding came down to the merit of the rationale and the assumptions underpinning the project. Those assumptions have proven to be sound and, as far as I am aware, the project has been and continues to be very successful, even though it had to address the challenges through COVID, in terms of the construction period.

20 **COMMISSIONER:** But was that challenge that you just described, in your mind or experience, more difficult because of the sums of money that had to be sourced by way of financing at that point in time?

25 **DR JACKSON:** No, that wasn't it.

COMMISSIONER: Why is that?

DR JACKSON: Well, the council's finances had been independently tested by
30 numerous sources, including New South Wales Audit Office, TCorp, Grant Thornton, Westpac, NAB. There's five reputable organisations who have gone through the books and gave us the permission to go ahead.

COMMISSIONER: At what time was that?

35 **DR JACKSON:** That would have been in the period leading into - TCorp would have been involved all the way through, in terms of that negotiation, probably from 2018. Grant Thornton was brought in in January '21, and then Westpac, NAB and two of the other Big Four banks went through a similar process in terms of their due
40 diligence and trying to provide that funding for the project.

MS RICHARDSON: What I want to suggest to you, Dr Jackson, is it's a matter of common sense that if a business is seeking to raise \$175 million, in your evidence, in a constrained time frame as opposed to a figure below \$75 million, that that is
45 a greater challenge to seek to secure funding of that much greater level. Do you accept that that's a matter of financial concern?

DR JACKSON: No, I don't.

MS RICHARDSON: You don't accept that?

5 **DR JACKSON:** No. Not at all.

10 **MS RICHARDSON:** And do you accept that the borrowing costs of funding up to borrowing of \$175 million from an external bank will put an organisation under far greater financial pressure than funding for a loan of under 75 million? Do you accept that?

15 **DR JACKSON:** Well, that would depend on the long-term financial plan and the assumptions that underpinned that, because the ability - as with any debt that is taken out, it comes down to debt servicing and decisions that you make in the short-term as well as the long-term.

MS RICHARDSON: Do you agree with me -

20 **DR JACKSON:** The decision of council to take on an amount of that scale had been thought through. It had been approved by council. It had been given confidence - council had been given confidence in their decisions by the independence of those who had scrutinised the finances, and that was regarded as a long-term commitment. It would produce an asset that would be valuable to council over time.

25 **MS RICHARDSON:** But are you aware that at the time you were seeking to secure external funding for the council of up to \$175 million, that the council did not have legal commitments from external tenants to rent the space? Are you aware of that.

30 **DR JACKSON:** That was - that was due to COVID primarily.

MS RICHARDSON: Mr -

35 **DR JACKSON:** The University -

MS RICHARDSON: I just - Dr Jackson, we're on limited time. Just listen to my question. Do you agree with me, at the point at which you were seeking external funding from banks, that the council did not have legally binding commitments from commercial tenants -

40 **DR JACKSON:** That's correct.

MS RICHARDSON: - to take up all the space? The answer to my question is yes?

45 **DR JACKSON:** That's correct.

MS RICHARDSON: Thank you. And do you agree with me that it is a challenge to seek external financing from a bank, such as the NAB or Westpac, to fund \$175 million loan when you don't have legally binding commitments to lease the commercial space? Do you agree with that?

5

DR JACKSON: No, I don't.

MS RICHARDSON: You don't agree with that?

10 **DR JACKSON:** No, I don't. And if you want me to explain -

MS RICHARDSON: No, I'll ask -

DR JACKSON: - why I don't agree with it, I'm happy to do that.

15

MS RICHARDSON: No, I'll ask you a different question. Now, Dr Jackson, this report was issued after you left, so I'm aware that you're unlikely to have knowledge of what it says, but I'm just going to put some propositions to you because it relates to a period where you were involved. Perhaps to assist Dr Jackson, the final Centium report can be put on the screen. Sorry, is that able to be -

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COMMISSIONER: Do we've a document ID?

MS RICHARDSON: Sorry. I have a version of that without a document ID.

25

COMMISSIONER: I see.

MS RICHARDSON: I think it's OLG.001.001.1359.

30 **COMMISSIONER:** Thank you.

MS RICHARDSON: That looks fine from my point. So if we could go, please, to page 83. And the - this is an overview of resolutions. So 17.6.1, there's a resolution of 29 June 2016 that. Then section 17.6.2 we have the resolution on 29 October 2018. And see down the bottom we've got this - I can tell you based on the documents this is the resolution by which the - there is the significant expansion of the Civic Place Project that you were discussing - that those numbers add up to \$195 million when including the Development Rights Fee. See that down the bottom of page 83?

35

40

DR JACKSON: I do.

MS RICHARDSON: And then we see, at the top of page 84, we've got a resolution of 16 December 2020? See that?

45

DR JACKSON: I do.

MS RICHARDSON: And so do you agree with me that at this point you had been acting CEO since - for about six months, since June of that year, and you were appointed as CEO in about November of that year?

5 **DR JACKSON:** That's correct.

MS RICHARDSON: You were CEO at the point at which this resolution was passed on 16 December; correct?

10 **DR JACKSON:** I was.

MS RICHARDSON: And we see under the first bullet point, the resolution was that the Treasury Corp loan application was currently under consideration and awaiting approval. Do you see that?

15

DR JACKSON: I do.

MS RICHARDSON: So is it - and we see in the third bullet point:

20 "Inviting expressions of interest from external or commercial financial institutions to lend approximately 40 per cent."

See that.

25 **DR JACKSON:** I do.

MS RICHARDSON: So isn't it the case at this point that the expectation was that TCorp would lend 60 per cent of the funds and external banks would lend 40 per cent?

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DR JACKSON: I see that, yes.

MS RICHARDSON: That was your understanding of the project as it was contemplated at that point?

35

DR JACKSON: Not at that point, no.

MS RICHARDSON: Well, just look at the resolution, Dr Jackson.

40 **MS RICHARDSON:** That's an interpretation of the resolution. It's not the resolution. Or is it the - is it the resolution for a (indistinct)?

MS RICHARDSON: Okay. Let's look at the document. Do you accept from me that an aspect of the resolution on that date was that what was in contemplation was that
45 40 per cent of the project costs would be funded through commercial institutions, being institutions other than TCorp? Do you agree with that?

DR JACKSON: I don't recall that issue being part of the resolution.

5 **MS RICHARDSON:** Do you agree at this point that it was contemplated that TCorp would provide a proportion of the loans but they would not - it was not contemplated that they would provide the full amount at that point? Correct?

DR JACKSON: Sorry?

10 **MS RICHARDSON:** Just look at the report here. Do you agree with me at this point it was contemplated by the council that Treasury Corp would provide part of the funding for the project?

15 **DR JACKSON:** My understanding throughout the process was that Treasury - or the Treasury Corporation were expected to fund most, if not all, of the project.

MS RICHARDSON: Were you aware of the terms of the resolution on 16 December 2020 contemplating that there would be expressions of interest sought from financial institutions to fund 40 per cent of the project?

20 **DR JACKSON:** That's not my - I do not recall an issue like that being part of the resolution.

25 **MS RICHARDSON:** Do you accept if the resolution said that, that you would have read it at the time as part of your -

DR JACKSON: I would have, yes. Of course.

MS RICHARDSON: You would have read that as part of your role as CEO?

30 **DR JACKSON:** I would have.

MS RICHARDSON: And -

35 **DR JACKSON:** But this is in a report that I haven't seen before, so I'm -

MS RICHARDSON: Sure. But this report is describing what happened in minutes at the time you were CEO; correct?

40 **DR JACKSON:** That's correct.

MS RICHARDSON: And so it was your understanding - at the time, were you working under the understanding that TCorp would provide most of the funding for this \$195 million project? Is that your evidence?

45 **DR JACKSON:** Yes. My understanding was that TCorp would be the -

MS RICHARDSON: So do you -

DR JACKSON: - funder of forced - first resort.

5 **MS RICHARDSON:** Given that understanding that you had, given that TCorp refused to provide any funding to the council on 23 December 2020, that you were facing a significant challenge to find funding for the council for a significant project it was committed to? Do you agree that you were then facing that financial challenge?

10 **DR JACKSON:** I'm struggling to answer your question because of the timing of the resolution. I believe that would have been in - at the period when we were making presentations to TCorp, and it was a week before I received a phone call from the head of Lending in TCorp to confirm that they would be a funder of last resort.

15 **COMMISSIONER:** I think what's being suggested to you is once you found out that TCorp would only operate as a funder of last resort, that left you, I think a couple of days before Christmas if my recollection is correct -

20 **DR JACKSON:** That's correct.

COMMISSIONER: - with a need to go to market to source that funding.

DR JACKSON: That's correct.

25 **COMMISSIONER:** Is that right?

DR JACKSON: That's correct, Commissioner. And part of the rationale that supported that view from a TCorp perspective, however inconvenient it was for Liverpool City Council, was that at that time interest rates were exceptionally low.

30 **COMMISSIONER:** Sure.

DR JACKSON: And that commercial - there were very attractive loans available through the commercial sector, and that's what we eventually secured.

35 **COMMISSIONER:** But it nevertheless left you with the need to take a different course from the one that had been anticipated up until that point.

40 **DR JACKSON:** That's correct.

MS RICHARDSON: But, Dr Jackson, you gave evidence on Friday that - this is at transcript 704 - that - you've given evidence today that your expectation that TCorp would fully fund the expanded Civic Place Project, and then you were told just before the Christmas break in December 2020, at the last minute, about quarter past 5
45 on 23 December, that the answer would be no. Correct?

DR JACKSON: That's correct.

MS RICHARDSON: And isn't it the case that you thereafter faced a significant financial challenge on behalf of the council because you had about three or so months to attract commercial funding?

5

DR JACKSON: That's correct.

MS RICHARDSON: And that was a significant financial challenge that the council faced because TCorp had refused the funding. Correct?

10

DR JACKSON: Well, "refused" is probably too strong a term. They had redefined their role. We had -

MS RICHARDSON: Dr Jackson, you had made multiple - you had multiple presentations with them in the period up to Christmas 2020 seeking the funding; correct?

15

DR JACKSON: That's correct. Three, to be exact.

MS RICHARDSON: And at quarter past 5 on 23 December they finally said no; correct?

