



PUBLIC INQUIRY INTO LIVERPOOL CITY COUNCIL

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

**PUBLIC HEARING
SYDNEY**

**THURSDAY, 24 JULY 2025
AT 10.07 AM**

DAY 8

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
Mr A Searle, Counsel for John Ajaka
Ms C Palmer, Counsel for Mayor Ned Mannoun
Ms C Hamilton-Jewell, Counsel for Mr P Ristevski**

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<THE HEARING RESUMED AT 10.07 AM

COMMISSIONER: Yes, Ms McDonald.

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MS McDONALD: I think there's a transcript correction that Ms Palmer wishes to raise.

COMMISSIONER: Yes.

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MS PALMER: Thank you, Commissioner.

COMMISSIONER: Let me just pull it up, Ms Palmer.

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MS PALMER: I believe that there may be an error on the transcript. It's page 509. So -

COMMISSIONER: Right. Let me catch up. 509?

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MS PALMER: Yes, of course. And I believe it's in line 35, and I think "Councillor Mannoun" should be "Councillor Ammoun".

COMMISSIONER: 509, did you say?

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MS PALMER: Page 509, line 35.

COMMISSIONER: I don't -

MS PALMER: Excuse me. I'm - 509 for this -

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MS McDONALD: My page 509, line 35, is Mr Ajaka saying "yes".

COMMISSIONER: I think the issue is the version that I received late last night has the reference that you're referring to, Ms Palmer. The version that was circulated this morning has the reference that you're referring to, Ms McDonald.

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MS McDONALD: Okay.

COMMISSIONER: I'm not sure quite - what the difference is -

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MS PALMER: I'm just trying to think if there's a convenient -

COMMISSIONER: - which is slightly troubling.

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MS PALMER: It's - the page that I'm looking at begins with:

".. basically said, 'I'm looking for good staff, come and work here.'"

COMMISSIONER: Yes.

MS PALMER:

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".. and that, so there was a bit of tit for tat."

That's the top of the page I'm looking at it.

10 **COMMISSIONER:** Yes, I have the reference.

MS PALMER: And unfortunately I don't have the transcript which has been circulated this morning.

15 **MS McDONALD:** And, sorry, it's on the page where you say, "I'm looking for good staff"?

MS PALMER: That's right. At line 35 of that page.

20 **MS McDONALD:** I think that's 535 -

MS PALMER: 535?

MS McDONALD: - on the version that I'm looking at.

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COMMISSIONER: All right. It's a -

MS McDONALD: And then -

30 **COMMISSIONER:** A discrepancy of that size troubles me slightly, but we'll get to the bottom of it. 535.

MS McDONALD: On our 535 it's been corrected:

35 "I've asked you about the mayor. You also identified that Councillors Goodman and Ammoun were contacting staff directly".

MS PALMER: And just a bit further down, at line 35, it says "Councillor Mannoun", but I think that ought to be "Councillor Ammoun", unless - so it says:

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"Ms McDonald: 'I've asked you about the mayor. You also identified that Councillors Goodman and Ammoun were contacting staff directly as well.'"

And then Mr Ajaka says "yes". Then Ms McDonald says:

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"Was that aberrant behaviour".

And in the next answer - in the second paragraph of that answer, on the fourth line down, my version says:

"Councillor Mannoun".

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MS McDONALD: "Asked the Director for Planning"?

MS PALMER: Yes. And I think that ought to be -

10 **MS McDONALD:** I think it's been - I'm sorry. I do apologise.

MS PALMER: No, not at all.

15 **MS McDONALD:** The version - sorry, I'm speaking across the bar table. Commissioner, the version that we're - that we've got, that has been corrected.

MS PALMER: Thank you. That's wonderful. Thank you. Well, that will be the most recent version. So thank you for your time.

20 **COMMISSIONER:** Can someone find out why there's such a large discrepancy? I don't know whether I should worry about it or not. I had one minor matter myself which is going to potentially give rise to the same problem. Let me just go to it whilst we're on the topic. So in last night's version, on page 513, at line 37, there's an answer by Mr Ajaka that says:

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"Well, the community starting meeting and the media was going through it line by line."

30 Which, in this morning's version, if I can find it, is page 540, line 14. My recollection is the witness said, "Well, the committee starting meeting and the mayor was going through it line by line."

MS McDONALD: Yes. I think it was, because he referred to a committee being established by council.

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COMMISSIONER: Correct.

MS McDONALD: Yes.

40 **COMMISSIONER:** Correct. All right. That change can be made as well. Ms Palmer, Mr Searle, does that accord with your recollection?

MR SEARLE: It does.

45 **COMMISSIONER:** Ms Palmer?

MS PALMER: Thank you, Commissioner. Yes.

COMMISSIONER: Any other matters? All right.

MR PARISH: "Wednesday" is spelt wrong on the first page (indistinct).

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COMMISSIONER: Sorry?

MR PARISH: "Wednesday" is spelt wrong on the first page of my transcript.

10 **COMMISSIONER:** Ready for Mr Ajaka?

MS McDONALD: Yes. Thank you, Commissioner.

COMMISSIONER: Was your name spelt right, though, Mr Parish?

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MR PARISH: This time.

COMMISSIONER: All right. We'll have Mr Ajaka back.

20 <**JOHN AJAKA, CONTINUING**

COMMISSIONER: Thank you. Mr Ajaka, you're on your oath from yesterday.

MR AJAKA: Thank you, Commissioner.

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COMMISSIONER: Yes, Ms McDonald.

MS McDONALD: Mr Ajaka, yesterday I was asking some questions about events leading up to the termination of your employment by the council.

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MR AJAKA: Yes.

MS McDONALD: And we were leading up to the council meeting which was held on 24 April 2024.

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MR AJAKA: Yes.

MS McDONALD: I want to return and just ask you some other questions about events in the lead-up to that.

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MR AJAKA: Yes.

MS McDONALD: You gave evidence that after the meeting of 16 April people within council, including staff and other councillors, were contacting you about what had occurred at the meeting.

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MR AJAKA: And what I'd said to the mayor.

MS McDONALD: And what you'd said. In addition, did you receive a phone call from a USU delegate, that she had heard about what had happened at the meeting?

5 **MR AJAKA:** Yes.

MS McDONALD: And did she inform you that there was an email circulating by a person known - nominated as a USU advocate concerning the meeting?

10 **MR AJAKA:** I asked her how she knew, and she mentioned that there was - and other matters, and she mentioned that an email went out from - she said USU advocate, and I said, "What email?"

MS McDONALD: Did she then forward it to you?

15

MR AJAKA: Yes.

MS McDONALD: Would you please bring up LCC.001.003.0461. And there's a series of emails in that document. If we can first go to page 5 when it comes up.
20 We understand that Ms Palmer may have - or her solicitor may have sought this.

MS PALMER: If in relation to -

25 **MS McDONALD:** Yes.

MS PALMER: Commissioner, all my client really wishes to say in respect of that is that there is arguably a basis for an application for a non-publication order in relation to these. Some of it - the context of some of these emails and other associated emails - there's allegations of criminal conduct. They're unsubstantiated. They relate
30 to a mayor who's currently sitting, and there's the potential to undermine his capacity to lead when there is material like this being published and circulated.

That said, Mr Mannoun is very keen to ensure that the proceedings in the tribunal - in this inquiry is as transparent as possible, and if counsel assisting thinks
35 it's important, he thinks it should be drawn attention to and made public unless there are - you know, unless in the most exceptional of circumstances. So given all that, we're not going to make the application for a non-publication order.

COMMISSIONER: All right. And I think the approach taken thus far by counsel assisting has been discerning and I would expect that to continue, but if at any stage
40 something comes on the screen that does cause you or your client concern, feel free to let me know.

MS PALMER: Thank you.
45

COMMISSIONER: Yes, Ms McDonald.

MS McDONALD: Can I just say in response, because of what occurs and indeed the - what also occurs at the April council meeting - information that was being circulated amongst councillors, staff and other people - in our submission, it's important that it is seen, though we accept Ms Palmer's instructions that
5 Mr Mannoun obviously disputes some of these assertions.

COMMISSIONER: And of course Mayor Mannoun will be given the opportunity, if he wishes to do so, during these hearings to respond in whatever way he sees fit.

10 **MS McDONALD:** Yes. Now, could we first go to page 5. Now, this is the - if you go back to - sorry, the bottom of page 4, you'll get the beginning of the email. This is dated 22 April, at 1.59 pm, with the subject "Distress At Liverpool Council", from the USU advocate, and it would appear there that it's been circulated to members of the press and also the ICAC and a politician at Parliament.

15 **MR AJAKA:** Yes.

MS McDONALD: And this was the email that was forwarded to you by the USU delegate?
20

MR AJAKA: Yes. That was the first time I'd seen it.

MS McDONALD: And the USU delegate was Sandie Morthen?

25 **MR AJAKA:** Correct.

MS McDONALD: And if you can look in here, it includes - if you keep on going down - at the first paragraph on that page -

30 **MR AJAKA:** Yes.

MS McDONALD: - "He", being the mayor:

35 "... has become a law unto himself and is now moving to dismiss the CEO at the next council meeting ..."

MR AJAKA: Yes.

40 **MS McDONALD:**
"... this coming Wednesday due to the fact that the CEO refused to terminate some directors the mayor does not want to remain employed by council."

45 When you were forwarded this email by Ms Morthen, was that the first time that you had heard about some proposal or suggestion that the termination of your employment was - may be moved at the next council meeting?

MR AJAKA: That was the first time I saw that.

MS McDONALD: Excuse me. Upon receiving the email from Ms Morthen, with it being foreshadowed that there may be a move to dismiss you, did you take any
5 action to discuss that with the mayor?

MR AJAKA: No. I was still, at that time, trying to meet with the mayor to do the apology, working with Councillor Mel Goodman.

10 **MS McDONALD:** Although as we established yesterday, there was the option just to go and knock on his door.

MR AJAKA: But I thought I've explained that. I felt uncomfortable doing that. I didn't feel it was appropriate, because of the fact that I was convinced at the time
15 that Councillor Mel Goodman was organising a proper meeting with the mayor and the other Councillors.

MS McDONALD: But you could have gone and knocked on his door immediately after the meeting on the - the meeting on 16 April.
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MR AJAKA: That was actually discussed with Farooq Portelli, who had remained in after the meeting, and I just felt that it needed a bit of time and that I would deal with that afterwards, and that's when the phone calls started to come in, where it was clear that the mayor was telling everybody what happened.
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MS McDONALD: But by going and knocking on the door immediately or shortly after, the benefit of that was that it would have nipped in the bud the escalation that occurred?

30 **MR AJAKA:** In hindsight, I can't disagree with that.

MS McDONALD: Now, after this particular email, did you receive a second email? And if we move up to page 3, an email dated 24 April. And I think it commences at the bottom of page 2. Thank you, Ms Associate. And this one appears to be
35 addressed to - well, it says, "Dear Councillors", and forwards the email of the - sorry, 22 April. And if we can move to page 3.

MR AJAKA: Yes, I've seen that.

40 **MS McDONALD:** And again, it's - implicit in it is that it's anticipated that there will be some kind of motion or moving towards the termination of your employment.

MR AJAKA: I see that.

45 **MS McDONALD:** And then - excuse me for a minute. And then if you continue through this document, to page 1, this is an email of - I think it's 25 April, this time to a number of councillors, plus yourself and some other people.

MR AJAKA: Yes.

5 **MS McDONALD:** Again, complaining about the mayor. And if you can keep on going down onto the next page - again, implicit in it is that your employment's going to be terminated.

MR AJAKA: Yes.

10 **MS McDONALD:** Now, it - again, leading up to the council meeting, there was - yesterday you spoke about through the intermediary, Councillor Goodman, there was then a request for a written apology?

MR AJAKA: Correct.

15 **MS McDONALD:** Which you said you would do.

MR AJAKA: Yes.

20 **MS McDONALD:** Did you ever do it?

MR AJAKA: No, because I was going to take it with me to the meeting, but I hadn't done it.

25 **MS McDONALD:** But you could have prepared it and independently got somebody to deliver it to the mayor's office?

MR AJAKA: In hindsight, yes.

30 **MS McDONALD:** Did you consider it at the time?

MR AJAKA: I considered taking it with me because I knew it would only take a minute or two to prepare. But each time we discussed the letter, there'd be a condition attached to it and I knew I wasn't going to agree to that. I made it clear I
35 wasn't going to agree to that condition.

MS McDONALD: What was the condition?

40 **MR AJAKA:** It never landed on just the letter.

MS McDONALD: But you could have just sent a letter with, "In respect of what I said at the meeting, I apologise. It was inappropriate."

45 **MR AJAKA:** In hindsight, absolutely. Yes. But I didn't at the time.

MS McDONALD: But you didn't do that. All right. Now, can I lead to the meeting of 24 April. And I think you started discussing this yesterday.

MR AJAKA: Mm-hmm.

5 **MS McDONALD:** But there was - the meeting started. You were sitting in your usual place?

MR AJAKA: Yes.

10 **MS McDONALD:** And the mayor was sitting in his usual place, which was next to you.

MR AJAKA: Correct.

15 **MS McDONALD:** And the meeting commences and you go through the usual -

MR AJAKA: Formalities.

20 **MS McDONALD:** - formalities, and in - you mentioned yesterday that there was a resolution about council and council staff. Would you please bring up the minutes of the meeting, INQ.001.001.1099. Yes, please. That's the first page you can see. It's minutes of the ordinary meeting held on 24 April.

MR AJAKA: Yes.

25 **MS McDONALD:** Would you then move to page 3. Now, this is under the heading Motion of Urgency. And can you see the motion which is then moved by Councillor Rhodes, seconded by Councillor Goodman?

30 **MR AJAKA:** Yes.

MS McDONALD: And through there, in the various paragraphs of the resolution - in paragraph 2, after writing to various people, the council:

35 "Formally acknowledging the role of the CEO, his team and council and in achieving this position of collaboration and positivity."

MR AJAKA: Yes.

40 **MS McDONALD:** Is that the resolution that you would - referred to yesterday, where it was a resolution in your mind praising you and your team and the work you were doing?

MR AJAKA: Correct.

45 **MS McDONALD:** And if we look at - if you move to the bottom of that page, the motion was put and declared carried. There were two votes against it, who were

Councillors Hadid and Councillor Harle, but it would appear that the other councillors, including the mayor, who were present voted in favour of it.

MR AJAKA: Correct.

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COMMISSIONER: What was the context of this motion, do you remember?

MR AJAKA: So, Commissioner, prior to this motion, when we sat down - at that stage I really did not believe that the mayor would move to terminate me, even though it had been talked about, etcetera. I just didn't accept that, because I'd been given no notice. I hadn't been asked to prepare for it, nothing of that nature. So when this motion was then - and I - again, I had no notice of this - when this motion was moved and passed, I thought, "Great, this ends it all," because there'd been, in the first paragraph, all of the positive comments apparently made by media and the USU. So I thought that this was a way to simply resolve the matter and move on.

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COMMISSIONER: Sorry, that -

MR AJAKA: And I thought it was over.

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COMMISSIONER: Perhaps I wasn't clear. There's references in the motion to positive comments and achieving a position of collaboration and positivity and a path of continued improvement. Do you remember what was happening at the time?

MR AJAKA: At the time there was - some of the media reports coming out, and at the time there was the USU advocate's emails coming out, and of course everyone was talking about what I'd said to the mayor at that meeting. So -

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COMMISSIONER: Do you remember what the positive media reports were? Mr Hadley, for example?

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MR AJAKA: The positive media of Hadley and Steve Donley were about me. Councillor Green was also making positive comments about me, as were Councillors Kaliyanda and Councillor Harle. It was interesting that Councillor Harle didn't vote for it when he was part of the positive comments.

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COMMISSIONER: All right.

MS McDONALD: If you look at the beginning of it, before the actual motion -

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MR AJAKA: Yes.

MS McDONALD: - it seems to have been - sorry, Councillor Rhodes, who moved it, refers to "the recent reports in the media". It was urgent, as it needed to be sorted immediately so that councillors continue with council business and doing what councillors need to do to govern Liverpool. And as you've answered the

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Commissioner, it seems to pick up some positive comments from Ray Hadley - and, I'm sorry, Steve Donley, was he on -

5 **MR AJAKA:** Steve Donley was the USU - he represented the USU. He's currently the acting CEO of the USU, but he was -

MS McDONALD: Right.

10 **MR AJAKA:** - in effect, the deputy CEO. But he was Sandie Morthen's boss, if I can use that expression.

MS McDONALD: And then - also one of the paragraphs of the resolution was:

15 "To write to the Office of Local Government to conduct an independent investigation into the matters raised by the public and in the public media and by some councillors."

And then, finally:

20 "To direct the CEO to send to all staff email advising the staff of the commitment to increase staff, and where Liverpool Council is at with the head count, roles and budget."

25 **MR AJAKA:** Yes.

MS McDONALD: That last part that, "where Liverpool Council is at with the head count, roles and budget," what was that referring to?

30 **MR AJAKA:** So I think at that time - or part of the media report was talk that the council was going to terminate a large number of staff, and that was directed in there for me to advise the staff that that was not going to happen.

MS McDONALD: And that, indeed, there was a commitment to increase staff.

35 **MR AJAKA:** Well, we were - well, we were still short at that stage. When I came in, I think we were short about 150, 160. We were still short about 120 staff that had not been hired. Vacancies.

40 **MS McDONALD:** So you had vacancies in your full-time employee numbers?