20

DR JACKSON: That's -

MS RICHARDSON: They would not be providing any funding whatsoever. Is that correct?

25

DR JACKSON: They said that once - they indicated that they would be prepared to support council once construction was completed, should additional funding be required at that time.

30

MS RICHARDSON: But they certainly said no, that they would not be providing funding up-front in relation to this project.

DR JACKSON: That's correct.

35

MS RICHARDSON: And that left you with a significant financial - that challenge you were facing on behalf of council in the holiday season to attract commercial funding in a short period of time; correct?

40

DR JACKSON: Correct.

MS RICHARDSON: Now, Dr Jackson, that took about 20 or 30 questions, I'm going to suggest in submissions to the Commissioner, for you to accept what is a matter of financial common sense that when TCorp said it would not be funding the project, that you were facing a financial challenge of having to source external funding, that that was a financial challenge.

45

MS McDONALD: Well, your Honour, I object. There's a submission in there.

COMMISSIONER: There is.

5

MS McDONALD: If the transcript supported that submission can be made, that - the matter that my learned friend has put to Dr Jackson he has accepted.

10 **MS RICHARDSON:** May it please. I withdraw that question. And so you've accepted now that you did face a financial challenge because you had to go out and attract commercial funding in that constrained period of time. Correct?

15 **DR JACKSON:** That's correct. But it was not because of the expanded scope of the project, which is what you've tried to prosecute in the first 15 minutes of that half hour, with all due respect.

20 **MS RICHARDSON:** Now, could page 85 of the Centium report please be turned up. Sorry. Actually, before that, page 84. So I've - just going up to the top of the page with the resolution of 16 December, do you see under the four bullet points there's a sentence starting:

"This motion before council was based on a staff briefing paper that included advice."

25 The first bullet point. The second bullet point:

"TCorp advice equated to approximately 60 per cent of the project cost and that council would have to source the remaining 40 per cent from financial institutions."

30 See that?

DR JACKSON: I see that the report says that. That's not - as I say, I don't recall that from the act or resolution at the time.

35 **MS RICHARDSON:** Do you agree, given that you were - had been acting CEO since June of that year and were now formally CEO - that if there was a staff-briefing type paper that said that council would have to source the remaining 40 per cent of the project from financial institutions, that that is a document that you would have seen at the time in your role?

40

DR JACKSON: I would have, yes.

45 **MS RICHARDSON:** Do you agree that perhaps your evidence could be mistaken? Your recollection was that at this point it was contemplated that TCorp would fund 100 per cent of the project, where you could be mistaken -

DR JACKSON: No, I don't.

MS RICHARDSON: Don't agree with that?

DR JACKSON: No.

5

MS RICHARDSON: Well, do you agree that if a staff briefing paper was to the effect as set out in this report, then it - you would be mistaken if that's what the staff briefing paper said?

10 **DR JACKSON:** Sorry, I'm having real difficulty hearing you.

MS RICHARDSON: Sure. Do you agree with me that if there was a staff briefing paper that advised that council - sorry. You've agreed with me that a staff briefing paper about the sourcing of funding that was created prior to 16 December
15 2020 - that that is a staff briefing paper that you would have reviewed in your role as CEO? You agree with that?

DR JACKSON: I would have, yes.

20 **MS RICHARDSON:** And that if the briefing paper recorded that council would have to source the remaining 40 per cent of the project costs from financial institutions, that you must be mistaken about your recollection, at this point, the expectation was that TCorp would fund 100 per cent? Do you agree with that?

25 **DR JACKSON:** You're asking me to make a - like, to take a definitive position on a report that I've never seen.

COMMISSIONER: I think, Dr Jackson, what you're being asked is if there is
30 a document that refers to the 60/40 split, your recollection here today, four and a half years later, would probably be mistaken?

DR JACKSON: That's correct.

COMMISSIONER: Is that fair enough?

35

DR JACKSON: Correct.

MS RICHARDSON: Thank you. Could we go down to the bottom - second half of
40 page 84, 17.7 Secured Finance. So this is looking back with the benefit of hindsight, describing the history. And so we have there in the table when moneys were secured from Westpac and the NAB in tranches, we see the first tranche is in 2021 and then further tranches in '22 and '23, adding to 178.5 million. Do you see that?

DR JACKSON: I see that, yes.

45

MS RICHARDSON: And do you see at the bottom of page 84 it says:

"Dr Jackson was purportedly delegated to approve this financial arrangement by council by resolution on 16 December 2021, as detailed above."

5 You read that, and then - sorry, if we could just traverse the bottom of page 84 and the top of 85 - so, Dr Jackson, you can read it in context. And do you see up the top of page 85:

10 "There was no other evidence that the financing of the project was brought back to council from December 2022 until the time these arrangements were secured.

DR JACKSON: It wouldn't have been possible for me to -

15 **MS RICHARDSON:** Just wait for my question. Do you see - what I just want you to check - have you had enough time to read those two sentences in the report?

DR JACKSON: Sorry, what's your question?

20 **MS RICHARDSON:** Have you had enough time to read the sentences at the top of page 85, which says:

"There was no other evidence that the financing of the project was brought back to council from December 2020 until the time these arrangements were secured."

25 See that?

DR JACKSON: I do.

30 **MS RICHARDSON:** So do you agree with me that the financial arrangements with Westpac and the NAB that are detailed in the table at page 84 - if we could scroll up, please - was not brought back to council until after those arrangements are secured? Do you agree with that proposition?

DR JACKSON: No, I would not.

35 **MS RICHARDSON:** You don't agree with that?

DR JACKSON: It would have been impossible for me, if I can explain.

40 **MS RICHARDSON:** Well, I'm just -

DR JACKSON: There was -

MS RICHARDSON: I'm not asking, Dr Jackson -

45 **COMMISSIONER:** I would like to hear it.

MS RICHARDSON: No, I'm not asking why. I'm asking -

COMMISSIONER: I'm sorry, Ms Richardson. I would like to hear the explanation.

5 **MS RICHARDSON:** Could I just have an answer to my question first? And then I'll ask for the explanation. Do you agree with me that those matters were not brought back to council until after the financial arrangements were secured? Do you agree with that proposition?

10 **DR JACKSON:** No, I do not.

MS RICHARDSON: You don't agree with that.

COMMISSIONER: What was the explanation?

15 **DR JACKSON:** Well, Commissioner, the - that financial arrangement could not have been taken to council because on 16 December 2020 TCorp were still considered to be the main funder of the project, and it wasn't until a week later that I was told that TCorp wouldn't fund. It was then in the period subsequent to that, January through to around about May/June that we negotiated with the four banks
20 who submitted proposals and we finalised those figures. So, I'm sorry, but the dates are inaccurate. And the assumption of the question is flawed, I'm afraid.

MS RICHARDSON: I think, in fairness, we - I'm going to put - ask for the resolution of 16 December 2020 to be put on the screen.
25

COMMISSIONER: Yes.

MS RICHARDSON: And it's INQ.001.001.0911 and the page number is at 39. So do you agree with me, Dr Jackson, that given you were CEO at the time, that you
30 would have been aware of the contents of the resolution as passed by council on 16 December 2020?

DR JACKSON: I do.

35 **MS RICHARDSON:** And could you just please read resolution 1, 2 and 3, please.

COMMISSIONER: I'm sorry, Ms Richardson, I have a message from those down the line taking the transcript asking if you could possibly speak a little closer to the microphone. I know it's hard, but -
40

MS RICHARDSON: I will. Thank you.

COMMISSIONER: - I'm just doing as I'm told.

45 **MS RICHARDSON:** Yes. Have you had a chance to read those motions, Dr Jackson?

DR JACKSON: I have down to point 7.

MS RICHARDSON: So if you could focus on motion 3, please. Do you see there -

5 **DR JACKSON:** I do -

MS RICHARDSON: - that you had delegated authority to invite expressions of interest from commercial institutions to lend approximately 40 per cent of the project costs?

10

DR JACKSON: I do.

MS RICHARDSON: So do you agree with me at this point it was in contemplation that there would need to be external funding in relation to this project?

15

DR JACKSON: I do.

MS RICHARDSON: So do you wish to - do you agree, then, that your recollection that this was not in contemplation in 4, which is your evidence a short while ago, was mistaken?

20

DR JACKSON: I do.

MS RICHARDSON: Thank you. So do you agree with me that the scope of the delegation you had been given in resolution 3 was to seek expressions of interest from external lenders, to use a shorthand, for up to 40 per cent of the project costs? Do you agree that that was the scope of your delegation?

25

DR JACKSON: I do.

30

MS RICHARDSON: And that you did not have a delegation to seek external funding for closer to 100 per cent of the cost. Do you agree with that?

DR JACKSON: At that point in time, that's correct.

35

MS RICHARDSON: And you didn't have delegation to actually strike those arrangements with banks, you only had a delegation to invite expressions of interest. Do you agree with that?

40 **DR JACKSON:** Sorry, can you repeat the question?

MS RICHARDSON: You did not have a delegation to actually enter into those agreements on behalf of the council. You only had a delegation to invite expressions of interest in respect of such loans. Do you agree with that?

45

MS McDONALD: Well, your Honour, I think the resolutions as a whole should be taken into account, particularly the fourth paragraph of the resolution.

COMMISSIONER: I understood the question -

MS RICHARDSON: Well, I'll ask -

5

COMMISSIONER: I'm sorry.

MS RICHARDSON: After you, sorry.

10 **COMMISSIONER:** I understood the question to be directed to Dr Jackson's authority.

MS RICHARDSON: That's correct.

15 **COMMISSIONER:** Or is being expressed in joint terms. But just dealing with what you could do on your own by way of this delegation, I think what's being suggested to you was you alone didn't have the authority to enter into arrangements with external financiers as a result of this resolution. Is that right?

20 **DR JACKSON:** The -

COMMISSIONER: Is that right?

25 **DR JACKSON:** As chief executive, I delegated financial responsibility of \$2 million.

COMMISSIONER: Yes. Yes.

30 **DR JACKSON:** These are obviously numbers that are significantly in excess of that. Therefore, everything either had to relate to a council delegate of authority or it would have to go back to council for their approval.

COMMISSIONER: Thank you.