MR AJAKA: Yes, serious - and at the beginning of my term, when I indicated that the - it was clear that council was toxic. We were unable to employ anyone because the existing staff was telling everyone, "Don't work here. It's too toxic. This is a nightmare place to work."
45

MS McDONALD: The discussion with the mayor at the meeting of 16 April, where he raised and was seeking modelling for two director positions to go, some manager positions and also raising abolition of non-core -

5 **MR AJAKA:** Yes.

MS McDONALD: - roles -

10 **MR AJAKA:** And the third one was to legal, which we didn't cover yesterday.

MS McDONALD: Yes. I think you did give evidence that the idea was instead of having an in-house legal team you would be relying on outside solicitor firms to be performing their duties.

15 **MR AJAKA:** Correct. And that was the main one we discussed after the comment was made, where we - the meeting continued for 20 minutes and I demonstrated to him there'd be no savings, there would actually be a far greater expense to the budget.

20 **MS McDONALD:** But the reductions in staff numbers that I just outlined there -

MR AJAKA: Yes.

25 **MS McDONALD:** - were they - was it your understanding that they, in a sense, were being built or put on top of the vacancy of about 150 full-time employee positions that were still waiting to be filled? Is that question clear or not clear?

MR AJAKA: Sorry, no.

30 **MS McDONALD:** Right. You've just said that at this point of time the council had 150 full-time -

MR AJAKA: When I started, had about 150 vacancies.

35 **COMMISSIONER:** Just let - just wait for the question to finish -

MR AJAKA: Sorry.

40 **COMMISSIONER:** - so we're clear.

MS McDONALD: You just referred to the council having 150 vacancies for - in full-time employee positions.

45 **MR AJAKA:** Correct.

MS McDONALD: Now, that was the state of affairs when you commenced in January 2023?

MR AJAKA: Correct.

5 **MS McDONALD:** Over the period - we're now at April 2024 - had some of those positions been filled?

MR AJAKA: Yes.

10 **MS McDONALD:** Do you remember whether it was - how many of the 150 had been filled?

MR AJAKA: Look, from recollection, at least 30. Maybe more.

15 **MS McDONALD:** If we say 40, does that mean there's - and rough numbers - there's still 100 positions - full-time employee positions vacant at the council?

MR AJAKA: Correct.

20 **MS McDONALD:** And this is my confusing question that I just asked. When the mayor was raising with you, "Let's get rid of two directors. Let's terminate some managers. Let's terminate some non-core functioning employees," was that going to be on top of the hundred-odd vacancies? So what he was looking at was those
25 hundred-odd vacancies wouldn't be filled, and on top of that there would be more redundancies or terminations of employment?

MR AJAKA: Yes.

30 **MS McDONALD:** So your understanding of this motion in paragraph 6, where there is a reference to commitment to increase staff, you're looking at that hundred-odd full-time employee positions that were still to be filled?

MR AJAKA: Correct. Not new positions to be created.

35 **MS McDONALD:** Right. And when you talk about head count, roles and budget, is that linking in with identification of those positions which were vacant, that they would be filled, etcetera?

40 **MR AJAKA:** So the budget would include a figure of any vacancy that you could be confident were to be filled in that financial year. They must be in - booked.

MS McDONALD: So a line item in the budget of employee costs foreshadowed for the next year -

45 **MR AJAKA:** Yes.

MS McDONALD: - would include all of - or a substantial number of those hundred vacant full-time employee positions?

5 **MR AJAKA:** Yes. So that's where the role of the directors was, to work with the finance team, to be realistic about what roles would be filled in that period.

10 **MS McDONALD:** And the - paragraph 6 of the resolution, reading that, your construction or interpretation of it, is it contrary to the modelling that the mayor was seeking for the meeting of 16 April where two directors would go, some managers would go, some other non-core employee positions would go?

MR AJAKA: No. I didn't relate the two together.

15 **MS McDONALD:** All right. Well, looking at it now, is paragraph number 6 consistent with that? If you're -

MR AJAKA: No. I -

20 **MS McDONALD:** - directing as the CEO to tell staff we've got a commitment to increase staff -

MR AJAKA: Yes.

25 **MS McDONALD:** - that seems to be inconsistent with, "But we're going to abolish two directors, some managers and some non-core positions."

30 **MR AJAKA:** Yes. So this motion was brought in by Councillor Rhodes. I wasn't aware of this motion coming in, because it was an - there was no notice of it. It was dealt with quickly. And shortly thereafter, I was removed.

MS McDONALD: Right. We'll get on to that.

35 **MR AJAKA:** So I never really got a chance to analyse, but I never took it when I first heard it to mean that. I took this to be dealing with the media reports that were coming out and that I was going to be - I was asked to direct to the - advise the staff that there would be an increase in staff, meaning of course there would be no decrease.

40 **MS McDONALD:** Yes. That's your understanding. That's inconsistent with what the mayor was investigating or exploring in the meeting of 16 April, "Get rid of two directors. Get rid of managers. Get rid of the legal department. Get rid of some non-core function employees."

45 **MR AJAKA:** Yes.

MS McDONALD: But if you look at this, the mayor voted in favour of the resolution.

MR AJAKA: Correct.

5 **MS McDONALD:** And as you have noted, Councillor Harle did as well - voted against it.

MR AJAKA: Yes.

10 **MS McDONALD:** Anyway, I won't ask you to comment on that. So this resolution is passed at the council meeting?

MR AJAKA: Yes.

15 **MS McDONALD:** And I think after that there are - if we can just go down - continue with the minutes for a minute. We've got a mayoral minute. And these are the traditional mayoral minutes where there are matters often of concern to the community.

20 **MR AJAKA:** Yes.

MS McDONALD: It can be condolence motions or recognition of constituents, winning awards and things like that?

25 **MR AJAKA:** Correct.

MS McDONALD: And it continues through, I think, to about page 4 in the usual fashion of a council meeting.

30 **MR AJAKA:** Correct.

MS McDONALD: And if we can move to page 9, we've just thanked Professor Barney Glover.

35 **COMMISSIONER:** No relation.

MS McDONALD: Thank you. Then if we - can you see we then have:

40 "Mayor Mannoun advised the council would now move into closed session to discuss a confidential mayoral minute."

MR AJAKA: Yes.

45 **MS McDONALD:** The justification for that. And then that motion was moved, seconded by Councillor Macnaught.

MR AJAKA: Yes.

MS McDONALD: There's a division, but the motion was carried on the mayor's casting vote, and all staff and the public were requested to leave the chambers at 3.05.

5 **MR AJAKA:** Yes.

MS McDONALD: And then session commenced following a holding period and following the departure of all public members.

10 **MR AJAKA:** Yes.

MS McDONALD: Now, your understanding is the move to the closed session was to discuss the termination of your employment?

15 **MR AJAKA:** So when he told all the staff to leave, I asked him, "Does that include me?" And he said yes. So that was a clear indication it was about me.

MS McDONALD: The usual practice with - at a council meeting, if they're moving into a closed session - for example, they're going to discuss buying or selling
20 property, and because of the commercial confidentiality the council - the meeting is closed. Do you usually stay in the meeting then or do you leave?

MR AJAKA: No, I stay unless I've declared a conflict of interest and I have to leave, as do the directors, and a number of staff do remain for the - taking the
25 minutes.

MS McDONALD: All right. So you asked, "Does that include me"? He said yes.

MR AJAKA: And then it became obvious.
30

MS McDONALD: Right. And was it the case - and I think it's reported in a number of papers - when they moved to the closed session there was some ruckus, other activity by members in the public gallery.

35 **MR AJAKA:** Correct.

MS McDONALD: But eventually they'd moved into a close session?

MR AJAKA: Correct.
40

MS McDONALD: And I think if we now move to page 10, there's a reference to a confidential mayoral minute. You had not seen that beforehand?

MR AJAKA: No, I had no idea it was happening.
45

MS McDONALD: Did you ever see it?

MR AJAKA: No. Never. I was never given an opportunity to respond in any way. I was never given an opportunity to be advised of what was occurring. I wasn't invited into the council meeting. I was given no procedural fairness whatsoever. It was all happening behind closed doors after I was literally thrown out.

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MS McDONALD: Then you've got a recommendation that council exercise a clause of your employment agreement and grant you leave with pay until all the matters raised in the mayoral minute are considered independently, appointing Jason Breton as the acting Chief Executive Officer. And then there are investigating Liverpool City Council workplace health and safety concerns. And also finally, notify the Office of Local Government regarding this matter. Then if we can go to the next page. And there we've got:

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"Council decision that the recommendation be adopted."

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And again, a division was called. And then, if you keep on - then there was a recess. The meeting resumed at 5.40 in open session. And that resolution that was carried in closed session, was that then revealed in the open session at council?

20 **MR AJAKA:** Correct.

MS McDONALD: Now, before they moved back into open session -

MR AJAKA: Yes.

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MS McDONALD: - were you called to some kind of meeting and told what was going to occur?

30 **MR AJAKA:** Yes. So from memory, Shayne Mallard approached me and said that the mayor and the deputy mayor wanted to see me in the kitchen.

MS McDONALD: All right. And the kitchen is somewhere near the council - the actual chambers of where the council meet?

35 **MR AJAKA:** Yes. Yes. The - you know, basically you've got the chamber, the kitchen and then the passage hallway all within the same proximity.

40 **MS McDONALD:** Right. The time between the council actually going into the closed session and then when you were asked to go to the kitchen, roughly what was that period?

MR AJAKA: I consider - for me, it felt like hours.

45 **MS McDONALD:** And because you were excluded from the closed session, you knew what the topic was.

MR AJAKA: I assumed it.

MS McDONALD: You assumed you knew what the topic was, but as you said you hadn't been given a copy of the mayoral minute, no opportunity to address those Councillors about what was being discussed.

5

MR AJAKA: Yes. At no time did I - I know what the topic was, but I didn't think they would pass a motion without giving me an opportunity. I thought at some stage they'd ask me to come in and address them, but it didn't happen.

10 **MS McDONALD:** When you went into the kitchen you had Shayne Mallard with you?

MR AJAKA: I asked Shayne to come with me as a support person.

15 **MS McDONALD:** And you - and it was the mayor and the deputy mayor?

MR AJAKA: Correct.

MS McDONALD: And what did they say to you?

20

MR AJAKA: So the mayor said to me, "We've just passed a motion where you've been put on special leave with pay, and you now need to immediately leave."

MS McDONALD: Did you agree to immediately leave?

25

MR AJAKA: No. I said, "Look, I'm sorry, but you need to confirm this in an open session, and I should at least be there to hear it." He said, "No, I want you to leave now." I said, "Look, I don't think that's right. I should be there." And finally, I recall saying, "Look, I won't sit next to you. I'll just sit behind one of the directors. I'll stand behind one of the directors. As soon as it's passed formally, I'll just turn around and leave. I won't say anything." And he agreed to that.

30

MS McDONALD: And is that what occurred?

35 **MR AJAKA:** Yes.

MS McDONALD: They came back into open session. That resolution that had been passed in closed session was then -

40 **MR AJAKA:** Repeated. Yes.

MS McDONALD: - repeated in the open session.

MR AJAKA: And moved and passed.

45

MS McDONALD: And then you left the -

MR AJAKA: I turned around and walked out, like I agreed to do.

MS McDONALD: All right. And still at that point of time, you hadn't been given any details of the specifics of the allegation against you?

5

MR AJAKA: No.

MS McDONALD: Now, part of the resolution - sorry, if we can go back, I think it's on page 9. After the - you go on leave, was that - I think it's about - yes. You go on leave until the matters raised in the mayoral minute are considered independently. That's what the resolution said?

10

MR AJAKA: Yes.

15 **MS McDONALD:** The first paragraph.

MR AJAKA: Investigate Liverpool - you mean in clause 2?

20

MS McDONALD: No. Clause 1, you're going on leave -

MR AJAKA: Yes.

MS McDONALD: - until the matters raised in -

25 **MR AJAKA:** Yes.

MS McDONALD: - the mayoral meeting - minute, I'm sorry, are considered independently.

30 **MR AJAKA:** Correct.

MS McDONALD: After that, was a company known as "WEIR" engaged to undertake some kind of investigation?

35 **MR AJAKA:** Yes. My recollection was "WEIR and Associates", something like that.

MS McDONALD: Now, with WEIR, do you recall receiving some communication from a Peter Harvey from WEIR Consulting?

40

MR AJAKA: Yes. I believe he phoned me first, introduced himself and what he was doing, and then we arranged a time to meet. And then I believe he sent me the email setting out what he wanted to discuss with me. The email could have gone before - could have gone out before we arranged the time, but - or something like that.

45

MS McDONALD: Please bring up document LCC.008.001.0027. And it can be live-streamed. Sorry, can we just go to the top of the - sorry. Right. If we go down to the bottom of page 2, you can see an email from Peter Harvey on 18 May at 9.53 am, talking about to - arranging to meet you.

5

MR AJAKA: Yes.

MS McDONALD: If we can move down to the next page. And you can see there, at the top:

10

"I will provide you further details of the mayor's complaint on Monday. In summary, the interview relates to a fact-finding investigation that I'm undertaking in relation to complaints made by the mayor concerning a conversation he had with you at the meeting on 16 April and, more particularly, the outcomes arising from that meeting. An interview will allow you to provide your account of what occurred."

15

MR AJAKA: Correct.

MS McDONALD: And then if we can go back to - you respond - this is on page 2 - basically:

20

"I'll see you on the 22nd. A delegate from the USU will accompany me."

MR AJAKA: Correct.

25

MS McDONALD: Then if we go up the top, this is Mr Harvey again providing - in an email, providing you with more context. If you look at the body of that email, there's a reference to 16 April, but then in the third paragraph - and you can see there's some dot points.

30

MR AJAKA: Yes.

MS McDONALD:

35 "The mayor's complaint also relates to what occurred after the meeting."

MR AJAKA: Yes.

MS McDONALD:

40

"You didn't actively take steps to resolve the conflict, in that you didn't apologise."

MR AJAKA: Yes. Yes.

45 **MS McDONALD:**

"You exacerbated tensions with the mayor by not clarifying or officially communicating with the union or staff that the reported planned job losses were not correct."

5 **MR AJAKA:** Yes.

MS McDONALD:

10 "Spoke to others about the meeting, where it is reported that you boasted that you stood up to the mayor."

MR AJAKA: Yes.

15 **MS McDONALD:** And then:

"Acted in a manner that the mayor felt was insubordinate by not recognising the difference between the role of the mayor and your own role of CEO, which created further tension between yourself and the mayor."

20 **MR AJAKA:** Correct.

MS McDONALD: Now, on 22 May you were interviewed by Mr Harvey?

25 **MR AJAKA:** Correct. And we dealt with those issues - concerns.

MS McDONALD: And there is a transcript of that interview.

MR AJAKA: Yes.

30 **MS McDONALD:** Would you bring up, please, document LCC.008.001.0022. That's - yes, you can live-stream it. Sorry. I first just want to get you to identify the document. It commences with:

35 "Interviewer: Peter Harvey. Interviewee: John Ajaka. 22 May."

And if we can go to the last page. It's not signed, but is it your evidence that you received a copy of the transcript?

40 **MR AJAKA:** Correct.

MS McDONALD: You read through it when you received it?

MR AJAKA: Yes.

45 **MS McDONALD:** And were there any changes or amendments that you wanted made to it?

MR AJAKA: No. I wrote back to Peter because I wasn't signing it saying that I agreed with the interview - other than, you know, quite a number of typographical errors, which, you know, I didn't go through and amend.

5 **COMMISSIONER:** But nothing that affected the substance of what was recorded?

MR AJAKA: No, Commissioner.

10 **MS McDONALD:** And I didn't want to take you to this in detail because you've given a lot of evidence which covers discussions in the - that are - questions are raised in the interview, but towards the end of the interview, was there a discussion with Mr Harvey where you're raising, "Well, look what's going to happen next?"

15 **MR AJAKA:** Yes.

MS McDONALD: And Mr Harvey, without committing himself or his organisation, was raising matters such as, "Look, you know, it could be mediation."

20 **MR AJAKA:** Yes.

MS McDONALD: Or there could be some kind of conflict resolution meetings or procedures between you and the mayor.

25 **MR AJAKA:** Correct. He also explained that it'll be a little bit of time before he can prepare his final report.

MS McDONALD: All right. Did he flag at that time that there was going to be an interim report?

30 **MR AJAKA:** No, I don't recall. But he did phone me to say he'd been asked to send an interim report and he was doing so, but couldn't provide me a copy of it. But he did indicate that the interim report was basically saying, "Look, I need time to finish the final report."

35 **MS McDONALD:** And did you also understand that he was interviewing other people, indeed, including Mr Mannoun?

MR AJAKA: Correct.

40 **MS McDONALD:** Now, did you know on 27 May there was an interim report prepared by WEIR?

MR AJAKA: As I said, he phoned me to say he was doing it, but I never saw it and didn't know when it was sent.

45 **MS McDONALD:** Would you bring up document LCC.002.004.0361. You can see there "Interim Fact-finding". And if we just move through the document, you can

see it's - keep on going, sorry. As it's described, it's an interim report identifying conditions -

5 **MR AJAKA:** I've not seen this report before.

MS McDONALD: Okay.

MR AJAKA: I've never read this report.

10 **MS McDONALD:** All right.

MR AJAKA: I've never been provided with it.

15 **MS McDONALD:** If I can just take you towards the end. Maybe if you go to section 1.4, "Fact-finding Process to Date". It's on page 3. Got it?

MR AJAKA: Yes. Would you like me to read it?

20 **MS MCDONALD:** So you can just see under 1.4 the tasks that had been taken already.