35 **DR JACKSON:** Which it was.

COMMISSIONER: Thank you.

40 **MS RICHARDSON:** So could page 85, sorry, of the Centium report please be brought back up. Just before we get there, do you agree - now that you have seen the resolution that your recollection that it was expected that TCorp fund closer to 100 per cent of the project was mistaken, do you agree with me that when TCorp said no, they would not provide first tranche funding on 23 December 2020, that you were then facing a significant financial challenge of having to source all of the money
45 externally? Do you agree with that?

DR JACKSON: I think, again, I would point to the timing of that. That was 16 December. I received a phone call confirming TCorp's position on 23 September - or December. That meant that the goalposts had shifted -

5 **MS RICHARDSON:** And -

DR JACKSON: - and that in going out for expressions of interest, for the 40 per cent of commercial funding - and that had obviously increased - we would be left with no other option. But that was not known at the time of that resolution.

10

MS RICHARDSON: I'm asking you a different question, Dr Jackson. The premise of my question is that after this resolution, you receive an indication on 23 December that TCorp is refusing to provide any funding other than potentially last resort; correct?

15

DR JACKSON: That's correct.

MS RICHARDSON: And I'm asking you a simple question. Isn't it the case that you thereafter faced a significant financial challenge because you would have to go out and seek a much larger quantum of money from external banks with the holiday season intervening and a limited amount of time to attract it? Isn't that correct?

20

DR JACKSON: I believe I've answered that question previously, but yes.

25 **MS RICHARDSON:** The answer is yes?

DR JACKSON: Yes.

MS RICHARDSON: Thank you. Now, if we look at page 85, we see under the heading 17.8 - and we've got three bullet points summarising - so that's - we've had - previous page was a resolution on 16 December and now there is another resolution. And do you see under the three bullet points it says:

30

"The provisions of section 377, subsection (1)(f) of the LGA specifically exclude the ability of council to delegate to the general manager or other delegate any matter relating to the borrowing of money."

35

Are you aware of the provisions of section 377 in those terms?

40 **DR JACKSON:** I note the report.

MS RICHARDSON: Were you aware at the time of that prohibition in section 377 of the Local Government Act?

45 **DR JACKSON:** Said that the council can delegate authority to the CEO.

MS RICHARDSON: Well -

DR JACKSON: As they had within that process to secure funding.

5 **MS RICHARDSON:** But could you turn to the second-last paragraph before the next heading. Do you see there it says:

"There was, therefore, an obligation on council to be provided with the full terms of any proposed borrowing arrangement before approval by council resolution. There was no power in the LGA for council to delegate this role."

10

Do you see that?

DR JACKSON: I'm not aware of that guidance that was issued.

15 **MS RICHARDSON:** I'm not asking you about the guidance, I'm asking you to focus on the conclusion that there was an obligation on council to be provided with the full terms of any proposed borrowing arrangement before approval. Do you accept that that was a requirement - that that had to go to council before any borrowing arrangement was concluded? Were you aware of that obligation at the
20 time?

DR JACKSON: Can I ask for clarification on when the additional guidance was provided?

25 **COMMISSIONER:** I think the question that you're being -

DR JACKSON: I'm trying to understand.

30 **COMMISSIONER:** Just hang on a second, Dr Jackson. I think you're being asked were you aware of the content of section 377(1)(f) of the Local Government Act, as it's set out there - at which particular time, Ms Richardson? At any time?

35 **MS RICHARDSON:** At the time the various loans of Westpac and NAB were struck in 2021, through to - well, at the time that Dr Jackson was there - there were a number of tranches of loans that were struck with Westpac and the NAB while Dr Jackson was CEO.

40 **COMMISSIONER:** All right. Perhaps I'll put it this way. At any time while you were CEO, were you aware of the content of section 377(1)(f) of the Local Government Act, as it is described?

45 **DR JACKSON:** Yes, I was, but I think my interpretation of that section is that councils must by resolution approve the borrowing of funds. A chief executive could not do that, but the council can legally and lawfully delegate them to the CEO, to essentially go out and secure those funds. It would not be appropriate for councillors to be in negotiations with banks over loans. It is the obligation of the CEO to bring those terms back to council.

COMMISSIONER: For approval, you mean?

DR JACKSON: For approval, yes.

5

MS RICHARDSON: So can I just bring your attention, Dr Jackson, to under the three bullet points. It starts:

"The provisions of section 377".

10

Do you see that? Just if you look at the report - is it on your screen there?

DR JACKSON: Yes.

15

MS RICHARDSON: Under the three bullet points there's a paragraph starting:

"The provisions of section 377".

Do you see that?

20

DR JACKSON: I do.

MS RICHARDSON: It describes that it specifically excludes the ability of council to delegate to the general manager, which would include the CEO, any matter relating to the borrowing of money. See that?

25

DR JACKSON: Yes.

MS RICHARDSON: So I want to suggest to you the effect of that provision is that council may not delegate those matters to the general manager or CEO. Do you accept that?

30

DR JACKSON: Council have delegated to the CEO to deliver the project.

MS RICHARDSON: Just, Dr Jackson, please listen to my question. I'm asking you a question directed to the terms of 377. Did you understand at the time that the effect of that provision was that, in fact, council was - it was express exclusion that council may not delegate to the general manager any matter relating to the borrowing of money other than -

35

40

DR JACKSON: Yes, I understood that.

MS RICHARDSON: You're aware of that?

45

DR JACKSON: Yes.

MS McDONALD: I'm sorry. Would you just excuse me. Sorry, counsel.

DR JACKSON: Commissioner, can I point out -

5 **MS RICHARDSON:** No, just wait for my next question. Could we please turn up
page 87 of this report, please. 87. And do we see the heading 17.11.2, Council
Approval for Funding Agreements. And then the first paragraph under the heading at
17.11.3:

10 "The funding approved by council on 16 December 2020 was not what was
implemented by the mayor and CEO, with 100 per cent of funding being obtained by
commercial financial institutions."

15 Do you accept that characterisation that the funding that was implemented was not
consistent with the approval by council on 16 December 2020 when you were CEO?

20 **DR JACKSON:** I'm reluctant to take a definitive position because the point I was
going to make - the previous page refers to a council meeting on 29 December. No
such meeting took place. So the resolution that is cited in the document, I'm not sure
where that comes from.

MS RICHARDSON: Is it your experience that the council can make resolution
other than by having a physical meeting?

25 **DR JACKSON:** Is it my experience, sorry?

MS RICHARDSON: Is it your experience that sometimes council can pass
a resolution other than by in a physical meeting?

30 **DR JACKSON:** Outside of meetings?

MS RICHARDSON: Well, looking the resolution on 29 December 2020 -

DR JACKSON: There was no meeting on 29 December.

35 **MS RICHARDSON:** Well, the assisting team may be able to assist us with the
minutes for that. I'll come back to that. Could we please go forward to page 88. And
under the heading 17.12, "Findings" - now, if you look at point 2 - this is not
a criticism of you, Dr Jackson, because you were not the CEO at the point, but do
you agree with me, looking at finding number 2, that to commence the Civic Place
40 Project without a funding agreement in place is contrary to prudent financial
management?

DR JACKSON: No, I -

45 **MS RICHARDSON:** You don't accept that?

DR JACKSON: When the project was commenced there was obviously funding available at the commencement.

5 **MS RICHARDSON:** Sorry, what was the last thing you said?

DR JACKSON: Sorry?

10 **MS RICHARDSON:** I didn't catch what you said. You said, "When the project was commenced" -

DR JACKSON: When the project was commenced there was obviously funding in place for whatever early works were required - or I believe it was council-owned land at the time, so -

15 **MS RICHARDSON:** But do you agree with me, in terms of the expanded scope of the project, that that was committed to without a funding agreement in place? Correct?

20 **DR JACKSON:** Again, I wasn't directly involved. I'm not sure what the financial agreements were at that time.

25 **MS RICHARDSON:** Well, isn't it self-evident, Dr Jackson, that if you were having meetings with TCorp in December 2020, and then they finally said no at the last minute - and you've given evidence that on near Christmas Eve you were facing a holiday period with only three months to attract commercial funding and you had to go out and seek funding from the NAB and Westpac - that there was no funding agreement in place that would fund the expanded place of the project? Isn't that self-evident?

30 **DR JACKSON:** So just to clarify, are you asking me to respond to point 2?

MS RICHARDSON: I'm just breaking it -

35 **DR JACKSON:** Or is it a supplementary question about the expanded scope of the project?

40 **MS RICHARDSON:** Just wait for my question. I'm breaking it down. Do you agree with me that in relation to the expanded project that required \$195 million in funding - that there was a commitment to undertaking a project of that size and that was commenced without a funding agreement in place. Do you agree with that?

DR JACKSON: I agree.

45 **MS RICHARDSON:** And that's self-evident from the fact that you were having to have meetings with TCorp, and then rejected by TCorp and having to go out into the marketplace to get funding in a three-month period. Correct?

DR JACKSON: That's correct.

MS RICHARDSON: You agree with me that that is contrary to prudent financial management for the council to take that course?

5

DR JACKSON: I would accept it could be argued that that's the case, but in the particular circumstances pertaining to COVID and everything that that had thrown up and the delays and processes and systems that COVID impacted on, we were certainly by no means the only organisation who were in that position, and that we navigated through that very well.

10

MS RICHARDSON: Isn't it the case that the fact of COVID made it more financially imprudent the course that the council took - that it was continuing with an expanded project without a funding agreement in place. Do you agree with that?

15

DR JACKSON: Well, that would be a matter for council. I'm - I'm a CEO. I'm there to implement council decisions.

MS RICHARDSON: Dr Jackson -

20

DR JACKSON: That was a matter that was considered by council.

MS RICHARDSON: Dr Jackson, I made clear at the beginning of these series of questions, I'm not putting this as a criticism of you. I'm asking your view that - first, you've agreed that the expanded project was commenced without funding agreements in place. You've agreed with that. I'm asking you, as a person with experience in Local Government, do you agree that to take that course was contrary to prudent financial management? Do you agree with that?

25

DR JACKSON: My personal view as to whether it was prudent financial management is neither here nor there. I was asked to implement a decision of council, a resolution of council, and it was my job to pursue that in a timely way.

30

COMMISSIONER: What about looking back at it now, though? I appreciate through the lens of hindsight, but what about looking back at it now?

35

DR JACKSON: Sorry, Commissioner, what about -

COMMISSIONER: What about looking back at it now? I appreciate through a lens of hindsight, but what would your view be today of a decision to proceed with an expanded scope of the project prior to finance having been secured? Would that be prudent, in your view?

40

DR JACKSON: Not in my personal view.

45

COMMISSIONER: Thank you.

5 **MS RICHARDSON:** And looking at finding number 5 - I've taken you to the council resolution of 16 December 2020, which referred to expressions of interest in relation to 40 per cent of funding from external commercial institutions. Could you look at the finding at paragraph 5. Do you accept, with the benefit of hindsight, that the funding agreements that were entered with Westpac and NAB were not consistent with the council resolution on 16 December 2020? Do you accept that?

10 **DR JACKSON:** The assumptions that applied to the resolution on 16 December were effectively negated by the decision of TCorp on 23 December.

15 **MS RICHARDSON:** I'm asking you a different question. Do you agree that the funding agreements that were ultimately entered into with Westpac and NAB were not consistent with the council resolution on 16 December 2020? Do you agree with that?

20 **DR JACKSON:** Parts of it, yes.

MS RICHARDSON: Well, the answer is, "Yes, it was not consistent"; correct?

25 **DR JACKSON:** In a technical sense, yes.

MS RICHARDSON: Well, I want to suggest to you in a substantive sense they are not consistent with the resolution because 100 per cent of the funds were sought from external institutions when the basis of the resolution was that it would be sought for up to 40 per cent. Do you agree with me that that's not just a technical non-compliance with the resolution -

DR JACKSON: I would -

30 **MS RICHARDSON:** - it's a substantial non-compliance? Do you agree with that?

35 **DR JACKSON:** No, I wouldn't agree with that. The reality is the goalposts shifted a week later. I took that information back to council and we adapted to the reality of that situation. You're asking me to affirm the accuracy of a report that I've never seen. I've already pointed out a number of inaccuracies within that report. I don't have a lot of confidence in what I'm looking at.

40 **MS RICHARDSON:** Well, I'm not asking you to do that. I'm asking you to focus on the resolution of 16 December, which has been put up on the screen. And perhaps for prudence that should be put back up. I'm asking you a narrow question, whether you accept that entering agreements with Westpac and NAB for up to 100 per cent of funding was not consistent with the council resolution of the 16 December 2020.

45 **DR JACKSON:** In that narrow sense, yes.

MS RICHARDSON: Well, not in that sense. If - could you please look at the terms of it. Are you -

DR JACKSON: I said in that narrow sense - said in your wording.

5 **MS RICHARDSON:** Well, it's not in a narrow sense, is it? It's in a substantive sense that the resolution gave particular authority, and what happened factually was non-compliant with the resolution. Do you agree with that?

10 **DR JACKSON:** Following the conversation on the 23rd, the resolution of 16 December no longer applied in the sense - in the real world.

MS RICHARDSON: Well, let's just focus on that.

DR JACKSON: I would therefore have informed council of that matter -

15 **MS RICHARDSON:** Isn't -

DR JACKSON: - and I assume, though I don't recall precisely, that a report will have gone back to council at that time to set out that situation.

20 **MS RICHARDSON:** Isn't it the case that if the goalposts changed factually after this resolution in the real world, because TCorp had said, "We won't be providing the funding," it was apparent that the delegations and the authorisation given on 16 December were no longer appropriate and there needed to be a new formal council resolution making clear what was authorised by council going forward? Do you
25 agree with that?

DR JACKSON: I would.

30 **MS RICHARDSON:** And that didn't happen, did it?

DR JACKSON: Sorry?

35 **MS RICHARDSON:** Do you agree with me that there is not - are you aware of a resolution that after TCorp said no to the funding, authorising you to go out and seek 100 per cent of the funding from external lenders?

40 **DR JACKSON:** I don't recall precisely the time or the resolution, but all of the matters relating to Civic Place were reported regularly to council, to ARIC, and all of that - certainly something as significant of that - as that would have been reported at the earliest opportunity to council.

45 **MS RICHARDSON:** I'm not asking you a question about things being reported. I'm asking you about council resolutions. Are you aware of a council resolution that would authorise you to seek 100 per cent of funding from external banks?

DR JACKSON: I can't recall precisely.

MS RICHARDSON: Thank you. Now, are you aware - so in this period that we were discussing in 2020 and 2021 - that Mr Mannoun was not the mayor of Liverpool Council; correct?

5 **DR JACKSON:** That's correct.

MS RICHARDSON: And he was not otherwise a councillor at that point; correct?

DR JACKSON: That's correct.

10

MS RICHARDSON: And just to give you some goalposts in terms of timing, that he was re-elected as mayor of Liverpool Council in December 2021; correct?

DR JACKSON: That's correct.

15

MS RICHARDSON: And by this pointed you had been the actual CEO for slightly more than a year and you had been acting CEO for six months before that; correct?

DR JACKSON: Correct.

20

MS RICHARDSON: And you're aware that Mr Mannoun had been - while he was not mayor of Liverpool but in this period where the expanded scope of the Civic Place Project was known in the community, that he was a highly vocal opponent of the expanded scope of the project? Are you aware of that?

25

DR JACKSON: I was aware of that.

MS RICHARDSON: And that he was active, including in media stories, in relation to his significant concerns about the expanded scope of that project and the amount of debt that was being required to fund it. Correct?

30

DR JACKSON: Correct.

MS RICHARDSON: You're aware that he was a public critic of that aspect of the project?

35

DR JACKSON: I am aware that he was a critic.

MS RICHARDSON: Yes. Thank you. And he was also publicly critical of the project in the fact - sense that it was being pursued as an expanded project without commercial tenants being legally obliged to take up the space in the expanded project. You're aware that he was publicly critical in that respect?

40

DR JACKSON: I was.

45

MS RICHARDSON: Thank you. Now, you gave evidence on Friday that there were - my learned friend Ms McDonald put questions to you about a lunch you said happened on 13 December 2021.

5 **DR JACKSON:** That's correct.

MS RICHARDSON: And that there was, prior to that, what she described as an initial conversation - there was another conversation you had with Mr Mannoun. Do you recall that evidence?

10

DR JACKSON: I do.

MS RICHARDSON: So - and I think you also gave evidence about a phone call, and you gave evidence that it was on about 20 December. So I want to ask you about three things. So it's the 13 December lunch that was had, phone call on about 20 December. And then prior to both of those things, some type of initial conversation?

15

DR JACKSON: That's correct.

20 **MS RICHARDSON:** So I'm just going to show you a document. We've sent this to the assisting team, but we understand that it may not have had time to get into your system in terms of having numbers.

25

COMMISSIONER: All right.

MS RICHARDSON: I don't know whether that can be pulled up. Or we can hand up hard copies, if that assists.

30

COMMISSIONER: All right. Well, let's perhaps just take the hard copy for the moment. (Indistinct) stream it, as a -

MS RICHARDSON: Just before those are given to the witness, is it the case that your evidence is that you had the lunch with Mr Mannoun on 13 December, you had one conversation at a coffee shop or somewhere prior to that - before him being elected mayor, and then you also had a phone call on 20 December -

35

DR JACKSON: That's correct.

40 **MS RICHARDSON:** - after he had been elected. So they're those three conversations, if you like.

DR JACKSON: There was the lunch at the Paper Mill.

MS RICHARDSON: Sorry, the what?

45

DR JACKSON: There was the lunch at the Paper Mill -

MS RICHARDSON: The Paper Mill. And that was on the 13th of -

DR JACKSON: On 13 December.

5 **MS RICHARDSON:** Thank you.

DR JACKSON: And then we had a phone call on 20 December.

10 **MS RICHARDSON:** Correct. And prior to that, there was some type of initial conversation that happened somewhere else?

DR JACKSON: No.

15 **MS RICHARDSON:** Well, you gave evidence on Friday that - this is at transcript 718, that - sorry, 717. My learned friend put a question to you that there was - she said that there was a lunch or something leading up to the election, in the sense that it happened prior to the election. This is at transcript 717.27. Just pull that up. You gave evidence that you had a broad-ranging conversation with Mr Mannoun leading up to the election, which I must admit I would interpret as prior to the election
20 because it's leading up to the election. Do you recall giving that evidence to Ms McDonald?

DR JACKSON: When I referred to the broad-ranging conversation, it was the start of our conversation at the lunch meeting at the Paper Mill. It wasn't a separate
25 meeting or conversation.

MS RICHARDSON: So are you saying that the only broad-ranging discussion you had with Mr Mannoun about your role as CEO going forward, and so on, was on 13 December? Is that your evidence?
30

DR JACKSON: Initially on the 13th, and then again on the 20th.

MS RICHARDSON: So your evidence that the - the only - the first substantive conversation you had with Mr Mannoun about your role going forward as CEO was at a lunch on 13 December. Is that right?
35

DR JACKSON: Well, it wasn't substantive. That was at the lunch that Mr Mannoun made clear that -

40 **MS RICHARDSON:** Just wait a second. I'm just trying to work out how many meetings there were. My learned friend put a question to you on Friday, at transcript 717.26:

45 "I want to ask you some questions about your discussion with the mayor over lunch leading up to the election."

So is it the case that you and Ms McDonald were slightly at cross-purposes there? Were you, in fact, talking about the lunch on 13 December? Is that correct?

5 **DR JACKSON:** That's correct.

MS RICHARDSON: And that was after the election; correct?

DR JACKSON: No, that was before the election.

10 **MS RICHARDSON:** Well, I can take you from the dates that the election was on 4 December. So do you agree with me that your lunch that happened on 13 December was after the election?

15 **DR JACKSON:** That would be correct, then.

MS RICHARDSON: Thank you. Could the documents that I handed up please be given to Dr Jackson. Sorry, could you please pull up NMA.001.001.0003. It's fine from my perspective.

20 **COMMISSIONER:** Perhaps just look at the version on the screen, Dr Jackson, and then - Dr Jackson, just if you'd look at the screen. Then there'll be no doubt that you and Ms Richardson are on the same page.