MR AJAKA: Yes. Yes. Yes.

25 **MS McDONALD:** You've got, at the end of that:

"It's anticipated that the final report will be completed within two weeks."

30 **MR AJAKA:** Yes. He said something like that when he phoned me to say that they've asked him for an interim report, and he'd need a number of weeks, from memory, to finish the final report.

MS McDONALD: Then if you move through to page 4 of the document, under 1.8, Interim Observations and Conclusions -

35 **MR AJAKA:** Right. Can I read that? Yes.

MS McDONALD: And then if we can go to the next page. We've got under 1.9, "Recommendations":

40 "I recommend that the council waits for the outcome of the final fact-finding report."

And that report was dated 27 May. You've never seen it before this?

45 **MR AJAKA:** No.

MS McDONALD: Right. So 27 May. The council meeting for May occurred on 29 May?

MR AJAKA: I believe so. I can't remember the exact date, but I assume it did.

MS McDONALD: Okay. Did you attend that meeting?

5

MR AJAKA: No, I wasn't - I wasn't invited. And since I was on special leave, I didn't think it was appropriate that I should.

MS McDONALD: Would you bring up, please, OLG.001.001.1061. At this point of time, were the council meetings live-streamed?

10

MR AJAKA: All live-streamed except confidential session.

MS McDONALD: But as at May '24, they would be -

15

MR AJAKA: I would have assumed. As I said, like, there's a -

MS McDONALD: Were you watching?

MR AJAKA: No.

20

MS McDONALD: All right.

COMMISSIONER: The confidential sessions aren't live-streamed, but is there still a recording made of them?

25

MR AJAKA: My understanding is yes.

COMMISSIONER: We won't put it on the live stream at the moment.

30

MS McDONALD: Apparently, it's been withdrawn. Yes. Just on the confidential sessions, your understanding is they are recorded?

MR AJAKA: Yes.

35

MS McDONALD: But obviously the video or - the table, however you described it, is kept separately -

MR AJAKA: Yes.

40

MS McDONALD: - to the recording of the live stream.

MR AJAKA: Correct.

MS McDONALD: And is it your understanding that it's kept?

45

MR AJAKA: Yes. And it's kept separate. It's not disclosed to the public. It's why you go back into open session and pass a motion of what was dealt with in the confidential. That is then part of the actual official minutes.

5 **MS McDONALD:** No, I understand that. I'm interested more in that when the council moves to a closed session -

MR AJAKA: Yes.

10 **MS McDONALD:** - it's recorded.

MR AJAKA: Yes.

15 **MS McDONALD:** And that, to your understanding, those videos or recordings of a closed session are then maintained or kept.

MR AJAKA: Yes.

20 **MS McDONALD:** And do you know who keeps them?

MR AJAKA: No, I mean, there's - staff are there that are undertaking that work. That's why they remain in the confidential session, and they continue to record.

25 **MS McDONALD:** And under the council staff, whose jurisdiction does that come under?

MR AJAKA: Portelli. Corporate.

30 **MS McDONALD:** Corporate Support.

MR AJAKA: Corporate and Governance.

35 **COMMISSIONER:** Just before you go to the detail of this document, Ms McDonald - Mr Parish, there's no longer a - the non-publication order over this document is no longer pressed; is that right?

MR PARISH: That's correct.

40 **COMMISSIONER:** All right. On 11 July I made an order pursuant to section 12B of the Royal Commissions Act that the document OLG.001.001.1061 not be published. That direction is now vacated.

45 **MS McDONALD:** The document on the screen is entitled Mayoral Minute. You can see it's dated 29 May, from the mayor, subject is Staffing Matter. It commences with: "Referring back to the resolution of 24 April".

MR AJAKA: Yes.

MS McDONALD: Which I've taken you to.

5 **MR AJAKA:** Yes.

MS McDONALD: And then if - you can move down that first page, please. You can see, after going back - after the repeat of the earlier resolution, it talks about:

10 "In addition to the CEO's actions during the meeting of 16 April, his actions and inactions in advance of the meeting and which followed the meeting are of concern."

And then:

15 "Upon consideration as a whole, it is appropriate that Mr Ajaka be dismissed from his role as CEO. His contract of employment enables the council to terminate the contract at any time without notice and without payment in lieu if the employee commits any act that would entitle a summary dismissal."

20 And then:

"For the reasons set out in attachment A, it's appropriate to exercise that right."

25 And then a recommendation, you can see, that your employment be terminated and you receive a letter. And then if we continue with the document, probably commencing at about page 3 - yes. There's the letter that it was anticipated you would receive. In particular, can you see at the commencement of the third paragraph there are what are termed several instances of unsatisfactory conduct on your part?

30 So, the first dot point is you didn't provide the financial modelling information which had been requested from you for budget purposes. You did not provide that information because you disagreed with the models being considered. That relates back to that email that the mayor sent you with a request for modelling. My recollection is you said that you forwarded that to Mr Portelli.

35 **MR AJAKA:** No. So the - when the mayor emailed me he cc'd Mr Portelli, if I recall.

40 **MS McDONALD:** Did Mr Portelli prepare the modelling?

MR AJAKA: I - I think in my email back to Mr Portelli - in a reply, that we would - Lauren would organise a meeting. I think I did say, "Can you prepare the figures?"

45 **MS McDONALD:** And do you recall whether he had prepared the figures for the meeting of 16 April?

MR AJAKA: No, I don't believe he did.

MS McDONALD: And do you know why he hadn't? Did he tell you why he hadn't?

5 **MR AJAKA:** No, but he and I had discussed before the meeting that, you know, we can't be proceeding with this because this is clearly a restructure. It can't happen and it makes no sense, and we really need to have a meeting with the mayor to discuss it. So we'd organised the meeting for that purpose.

10 **MS McDONALD:** Then the next dot point is the meeting and when you uttered those particular words.

MR AJAKA: Yes, but not in that entire sentence like that. It wasn't a situation of all of those words.
15

MS McDONALD: I'm sorry, I should have asked you about that. Your evidence yesterday of what you said was different from what's recorded there?

MR AJAKA: Correct.
20

MS McDONALD: First words, you say you did utter.

MR AJAKA: The - yes. But, you know, a bit of a longer sentence, you know, "For the love of God."
25

MS McDONALD: Yes. And what about the:

"You're always interrupting me. Stop interrupting me."

30 Did you say that?

MR AJAKA: I may have said that earlier on, before the, "Shut the" -

MS McDONALD: "F up".
35

MR AJAKA: "Up". But I - I may have said to him, when we were talking, each time I've started to explain something he'd interrupt me, and I said, "Look, you keep interrupting me." You know, "Stop interrupting me." At some stage I did say, "Look, I'm not sacking anyone." And I don't recall ever saying, "You're not firing me. I'm
40 not going anywhere." The comment, "I'm not going anywhere," was in relation to, you know, take the leave. I had said to him on a number of occasions, "I'm not going anywhere." So a lot of those words have been said, but it wasn't all in the one hit like that.

45 **MS McDONALD:** The next dot point asserts that on 22 April you met with a representative of the USU, and then immediately after that there were - accusations

are made by the USU to the effect that the mayor is looking at sacking 150 staff members.

5 **MR AJAKA:** Yes. I made that clear in the interview with Peter Harvey from WEIR and Associates that I never said that. And fortunately, Sandie Morthen, who was there, also made it very clear in that interview that she wasn't going to indicate who said it but she absolutely assured Peter Harvey it wasn't John Ajaka.

10 **MS McDONALD:** And then the next dot point, that the USU concerns about security of employment arose from the meeting with you and your lack of action to both correct this misstatement and to reassure staff and ratepayers from - that the accusations were untrue.

15 **MR AJAKA:** I had no opportunity to do that. I was literally put on special leave within a very short period of time.

MS McDONALD: When were you sent on the special leave again? That was -

20 **MR AJAKA:** The meeting in April. I think April the 24th was the meeting.

MS McDONALD: And when was your understanding of when - the rumours of 150 people - staff losing their jobs?

25 **MR AJAKA:** I think that - I think it first came out in the USU advocate email, from memory. And I'd never been informed of this being a problem until I received that letter. So this was the first time that had been brought to my attention, that I'd somehow or other been involved or failed.

30 **MS McDONALD:** Failed to correct.

MR AJAKA: To correct.

MS McDONALD: We go to the next page, please.

35 **MR AJAKA:** I actually received the formal letter, I think, almost within minutes of the decision. That's when I first became aware that this action had been taken against me.

40 **MS McDONALD:** And then the letter continues to say - again, there's more allegations that you can - of not correcting misstatements that Mr Hadley repeated in a radio piece, etcetera.

45 **MR AJAKA:** Again, this is the first - first time I became aware of these allegations was when I received the formal - this formal letter shortly after the meeting. None of that had ever been raised with me. I'd never been given an opportunity to respond it. Didn't even know about it until Peter - WEIR had, sorry, raised some of the issues in his email to me, which we dealt with in the meeting - in the interview.

5 **MS McDONALD:** Then the next dot point is the council meeting which was disrupted by union members - yet notwithstanding your statutory functions to direct staff, you took limited action to facilitate the effective functioning of the meeting, and the action that you did take encouraged members by stating words to the effect, "I couldn't be more proud of what you're doing."

10 **MR AJAKA:** I explained that yesterday and I explained it in the WEIR report. When the mayor sent a message that I should go in - back into the meeting and convince them to leave, I tried that. And I did indicate to them that I knew that they were doing it, they were there for me, I appreciated the fact that they were there for me. I mean, it was extraordinary that all of the employees, USU delegates, USU officials and other members of the public were sitting there supporting me, a CEO - almost unheard of - and I told them I was proud of them but they had to leave. I wanted them to leave. I didn't want to see them get in trouble. I didn't want to have to live with that.

MS McDONALD: Were the police called to the council meeting?

20 **MR AJAKA:** Not at that stage. When they still didn't leave and I left the chamber because they said to me, "No, we're staying. We are not leaving," I then left the chamber because I was still under the direction to leave the chamber. I saw the police arrive a time later.

25 **MS McDONALD:** And, I'm sorry, I'm getting confused. The council meeting started. It then moved - went to move into closed session.

MR AJAKA: Correct. We were asked to leave.

30 **MS McDONALD:** And was that when members in the public gallery, including employees or staff members, refused to leave?

MR AJAKA: No, no. All the staff - sorry, all of the main staff that sit in the meeting left. We're talking the directors and -

35 **MS McDONALD:** No, no, no. That's fine. I'm talking about people in the public gallery.

MR AJAKA: The - that were in the public gallery? Correct.

40 **MS McDONALD:** They refused to leave?

MR AJAKA: Yes. And - yes.

45 **MS McDONALD:** When were the police called?

MR AJAKA: After I was unable to get them to leave, the police arrived. I think about half an hour later.

5 **MS McDONALD:** All right. And at that point, the council hadn't moved into closed session?

MR AJAKA: They couldn't.

10 **MS McDONALD:** All right. So there's a period where the council have resolved to move into closed session but they can't because there's still people in the public gallery?

MR AJAKA: Correct.

15 **MS McDONALD:** You've just given an account of where you say you went to them and basically said, "Leave. I'm proud of you for what you're doing, but please leave." They didn't leave. The police came. And then eventually, did members of the public gallery leave?

20 **MR AJAKA:** Yes. I was proud of them for backing me.

MS McDONALD: No, no, no. I'm looking at the sequence of events.

25 **MR AJAKA:** Yes.

MS McDONALD: And the council moves into closed session there. You're still in the council premises.

30 **MR AJAKA:** In the outside foyer.

MS McDONALD: But you haven't - you've been excluded from the closed session?

MR AJAKA: Correct.

35 **MS McDONALD:** They come out of the - sorry, before the closed session you have the meeting in the kitchen.

MR AJAKA: Correct.

40 **MS McDONALD:** You're told what's going to happen.

MR AJAKA: Yes.

45 **MS McDONALD:** Then it's suggested, "Why don't you just go?"

MR AJAKA: Yes.

MS McDONALD: And you say no. You return to the open council session -

MR AJAKA: Yes.

5 **MS McDONALD:** - standing near one of the directors?

MR AJAKA: Behind one of the directors.

10 **MS McDONALD:** The resolution is again put in open session, passed, and then you leave.

MR AJAKA: Correct.

15 **MS McDONALD:** All right. And then just the final dot point, on 24 April you decline to adhere to a reasonable request regarding seating arrangements at the council meeting. Was that the request that you don't sit at the table with the mayor?

MR AJAKA: Correct.

20 **MS McDONALD:** Right. And then you further refused a reasonable and lawful direction that you depart the council meeting immediately, insisting on waiting until the resolution to place you on special leave was made. That's referring back to, "I wasn't going to do that. I'd stand behind the directors when the resolution was passed. Then I would leave"?

25 **MR AJAKA:** Correct.

MS McDONALD: Right. Okay. Now, this was the attachment to the mayoral minute. If we -

30 **COMMISSIONER:** Sorry, just before you move on, Ms McDonald, could - Operator, could you just scroll down to the foot of this page. Pause there for a minute. Over to the next page.

35 **MS McDONALD:** Excuse me for a minute. Would you please bring up the minutes of the council meeting, INQ.001.001.1105. First page of the minutes. Mr Ajaka, you see the document?

40 **MR AJAKA:** Yes.

MS McDONALD: And can we go to page - I think it's 51. You're still there. This is when the council goes into an open session. And you can see the recommendation is that your employment is terminated immediately without notice. Immediate effect. Letter is written to you. And Mr Breton is appointed as - sorry, continues - sorry, he was appointed when you went off on the leave from April.

45

MR AJAKA: Yes.

MS McDONALD: And can we move down a little bit, under Council Decision. Ultimately, it was carried. But you can see from the division the motion was carried on the mayor's casting vote.

5

MR AJAKA: Yes.

MS McDONALD: Now, may I draw your attention to Motion of Dissent.

10 **MR AJAKA:** Yes.

MS McDONALD: And this was from Councillor Kaliyanda, seconded by Councillor Green, that a decision should not be made until the current investigation findings are available and the mayor shouldn't be using a casting vote for this matter. Your understanding of the "current investigation" is the WEIR report?

15

MR AJAKA: Yes.

MS McDONALD: And then if we can go to the next page. You can see that it was voted against, by the majority.

20

MR AJAKA: Yes.

MS McDONALD: And then - sorry. Yes. You can see dissenting councillors - all right. That's okay. So can I just ask you about the actual resolution. We've heard during the inquiry the standard - reference to the standard contract developed by the Office of Local Government which sets out the terms and conditions for the employment of a CEO or a general manager, and within that we've heard about the ability to terminate the employment of a CEO or a general manager. And it's been described as "without cause", but with payment of 38 weeks' salary.

25

30

MR AJAKA: Correct.

MS McDONALD: What was resolved here was different.

35

MR AJAKA: Yes.

MS McDONALD: What was resolved here was again relying on a clause of the employment contract that you - your employment be terminated with cause.

40

MR AJAKA: Correct.

MS McDONALD: And the effect of that resolution of "with cause" is that it was a summary dismissal and you received no 38 weeks or any other payment, reflecting that your contract of employment was ending then and there.

45

MR AJAKA: Correct.

MS McDONALD: And I'm just saying that was with the exception of any leave that you had accrued or any payments like that.

5 **MR AJAKA:** Correct.

MS McDONALD: And just confirming, until that resolution was made, you had not been told any of the bases of the decision or the resolution?

10 **MR AJAKA:** Correct.

MS McDONALD: And you had no opportunity to address the council, giving them your side of the story.

15 **MR AJAKA:** I was given no notice that the motion was even going to be moved. I hadn't even anticipated the motion at this stage because we were still waiting for the report to come through.

20 **MS McDONALD:** And, indeed, the way it was described as being a mayoral minute -

MR AJAKA: Yes.

25 **MS McDONALD:** - that also had the repercussion that it was not included formally as a notice of motion or in the agenda booklet or even a confidential booklet that's provided to councillors before the meeting?

MR AJAKA: Or any notice to councillors it was going to occur.

30 **MS McDONALD:** And the termination letter, attachment A that I just took you to in the previous screen - and I took you through the dot points - on 29 May, did you receive a copy of that letter signed by Mr Breton as the acting CEO?

35 **MR AJAKA:** Correct.

MS McDONALD: I'm just noting the time, Commissioner.

COMMISSIONER: Yes. Mr Ajaka, we'll break for morning tea.

40 **MR AJAKA:** Thank you, Commissioner.

COMMISSIONER: We'll resume at 10 to 12, so if you wouldn't mind being back here a couple of minutes before that -

45 **MR AJAKA:** I will, Commissioner.

COMMISSIONER: - ready to go, that would be great.

MR AJAKA: Thank you.

COMMISSIONER: 20 minutes. 10 to 12.

5

<THE HEARING ADJOURNED AT 11.28 AM

<THE HEARING RESUMED AT 11.59 AM

10 **COMMISSIONER:** Yes, Ms McDonald.

MS McDONALD: Mr Ajaka, we just dealt with the decision by - or the resolution by the council on 29 May 2024 that your employment be terminated summarily with no - other than accrued leave, etcetera, with no further payment.

15

MR AJAKA: Correct.

MS McDONALD: Now, the next stage in the process is that the final WEIR report is produced, and that was towards the beginning of June 2024.

20

MR AJAKA: I wasn't made aware of that.

MS McDONALD: All right. Were you ever provided with a copy of it?

25 **MR AJAKA:** No.

MS McDONALD: Would you bring up WEIR report LCC.008.001.0002. 0002. And it can be live-streamed. That's the first page. And you can see towards the bottom of the first page it's got a date of June 2024.