25 **DR JACKSON:** Yes.

MS RICHARDSON: Do you see there - I can tell you that the source of this document, Dr Jackson, is an Outlook invite that Mr Mannoun received from you on 25 October 2021. Do you agree with me that was at a point where he was not on the council?

30 **DR JACKSON:** That's correct. But to clarify, that invite would have come from my executive assistant to Mr Mannoun, through my name, through my email.

35 **MS RICHARDSON:** Certainly. So was it part of your practice, if you wanted to have a coffee catch-up with someone, your EA would assist you by sending an Outlook request to someone?

DR JACKSON: That's correct.

40 **MS RICHARDSON:** So -

DR JACKSON: It would subsequently be accepted or declined.

45 **MS RICHARDSON:** Do you agree with me that you had a coffee catch-up with Mr Mannoun on 25 October 2021, when - at a point at which he was not the mayor?

DR JACKSON: I have a vague recollection that - that catch-up was a - didn't actually take place. I think it was postponed. But, again, I can't recall that level of detail.

5 **MS RICHARDSON:** Well, I want to suggest -

DR JACKSON: I would have to check on my own records.

10 **MS RICHARDSON:** Sorry, what was that?

DR JACKSON: I would have to check on my records.

15 **MS RICHARDSON:** Well, I want to suggest to you that the coffee catch-up did happen on the - that you sent the request on 25 October, and that the coffee catch-up happened on 29 October. Do you accept that? Do you have a recollection of having a coffee catch-up with Mr Mannoun prior to the election?

DR JACKSON: I don't recall that meeting, no.

20 **MS RICHARDSON:** Isn't it the case you gave evidence on Friday that it was part of your practice as the CEO, with various mayoral candidates - to have informal meetings with them to discuss matters in broad terms? Do you recall giving that evidence?

25 **DR JACKSON:** That's correct.

MS RICHARDSON: And isn't it the case that it's likely that that's what was happening as to why you sent a coffee catch-up request to Mr Mannoun?

30 **DR JACKSON:** That would be correct. Yes.

35 **MS RICHARDSON:** And I want to suggest to you that that happened on 29 October, about four days after your request, and I'll show you an Outlook calendar event. I'm just wanting to put a version of this that doesn't put - because there are -

COMMISSIONER: Yes.

40 **MS RICHARDSON:** - other matters that are not relevant in this diary. So I'll just show the witness NMA.001.001.004, but please don't put it on the screen for the time being.

COMMISSIONER: Yes.

45 **MS RICHARDSON:** So I know it's difficult to recall some years later, but do you accept, given that you sent a request through your EA for a coffee catch-up with Mr Mannoun - and I've shown you an Outlook meeting where that has been accepted

in Mr Mannoun's diary - that did you have a coffee catch-up with him on 29 October 2021?

5 **DR JACKSON:** I can't recall, and I'm puzzled because every Friday morning the general managers tended to meet for the City Deal.

MS RICHARDSON: Sorry, I didn't understand that. Could you say that again?

10 **DR JACKSON:** I'm puzzled that I would have - that a meeting would have been sought on Friday morning, because on any Friday morning - because from a - within the Western Sydney City Deal, general managers generally met on a Friday morning to discuss the progress of the City Deal.

15 **MS RICHARDSON:** Well, do you think it's likely, given that you sent a request for a coffee catch-up, that a coffee catch-up happened about this time with Mr Mannoun?

20 **DR JACKSON:** Just to clarify, it would be my executive assistant who sent the invite.

MS RICHARDSON: Do you accept that -

DR JACKSON: She manages my diary. And if -

25 **MS RICHARDSON:** Would you -

DR JACKSON: If it was accepted, there is a possibility that the meeting took place. I simply -

30 **MS RICHARDSON:** And your EA would have -

DR JACKSON: - can't recall that.

35 **MS RICHARDSON:** She would have sent that coffee catch-up direct - sorry. She would have sent that coffee catch-up request to Mr Mannoun at your direction; correct?

DR JACKSON: She would have. Yes.

40 **MS RICHARDSON:** You would have asked her to sort that out.

DR JACKSON: Sorry?

MS RICHARDSON: You would have asked her to -

45

DR JACKSON: Yes.

MS RICHARDSON: - send that, and that's why she did it; correct?

DR JACKSON: That's correct.

5 **MS RICHARDSON:** And you recall the evidence you gave on Friday that you met with multiple mayoral candidates prior to the election to discuss their policy agendas in broad terms or topics to that effect; correct?

DR JACKSON: That's correct.

10

MS RICHARDSON: And I want to suggest to you that at the - I'll call it the coffee catch-up that happened in late October 2021 - that Mr Mannoun relayed to you the concerns that he had been very vocal about in the public domain about Civic Place and the financial impact it would have on the council and ratepayers. Do you recall
15 him saying things to that effect to you in a coffee meeting in the lead-up to the election?

DR JACKSON: Not on 29 October, but he did relay those concerns to me in the meeting of 13 December.

20

MS RICHARDSON: So he discussed that on the 13 December lunch?

DR JACKSON: He did.

25 **MS RICHARDSON:** I want to suggest to you he was saying things to similar effect in the coffee catch-up meeting he had with you a couple of months earlier.

DR JACKSON: Sorry?

30 **MS RICHARDSON:** I want to suggest to you that he was saying words to that effect in the coffee catch-up meeting he had with you in late October 2021.

DR JACKSON: I would imagine if the meeting - if the coffee catch-up took place, then that would have been a part of the content -

35

MS RICHARDSON: If it happened, that's what Mr Mannoun would have been talking about, because that was something that he regularly expressed to you and to others in the public domain.

40 **DR JACKSON:** He didn't express it directly to me, but I'm not on social media other than LinkedIn. So I wasn't reading all of the posts, but I was aware that they were being made.

MS RICHARDSON: And I want to suggest to you that another topic of
45 conversation at that coffee catch-up was that, as a result of a Channel 9 story that Mr Mannoun had participated in, it had been discovered that the University of Wollongong was not legally committed to become a tenant in the Civic Place Project

and that was another risk in relation to that project. Do you recall Mr Mannoun saying words to that effect to you in the coffee catch-up meeting?

5 **DR JACKSON:** He may well have. And if he did, I would have corrected him and said, well, the University of Wollongong have taken a decision that any organisation would make in the context of COVID and say that they were deferring consideration of major financial commitments until such times as COVID would have cleared. That was always the basis for the confidence that the university would
10 eventually - once we got through COVID, that they would occupy some of the commercial space, and that's exactly what they've done.

MS RICHARDSON: But you were - you accept that at that point they were not legally bound to do that and they were reserving their position? Correct?

15 **DR JACKSON:** Sorry?

MS RICHARDSON: You accept that at this point in time the University of Wollongong was not legally bound to take any leasing of Civic Place Project?

20 **DR JACKSON:** That's correct.

MS RICHARDSON: And they had expressly reserved their position as to whether they would or they wouldn't; correct?

25 **DR JACKSON:** Correct.

MS RICHARDSON: And I want to suggest to you that Mr Mannoun had - part of what he was discussing with you at the coffee catch-up meeting was his significant concerns about that aspect of the Civic Place Project and financial risk. You accept
30 that that was the type of thing that he was discussing with you in that period?

DR JACKSON: Yes. And I would have sought to allay his concerns.

MS RICHARDSON: And are you - so we know from records that the election was
35 on 4 December 2021. Are you aware that the mayor had what he had articulated as a 100-day plan of projects that he wished to have implemented if he were elected as mayor to be approved by council? Are you aware that he had campaigned on that basis?

40 **DR JACKSON:** I was aware that he had that campaign, yes.

MS RICHARDSON: And he described it as a 100-day plan; it had various capital works projects that were articulated as part of that plan?

45 **DR JACKSON:** That's correct.

MS RICHARDSON: And that included references to pools and car parking projects and various other things. Do you recall that?

DR JACKSON: Correct.

5

MS RICHARDSON: At the election on 4 December 2021 - it's the case, isn't it, that you gave evidence on Friday that - this is at T685 - two independents were elected: Peter Harle and Karress Rhodes. Correct?

10 **DR JACKSON:** That's correct.

MS RICHARDSON: You were aware that they were both independents?

DR JACKSON: Correct.

15

MS RICHARDSON: Sorry, that's the wrong reference. Let me just - in the minutes of the meeting of - sorry, I'll come back to that. Do you agree with me that two of the councillors that were elected in the 4 December election - one was Peter Harle and another was Karress Rhodes, and they were both independents?

20

DR JACKSON: Correct.

MS RICHARDSON: Correct? If the minutes of the meeting of 2 February could just be brought up, please.

25

COMMISSIONER: 2 February 2022?

MS RICHARDSON: Yes, please.

30 **MS McDONALD:** If I can assist, I think it's INQ.001.001.0953.

COMMISSIONER: Thank you.

MS RICHARDSON: I'm grateful to my learned friend. So if we could just go to page 55, please. If we could just scroll down to the bottom half of that page, please. If you could just scroll up so we can focus on the bottom half, please. Thank you. So I'm just going through names at this point. So do you see down the bottom, "Vote for" - this is the resolution that your employment contract be terminated. So we see in the "Vote for", in the second line, that's Councillor Rhodes. She's an independent?

40

DR JACKSON: That's correct.

MS RICHARDSON: And we see in the "Vote against", the middle name Councillor Harle, H-a-r-l-e. He's an independent.

45

DR JACKSON: Correct.

MS RICHARDSON: And so is it the case that Councillors Ammoun, Goodman, Hadid and McNaught were aligned to the Liberal Party?

5 **DR JACKSON:** Sorry, that they were -

MS RICHARDSON: Is it the case that Councillors Ammoun, Goodman, Hadid and Macnaught are all aligned - were aligned to the Liberal Party?

10 **DR JACKSON:** That's correct.

MS RICHARDSON: But Councillor Rhodes was independent?

DR JACKSON: Correct.

15 **MS RICHARDSON:** Thank you. If we could just take that down, please. So going to the lunch of 13 December 2021. You accept that that happened on that date?

DR JACKSON: I do.

20 **MS RICHARDSON:** And that it was at the Paper Mill in Liverpool?

DR JACKSON: Sorry?

25 **MS RICHARDSON:** It was at the Paper Mill in Liverpool?

DR JACKSON: It was.

MS RICHARDSON: A restaurant in Liverpool?

30 **DR JACKSON:** Yes.

MS RICHARDSON: And do you agree with me, given I have informed you - and my learned friends will correct me if I'm wrong, but the electoral documents so that the election happened on 4 December and, therefore, that your lunch on the 13th
35 must have been after the election. Do you accept that that must be correct?

DR JACKSON: It was after the election but before Mr Mannoun was confirmed as the victor in that election. That didn't take place, I believe, until the 20th. It was a very close race and -
40

MS RICHARDSON: So just -

DR JACKSON: - there were some recounts, I believe.

45 **MS RICHARDSON:** So just focus on my question. It's a simple question. Do you agree with me that the lunch you had on 13 December happened after the election day? Do you agree with that?

DR JACKSON: It happened after the election.

MS RICHARDSON: Okay. So the answer to my question is yes.

5

DR JACKSON: Yes.

MS RICHARDSON: Thank you. And what I want to suggest to you is that at that meeting, that - well, you've already accepted that Mr Mannoun talked to you about his concerns and criticisms about the Civic Place Project and the expanded scope and the financial pressure that that was putting on council. Do you recall he was expressing those views to you?

10

DR JACKSON: That's correct.

15

MS RICHARDSON: And do you recall that he was also expressing his views to you that he had campaigned on the basis of 100-day plan and he - in his view, he had been elected to deliver a plan which was an extensive project of works that he would be seeking council approval of? Do you recall him talking about that?

20

DR JACKSON: I do.

MS RICHARDSON: And I want to suggest to you that he was saying to you, after discussing his 100-day plan, that he had campaigned on clear policy and project commitments and improved service delivery, and that was a basis upon which he had gone to the election, and he anticipated being elected on the basis of that program. Do you agree that he was saying words to that effect to you?

25

DR JACKSON: I do.

30

MS RICHARDSON: And that - words to the effect that this is what the people wanted and that's what they voted for. He said words to that effect to you?

DR JACKSON: I believe so, yes.

35

MS RICHARDSON: Thank you. And that he also said words to the effect of, "The community wants the best level of service and I don't just want to be in the Premier League, I want to win the Premier League." Do you recall him saying words to that effect to you?

40

DR JACKSON: He - my recollection is that those words were - he talked about wanting a Jürgen Klopp as manager.

MS RICHARDSON: Wanting what, sorry?

45

DR JACKSON: A Jürgen Klopp. He was the Liverpool Football Team manager in England.

MS RICHARDSON: Okay. You're going to have to walk me through the soccer analogy.

5 **COMMISSIONER:** It might depend on your allegiance as to whether that one -

DR JACKSON: But that was -

10 **MS RICHARDSON:** I thought that was an Irish-accent problem.

DR JACKSON: No, that was -

15 **MS RICHARDSON:** Is this a soccer problem? So we're in the realm of soccer analogies.

DR JACKSON: That was at the Meeting of - that was of the meeting of 28 January -

20 **MS RICHARDSON:** No, I'm -

DR JACKSON: - as I recall, but I'm sure -

MS RICHARDSON: Just wait. I want -

25 **DR JACKSON:** Mr Mannoun is an avid soccer fan, as was I. It often rolled into discussion about in soccer terms or about soccer issues.

30 **MS RICHARDSON:** Okay. So do you think it's likely he said words to the effect - where he was using soccer analogies?

DR JACKSON: Yes.

MS RICHARDSON: Does that have a - very much -

35 **DR JACKSON:** I do.

MS RICHARDSON: - a ring of truth about it.

40 **DR JACKSON:** I do.

MS RICHARDSON: Right. And I want to suggest to you that he said to you, "The community wants the best level of service. I don't just want to be in the Premier League, I want to win the Premier League." Do you accept that he said something like that to you on 13 December?

45 **DR JACKSON:** Again, my recollection is that that discussion took place in those terms on 20 January rather than on 13 December, but -

MS RICHARDSON: Okay.

5 **DR JACKSON:** It is - it would be typical of the conversation that we would have, yes.

MS RICHARDSON: Do you agree he said something like that to you at some point in this period?

10 **DR JACKSON:** Yes.

MS RICHARDSON: I want to suggest to you he said that on 13 December at the lunch. You accept he said it around this time?

15 **DR JACKSON:** Yes.

MS RICHARDSON: Correct? And that after he had used the "winning the Premier League" analogy with you, that you said to him, "We're nowhere near that. We're not even in the Premier League." Do you recall saying something like that back to him?

20

DR JACKSON: I don't recall that.

MS RICHARDSON: And that Mr Mannoun said to you in response, "Well, how are you going to be able to deliver on these projects in my 100-day plan that I've campaigned on and that the community has voted for?" Do you recall him saying words to that effect on 13 December?

25

DR JACKSON: I do.

30 **MS RICHARDSON:** Thank you. And that, in response to that, that you said to him, "If you don't think I'm the right man, Ned, give me 52 weeks and I'll go."

DR JACKSON: Sorry?

35 **MS RICHARDSON:** That in response, you said to Mr Mannoun, "If you don't think that I'm the right man, Ned, give me 52 weeks and I'll go." Do you accept that Mr Mannoun said that to you at the lunch?

40

COMMISSIONER: I think -

DR JACKSON: I -

COMMISSIONER: Other way around, perhaps.

45 **MS RICHARDSON:** Sorry. I'm grateful for your assistance. I'll start again. Do you accept - what I want to suggest is that you've had the Premier League interchange and Mr Mannoun said to you, "Well, how are you going to be able to deliver on these

projects that I've campaigned on and the community's voted for," and you've accepted that he said words to that effect to you, and that you responded to Mr Mannoun, "If you don't think I'm the right man, Ned, give me 52 weeks and I'll go."

5 **DR JACKSON:** I don't -

MS RICHARDSON: Do you accept that you said that to him?

DR JACKSON: No, I do not.

10

MS RICHARDSON: I want to suggest that that is what you said to him in response.

DR JACKSON: I reject that.

15 **MS RICHARDSON:** And that Mr Mannoun responded, "There's no provision in the standard contract that allows 52 weeks."

DR JACKSON: We didn't have that conversation because at that time Mr Mannoun hadn't been confirmed as having won the election, and I do recall saying to him,
20 "Let's talk about specifics upon your election, because at the minute this is just speculation."

MS RICHARDSON: I want to suggest to you that that is what happened and that it was you that raised the prospect of being paid out 52 weeks by saying, "Well,
25 Mr Mannoun, if you think I'm not the right man, give me 52 weeks and I'll go." That that is what was said by you at that lunch.

DR JACKSON: I don't accept that.

30 **MS RICHARDSON:** And that at the lunch - could you please - could transcript 717 be put up, please. Transcript 717 from Friday. Thank you.

ASSOCIATE: (Indistinct)?

35 **MS RICHARDSON:** Right. I might see if I can give you a hard copy.

ASSOCIATE: Sorry, I just (indistinct).

MS RICHARDSON: 717 to 718. I'm grateful to my learned friend.
40

DR JACKSON: Thank you.

MS RICHARDSON: Do you see at about - if you look there on page 717, please. Do you see the line - the numbers down the side? We call them line numbers.
45

DR JACKSON: I do.

MS RICHARDSON: Could you please go to - you see 25 on the left?

DR JACKSON: It's point 25?

5 **MS RICHARDSON:** Yes. And do you see there's a question from Ms McDonald:

"Now, I want to ask you some questions about your discussion with the mayor over lunch leading up to the election."

10 Do you see that?

DR JACKSON: That's correct.

15 **MS RICHARDSON:** And that was the evidence - or the question I took you to earlier - that you and Ms McDonald were slightly at cross-purposes there. It wasn't leading up to the election, it was actually after the election on 13 December; correct?

DR JACKSON: Correct.

20 **MS RICHARDSON:** And if you would please go to line 36, where you talk about what the Irish say when people talk a lot. You see that, line 36? See, you're:

"DR JACKSON: Yes. If I recall correctly, as the Irish say".

25 Do you see that?

ASSOCIATE: Sorry, what -

30 **MS RICHARDSON:** 717, line 36, if - I'm grateful to the associate for assistance.

DR JACKSON: Okay. Yes.

MS RICHARDSON: See that? So:

35 "Yes. If I recall correctly, as the Irish say".

Do you see that?

40 **DR JACKSON:** Yes. I do.

MS RICHARDSON: And you've already accepted that he talked about Civic Place, his sense of urgency and desire to get things moving. He referred to his 100-day plan, pools and other capital projects. Do you see that?

45 **DR JACKSON:** I do.

MS RICHARDSON: And then down at line 45 - we see at line 46 - says that - you've given a quote - that you said to him:

"Well, Ned, obviously the election is yet to take place."

5

Do you agree with me that that cannot have happened because the election had already taken place at that point? Do you agree -

DR JACKSON: That's correct. Yes.

10

MS RICHARDSON: You agree you must be mistaken about that?

DR JACKSON: Yes, I do.

15

MS RICHARDSON: And that was never said?

DR JACKSON: Yes.

MS RICHARDSON: Agree with that?

20

DR JACKSON: But the point was that he -

MS RICHARDSON: No, just wait for my questions.

25

DR JACKSON: He wasn't yet elected.

MS RICHARDSON: But do you agree that that could never have been said?

DR JACKSON: Yes.

30

MS RICHARDSON: Thank you. And what I want to suggest to you - that what happened at that meeting was that the mayor discussed with you at great length - as you described, he didn't draw breath - discussing the capital projects that he was very focused on seeking to deliver for Liverpool, that he had campaigned for election on, and that the person who suggested 52 weeks payout was that you suggested that saying that, "If you don't think I'm the right man, give me 52 weeks" - that was the context in which 52 weeks was raised.

35

DR JACKSON: I don't agree with that.

40

MS RICHARDSON: And then you gave evidence last week of a phone call on 20 December. This is at transcript 720. Perhaps if we could have that transcript back so my learned friend doesn't lose her transcript. You've given evidence about a phone call on 20 December. Now, I can tell you that the results of the election preferences were announced on the 20th. So do you think that it's likely that a phone call happened after the preferences were announced so it was apparent that Mr Mannoun was going to be elected?