30

MR AJAKA: Yes, I can see that.

MS McDONALD: Would you go to the Executive Summary. And in particular, if you would go to page 6, under Assessment. The assessment is:

35

"The fact-finding investigation did not find any prima facie evidence to support the allegations of misconduct being put to Mr Ajaka. The investigation concluded that the comment, while unprofessional, was of itself trivial and could and should have been managed at the time through council's existing policies, which most likely would have prevented the matter from escalating."

40

The reference there to council's existing policy processes, what is your understanding that was being referred to there?

45 **MR AJAKA:** So this is the first time I've seen this.

MS McDONALD: That's okay. But -

5 **MR AJAKA:** But my - I would assume that what they're talking about is any of the grievance policies or any complaint policies of that nature. There would have been a way to deal with it either internally or through mediation or through bringing in one of the experts - sorry, one of the Human Resources people - manager to deal with it and bring the parties together.

10 **MS McDONALD:** Right. The next paragraph is talking about somebody speaking to the media, identifying it's a possible breach of the code of conduct, but:
"Not within my scope to investigate this matter."

MR AJAKA: Yes.

15 **MS McDONALD:** And then the next paragraph, an observation that the mayor made comments about the CEO's age, that it has the appearance of age discrimination. And then if we can turn to the recommendations, because that's picked up again. Stop there. So:

20 "I recommend outcome of the fact-finding investigation be noted."

Then, "Consider further investigation about" - if I can describe it as "the leak". And then:

25 "Consider speaking to the mayor about appropriate language and issues and concerns related to age discrimination."

30 There was correspondence subsequently about the report from council. Would you bring up, please, LCC.008.001.0036 and if you move down the document - sorry, and it can be live streamed.

COMMISSIONER: While that is happening, Mr Ajaka, in that last document Counsel Assisting to you to the reference to council's existing policies and procedures. Did you have in mind also the code of conduct?

35 **MR AJAKA:** Yes. That would be the type of policy I was talking about.

COMMISSIONER: Thank you.

40 **MR AJAKA:** And the provisions in the code of conduct, if a dispute arises, how you deal with it.

COMMISSIONER: Thank you.

45 **MS McDONALD:** Yes, and would you move to page 4 and an email from a Margot Kindley dated 11 June at 6.01. This is an email which contained, as the subject heading says:

"Clarification of the report."

It was sent to Mr Harvey and then Mr Harvey has responded in the red print.

5

MR AJAKA: Right.

MS McDONALD: Thank you. If we can see the first issue is:

10 "Can you elaborate on why there is no recommendation as to the central scope considering the context is important?"

And there's a reference to:

15 "I understood the central scope related to Mr Ajaka telling the mayor to 'Shut the F up' and in this regard my recommendation is the outcome is noted on the basis that
your employment had been terminated. Ordinarily, I would have recommended
mediation to assist the parties resolve their differences which would include
contextual issues around the way they worked together and communicated. I was
20 also conscious that two other investigations were underway."

Would you then move to the next part, which is question 2. Then there's a question
about the leaking to the media, which I won't bother you with. And then finally in
point 3, they pick up on - or a question is asked about the recommendation:

25

"That the mayor be coached about appropriate language and issues/concerns related
to age discrimination when this was not within the scope of the investigation until it
was raised by the respondent."

30 And then you said, Mr Ajaka:

"The response is Mr Ajaka did not make such an allegation. I picked up on the
comment the mayor made in my interview -

35 And then sets out the exchange in the interview and then finally:

"In my opinion, he is likely to benefit from being made aware of proper language
when it comes to age -

40 Etcetera:

"Consequently, it's not an allegation but a matter that could be resolved by council."

45 And then the fourth point is covered by point 3. Excuse me for a minute. Again,
you're probably unaware of this, Mr Ajaka, but after those clarification points were
sought, there was an amended final report, and I'll just put on the record, which was
document LCC.008.001.0003, which includes as an annexure, this correspondence

dealing with clarification and some other amendments which, really, are not matters of substance. But until this inquiry commenced with downloading material for access to parties represented, had you seen the final or the finally amended WEIR report?

5 **MR AJAKA:** No. My lawyers never provided me with them.

MS McDONALD: And never told of the result or the recommendations?

10 **MR AJAKA:** No. The only information I had on the WEIR report was with the interim one where Mr Harvey - WEIR said it's just an interim, and basically says, "I need a couple of weeks to finalise the final one." That was the scope of what I knew of the WEIR reports.

15 **MS McDONALD:** Now, just finishing with council, is it your - I'm sorry, I withdraw that. The next council meeting was on 26 June 2024. Would you bring up, please, the minutes, INQ.001.001.1101. The first page minutes, meeting of 26 June.

20 **MR AJAKA:** Yes.

MS McDONALD: And would you please go through to page 7.

MR AJAKA: Right.

25 **MS McDONALD:** Headed:

"Notices of Motion of Rescission."

30 **MR AJAKA:** Yes.

MS McDONALD: And you can see that it was submitted by Councillors Green, Kaliyanda, Harle and Rhodes.

35 **MR AJAKA:** Yes.

MS McDONALD:

40 "Move a rescission motion to rescind the resolution relating to item Mayor Staffing Matter."

MR AJAKA: Yes.

MS McDONALD: And then it further states that:

45 "Should the rescission motion be adopted we give notice it's our intention to move a subsequent motion of uphold the principles of due process and procedural fairness

in relation to the independent investigation of matters raised on April 24 council meeting by that confidential mayoral minute."

5 And if we can continue down. Then I think it's on page 8 you've got the result of the motion to rescind.

MR AJAKA: Yes.

10 **MS McDONALD:** It was declared lost.

MR AJAKA: Yes.

15 **MS McDONALD:** The division is set out and it's also noted that the motion was lost on the mayor's casting vote.

MR AJAKA: Yes.

20 **MS McDONALD:** Now, leaving the council's meetings and discussion about the issue, did you, after you received your termination letter, take some independent action concerning your termination?

25 **MR AJAKA:** So when I received the termination letter, by email from Jason Breton, I was shortly advised by Jason Breton that a notice of rescission had been lodged and, therefore, the termination did not operate until the notice of rescission was dealt with. And then I believe I received an email from Jason Breton shortly after this saying that the notice of rescission had failed and my termination took effect as per the letter. And then I went and sought legal advice.

30 **MS McDONALD:** And was the first step in your legal advice solicitors, acting for you, wrote to Mr Breton as the acting general manager?

MR AJAKA: Yes.

35 **MS McDONALD:** Please bring up OLG.001.001.0312.

40 **COMMISSIONER:** Ms McDonald, at some convenient time, could I just be given the references to the correspondence that Mr Ajaka's just referred to in his last answer? Doesn't have to be now. That can be just doc IDs passed up to me of communication with Mr Breton concerning the rescission motion and the notional stay of the termination decision.

MS McDONALD: The notice from Mr Breton that the rescission motion had been lost, is document LCC.002.004.0272.

45 **COMMISSIONER:** All right. Then at some convenient time the notice to Mr Ajaka that there was such a motion.

MS McDONALD: Yes.

COMMISSIONER: And that he not yet terminated pending that decision, that would be fantastic. Thank you. Sorry to interrupt.

5

MS McDONALD: I'm sorry, have you got that letter? Excuse me. This is the letter from the solicitors that you engaged?

MR AJAKA: Yes. Phil Hayward.

10

MS McDONALD: And just looking at the heading of the letter it has got:

"Notice of dispute."

15

And referring to clause 17 of the contract of employment.

MR AJAKA: Correct.

MS McDONALD: And then if we can follow through that document -

20

MR AJAKA: Yes. Correct.

MS McDONALD: You can see a dispute resolution. There's an express provision for a dispute resolution, and then the issues of dispute, and number 1:

25

"Failure of council to conduct a performance review."

MR AJAKA: Yes.

30

MS McDONALD: Go to the next page, please:

"Boundaries between mayor" -

35

COMMISSIONER: Sorry, Ms McDonald, we've been terminated on the screens in our room.

MS McDONALD: Sorry.

40

COMMISSIONER: We've been expired. Just pause for a moment.

MS McDONALD: I had taken you, Mr Ajaka, to the two areas of dispute raised in the correspondence and I think the second one is up on the top of page 2:

45

"The boundaries between the mayor's function and responsibilities and the general manager."

MR AJAKA: Yes.

MS McDONALD: And the letter, I'm not going to take you to this in detail because you've given evidence, but your solicitor then responds to the letter from - informing you of your termination dated 29 May.

5

MR AJAKA: I believe so, yes.

MS McDONALD: And if we can move through that document, right through to page 5 -

10

MR AJAKA: Yes.

MS McDONALD: Under "Other Commentary". It finally says, it refers to clause 17 of the contract:

15

"You are obliged to convene a meeting in an effort to resolve the dispute."

MR AJAKA: Yes.

20 **MS McDONALD:** And was it the case that there was some form of mediation organised to try and resolve the dispute?

MR AJAKA: Correct.

25 **MS McDONALD:** And I'm not going to take you to great detail with this, but on about 20 June 2024 was there a mediation which you attended and a representative from the council, conducted by a Mr John Murphy?

MR AJAKA: Correct.

30

MS McDONALD: And that mediation did not resolve the dispute?

MR AJAKA: Correct.

35 **MS McDONALD:** Then, after being informed that the rescission motion had been lost in the June meeting -

MR AJAKA: Yes.

40 **MS McDONALD:** - did you then commence proceedings, first in the - under the Fair Work Act?

MR AJAKA: Yes. There were two proceedings: one in the Federal Magistrates and one in the Land and Environment.

45

MS McDONALD: All right. The one under - in the Federal Magistrates - it might have been the Circuit Court by then - was that preceded by a form of conciliation by a Fair Work Commissioner?

5 **MR AJAKA:** I - I can't recall. Maybe.

MS McDONALD: You've spoken about trying to seek legal redress in two forums.

MR AJAKA: Yes.

10

MS McDONALD: One, your recollection is that it was in the Federal Circuit and Family Court of Australia?

MR AJAKA: Yes, I believe so. Federal. Yes.

15

MS McDONALD: And secondly, you mentioned the Land and Environment Court. Were proceedings instituted there seeking judicial review of the purported decision to terminate your employment?

20 **MR AJAKA:** Yes. By summons, I believe.

MS McDONALD: Please bring up document LCC.002.004.0391. That's the first page, as it's entitled, Summons in the Land and Environment Court?

25 **MR AJAKA:** Correct.

MS McDONALD: It has a typed filing date of 27 August 2024.

MR AJAKA: Correct.

30

MS McDONALD: I'm not going to take you through this document, but it goes for a number of pages and sets out your instructions to your solicitor about the circumstances leading up to your termination, which form the basis of this application for a judicial review of the decision.

35

MR AJAKA: Correct.

MS McDONALD: Now, ultimately, was that summons - was there a hearing and a determination by the Land and Environment Court?

40

MR AJAKA: No. From recollection, it was filed, it was served. And then some time after that, a meeting had been arranged with my lawyers and representatives of council when council was in caretaker mode, to try and negotiate.

45 **MS McDONALD:** And that negotiation led to a resolution of the dispute between you and the council?

MR AJAKA: Led to a settlement.

MS McDONALD: And as part of that resolution, did you receive a payment of money?

5

MR AJAKA: Yes.

MS McDONALD: The payment of money, did it include an amount which represented 38 weeks of your salary?

10

MR AJAKA: No, it wasn't 38 weeks.

MS McDONALD: What did you receive?

15 **MR AJAKA:** I'm - I did sign a confidentiality agreement. I assume I'm allowed to tell you?

MS McDONALD: Commissioner, a deed of release was entered into.

20 **COMMISSIONER:** The amount's in the annual report, isn't it? I thought it was. But, anyway, someone object to me hearing about it?

MR SEARLE: There's no objection.

25 **COMMISSIONER:** Thank you, Mr Searle.

MR PARISH: I think the other side of the confidentiality would be mine.

COMMISSIONER: Yes.

30

MR PARISH: I might need to just get instructions on that before we -

COMMISSIONER: Yes. All right. We'll just pause for a moment while that happens.

35

MR PARISH: Thank you. Can I be excused?

COMMISSIONER: Yes, of course. I think I'll notionally -

40

MS McDONALD: Yes.

COMMISSIONER: I'm not going to leave the bench, but the operator - they will tell me they're ready. People can stretch their legs and have discussions and the like. We'll adjourn briefly. Feel free to stretch your legs, if you like.

45

<THE HEARING ADJOURNED AT 12.31 PM

<THE HEARING RESUMED AT 12.32 PM

COMMISSIONER: Yes, Mr Parish.

5 **MR PARISH:** Thank you for the time, Commissioner. We -

COMMISSIONER: Hang on. Sorry. Now we're good. Yes, Mr Parish.

10 **MR PARISH:** I won't repeat my thanks. We currently have no objection to this line of questioning.

COMMISSIONER: All right.

15 **MR PARISH:** To the extent there's any confidentiality that we're in a position to waive or give up, we don't have any for this line of questioning.

COMMISSIONER: Thank you. And I should just correct slightly the observation I made before the adjournment about the annual report. What I had in mind was the revision in the 2023/'24 report INQ.001.001.0354, at page 118 of that. It's for the last
20 financial year, not what's happened since. Yes, Ms McDonald.

MS McDONALD: Mr Ajaka, I was asking you about the legal proceedings that you commenced in the Land and Environment Court -

25 **MR AJAKA:** Yes.

MS McDONALD: - that were settled.

30 **MR AJAKA:** Yes.

MS McDONALD: And you referred to a meeting which led to a resolution of the dispute.

35 **MR AJAKA:** Yes.

MS McDONALD: And as part of the resolution of the dispute, you were paid an amount of money?

40 **MR AJAKA:** Correct.

MS McDONALD: Was it the case that the money that was paid to you represented a payment or a contribution towards legal fees incurred?

45 **MR AJAKA:** Correct. That was part of it.

MS McDONALD: And the other part was a payment which may have reflected your salary and particular weeks of salary?

MR AJAKA: Correct.

MS McDONALD: Right. How much did you receive?

5

MR AJAKA: So it was the equivalent of about 26 weeks. As an exact figure, it was 270,000.

MS McDONALD: That was the component for that?

10

MR AJAKA: For the salary. And then there was a component for legal costs; that was agreed to be paid in the sum of 80,000.

MS McDONALD: And were there any other components to the payment?

15

MR AJAKA: No. The 270 was split into superannuation and balance.

MS McDONALD: Now, I wanted to move to a couple of other topics which won't be as lengthy as that topic. I wanted to go back to the issue of the restructure that you undertook.

20

MR AJAKA: Yes.

MS McDONALD: And the appointment of directors.

25

MR AJAKA: Yes.

MS McDONALD: Summarising your evidence from yesterday, you did the two-stage restructure. At one point, you had five directors.

30

MR AJAKA: Yes.

MS McDONALD: And then that was expanded to the sixth director.

35

MR AJAKA: Yes.

MS McDONALD: Which was going to be the director of City Futures?

MR AJAKA: Correct.

40

MS McDONALD: Would document LCC.001.002.0011 be brought up, please. This is an organisation structure that I took you to yesterday. Though dated October 2023, my recollection of your evidence - sorry, it's not up there. I'll start again, Mr Ajaka.

45

MR AJAKA: That's all right.

MS McDONALD: I showed you this yesterday.

MR AJAKA: Yes.

MS McDONALD: Though dated October 2023 -

5

MR AJAKA: Yes.

MS McDONALD: - my understanding is it does set out the restructure that you introduced during the year.

10

MR AJAKA: Yes.

MS McDONALD: Particularly with the directorates.

15

MR AJAKA: Yes.

MS McDONALD: And also with the sections or departments underneath.

MR AJAKA: Sections, yes.

20

MS McDONALD: All right. Now, with the directors, during - sorry, I'll start again. Your evidence was that there was one director who continued as a director when you commenced your employment.

25

MR AJAKA: Correct.

MS McDONALD: And was that Tina Bono?

MR AJAKA: Correct. That was the Community and Lifestyles directorate.

30

MS McDONALD: And your understanding of Ms Bono was that she had been working for the council for a number of years?

MR AJAKA: Yes. And she was the acting CEO when I was retained.

35

MS McDONALD: That's right. There was - Mr Diplas was the acting CEO. Then she took over from him as acting CEO, and then she - do you recall whether the Director of Community and Lifestyles was her substantive position?

40

MR AJAKA: Correct. The title may be slightly different, but it was the same directorate.

MS McDONALD: And again, your understanding is that her career - and I'm describing it in a general way -

45

MR AJAKA: Yes.

MS McDONALD: - had been that she had been working for Liverpool City Council for a number of years?

MR AJAKA: Yes.

5

MS McDONALD: And had started in a position and worked her way up -

MR AJAKA: Yes.

10 **MS McDONALD:** - to being acting CEO and now a substantive director position?

MR AJAKA: Yes.

15 **MS McDONALD:** Now, the Director of Operations, that - the appointment that you made to that position was Mr Breton?

MR AJAKA: On a temporary basis. On an acting and temporary basis.

20 **MS McDONALD:** He replaced Mr Diplas?

MR AJAKA: I can't remember who the - which director had which. So it would have been either Mr Diplas or whoever was in that position at the time.

25 **MS McDONALD:** Now - so he was initially acting and then was appointed to the full-time - the permanent, I'm sorry, position.

MR AJAKA: Yes. He applied for the full-time position, and he was successful and appointed.