45

DR JACKSON: The phone call took place at 1.19 pm. I congratulated the mayor on his election.

5 **MS RICHARDSON:** Thank you. So the context was you knew, given the preference -

DR JACKSON: Yes.

10 **MS RICHARDSON:** - distribution that he was going to get elected and that's why you called him?

DR JACKSON: That's correct.

15 **MS RICHARDSON:** Thank you. Now, I want to suggest to you that Mr Mannoun did not say in that phone call that his group, or that councillors that voted with him, were prepared to pay you 50 weeks if you were to leave and, in fact, that you had been the person that had suggested a payout of 50 weeks. Do you accept that?

20 **DR JACKSON:** No, I don't.

MS RICHARDSON: And the evidence you gave on Friday, which was that you said to Mr Mannoun in this phone call, "If you've got the numbers, in effect, to terminate your contract we know how it plays out," I want to suggest to you that you did not say words to that effect to Mr Mannoun in that phone call.

25

DR JACKSON: I said precisely that.

MS RICHARDSON: And it's - I've taken you to the resolution on 2 February. It's apparent that Mr Mannoun did not have the numbers at that point because he did not have the numbers, as you say in terms of Liberal councillors, that he might be able to count on to vote with him. Do you accept that?

30

DR JACKSON: No, I don't.

35

MS RICHARDSON: And that, in fact, he did not have the numbers because it would rely on the concurrence of an independent as to whether that path was taken. Do you accept that factually?

40 **DR JACKSON:** I do.

MS RICHARDSON: You've seen that in the resolution that that's actually what was required; that there needed to be an independent to vote for that resolution. Do you accept that?

45

DR JACKSON: I do.

MS RICHARDSON: So I want to suggest to you is this point, factually that Mr Mannoun did not have the numbers, as you say, in relation to terminating your contract?

5 **DR JACKSON:** Factually but not politically.

MS RICHARDSON: And I want to suggest to you that in the phone call of the 20 December phone call, was that the issue of 50 weeks payout was raised but it was raised by you, and that Mr Mannoun said that he would take your views about seeking a payout with other councillors and seek their views about whether they would agree to pay that to you. Do you agree with that?

DR JACKSON: I can't recall -

15 **MS McDONALD:** I suggest that there were several propositions in that.

MS RICHARDSON: I'll break it down. That in the 20 December call that - I'll go back a step. What I'm putting to you is that the context is that on 13 December you had raised being paid out 52 weeks, that that was mentioned by you again on 20 December in the call, and that Mr Mannoun responded by saying that he would have to take your position about a payout to other councillors to see whether they would support it. Do you accept that?

DR JACKSON: No, I don't agree with that.

25 **MS RICHARDSON:** And I want to suggest to you that in that phone call with Mr Mannoun on 20 December that he was not critical of directors of council in that call, as you have said in your evidence on Friday?

30 **DR JACKSON:** It wasn't - in his reference to his criticism of directors it was in the meeting on - at the lunch on 13 December. It wasn't in the phone call on the 20th. In the phone call on the 20th, he ended the phone call by thanking me for my understanding.

35 **MS RICHARDSON:** And I want to suggest to you that Mr Mannoun, in particular, has never been critical of the Director of Infrastructure, Mr Raj Autar, A-u-t-a-r. Do you agree with that?

DR JACKSON: No, I don't.

40 **MS RICHARDSON:** Then you gave evidence on Friday about a meeting that was held on 10 January 2022. Do you recall that?

DR JACKSON: I do.

45

MS RICHARDSON: And this is, of course, when Mr Mannoun has formally been elected as mayor but prior to any formal council meetings in terms of a new council; correct?

5 **DR JACKSON:** That's correct.

MS RICHARDSON: And I want to suggest to you that at that meeting that Mr Mannoun was again discussing with you his 100-day plan and the policy objectives he wanted council to approve based on the way he had campaigned. Do
10 you recall him saying words to that effect?

DR JACKSON: I do.

MS RICHARDSON: And that he was reiterating to you in that meeting his desire to
15 achieve that policy agenda that he had campaigned on and that he would be seeking resolutions of council to approve that agenda. Do you recall that?

DR JACKSON: I do.

20 **MS RICHARDSON:** And that he was concerned about whether council would be able to deliver the level of service and projects that he was very keen to implement. Do you recall him saying words to that effect?

DR JACKSON: I do.

25 **MS RICHARDSON:** And that you responded to him in similar terms in that meeting, "If you don't think I'm the right man, Ned, give me 52 weeks and I will go." Do you accept that you said words to that effect in the meeting?

30 **DR JACKSON:** No, I don't.

MS RICHARDSON: And that Mr Mannoun responded by saying he would have to speak to other councillors about whether they could support such a payout to you or not. Do you agree with that?

35

DR JACKSON: I accept that, yes.

MS RICHARDSON: Hang on, I think we are at cross-purposes. I'll just put it again. That you, after Mr Mannoun had raised with you his - that he would be seeking
40 council approval of his 100-day plan and that you would agree it was an ambitious plan of capital works and service delivery that he had campaigned on?

DR JACKSON: Yes, he had campaigned on that.

45 **MS RICHARDSON:** And it was an ambitious plan in terms of the scope of things?

DR JACKSON: I would suggest that it was overambitious within the timeframe of 100 days.

5 **MS RICHARDSON:** But there were a lot of projects that he wished to achieve in that plan that he had campaigned on; correct?

DR JACKSON: That's correct.

10 **MS RICHARDSON:** And he was discussing those plans with you at the 10 January meeting?

DR JACKSON: In a broad manner, not in specific detail.

15 **MS RICHARDSON:** And that he was discussing with you his desire that he would be putting up that plan to council for resolution when the meeting in February was held?

DR JACKSON: That's correct.

20 **MS RICHARDSON:** And that he was concerned about whether council staff would be able to implement the 100-day plan were it to be approved by council. Do you recall him saying words to that effect?

25 **DR JACKSON:** I would imagine - I don't recall him precisely saying that, but I would imagine that -

MS RICHARDSON: But that -

30 **DR JACKSON:** - words to that effect -

MS RICHARDSON: Words to that -

DR JACKSON: That sentiment -

35 **MS RICHARDSON:** That was the sort of thing he was saying to you?

DR JACKSON: Yes. Yes.

40 **MS RICHARDSON:** And that after he had expressed his concerns about whether council could, in fact, deliver on such a plan that he'd campaigned on - if council were to approve it, that you again said words like, "You don't think I'm the right man, give me 52 weeks and I'll go." I think you've denied saying those words; is that correct?

45 **DR JACKSON:** Sorry, I missed the last piece.

5 **MS RICHARDSON:** That after Mr Mannoun had laid out for you his capital works project and his 100-day plan and his concerns about whether council could deliver it if the broader - sorry, his concerns about whether council staff could deliver it if the council as a governing body approved it, that after he had expressed those concerns you said words to the effect of - reiterating, "If you don't think I'm the right man, Ned, give me 52 weeks and I'll go." Do you accept that you said that to Mr Mannoun?

10 **DR JACKSON:** No, I do not.

MS RICHARDSON: And that he said in response that he would have to talk to his colleagues about whether they would approve such a payout to you. Do you accept that that's what he said to you?

15 **DR JACKSON:** No, I don't.

MS RICHARDSON: And I want to suggest to you that at no point in that meeting or any meeting Mr Mannoun had with you, did he say, "My group can give you 50 weeks." Do you accept that?

20 **DR JACKSON:** No, I don't. He said that on the phone call of 20 December.

MS RICHARDSON: And I want to suggest to you that at no point did he say to you, including in this meeting, "The people of Liverpool have elected their mayor and a new CEO" - that he did not say those words to you.

25 **DR JACKSON:** I don't accept that.

MS RICHARDSON: And that you did not say to him in response, "Well, Ned, that's not my interpretation of how the Act works. And while you and I may have very different views as to what our respective roles are - and more to the point, the Act specifies the distinctions" - I want to suggest to you that those words were not spoken in that meeting.

35 **DR JACKSON:** I don't accept that.

MS RICHARDSON: Those are my questions. Thank you.

40 **COMMISSIONER:** Thank you. Does any other party wish to ask Dr Jackson any questions? No. Ms McDonald, anything arising?

MS McDONALD: Thank you, Commissioner. Can I take you back to the soccer conversation.

45 **DR JACKSON:** Yes.

MS McDONALD: (Indistinct).

DR JACKSON: I can't do a lot about the Irish accent.

5 **MS McDONALD:** When is your - sorry. Your evidence is that there was a soccer conversation in which a manager - was it of Liverpool that was mentioned?

DR JACKSON: That's correct. That's correct.

10 **MS McDONALD:** Now, could you spell for me and the transcribers the Liverpool manager's name.

DR JACKSON: He was a German. He's called Jurgen, J-u-r-g-e-n, Klopp, K-l-o-p-p. And I believe he had just won the Champions League for Liverpool for the first time in a long time.

15 **MS McDONALD:** Sorry. When did - and he arose because it was raised in the conversation something about being in the Premier League?

DR JACKSON: That's right.

20 **MS McDONALD:** And the Premier League is - it's the top comp in England?

DR JACKSON: That's right.

25 **MS McDONALD:** And Liverpool won it this year?

DR JACKSON: And?

MS McDONALD: Liverpool won it this year?

30 **DR JACKSON:** That's right.

COMMISSIONER: Causing me -

35 **DR JACKSON:** No, sorry.

COMMISSIONER: You're causing me great distress, Ms McDonald, revisiting the last year in the Premier League.

40 **MS McDONALD:** Sorry. (Indistinct) in reply.

COMMISSIONER: Yes. We can -

MS McDONALD: I'm (indistinct).

45 **COMMISSIONER:** We can end the results of the - last year's Premier League race right now.

MS McDONALD: When did that conversation take place? Where Premier League and Jürgen Klopp was raised?

5 **DR JACKSON:** My recollection is that that was in our conversation of 20 January.

MS McDONALD: In January?

DR JACKSON: Yes. In Mr Mannoun's office.

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MS McDONALD: And what was the context in which the Premier League and that gentleman was raised?