30 **MS McDONALD:** And again at a general level, Mr Breton's work experience was he started as a police officer and worked his way up to, I think, a senior detective role or -

35 **MR AJAKA:** I believe he was a superintendent of the detectives.

MS McDONALD: Then joined private industry?

MR AJAKA: Private and possibly even government infrastructure.

40 **MS McDONALD:** In kind of the transport area?

MR AJAKA: Yes.

45 **MS McDONALD:** Before he was appointed in the acting role -

MR AJAKA: Yes.

MS McDONALD: - his experience of actually working for Local Government or in Local Government, was that minimal?

MR AJAKA: Yes.

5

MS McDONALD: But in appointing him, you took into account his experience in those other areas that I've just broadly described?

MR AJAKA: Yes. And the fact that he was one of the, as I saw it, top three final candidates for the general manager's role.

10

MS McDONALD: That's right. Now, the Director of Planning and Compliance, that was Lina Kakish?

MR AJAKA: Yes. So she was already employed by council in a senior planning role. She would have been probably the most senior manager at the time.

15

MS McDONALD: Again, your understanding of her work history was that she had been working for the council for a substantial period of time?

20

MR AJAKA: Yes.

MS McDONALD: Again, worked her way up?

MR AJAKA: Correct.

25

MS McDONALD: And you refer to her as occupying a senior management - manager position, I'm sorry.

MR AJAKA: Yes, yes.

30

MS McDONALD: Until being appointed to the director.

MR AJAKA: Yes. Yes.

35

MS McDONALD: Mr -

MR AJAKA: Again, acting director until the role was properly advertised, and then she applied and she was successful and she became the permanent director.

40

MS McDONALD: And the acting roles - you gave evidence yesterday that when you started as the CEO there were a number of directors who left the employment of the council, and I think you described it "by agreement", which involved some kind of ex-gratia payment.

45

MR AJAKA: Correct.

MS McDONALD: Now, the director of Corporate Support, again when you were appointed, was Mr Portelli at that time acting?

5 **MR AJAKA:** Yes. He was acting in a - I believe he was referred to as a consultant acting in a senior role assisting the director.

MS McDONALD: Who was the director before Mr Portelli?

10 **MR AJAKA:** I can't remember the name.

MS McDONALD: All right. Was it your understanding that he'd come on, was working for the council, I think, from about November or December of 2022, dealing with some - as a consultant with a particular project, dealing with the structure of the council?

15 **MR AJAKA:** I was informed that he'd come in as a consultant to assist the director and to assist Corporate in relation to a number of issues.

20 **MS McDONALD:** Now, Mr Portelli - up until about 2014, he had worked in a number of local councils?

MR AJAKA: Correct.

25 **MS McDONALD:** He had worked for Liverpool City Council and indeed had been the CEO at that time?

MR AJAKA: And I was advised of that at the time.

30 **MS McDONALD:** And you were - were you also advised that from 2014 until acting in the consultant position, he hadn't worked?

MR AJAKA: No. I just understood he hadn't worked for Liverpool City Council. I wasn't aware that he hadn't worked.

35 **MS McDONALD:** All right. Now, the new directorate of Customer Experience and Business Performance -

MR AJAKA: Yes.

40 **MS McDONALD:** - the appointment there was Michelle Mcilvenny?

MR AJAKA: Yes. Again, one of the current staff - a very senior manager was put in the role of acting until the position was advertised. That staff member did not apply for the position, and Michelle was the successful applicant.

45 **MS McDONALD:** So she was an applicant outside council?

MR AJAKA: Michelle, yes. I think, from memory, she was working for IPART at the time.

MS McDONALD: At where, sorry?

MR AJAKA: IPART.

MS McDONALD: And your recollection of her work history, did it involve working for councils or was it in other areas of either government or private industry?

MR AJAKA: Yes. She clearly worked in areas of government, but my - from recollection, she had a very good understanding of council. And I - from memory, her CV did indicate she'd previously worked for a council.

MS McDONALD: And then the final director of City Futures -

MR AJAKA: Yes.

MS McDONALD: When the position was created, was Mr Mallard appointed as an acting?

MR AJAKA: No. Julie Scott was. She was the senior manager who was undertaking quite a bit of the section work that went under City Futures. She was appointed. I believe Mr Mallard at the time was still the senior policy adviser with the mayor.

MS McDONALD: And when the position was advertised for the permanent appointment, Mr Mallard applied and he was successful?

MR AJAKA: Yes. Julie Scott did not apply.

MS McDONALD: And Mr Mallard - again, he was a Member of Parliament?

MR AJAKA: Correct.

MS McDONALD: You knew him through that?

MR AJAKA: Yes.

MS McDONALD: Also I think he might have been a councillor on Sydney City Council.

MR AJAKA: He was originally - from memory, he was originally a councillor on South Sydney Council. And then when it merged with Sydney City, he was also a councillor on Sydney City. He had extensive Local Government experience and State Government experience.

MS McDONALD: And you knew him through your role as head of the Upper House?

5 **MR AJAKA:** Yes. I mean, I knew him in my role as a member of the Upper House. Also knew him in my role as a minister, but he was one of the deputy presidents I appointed. As president, you appoint a number of deputy presidents to assist you.

COMMISSIONER: How long were you president?

10 **MR AJAKA:** So I was minister from 2013 to 2017, and I was president from 2017 to 2021, when I retired.

MS McDONALD: Mr Ajaka, at the time that you were appointing these directors -

15 **MR AJAKA:** Yes.

MS McDONALD: - the position was under the Act - that the council could determine or designate these to be senior staff positions.

20 **MR AJAKA:** My understanding was that I had the authority to appoint, but I would consult with council. I would inform council and hear feedback from council. I didn't believe that it was council's authority to appoint.

25 **MS McDONALD:** What I'm asking you about is the designation which then existed under the Local Government Act of designating a director as a senior staff position.

MR AJAKA: Yes. Yes. Sorry.

30 **MS McDONALD:** And that designation, as a senior staff position, was made by council?

MR AJAKA: Yes. They were the director positions.

35 **MS McDONALD:** And that meant, at that particular point of time, that the directors weren't covered by the relevant Award but would enter into a contract of employment with the council?

MR AJAKA: Correct.

40 **MS McDONALD:** And was it your role to determine - I'm sorry, withdraw that. As we've seen from your contract, where there was a standard contract developed by Office of Local Government -

45 **MR AJAKA:** Yes.

MS McDONALD: - with directors at this point of time - 2023, where it was designated that was a senior staff position - again, was there a standard contract

developed by Office of Local Government that would be used in entering into a contract with that director?

MR AJAKA: Correct.

5

MS McDONALD: And that, subject to some possible small changes, that contract - the terms of that contract was mandatory?

MR AJAKA: Yes.

10

MS McDONALD: But where there was an element of discretion was as to pay?

MR AJAKA: And other - any other form of remuneration or entitlements.

15

MS McDONALD: So there might be, just off the top of my head, something about provision of a car or -

MR AJAKA: Superannuation and -

20

MS McDONALD: Superannuation, etcetera.

MS McDONALD: Now, when you became the CEO -

MR AJAKA: Yes.

25

MS McDONALD: - and I - you've said, at that time it was a mixture of people acting as directors and some full-time directors, one of whom remained, Tina Bono - the various contracts of employment for those positions, did they differ in the remuneration pay to those directors?

30

MR AJAKA: Yes.

MS McDONALD: And did that remuneration, the different remuneration, reflect factors such as experience?

35

MR AJAKA: Not in my view. I couldn't see the real reason for the differences, because in some cases those that were earning the higher amounts seemed to have less experience and less functions than those that were earning the lower amount. At one stage, it almost became clear to me that the males were earning the higher salary and the females were earning the lower salary, which again just made no logical sense to me.

40

COMMISSIONER: Sorry. Ms McDonald, your question was when Mr Ajaka joined the organisation in December/January, that period?

45

MS MCDONALD: Yes.

COMMISSIONER: All right.

MR AJAKA: Before the restructure.

5 **MS McDONALD:** Yes. From that answer, in determining the remuneration for the directors, one of the relevant factors was experience?

MR AJAKA: So in looking at it, I - I did first form the view - and this was based on working on the restructure and ultimately advertising the position for the
10 directors - that the directors needed to be equal - directors needed to have equal duties, functions, responsibilities. They should have almost an equal number of employees working under their directorship, almost an equal number of sections. I mean, one of the directors had one section when another director had numerous sections under them and employees, and yet the one-section director was earning
15 a higher salary. So I looked at all of those factors and then made some inquiries.

MS McDONALD: If you can go back to my question, one of the factors that, when you're reviewing what directors were earning and they were different, was the experience of the particular director?
20

MR AJAKA: Yes.

MS McDONALD: So how long they had worked at the council, what their other experience was.
25

MR AJAKA: Yes.

MS McDONALD: What level that was.

30 **MR AJAKA:** Yes.

MS McDONALD: How that might compare with -

MR AJAKA: Yes.
35

MS McDONALD: - somebody else within the council.

MR AJAKA: Yes.

40 **MS McDONALD:** Now, also in the answer that you've just given, as part of this review, you then looked at what they actually did.

MR AJAKA: Yes.

45 **MS McDONALD:** In terms of duties, functions and how many staff members were underneath -

MR AJAKA: Yes.

MS McDONALD: - reporting to them.

5 **MR AJAKA:** Yes.

MS McDONALD: And ultimately, you made a determination that each director would be receiving the same remuneration?

10 **MR AJAKA:** Based on that they would have the same responsibilities.

MS McDONALD: You didn't take into account the various levels of experience or different experiences in making that determination?

15 **MR AJAKA:** Because we were proceeding to hire - to going to recruitment, the experience and qualifications and capabilities were all taken into account when we were hiring, and we were looking for very similar experience and capabilities.

20 **MS McDONALD:** But an experience of somebody - and I say this with no disrespect - who was a police officer, then a head of detectives and then working in particular businesses or industry, that experience may not be as valuable, for example, possibly, as somebody who had spent all their life working in Local Government and had, you know, developed great experience. I'm just - I can't really see how that matter of experience, which you seem to have acknowledged should be
25 taken into account -

MR AJAKA: Yes.

30 **MS McDONALD:** - was reflected in the salaries where everybody was given the same remuneration.

MR AJAKA: With all due respect, I don't agree with you. With all due respect, the fact that someone can have an extensive experience in different careers, whether it's police, working within the State, etcetera, or have only ever worked in Local
35 Government and nothing else - in many cases, the former experience is more extensive and more valuable. I mean, sometimes employees have been in a position where they've been boxed - you know, they're not creative anymore, they're not innovative anymore, they don't really think outside the box. And this is why - and this appeared, when I first started, to be one of the big problems with the council and
40 its toxic nature.

MS McDONALD: But implicit in that answer is recognising that experience, whether it's experience in the example I gave, which was just a hypothetical example -
45

MR AJAKA: Yes. Yes.

MS McDONALD: - of do you value experience in Local Government or do you add value more the person coming in from left field with different experience - is that taken into account in determining remuneration?

5 **MR AJAKA:** It's one of the factors. Agreed.

MS McDONALD: All right. But the different experience of the directors that you appointed under this schedule, as they all - it was determined that they would all receive the same remuneration. Doesn't that mean that different levels of experience
10 was not taken into account?

MR AJAKA: I don't agree with that.

MS McDONALD: You spoke about - your aim with the restructure was to ensure that the directors had comparable responsibilities in terms of functions, number of employees, etcetera.
15

MR AJAKA: All of - collectively, yes.

20 **MS McDONALD:** And is it your view that, looking at this structure, that that was achieved?

MR AJAKA: Yes. And if you compare it to the very first structure, very much so. Also by removing all of the sections that were reporting to the CEO and inserting them under each of the directors - helped spread that responsibility.
25

MS McDONALD: Now, the remuneration that you determined that each director would receive was in the amount of \$350,000?

30 **MR AJAKA:** From memory, it was 340 plus superannuation, plus the use of a car.

MS McDONALD: So in total, about 350?

MR AJAKA: No, it would have totalled to about 380.
35

MS McDONALD: Okay. Did that involve, for some directorates, an increase in what the director had been receiving beforehand?

MR AJAKA: Yes. I believe the - the average was around - one director was already on 360 plus entitlements, but went down. Others were on about 320; it went up. And Tina Bono, who - based on - you know, the most experience of Local Government, she was on the lowest amount. She was on about 300, 310, from memory. So she went up.
40

45 **MS McDONALD:** She would have gone up considerably. She would have - her salary -

MR AJAKA: She would have gone up from 310 to 340. So it would have been a 10 per cent increase.

5 **MS McDONALD:** But one of the factors that was playing on your mind was that discrepancy that is often found in pay structures of male employees receiving higher salary than female employees?

10 **MR AJAKA:** Yes. And if I could indicate - I mean, Tina Bono, who was on the lowest, was earning the salary of a CEO at the time I came in. And so if she was capable of doing the job as a CEO on that salary, it made no sense whatsoever why she was the lowest paid director.

15 **MS McDONALD:** Were you asked or quizzed by the mayor or any councillor about your decision to pay the directors the same remuneration?

MR AJAKA: So this all occurred during the restructure -

MS McDONALD: No, no, no. But -

20 **MR AJAKA:** Not at the time it occurred. Well after, the mayor did raise it with me. Well after. During that post-September period.

25 **MS McDONALD:** Right. And what was your conversation with the mayor about that?

30 **MR AJAKA:** So during that post-September period where, you know, the issues were rising between the mayor and I, one of the issues was that he would - he came to me at one stage and said, "This is ridiculous, that all your directors are earning this much money." You know, "I'm the mayor. I earn less than" - you know, "\$150,000 a year. It's absurd." You know, "I've got issues with trying to find money to build my house." That was one of the conflicts that we were having. He would keep talking about this house he was building and he was trying to find money to build it, and I kept saying to him, "This was all agreed to when we did the restructure. Council approved the - council approved it on two stages. Council knew who the directors were. I'd already informed council in information sessions and government sessions. I'd already informed the ARIC. We'd gone through the fact that the directors were earning this money, the same amount of money. I don't know why you're raising it now."

40 **MS McDONALD:** Ultimately, council's role in determining remuneration is in the budget to set an amount for the payment for employee costs?

MR AJAKA: Correct.

45 **MS McDONALD:** It's your responsibility to determine, at least for the directors, that - their remuneration?

MR AJAKA: Yes.

MS McDONALD: Do you also determine, for example, managers or other employees within the council, their remuneration?

5

MR AJAKA: There are Awards based on their grading.

MS McDONALD: Yes.

10 **MR AJAKA:** And directors are responsible for ensuring that grading. On occasions, directors will come to me and submit a - I don't know the word. They would submit a document to me - it'll come to me in a minute - memorandum to me, where they believe that an employee had now increased their responsibilities and duties and that that employee's grading should be increased. And then when you do that, that entitles
15 them to the higher level.

MS McDONALD: Your role in respect of that is that a manager would raise with you -

20 **MR AJAKA:** Yes.

MS McDONALD: - for example, employee X deserves a higher grading.

MR AJAKA: Yes.

25

MS McDONALD: Is your consent to that moving in grading required?

MR AJAKA: Yes, so the procedure, again from recollection, is that the director would put it together. It would go to Human Resources, who would sign off on it. It
30 would then go to Corporate - Farooq Portelli, who'd sign off on it, and then it would come to me for the final signature.

MS McDONALD: Right. So you need to give the tick?

35 **MR AJAKA:** I had to give the tick.

MS McDONALD: Right. And just -

MR AJAKA: As did the others.

40

MS McDONALD: Very quickly, with increases to other members of staff, which are known as reflecting a market rate.

MR AJAKA: Correct.

45

MS McDONALD: So you're not just - within the Award and salary -

MR AJAKA: Yes.

5 **MS McDONALD:** - structure, there's some application - and again hypothetically, this particular role there's a shortage of these employees, we need to keep this person, we want to pay them on a market rate. Again, is it a matter of there is involvement by other sections within the council?

MR AJAKA: Yes.

10 **MS McDONALD:** So for example, the particular director, Human Resources, Mr Portelli, etcetera. And ultimately, does it come to you to give the tick, yes, that employee -

MR AJAKA: Yes.

15

MS McDONALD: - can be - receive a market rate?

20 **MR AJAKA:** Yes. The issue of market rate really came about when you were advertising for a position. And on occasions, no one would apply. And it became evident that no one was going to apply based on what the actual figure was. So planners were the biggest example. There was no way you were going to hire a planner on the rate set by the Award. So you would advertise it at a much higher rate, but we would go through all of those steps before it was decided to advertise it at market rate.

25

MS McDONALD: At that - yes.

30 **MR AJAKA:** Once you hired that planner at market rate, you knew that all the other planners that were working there on the Award were going to start knocking on your door, saying, "I'm leaving if I don't get paid the same market rate." And the decisions had to be made by the directors and eventually go to - and in some cases, yes, they were paid a higher market rate, and in some situations they weren't and they left. We lost them.

35 **MS McDONALD:** Is it an appropriate time?

COMMISSIONER: Yes. Mr Ajaka, we'll break for lunch now.

40 **MR AJAKA:** Thank you, Commissioner.

COMMISSIONER: We'll resume at five past 1.

MR AJAKA: Thank you, Commissioner.

45 **COMMISSIONER:** So if you wouldn't mind being back here a few minutes before that, I'd be grateful. Is there anything to do before I -

MR AJAKA: Sorry, Commissioner, five past 1?

COMMISSIONER: I'm sorry. Five past 2. I'm sorry.

5 **MR AJAKA:** Thank you, Commissioner.

COMMISSIONER: I need the break too. Is there anything to do before we adjourn?

10 **MS McDONALD:** No. Thank you.

COMMISSIONER: We'll adjourn till five past 2.

<THE HEARING ADJOURNED AT 1.04 PM

15 **<THE HEARING RESUMED AT 2.17 PM**

MS McDONALD: Mr Ajaka, if I can just ask you some questions following on from the issue of the salary for directors.

20 **MR AJAKA:** Yes.

MS McDONALD: I asked you some questions about market rate and market rate being raised.

25 **MR AJAKA:** Yes.

MS McDONALD: And you gave, as an example, it often arises where you're advertising, trying to attract applicants for a position.

30 **MR AJAKA:** Yes.

MS McDONALD: And if that occurs, it may then have a flow-on effect with employees doing similar work.

35 **MR AJAKA:** Yes.

MS McDONALD: And your evidence was that ultimately you had to give the tick to the payment of a market rate for a position.

40 **MR AJAKA:** After it went through the other - yes.

45 **MS McDONALD:** Yes. And the other stages or steps that you've referred to - and ultimately it comes to you, was there a requirement of evidence being provided of what possible market rates were? And if that's unclear, I can expand or clarify.

MR AJAKA: Normally when the final memorandum came to me for approval, it had a summary of the basis of why it was being increased. And again, it had been

ticked off by the director, Human Resources, who had the job of investigating it, and also the director of Corporate Services, who would have investigated it.

5 **MS McDONALD:** We've heard some evidence last week from an expert in human resources, industrial relations for Local Government, and he referred to - there are organisations which actually do market surveys -

MR AJAKA: Yes.

10 **MS McDONALD:** - for positions within Local Government.

MR AJAKA: Yes.

15 **MS McDONALD:** So, for example, if you had the position of a planner and you have - you either are having or anticipate difficulties in attracting candidates, you can go to one of these organisations - probably have to pay some money, but they will give you, like, a salary survey of planners in metropolitan councils are receiving this, etcetera. Was it a requirement in the material that was provided to you, the final
20 memo, that at some stage of the process there was a reference to those salary surveys which look at comparable councils with the same position?

MR AJAKA: Not that I'm aware of.

25 **MS McDONALD:** And when you were CEO, was there a procedure which dictated what had to be looked at, what had to be, for example, included in the justification for a market rate?

30 **MR AJAKA:** Again, I - that was something that would have been undertaken by the human resources manager and his department, which is why they would have to tick on it.

MS McDONALD: All right. But you can't recall a standalone policy.

35 **MR AJAKA:** I can't recall one.

MS McDONALD: Now, I want to turn to another topic. Upon your appointment, your work history was well-known to members of - staff members of the council and also the public, and I'm referring to being a Member of Parliament for a period of
40 years.

MR AJAKA: I would have assumed that.

45 **MS McDONALD:** And also that you represented the Liberal Party. Did you continue your membership of the Liberal Party when you were CEO?

MR AJAKA: It hasn't stopped. It's an automatic deduction each and every year. I've not cancelled it.

MS McDONALD: What about the joys of attending branch meetings and something like that?

5 **MR AJAKA:** No, I don't do - I ceased having any real involvement in the Liberal Party, including branches and - or positions in branches when I became president of the Legislative Council. I took a far more independent role and tried to avoid being involved in party affairs.

10 **MS McDONALD:** Now, after your appointment as CEO, there were a number of appointments for one - at least one of the directors and also other roles within the council, of people who were members of the Liberal Party and had either been Members of Parliament or had worked for Members of Parliament. And again, that was either known or became known, particularly within the staff?

15 **MR AJAKA:** Yes.

MS McDONALD: And also, at one stage, became known by members of the community?

20 **MR AJAKA:** Yes.

MS McDONALD: Now, this is going to be a bit of convoluted, but if you can bear with me -

25 **MR AJAKA:** Yes.

MS McDONALD: Where you had that - a relationship with an applicant for a position - for example, the directorship -

30 **MR AJAKA:** Yes.

MS McDONALD: - did you declare that?

35 **MR AJAKA:** Yes. And it would have been known. But if we're talking about - the only one would have been Shayne Mallard, out of the directors. So at the time we came together as a panel I officially declared that I knew Shayne Mallard, and I also indicated that I would not be voting in relation to who the successful applicant would be, that I would leave it to the other two panel members. And therefore it would have to be a unanimous decision by the two panel members, otherwise it wouldn't - the
40 appointment wouldn't occur.

MS McDONALD: In those circumstances, even with that declaration, you remained involved with the panel?
45

MR AJAKA: I sat in the panel and I remained involved in it, and I remained involved during the interviews of each and every one of the applicants.

MS McDONALD: So for example, when Mr Mallard was interviewed, you would have asked questions of him?

5 **MR AJAKA:** I didn't ask any questions of him.

MS McDONALD: All right. But the other applicants you did?

MR AJAKA: Yes.

10

MS McDONALD: Now, the declaration that you made in respect of Mr Mallard's interview and appointment, was that formalised in some way? For example, was there a document that - in which you set out that - I suppose your association, a perceived conflict, how you were going to resolve that, or was it a matter of just raising it orally when the committee met?

15

MR AJAKA: I raised it orally and the other two members, in particular Stephen Blackadder, noted it in their paperwork.

20 **MS McDONALD:** Right. But there was no, in a sense, standalone document in which you formally identified your association and declared the conflict and then declared what you were doing?

MR AJAKA: No.

25

MS McDONALD: The next part that I want to ask you about occurs when there are appointments of other employees to council but you're not on the panel. So it may be for a manager or another role, where the responsibility of determining who the successful candidate would be lies with a manager.

30

MR AJAKA: The director.

MS McDONALD: Sorry, with the director. Yes. Sorry.

35 **MR AJAKA:** Yes. Yes.

MS McDONALD: In those circumstances, again, is it a matter of the - excuse me just a minute - the manager usually - there is a panel for the interview?

40 **MR AJAKA:** Yes. So the director - or in some cases, if it was a lower grade employee, it might be one of the senior managers - would involve Human Resources, and then in - the advertising and the appointment, the interviews, they would undertake all of those.

45 **MS McDONALD:** And please remind me - I think I asked you this before lunch - when - after that, where the manager comes out - or the panel makes

a determination the preferred candidate is person X, that comes to you and you have to tick off?

5 **MR AJAKA:** In some cases. I don't believe in - in some cases it came to me and I ticked off on it. In some cases - that it occurred, and I was just notified. It'd depend on how high the ranking or grading was of the actual employee. For example, if you hired someone in Operations to cut grass, it wouldn't come to me.

10 **MS McDONALD:** All right. I want to ask you about the recruitment and employment of a person called Haris Strangas.

MR AJAKA: Yes.

15 **MS McDONALD:** And my understanding is that he was employed on a temporary basis to begin with, and then applied for and was appointed to a permanent position known as a senior officer, Government Stakeholder Engagement and Advocacy.

MR AJAKA: Correct.

20 **MS McDONALD:** And I'm just concentrating on the panel that led to his permanent appointment.

MR AJAKA: Right.

25 **MS McDONALD:** You didn't sit on that panel?

MR AJAKA: No, I wasn't involved.

30 **MS McDONALD:** Is it your recollection that the panel who nominated him as the preferred candidate, that recommendation came to you to give the tick or the approval?

MR AJAKA: I don't think so. I can't recall.

35 **MS McDONALD:** From the material we've received, the curriculum vitae of Mr Strangas would - included that for a period of time, 2019, I think, to 2021, he was employed as an adviser to you when you were the president of the Upper House.

40 **MR AJAKA:** Correct.

MS McDONALD: And also that he had links with the Liberal Party.

MR AJAKA: Correct.

45 **MS McDONALD:** A member of the Liberal Party involved in the party.

MR AJAKA: Correct.

MS McDONALD: Now, what I want to explore with you - again, where that is revealed, it is the type of information of the previous association with you in a political sense, involvement within a political party -

5

MR AJAKA: Yes.

MS McDONALD: - that is going to become known to the staff.

10 **MR AJAKA:** Correct.

MS McDONALD: And also potentially known to the community.

MR AJAKA: Correct.

15

MS McDONALD: Now, in respect of his employment -

MR AJAKA: Yes.

20 **MS McDONALD:** - I assume, if I ask you about that, your response will be, "There was a panel established to interview him. I didn't have anything to do with it. They interviewed other people and determined that he was the preferred candidate."

MR AJAKA: There was a step prior to that, when I first became aware of it.

25

MS McDONALD: Yes.

30 **MR AJAKA:** But the first time I became aware that he was going to commence working at council was, I believe, the then director Julie Scott, who was the acting director, informed me verbally that she had now hired a gentleman by the name of Haris Strangas and that he was going to commence working on a temporary basis, and that she was aware that he once worked for me. I indicated to her that I didn't want to be involved in that and it wouldn't be appropriate for me to be involved in that; that's a matter for her, and that obviously she should make the decision on the basis of the ability of the candidate and nothing else.

35

MS McDONALD: What I want to explore with you is that the steps that you've just outlined there can - are not subject to criticism.

40 **MR AJAKA:** Right.

MS McDONALD: But what I am looking at is where there is an appointment of a person with that political link -

45 **MR AJAKA:** Yes.

MS McDONALD: - and an ongoing involvement with the Liberal Party -

MR AJAKA: Yes.

5 **MS McDONALD:** - whether, in the circumstances where you hear or you're told they're going to be appointed to a - for example, the permanent position, whether there is any scope for an internal declaration or informing of all the staff that - and I'm using Mr Strangas as an example - "I have been informed that Mr Strangas applied for this permanent position and is going to be appointed to the position. I have known him for X years. He worked with me when I was a Member of
10 Parliament. I understand he is a member of the Liberal Party, but I played no role in his appointment into the permanent position." All right?

MR AJAKA: Yes.

15 **MS McDONALD:** So what I'm looking at is not just a conversation, for example, with Julie Scott. But because, as you said, that information - the staff will hear about it, will find out about it. It's just the nature of organisations.

MR AJAKA: Yes.

20 **MS McDONALD:** That by making that kind of declaration of, "Yes, there's an association, but I have appropriately distanced myself" -

MR AJAKA: Yes.

25 **MS McDONALD:** And that, in a sense, declaration being made internally to the staff, whether it would assist in stopping rumours and suggestions that, "He only got the role because he knows the CEO," or, "he's a member of the Liberal Party" - now, I'm just putting that to you as a possible reform that could be introduced.

30 **MR AJAKA:** Absolutely. It makes sense. But it wasn't what we were doing.

MS McDONALD: No, no, that's fine.

35 **MR AJAKA:** Yes. But it makes sense. If you're saying is that a good way forward? Absolutely.

MS McDONALD: The other possible further use of such a declaration - we've heard evidence from - about a number of Facebook pages, I think - community Facebook
40 pages where members of the community who - can contribute about concerns about the council.

MR AJAKA: Yes.

45 **MS McDONALD:** And again, because of the nature of people speaking, sometimes they pick up, "Look, X has been appointed," or, "There's been further political

appointments." Another next step was if there is evidence of such innuendo, suggestions being made, your internal declaration could be made public?

5 **MR AJAKA:** A good suggestion.

COMMISSIONER: Do you see any difficulties with such a -

10 **MR AJAKA:** No, no. I mean, in hindsight, I wish I did that. That's a good suggestion. But I took more the attitude of not being involved in it because I should not be involved.

COMMISSIONER: Counsel assisting's made clear this is a potential for the future rather than a -

15 **MR AJAKA:** Yes. No, no, I heard.

COMMISSIONER: - what you should have done and going backwards.

20 **MR AJAKA:** A good suggestion.

COMMISSIONER: Does the council maintain a conflict register -

MR AJAKA: Yes.

25 **COMMISSIONER:** - where conflicts like this are declared? And is that a public document?

MR AJAKA: Yes.

30 **COMMISSIONER:** Something like this could be added to a document like that?

MR AJAKA: Yes. So at all council meetings, government meetings, etcetera, we all fill out our forms. We make it - we make the declaration verbally, we fill out the forms. It gets handed in. It gets bound, if I can use that expression.

35 **COMMISSIONER:** I understand that in a meeting context, but this is - the example that's been explored with you is more -

40 **MR AJAKA:** Would be a -

COMMISSIONER: - in the day-to-day operational -

MR AJAKA: Would be a very good way of using the same form. And going through the same procedure would work very well.

45 **MS McDONALD:** I want to turn to another matter of staffing.

MR AJAKA: Yes.

MS McDONALD: And I understand you can only assist the inquiry up to a certain point.

5

MR AJAKA: Yes.

MS McDONALD: But this was the position of the senior adviser.

10 **MR AJAKA:** Yes.

MS McDONALD: I asked you some questions about it yesterday.

MR AJAKA: Yes.

15

MS McDONALD: About where it was originally placed and where it shifted to.

MR AJAKA: Yes.

20 **MS McDONALD:** The first matter that I wanted to ask you about was that, again from our review of structures - the organisational structure of the council, such a position existed during the council which was 2012 to 2016.

MR AJAKA: That's my understanding. Or thereabouts. Yes.

25

MS McDONALD: The council that was elected around 2016 went up to 2021.

MR AJAKA: Yes.

30 **MS McDONALD:** Where the mayor was Wendy Waller.

MR AJAKA: Correct.

MS McDONALD: There was an abolition of that position.

35

MR AJAKA: That's my understanding.

MS McDONALD: Then - again this is our understanding - that upon the election of the council in about 2021, before your appointment -

40

MR AJAKA: Yes.

MS McDONALD: - that position was reactivated.

45 **MR AJAKA:** Yes. To my understanding, both the senior and the junior were both reactivated.

MS McDONALD: But at that point - and I know we've been through the structure before - formally it was placed in a - reporting to the CEO.

MR AJAKA: I - yes.

5

MS McDONALD: But your understanding is the way the position was operating when you were appointed was that it was really providing direct advice to the mayor?

10 **MR AJAKA:** Correct.

MS McDONALD: And you gave evidence yesterday even about the location or the position -

15 **MR AJAKA:** Yes.

MS McDONALD: - of that - of the office or desk of the person -

MR AJAKA: Yes.

20

MS McDONALD: - occupying that position.

MR AJAKA: In the old building, yes.

25 **COMMISSIONER:** Were there formal position descriptions for each of the staff?

MR AJAKA: Yes. And they were formally noted in the budget. They had to be, to - for the positions to be created.

30 **MS McDONALD:** Now, would you please bring up document OLG.001.001.1066. And would you move through the document. Sorry, if you could just go to the bottom of the previous page. You'll see this is an email from a Christie Wilson to a Roger North at the Office of Local Government.

35 **MR AJAKA:** Yes.

MS McDONALD: And where did Christie work within the council?

MR AJAKA: I - I can't remember a Christie. I would have left by then.

40

MS McDONALD: Yes. Sorry. It's May 2024. Yes. And you can see that subject heading is "Job Evaluation and Position Descriptions".

MR AJAKA: Yes.

45

MS McDONALD: Would you go to page 3, please. I just wanted to focus on the role of senior policy adviser.

MR AJAKA: Yes.

5 **MS McDONALD:** Now, there it starts off by - it was held by Shayne Mallard on a - employed on a temporary contract, initially on a grade 5 market rate.

MR AJAKA: I think it says "15".

10 **MS McDONALD:** I'm sorry?

MR AJAKA: I think it says "15", not "5".

MS McDONALD: I'm sorry, grade 15 market rate.

15 **MR AJAKA:** Yes.

MS McDONALD: Then it's got it was revised as a manager salary, and he continued in the role for a particular period. When it was revised to a manager salary - and our note is that that occurred around July 2023 - that was when you were the CEO?
20

MR AJAKA: Correct.

MS McDONALD: Do you recall why it was revised as a manager salary?

25 **MR AJAKA:** No, I don't.

MS McDONALD: Again, your knowledge of moving from a grade 15 - again, market rate to a manager salary, that would have involved a substantial increase in salary?
30

MR AJAKA: It'd definitely involve an increase. How much, I can't answer. I wouldn't know.

MS McDONALD: All right.
35

MR AJAKA: I've no recollection.

MS McDONALD: It's then noted that Shayne was recruited to the director of City Futures role on about the - in August.
40

MR AJAKA: Yes.

MS McDONALD: And then you have Betty Boustani being a direct appointment to the senior policy adviser role, effective 18 September.
45

MR AJAKA: Yes.

MS McDONALD: On a 12-month contract. Were you involved in the appointment of Ms Boustani, that direct appointment that's noted there?

5 **MR AJAKA:** No. That would have been undertaken by the director responsible, and then it would have come back to me for final tick-off.

10 **MS McDONALD:** Would you just excuse me for a minute. Again, our understanding is up until September 2023, that position was still directly answerable to the CEO.

MR AJAKA: I don't have that recollection. If that's the case, then that would be correct.

15 **MS McDONALD:** But if that is the case, you would have determined or decided that she would be appointed to that temporary position?

20 **MR AJAKA:** I would have had the final say if that was the case. I wouldn't have gone about the recruitment, but I would have had the final say. I still would have left it either to Human Resources or asked one of the directors to do it. I just don't have a recollection.

MS McDONALD: Excuse me for a minute. Excuse me for a minute, Mr Ajaka.

25 **MR AJAKA:** Yes.

MS McDONALD: Could document LCC.001.006.0036 be brought up.

COMMISSIONER: Just pause for a moment.

30 **MR PARISH:** No problem.

COMMISSIONER: Thank you.