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DR JACKSON: Well, the context was, again, around that general discussion about the first 100 days, about criticism of certain directors, and the mayor's obvious desire to do things quickly with a sense of urgency. I countered that by saying some of the time frames involved simply weren't possible to realise. It wasn't a criticism of staff. It's just public service procurement, public service processes. And I think his reference - or I understood his reference to be, like Liverpool Soccer Club, who

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hadn't won a trophy in a long time - and then they brought in a manager who secured that success, that similarly the mayor wanted success to come quickly, and he felt that a different individual would deliver that success and that that wouldn't be me.

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MS McDONALD: All right. What words were actually - do you recall the mayor said?

DR JACKSON: It was something along the lines of, "Eddie, I need a Jürgen Klopp. We want to play Premier League, we want to win Champions League," which is a European competition.

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MS McDONALD: And what was your response?

DR JACKSON: My response was, "Ned, I play Premier League."

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MS McDONALD: And you were not speaking factually?

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DR JACKSON: No, I wasn't. The inference being because of my experience in Europe and the United States, particularly as a frequent visitor/worker to the White House under the Clinton and Bush Administrations - my inference was I played at the highest levels in my professional field.

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MS McDONALD: All right. Now, can I just take you back to Civic Place. You were asked questions at one point about - that at the time the decision was made to embark on the larger scope of the project there were no tenants formally in place - or legally in place. No commercial tenants. Do you remember being asked questions -

DR JACKSON: I do.

MS McDONALD: - along those lines?

DR JACKSON: I do.

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MS McDONALD: And you were asked whether you were concerned by that and you said, "No."

DR JACKSON: Well, I -

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MS McDONALD: Do you remember that?

DR JACKSON: I do.

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MS McDONALD: Why weren't you concerned?

DR JACKSON: I wasn't involved at that time. The expanded scope came about - I believe that was 2016. I wasn't directly involved with the project at that time. I wasn't aware of the details of what tender processes had or had not been initiated.

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MS McDONALD: But the expanded project came into place around 2018?

DR JACKSON: I think it was earlier than that.

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MS McDONALD: But it was when it was Mayor Wendy Waller?

DR JACKSON: That's correct. I think - there's a resolution in - I think it was December 2018.

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MS McDONALD: At any time when you were either the acting CEO or the CEO, were you concerned if tenants hadn't been signed up under a lease for the expanded building?

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DR JACKSON: At that time - and again, I would ask people to recall the impact of COVID and the disruption and the uncertainty that that created - it was very difficult to take anything other than calculated risks in a whole range of areas of council business.

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MS McDONALD: So you were not concerned?

DR JACKSON: I was - I certainly was concerned.

MS McDONALD: But why, in that answer, were you raising things like uncertainty and COVID?

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DR JACKSON: That impacted finances. It impacted the work schedule. It impacted the price of steel. Fortunately, we had a contract - we had entered into a contract

with Built where all of those variations would be minimised, and that we would work through with Built on a shared risk basis. For the university, I could understand. Students weren't attending. They weren't physically attending classes in their lecture rooms. We didn't know when COVID would end. We didn't know if life would
5 return to normal. So there was immense uncertainty.

It was a rational decision of the University of Wollongong to say, "We are not ruling ourselves out but we are not committing legally, bindingly, to a contract with council." But - and that's where the calculated risk comes in. With the
10 proposed - with all of the actual investment in and around Liverpool, the Western Sydney Airport, the Aerotropolis, it was always likely that Liverpool would be a commercial success, that life would eventually return to normal, and that normal commercial decisions would again be taken. That included the decision about taking commercial space in Liverpool Civic Place and, as far as I understand, that's exactly
15 what has happened.

MS McDONALD: Can I just take you back to the election in December 2021. As my learned friend confirmed with you, the election day was 4 December 2021?

20 **DR JACKSON:** I accept that. I'm not as sharp as I used to be.

MS McDONALD: Do you also accept that Ned Mannoun's election as a mayor was declared by the New South Wales Electoral Commission on 21 December 2021?

25 **DR JACKSON:** That's - sounds right, yes.

MS McDONALD: You were asked some questions about the meeting of 2 February 2022 by counsel. Could we bring up again INQ.001.001.0953. And it's page 7. This was part of that meeting and deals with the election of the deputy mayor.
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DR JACKSON: That's correct.

MS McDONALD: And can you see there that there were two nominations, being Councillors Rhodes and Harle?
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DR JACKSON: I note that.

MS McDONALD: They were the two independents that my learned friend indicated?
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DR JACKSON: That's correct.

MS McDONALD: And if we go to the next page - sorry, at the bottom of the previous page you've set out the votes that were recorded, and then across the page
45 Councillor Rhodes was declared deputy mayor.

DR JACKSON: That's correct.

MS McDONALD: No further questions.

COMMISSIONER: All right. I think -

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MS RICHARDSON: Could I just ask (indistinct) just one matter - I just failed to put a particular matter.

COMMISSIONER: Yes, of course. Yes.

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MS RICHARDSON: As a matter of procedural fairness, I need to put it.

COMMISSIONER: Yes.

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MS RICHARDSON: I apologise for doing this out of sequence. In relation to the lunch on 13 December 2021, Mr Jackson - we've had various soccer analogies happening and so on, you recall that? You gave evidence on Friday that Mr Mannoun said to you, "Eddie, I don't want us to argue. I respect you too much. We've worked together in the past, but you're not the type of CEO that I want as mayor."

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DR JACKSON: That's correct.

MS RICHARDSON: Do you recall giving that evidence? I want to suggest to you that Mr Mannoun did not say any words to that effect to you.

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DR JACKSON: I don't accept that.

MS RICHARDSON: Okay. And, rather, that he had - the tenor of the conversation was that he outlined the capital projects and 100-day plan basis that he had campaigned on and he wanted to deliver it, and he was worried about whether the council would be able to deliver that if - sorry, he was worried about whether council staff could deliver that project if the formal council approved it, and you were the one that raised in response, "If you don't think I'm the right man, Ned, give me 52 weeks and I'll go" - that that is what was said.

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DR JACKSON: My response to Mr Mannoun was that his plans - his 100-day plans were unrealistic and couldn't be delivered by anybody.

MS RICHARDSON: And I wanted to suggest to you that you've said to him that - if Ned felt that you weren't the right person to deliver that plan, that he should give you 52 weeks and that you would go.

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DR JACKSON: What I said was that we both know the process. If he has the numbers, "Then it's your prerogative." I said, "I disagree with your decision." I indicated on Friday that I said that not from a personal perspective but from an organisational perspective. We had lost and gone through the turmoil of losing

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a hugely popular CEO in Kiersten Fishburn. That was followed by a period of two of us acting as the former deputy CEO and myself, the (indistinct).

5 **MS RICHARDSON:** Just focused on what you were saying at the -

DR JACKSON: We've gone through COVID and I was simply trying to make the point that the organisation had gone through enough upheaval and disruption, that staff were exhausted and that any further change would have a detrimental impact on the staff.

10 **MS RICHARDSON:** And that you said to him that if there was going to be a change that you wanted to be paid out 52 weeks; is that correct?

DR JACKSON: At that point I had assumed on the basis of the conversation of 20 December that he had agreed to 50 weeks. I had explained that - following his election, I had explained that on the basis of having achieved an outstanding performance appraisal being one year into the contract. But I accepted that if the mayor didn't want me, that we would deal with it pragmatically.

20 **MS RICHARDSON:** And you -

DR JACKSON: That I would assist in an orderly transition, which I did, and his part of that, which he said he would honour, was -

25 **MS RICHARDSON:** And I want to suggest to you that at the lunch on 13 December - that it was you that indicated to Mr Mannoun that you would require 52 weeks in order to go.

DR JACKSON: The first time 52 weeks was mentioned by me, followed on from the resolution which had been verbally repeated after the meeting of 2 February - was -

MS RICHARDSON: So -

35 **DR JACKSON:** - said that the initial report that went to council stated that the mayor negotiate with the CEO a termination or a date of release up to a period of 52 weeks.

40 **MS RICHARDSON:** So it's the case -

DR JACKSON: I then - I then -

MS RICHARDSON: Just wait for -

45 **DR JACKSON:** Just for clarity, I discussed 52 weeks with the mayor at the meeting on - I believe it was 7 February.

MS RICHARDSON: Well, it wouldn't have been 7 February because that was after - well, what I want to suggest to you is that 52 weeks was discussed on 13 December and it was raised by you.

5 **DR JACKSON:** No, it wasn't.

MS RICHARDSON: Those are my questions.

10 **COMMISSIONER:** Thank you, Dr Jackson.

DR JACKSON: Thank you, Commissioner.

15 **COMMISSIONER:** That's your evidence for the moment. We won't - I'm asked not to release any witnesses formally from their summons for the time being, but in the unlikely event that we need to get you back, someone will be in contact with you and we'll try to do that if we can without bringing you back from Queensland. But I thank you for your attendance over Friday and again today, and I wish you safe travel home. Thank you.

20 **DR JACKSON:** Thank you very much.

COMMISSIONER: You're excused for the moment. You don't have to sit here and listen to me any more. You can go.

25 **<THE WITNESS WITHDREW**

COMMISSIONER: What is to happen with the documents that were shown to Dr Jackson? Should they be tendered or marked or -

30 **MS McDONALD:** I think there might be some that need to be tendered. Could we return to that first thing in the morning?

COMMISSIONER: All right. I'll mark it at the moment - my MFI list - what number are we up to? 15. I'll mark that bundle MFI15.

35 **<MFI #15 BUNDLE OF DOCUMENTS SHOWN TO DR JACKSON**

MS McDONALD: Thank you.

40 **COMMISSIONER:** And if any of that are to be tendered, I think there are some other appointments which are personal in nature that might need to be redacted or dealt with.

MS McDONALD: Thank you.

45 **COMMISSIONER:** Is there anything else to do this afternoon?

MS McDONALD: No. Thank you.

COMMISSIONER: 10 am tomorrow?

5 **MS McDONALD:** Yes.

COMMISSIONER: All right. Thank you. We'll adjourn till 10 am tomorrow.

<THE HEARING ADJOURNED AT 4.14 PM