35 **MS McDONALD:** Excuse me for a minute, Mr Ajaka. I'm just going to jump back. Would you bring up, please, LCC.001.006.0015. Yes. Because I think the redactions have been made. Now, this document's dated 3 April 2023.

MR AJAKA: Yes.

40 **MS McDONALD:** It's addressed to Mr Mallard.

MR AJAKA: Yes.

45 **MS McDONALD:** And you can see there:

"I'm pleased to offer you a full-time temporary appointment to the position of senior adviser within the office of the CEO."

MR AJAKA: Yes.

MS McDONALD: And then you can see in the second paragraph:

5

"We are pleased to offer you a market rate of 168,000 plus super."

MR AJAKA: Yes.

10 **MS McDONALD:** If you follow the letter through, you can see there the position reports to you.

MR AJAKA: Yes.

15 **MS McDONALD:** And if we can keep on going. Then the signature block is your name.

MR AJAKA: Yes.

20 **MS McDONALD:** Which I assume would mean that you signed the letter that went to Mr Mallard.

MR AJAKA: I would assume it. I don't recollect it, but I would assume that's the case if my name's there.

25

MS McDONALD: All right.

COMMISSIONER: Would you make the formal offer for all staff to be employed or only staff of a certain grade?

30

MR AJAKA: So a lot of the - well, the directors, absolutely.

COMMISSIONER: Yes.

35 **MR AJAKA:** And a lot of the senior managers. As I said, once they were employed it would come to me for a final tick-off, and then usually the employment letter was signed by me in many cases.

40 **COMMISSIONER:** But for other employees in the organisation it might be a director, for example, who would make the formal offer on behalf of the council?

MR AJAKA: The director may make the formal offer in some cases, but in a lot of cases the directors still liked me to sign off on it.

45 **COMMISSIONER:** I see.

MR AJAKA: The letter was never prepared by me, of course.

COMMISSIONER: Yes. Of course.

5 **MR AJAKA:** That was always prepared by somebody else, and then it would come in to me. In some cases, the final ticking off would have a letter attached to it and you'd do both at the same time.

COMMISSIONER: I understand. Thank you.

10 **MS McDONALD:** Now, would you return to document OLG.001.001.1066. And if you would go through to page 2 when it's up there. And it can be live-streamed. This is the summary that has been included.

15 **MR AJAKA:** Yes.

MS McDONALD: And you can see I've taken you to Mr Mallard's temporary appointment.

20 **MR AJAKA:** Yes.

MS McDONALD: Then it goes to the directorship. And then we've got the direct appointment on a temporary contract of Ms Boustani.

25 **MR AJAKA:** Yes.

MS McDONALD: I'll take you to the documents relating to Ms Boustani, but what I wanted to emphasise with these dot points is the three last dot points. The job evaluation from 2013 is attached.

30 **MR AJAKA:** Yes.

MS McDONALD: Then the position was deactivated -

35 **MR AJAKA:** Yes.

MS McDONALD: - for that period and then reactivated without a further job evaluation in 2023.

40 **MR AJAKA:** Right.

MS McDONALD: And your understanding of a job evaluation is where Human Resources look at what is entailed with the job.

45 **MR AJAKA:** Yes.

MS McDONALD: And then make a determination, "It's at this grade or at this part of the salary scheme. The evaluation means that it actually should be at a higher grade or a higher salary."

5 **MR AJAKA:** Correct.

MS McDONALD: And then if we go - return to document OLG.001.001.1055. This is a memo to you from Mr Mallard - and he was a director by then - dated 6 September:

10

"Engagement of Betty Boustani on a 12-month temporary contract."

MR AJAKA: Yes.

15 **MS McDONALD:** And if you follow it through, you can see, yes, right at the bottom, an appropriate ATRP of up to 250,000, incorporating base salary plus super, plus car will be negotiated with her.

MR AJAKA: Yes.

20

MS McDONALD: Now, that is considerably more than Mr Mallard when he was appointed, just a couple of months beforehand, at a market rate salary of 168,000.

MR AJAKA: Yes.

25

MS McDONALD: And according to the report to OLG, no job evaluation's been undertaken?

MR AJAKA: I'm accepting that, yes.

30

MS McDONALD: All right. Then, if we can then go to LCC.001.006.0036. There are redactions, so we can put it on the live stream. This is the letter of offer to Ms Boustani.

35 **MR AJAKA:** Yes.

MS McDONALD: Can I just see who - it's actually signed by a recruitment coordinator. I think it's a Mr Smith. That's not up there, sorry.

40 **MR AJAKA:** I can't see it.

MS McDONALD: Right?

MR AJAKA: Yes.

45

MS McDONALD: But if you go back to the first page, you can see in the second paragraph the salary that she's being offered is 250,000 plus super.

MR AJAKA: Yes. Yes.

5 **MS McDONALD:** And also if we keep on moving - again, I think I might have taken you to this. You can see the standalone sentence that it's reporting to you.

MR AJAKA: Correct.

10 **MS McDONALD:** Now, again, the - there doesn't appear to be any job evaluation that has been undertaken, but a substantial increase in salary from about - I think Mr Mallard was on 168,000, now up to 250,000.

15 **MR AJAKA:** Yes. I've just got a recollection that Mr Mallard's salary was re-evaluated to market before Ms Boustani was hired. I just have that recollection. I could be wrong.

MS McDONALD: All right.

20 **COMMISSIONER:** While Mr Mallard was still in that position, you think?

MR AJAKA: Yes. I think - yes. Also this is the first time I've seen this letter. I'd seen the previous document. I actually met Ms Boustani for the very first time after her employment had commenced. I wasn't involved in the hiring process. It was done by the director.

25 **MS McDONALD:** In the lead-up to her appointment, did the mayor discuss Ms Boustani and her possible appointment, either on a temporary or a permanent basis?

30 **MR AJAKA:** Not with me.

MS McDONALD: Did you know that she had acted for him in her role as a solicitor?

35 **MR AJAKA:** Not until after her appointment. As I said, I met her for the first time after her employment commenced, when she - she was introduced to me.

MS McDONALD: And the records that we have - and we have many documents -

40 **MR AJAKA:** I'm sure you do.

COMMISSIONER: Understatement of the century.

45 **MS McDONALD:** Yes. I just don't want to be criticised if there is a document there which is contrary to this proposition.

COMMISSIONER: It would be a brave criticism.

MS McDONALD: This - the documents we have -

COMMISSIONER: Sorry. Someone - yes. Thank you.

5

MS McDONALD: - suggest - or not "suggest" - state that the change in the position being a grade 15 to being equivalent of a manager position occurred after Mr Mallard had - was appointed the director.

10 **MR AJAKA:** Okay. That could be the case. As I said, I just had a vague recollection. I could clearly be wrong.

15 **MS McDONALD:** And why such a dramatic or substantial increase to the salary of that role was granted in the absence of any job evaluation? Can you assist us in how or why that occurred?

MR AJAKA: No. I wasn't involved in it, so no. I'd be guessing.

20 **COMMISSIONER:** Is it the case that that approval memorandum that we saw that you'd signed - that when you receive something like that you rely on the advice given by the director?

25 **MR AJAKA:** Absolutely. I mean, if there was something in the memorandum that said, "This is an increased salary," or, "This is this," or a jump from X to Y, I would have made inquiries. But the way the memorandum read, I accepted the director had undertaken all the necessary steps.

30 **COMMISSIONER:** You've anticipated my next point. Should there be either a policy or a standing requirement that where someone is being engaged on different or perhaps materially different terms to that of the previous incumbent on the position, that that should be something - or would be something that you would like to know as the CEO?

35 **MR AJAKA:** Yes. So I arranged a change of a policy that I would not sign any new positions, nor could you have a new position created until ELT approved it. ELT had to be given both legal advice and financial advice from general counsel and the director of Corporate. I don't believe the policy applied for existing positions. So it would make a lot of sense that it applies for every single position in the future.

40 **MS McDONALD:** The change in the formal organisational structure was that the position from directly reporting to you became part of the City Futures directorate, reporting directly to the director?

45 **MR AJAKA:** Yes. This was when stage 2 was approved.

MS McDONALD: Yes.

MR AJAKA: Sorry, this was when stage 1 was approved, and then ultimately stage 2 was approved. I'd removed any direct reporting to me even in the stage 1 aspect.

5 **MS McDONALD:** And where the position was moved to was a managerial position within the directorate of City Futures. So Ms Boustani - I'm sorry, Ms Boustani, according to the organisational structure, reported directly to Mr Mallard?

MR AJAKA: That's my recollection.

10 **MS McDONALD:** But starting off with physical location, you've given evidence that she was located not within - with City Futures but in the suite of offices of the mayor?

15 **MR AJAKA:** Because although the reporting was to one of the directors, and in - previously, although the reporting was to the CEO, the employee was, to use the word, loaned out or made available to the mayor. But they would work with, assist the mayor. So they - it was sensible that they were close to the mayor.

20 **MS McDONALD:** What was - up until the time of the termination of your employment, what was your view of that role of senior policy adviser?

25 **MR AJAKA:** So when the mayor sent that email about making - I'll use the word "redundant" a number of non-core positions - I mean, my view is - and I used that as an example - that would be the first position I would make redundant - as a non-core position. I - as time went on, I did not believe that it was a necessary position. I also had formed a view about Ms Boustani not being appropriate to continue, and I had formed the view and had communicated that I would not be renewing her contract - her temporary appointment. It was my intention to cease that appointment before I left - sorry, if I had not left.

30 **MS McDONALD:** Could you just excuse me for a -

COMMISSIONER: Ms McDonald, is that -

35 **MS McDONALD:** Yes. I'm sorry. Yes.

COMMISSIONER: - a convenient moment just to stretch our legs for five minutes?

40 **MS McDONALD:** Yes. Thank you.

COMMISSIONER: All right. I'll resume again at five past.

MR AJAKA: Thank you.

45 **COMMISSIONER:** Feel free to stretch your legs.

<THE HEARING ADJOURNED AT 3.01 PM

<THE HEARING RESUMED AT 3.08 PM

5 **MS McDONALD:** Mr Ajaka, can I follow up from some of the answers you gave immediately before our stretch break.

MR AJAKA: Yes.

10 **MS McDONALD:** You spoke about the role that Ms Boustani was occupying, and my note of your answer was that you had formed the view that the position or the role was not necessary.

MR AJAKA: Yes.

15 **MS McDONALD:** And that it was not - and you'd also formed the view that it was not appropriate to continue her contract - or, sorry, she was under a temporary contract?

20 **MR AJAKA:** Correct.

MS McDONALD: When you spoke about "not appropriate to continue", are you talking about the actual role?

25 **MR AJAKA:** Yes. I couldn't see a justification for it.

MS McDONALD: And why was that?

30 **MR AJAKA:** I just felt it was an unnecessary expense. I was aware that the role didn't exist under Wendy Waller. A number of councillors had brought to my attention, again, "Why is this person here? Why is this role here?" And as time went on, I could see that it almost became more of a role as a personal EA for the mayor, simply to be with the mayor wherever the mayor went. And that just had no logic for me when he already had an EA and an assistant EA, and there was a junior policy adviser position. I thought that was more than sufficient. That if we were trying to be
35 efficient, it would have been one of the first roles that I believe wasn't needed to be a core role, and that's why I mentioned it to the mayor in that meeting on 22 April.

40 **MS McDONALD:** That was going to be my next question. As part of your pre-break answer, you did say something along the lines of, "And I, you know, informed or - and I said that the role shouldn't be continuing", something along those lines. Your evidence is that it was the mayor that you told that to?

45 **MR AJAKA:** Yes, in that meeting. So we dealt with item 1. I think item 2 was the non-core positions and that's when I indicated to him, "Look, if you're talking about non-core positions, the first one that would go would be the position held by Betty Boustani." He was upset by that. He made it very clear to me that he thought it was

unfair of me that I would actually suggest her. And then we moved to area number 3, legal counsel.

5 **MS McDONALD:** You said that he was upset at that suggestion?

MR AJAKA: Yes.

10 **MS McDONALD:** What did he say or what did he do that allowed you to conclude he was upset?

MR AJAKA: Yes. From memory, it was something like, "It's really unfair," or, "It's a bit nasty of you to be, you know, picking on Betty Boustani." But he was looking more at the individual than the role.

15 **MS McDONALD:** Sorry, just - that was - and I won't bring it up, but it was the 12 April email from Mayor Mannoun, where point 2 was a \$1 million reduction in wages by removing non-core function positions?

20 **MR AJAKA:** Yes, I think it was point 2, from memory.

MS McDONALD: Yes, it was.

25 **MR AJAKA:** Yes, and then - but the comment occurred in the meeting where the comment was made.

MS McDONALD: Commissioner, they're my questions for Mr Ajaka. I do have some documents to tender. But I don't know if you've got some questions that you want to -

30 **COMMISSIONER:** I do. And we might wrap that up at the end of the day.

MS McDONALD: Yes.

35 **COMMISSIONER:** Mr Ajaka, you said when you joined the organisation in December, that you, you know, really got your feet under the desk, as it were, in the - January, after you returned from leave, that you considered that there was a toxic environment within the council -

40 **MR AJAKA:** Yes.

COMMISSIONER: I've understood you correctly?

MR AJAKA: Yes. But it was before that. Even in December I understood that.

45 **COMMISSIONER:** All right. What do you mean by a "toxic environment"?

5 **MR AJAKA:** So it was clear that there were huge disputes between the staff and management, a number of serious disputes between the staff and the mayor and some of the councillors. But, most importantly, when I first met with the staff in that first week in December, the word "toxic" was used by them when they started to talk about - there aren't sufficient employees, there's too many vacancies, and I said, "Well, we should be hiring the vacancies." I remember very clearly one of the delegates yelling out that, "Well, you're not going to get anyone. Who would want to work in this shit, toxic place?" My response to him was, "Well, as long as you employees keep using that phrase, nobody is going to want to work here."

10 **COMMISSIONER:** What were the nature of the disputes between staff and management?

15 **MR AJAKA:** Most of the disputes between the staff and management related to comments being made by the mayor or actions of the mayor, and the staff felt that they were inappropriate. At the same time, the mayor's anger with the staff was in relation to comments being made by the staff and the behaviour of the staff. It was a real conflict between them. It was evident from day 1.

20 **COMMISSIONER:** And what was the path to resolving that conflict and eliminating the toxic environment, in your view?

25 **MR AJAKA:** So literally on day 1, I met with the delegates - and I still remember this - it was at Operations. There was about, to my surprise, 30 of them, USU delegates, and I indicated to them, "Look I'm very different." You know, "I intend to resolve this." One of them came back, "We've heard that before. Never works." "I'm different." "Yeah, they all say that." I say, "Well, I'm incredibly different. If you respect me, I will respect you. You work with me, I will work with you. I don't want an 'us versus them' culture. Give me an opportunity to prove that."

30 **COMMISSIONER:** And over time, did the situation improve, to your observation?

35 **MR AJAKA:** Enormously. I had their confidence, I had their trust, I had their respect. And as I said, in a very unusual way, they all backed me when the problems occurred between me and the mayor.

COMMISSIONER: So that went some way to addressing the relationship between management and staff?

40 **MR AJAKA:** Very much so. I'm proud of the fact that I undertook - I delivered all that I promised I would deliver, and most importantly, I eliminated the "us versus them" attitude between staff and management. We became one team.

45 **COMMISSIONER:** And did the relationship, as it were, between the staff and the mayor improve over that same period?

5 **MR AJAKA:** It was more that they were - became arms-length. They kept separate, and I was a nice little conduit between them. When I asked them to do something and they replied they wanted the mayor to do something, I ensured the mayor did it. They then did it, and there was that lovely arrangement. Removing billboards and having vans painted with adverse comments were all removed by all parties at my request.

10 **COMMISSIONER:** All right. Did it get to a stage that you thought was satisfactory and -

15 **MR AJAKA:** It got to a terrific stage where we were having barbecues once a month together and talking and working and - look, the main attitude I had with them and made it clear to them is that they - if they raised things with me at the beginning there'll be times I'll say yes and there'll be times I say no. And when I say no, they will get a quick no, and it will be a properly delivered no. And that occurred. Sometimes they would ask for something, I'd say no. Sometimes they'd ask for something, I'd deliver it.

20 **COMMISSIONER:** What about the tension, as it were, between the staff and the mayor? Had that resolved?

25 **MR AJAKA:** It had quietened down, it stopped. But then it started to pick up again, you know, from September onwards. And in those last few months that I was there, that's when the mayor started the social media again and it seemed to sort of pick up. But I was able to continually diffuse it, if I can use that term.

COMMISSIONER: All right. Were any surveys of the staff - satisfaction surveys or engagement surveys done?

30 **MR AJAKA:** Yes. I believe there were surveys done before I started and there were some surveys done while I was started, and I can't recall them, but the surveys were far more positive during my time. The most important statistic I can give you is that there were 53 industrial relation matters the year before I started. And then I was - I managed to resolve all of those in a short period of time that hadn't been
35 resolved, and then there were zero industrial relation matters while I was there.

COMMISSIONER: But your recollection is that there was an improvement in the responses of a staff satisfaction survey done -

40 **MR AJAKA:** Yes.

COMMISSIONER: - during your tenure -

45 **MR AJAKA:** Yes.

COMMISSIONER: - from what had been done prior to your arrival?

MR AJAKA: Yes.

COMMISSIONER: All right.

5 **MR AJAKA:** There was also enormous improvement in the staff becoming very involved and very cooperative and providing excellent suggestions on how matters can be improved through innovation, bringing in the necessary technology in relation to the work, etcetera, and assuring them that there would be no jobs lost. That was their biggest concern. And, in fact, my biggest concern was finding more employees.
10 So if you took Operations, we were at least 40 to 50 employees down on numbers, and we started to recruit and they were being very positive in that recruitment.

COMMISSIONER: All right. I don't - we can bring it up if you need, but you've been shown the 12 April email from the mayor to you asking for the modelling.
15 Remember that email fairly well, I take it? And you sent it to Mr Portelli, asking him to prepare the modelling and discuss it with you.

MR AJAKA: Yes.

20 **MS McDONALD:** I take it at that point, in circumstances where you sent it to Mr Portelli to ask him to do that modelling, that you didn't see there was a problem with the mayor asking for modelling of that kind?

MR AJAKA: No, if the email had been the first and only thing that I had received
25 by way of communication from the mayor, I wouldn't have thought twice about it. But the reality is prior to that time, Commissioner, the mayor had made it very clear to me, and we had argued extensively over it, that he wanted to remove two directors, he wanted to remove managers, he wanted to remove the entire legal team. And my view was that you can't proceed like that before the budget. It's a restructure.
30 So when this email came, I really took it as this was just another way of him to have - bring those topics up again.

COMMISSIONER: All right. But in a general sense, did you perceive there to be any difficulty with the mayor asking for modelling of that kind?
35

MR AJAKA: No. That's why I indicated to Mr Farooq to provide the modelling. I didn't understand the last aspect of the modelling but I left that to Mr Farooq.

COMMISSIONER: Just remind me, what was the last aspect - we'll bring it up.
40 OLG.001.001.0310, page 2.

MS McDONALD: I think the final one was "Income Projected Property Lease".

MR AJAKA: Yes, that one. I didn't quite understand - for example, one of the
45 properties was to include Civic Place, which at that stage we'd only just moved into. But it talked about presented in 2018, in February '22 versus current. Maybe the current was Civic Place. I took the Civic Place to be 2018 and '22.

COMMISSIONER: In any event, perhaps I'm approaching it at a more general level. I understand you had a disagreement with the mayor about where this would ultimately go, if anywhere.

5

MR AJAKA: Yes.

COMMISSIONER: But have I understood you correctly that you did not then and still now don't see a problem with the mayor asking for modelling of this kind?

10

MR AJAKA: No. I believe in the email where I called - where Lauren sent - to call for the meeting, I believe there was a paragraph in it where I asked Farooq to do the modelling.

15

COMMISSIONER: But ultimately it didn't get done?

MR AJAKA: I don't believe it got done.

COMMISSIONER: Do you know why?

20

MR AJAKA: No. I feel that maybe the - look, it could be that Farooq was waiting for the meeting to be held and to discuss it at the meeting before or to clarify exactly what the mayor wanted.

25

COMMISSIONER: After that meeting, then it went no further?

MR AJAKA: Well, after that meeting it went no further. I was terminated very shortly after that.

30

COMMISSIONER: Thank you, Operator. We can take that document down. Earlier today you were shown some documents in relation to the WEIR review or investigation.

MR AJAKA: Yes.

35

COMMISSIONER: And in one of those documents it was noted that there seemed to be a disagreement between you and the mayor as to the scope of your respective roles. Do you remember that?

40

MR AJAKA: Yes. I hadn't seen the report.

COMMISSIONER: I understand, but you saw it this morning.

MR AJAKA: I recall it being in there.

45

COMMISSIONER: And that issue was also raised in the solicitor's letter that was sent on your behalf. Do you remember that?

MR AJAKA: Yes.

5 **COMMISSIONER:** At the time that you - during the time that you were at the council, what was your understanding of the difference and the limits between your role as general manager, CEO, and the mayor's role?

10 **MR AJAKA:** My view was that the mayor, as well as all councillors - the mayor was a spokesperson of council, of any decision made by council. So once a majority decision was made, the mayor becomes the spokesman of council in that respect. And the mayor and council deal with the best interests of the public. And if one wants to look at it from a point of view, a macro policy point of view, a budget point of view, those are the matters.

15 The GM is the person responsible for all staff who deliver all of the operational and administrative aspects of council. Councillors are not, and the mayor should not, interfere in those operational matters. And that's the issue where conflicts were arising.

20 **COMMISSIONER:** In what - did you perceive the mayor or any of the councillors to be entering into a space that you thought was within the purview of the general manager?

25 **MR AJAKA:** So on numerous occasions, again, the mayor would be - conflicts with staff, criticism of staff. That meeting where he came into the section 7.11 meeting, where he hung up when they told him that he was - uncomfortable, some of the councillors wanting to speak to the personnel either in relation to compliance matters, these were the type of matters that the mayor and I were being conflicted of. And I'd have to remind the mayor that, you know, "You're not the CEO. You're the mayor. You're not a director. You're the mayor and you should behave as the mayor."

30 **COMMISSIONER:** And other than the mayor, did you have conversations of similar kinds with any other councillors?

35 **MR AJAKA:** Yes. In particular, Councillor Richard Ammoun and Councillor Mel Goodman. I gave the example of after telling the councillors, "You shouldn't be dealing with any matter that you're not permitted to deal with, with any operational matter," Councillor Ammoun was still very well-known, and he'd do it in front of everyone, where he'd drag the director of Planning out of a meeting in front of everyone, glass walls, and you could see them having a very detailed discussion.

COMMISSIONER: Did the councillors have access to the staff areas in the office?

45 **MR AJAKA:** Yes, they could. So one of the areas - you've reminded me. One of the things that the mayor and I argued about was that the mayor wanted the customer service section in the new building to be next door to the mayor's office, as opposed

to being on a lower floor, because the mayor believed that he should be walking around the customer service and listening to how the staff were dealing with the customer matters. I thought that was preposterous, and told him, "You can't be walking around, in a sense, looking at the staff and wanting to be involved in the phone calls that they're receiving."

COMMISSIONER: What about the other councillors? Did they access the staff areas?

MR AJAKA: Yes. I mean, access was unrestricted. There was no restricted access. Council's - and in the old building and in the new building. In the new building there were internal stairs, so you could walk up and down and go to every area. It was open-space.

COMMISSIONER: Do you have a view about whether it's appropriate for councillors to access the staff areas? That is, the staff offices.

MR AJAKA: My view is that councillors should never be meeting directly with staff under any circumstances, most certainly not one-on-one meetings, and that the only time councillors should meet is they should meet with directors, where appropriate notes are taken. And if the directors are required to bring their managers or other staff along, that's how it occurs. It has to be on a very formal basis.

COMMISSIONER: Do you have a view about whether councillors should meet with directors in the absence of the general manager?

MR AJAKA: I have no problem with them, as long as they're meeting with the directors, other staff are present, appropriate notes are being taken. In other words, it's dealt with on a very formal basis. And I'm also of the view that if those meetings are requested they should do it through the Councillor Assist, where they put in a request, it's in writing, and they should do it. But to simply walk up to in a hallway, which is what was occurring, I was incredibly uncomfortable with it.

COMMISSIONER: Now, in answer to some questions concerning the restructure that was implemented during your tenure -

MR AJAKA: Yes.

COMMISSIONER: - earlier today you said that one of your objectives was to, in effect, equalise within each of the directorates staff numbers and departments or sections. Did I understand you correctly?

MR AJAKA: Yes.

COMMISSIONER: Why was that an objective?

5 **MR AJAKA:** I believe that all directors should be equal. I believe that all directors should be treated equal. Again, I didn't want an "us versus them". I had been informed at the beginning there was a toxic environment even between the directors themselves. They weren't working as one team. There was a bit of jealousy of why one director would earn more than the other director, the one earning less was working harder. I mean, this was the information that was told to me very, very early in the piece, and the simple solution for that is they should all be equal. And if you treat them all equally, give them all equal responsibilities, you end up with one good team where there's no animosity, and they do work well together, and they -

10 **COMMISSIONER:** Was part of the process, though, to consider the directorates and their sections as being complementary within each of them?

15 **MR AJAKA:** Absolutely. Commissioner, we spent close to six, seven months to make this work. So it wasn't something that was made easily. And the number of times it was varied in that six or seven months, where it became obvious that a certain section would fit better under another director because it would work in synergies with the other sections in that directorate - made far more sense, and that's what was occurring. At some times directors were very possessive of their section. 20 They wouldn't let it go, "No, that's mine. I'm not - one else can have it." In other situations, directors felt, "Look, this really isn't me. I don't have the expertise in this area. It really should belong to another director." And by working together as one ELT, we were able to ensure that that happened.

25 **COMMISSIONER:** Now as part of that, the salaries for each of the directors were standardised, equalised?

30 **MR AJAKA:** Yes. So I made inquiry as to what would be an appropriate salary, and the information that I was receiving from other GMs that I had spoken to, but more importantly from Stephen Blackadder, who I considered had huge experience in relation to salaries, was that, according to him, directors invariably earned 70 to 80 per cent of what a GM earned. That was the grading, and I chose the 70 per cent, the lower figure, for all of them, which came to the 340.

35 **COMMISSIONER:** Other than speaking to Mr Blackadder, was there any market testing of the salaries you were proposing?

40 **MR AJAKA:** I didn't hire a firm, but I made inquiries with other GMs, and discovered that in most cases their directors were earning about 75 per cent of what the GM was. But those - some of those GMs were on lower than what I was on, some were on higher than what I was on.

COMMISSIONER: You've been asked some questions about the staff that were available to support the mayor.

45 **MR AJAKA:** Yes.

COMMISSIONER: The two executive assistants and the two policy advisers.

MR AJAKA: Yes.

5 **COMMISSIONER:** And I asked you a question, I think yesterday, about whether there was a policy that dealt with staff of that kind being available to the mayor, and I think you said you couldn't remember whether there was a policy but it had been approved by the council through the budget means. Is that -

10 **MR AJAKA:** That was my understanding. So in the earlier term it was approved. In the second term of Wendy Waller's it was removed, and then when Ned Mannoun became the new mayor it was reinstated as part of the budget and those positions were identified.

15 **COMMISSIONER:** Were those positions, to your recollection, identified specifically through the budget approval process, or would it have formed part of the employee costs?

20 **MR AJAKA:** I can't recall. All I know is the positions existed and I was told they existed, and therefore we didn't need to go through the procedures of creating a new position.

COMMISSIONER: Do you know whether other councils make similar staff available to their mayors?

25 **MR AJAKA:** Yes. I understand some make it - some other councils do have similar positions. My understanding, though, is that the vast majority of councils have the EA position and deputy EA position as a more realistic position. Some councils have this - policy advisers reporting to the GM or reporting to one of the directors. So
30 they're available for the whole of council, not just the mayor.

COMMISSIONER: Do you consider whether there would be a benefit from the council establishing a policy to deal with support staff being made available to the mayor and to the councillors more broadly?

35 **MR AJAKA:** Yes.

COMMISSIONER: As a statement of position by the governing -

40 **MR AJAKA:** Yes.

COMMISSIONER: - body that they support this?

45 **MR AJAKA:** There are - there are policies in existence about councillors dealing with staff and what's available to the staff. I mean, the councils have an entire section of staff that are the Councillor Assistance staff, where they're solely for the purpose

of assisting councillors. The other policies that the mayor wanted the four position were on top of those exclusive for him.

5 **COMMISSIONER:** Building on from that then, do you think there might be benefit in that councillor interaction and access policy being - recording the availability of support staff, policy staff -

MR AJAKA: Yes.

10 **COMMISSIONER:** - to the mayor and councillors in addition -

MR AJAKA: Yes.

15 **COMMISSIONER:** - to the other councillor support staff within the organisation?

MR AJAKA: Yes, especially in areas, if I can say, Commissioner, like communications - the communications team. I mean, that was one of the huge problems I had with the mayor. In addition to the four people, he wanted the whole comms team to move over to me, so they'd be available to him. And at times he'd
20 want at least two comms people walking everywhere with him.

COMMISSIONER: You were asked some questions towards the end of your evidence about the example of a temporary or a direct appointment to a position.

25 **MR AJAKA:** Yes.

COMMISSIONER: Was that a wider issue at the council when you joined?

MR AJAKA: No. It was a common issue when I was joined, and it was, in fact, one
30 of the best ways, if I can use that, of trying to fill all the vacancies we couldn't fill. So with planners, it was impossible to hire a planner from scratch. The best we could do was bring in a temporary - bring in a planner under a temporary contract at market value, which is well in excess of what the grading was. You'd bring them in for 12 months, hope they stayed. And they did the job well. You then tried to employ them
35 full-time.

COMMISSIONER: There was a period where retaining planning staff across the industry generally was quite challenging?

40 **MR AJAKA:** It - it was impossible. On occasions when developers, even state planning, would come and visit me and we'd talk - and they'd complain about the delays in planning, which is probably one of the biggest tasks I had when I first started, to eliminate the problem of delays in planning. When they complained, I said, "Don't blame me. You see the three planners you just brought into your office?
45 They all used to work for council. If you companies would stop stealing the planners" - and I used the word "stealing" - "if you would stop stealing planners from us every time you meet and you're impressed by one, maybe we could actually get

through the work." I said to the same to the State Planning Department. The salaries paid private and the salaries paid by the State Government in the Department of Planning well exceeded what we were paying, and that was our problem.

5 **COMMISSIONER:** Outside of the planning sphere, was an issue raised with you, or did it come to your attention as to the number of direct or temporary appointments being used to fill positions within the council?

10 **MR AJAKA:** No. We were actually encouraging it, if it meant bringing them in. We had to find the employees in one way. I mean, I made it very clear to the staff, in particular Operations, where there were over 50 or 60, and they said, "Well, you'll never get them." I made it clear we would "if you would help us find the staff. You should be encouraging your friends to come and put in their applications so that we could properly look at it."

15 **COMMISSIONER:** All right. Thank you.

MS McDONALD: Can I just ask -

20 **COMMISSIONER:** Yes, of course.

MS McDONALD: Just a couple of questions from the Commissioner's questions, Mr Ajaka. You were asked a question which raised recordkeeping. When you were the CEO, did you and the mayor communicate via a WhatsApp group?

25 **MR AJAKA:** Yes.

MS McDONALD: That WhatsApp group, did it only consist of you and the mayor?

30 **MR AJAKA:** No. Unfortunately, it wasn't just one WhatsApp group. The mayor liked to use the term that he liked to use a scattergun, so there'd be a direct communication between me and him. At times there'd be a communication from him to me and one or two directors. At times it would be from him to about a dozen of us. He just - there was no control in what it was, and it was what was causing a lot of the stress with the staff.

35 **MS McDONALD:** There are recordkeeping requirements -

MR AJAKA: Yes.

40 **MS McDONALD:** - imposed on the council.

MR AJAKA: Yes.

45 **MS McDONALD:** Do they cover the communications in a WhatsApp group or through the WhatsApp?

MR AJAKA: I can't answer that. I don't believe so. I know it definitely covered emails. The mayor would use the same situation with emails as well, where he'd send it to one, two, three, four of us at any time of the night if he'd heard something. I know that they were kept as part of the documents stored in the file servers, but I'm not sure about the WhatsApp.

MS McDONALD: And there would be a recordkeeping policy for the council?

MR AJAKA: In relation to emails, yes. I don't know about the WhatsApp.

COMMISSIONER: Were steps taken to capture them and record them? The WhatsApp group messages. Were any steps taken to ensure that they formed part of the records of the council?

MR AJAKA: Not that I'm aware of, Commissioner. I hadn't even - I hadn't turned my mind to something like that. I was too busy dealing with trying to respond to them.

MS McDONALD: And your understanding of the communications using WhatsApp, at times did that include the mayor contacting directly members of staff?

MR AJAKA: Yes. A lot of times there'd be the mayor - if I can give you an example - was that he'd drive past - if he saw some overgrown lawn or a bathroom that hadn't been properly cleaned, all of a sudden there would be the scattergun approach where everyone was receiving WhatsApp messages and photos and SMSs and -

MS McDONALD: And you answered a little while ago that that created stress with the staff -

MR AJAKA: Very much so.

MS McDONALD: - that were being contacted via WhatsApp. Was that an example of how the stress was generated? For example, the uncut lawn complaint -

MR AJAKA: Yes.

MS McDONALD: - or the unclean toilet complaint.

MR AJAKA: Yes. And in many cases, he was wrong. The lawn wasn't our lawn; it was a State Government responsibility. The bathroom was, in fact, being cleaned by a contractor, not our staff. But he was always having - he was always implying or stating expressly that we really should be looking at contractors and not our staff. I'm trying desperately to hire staff and he's trying to remove them.

MS McDONALD: Can I revisit the topic - the Commissioner raised with you direct appointments.

MR AJAKA: Yes.

MS McDONALD: And specifically, you referred to planning staff.

5

MR AJAKA: Yes.

MS McDONALD: And the difficulties in attracting, finding planning staff.

10 **MR AJAKA:** Yes.

MS McDONALD: Moving away from planning stuff - staff, I'm sorry. Been a long day. Other positions - and I'll use as an example the senior advisory position or the junior policy advisory position - was there a policy that if that role was created or
15 became vacant, there should be a priority for the appointment on a temporary basis to a current member of staff?

MR AJAKA: No, not that I'm aware of.

20 **MS McDONALD:** No policy of acknowledging it was a temporary appointment, but advertising to current staff that this role is vacant for 12 months - up to 12 months. "If you wish to apply," you know -

MR AJAKA: So the temporary appointment would occur, and sometimes, although
25 it was for 12 months, within months ads would go out, staff would be informed of the ads to appoint it as a permanent position and everyone could apply.

MS McDONALD: No, I'm -

30 **MR AJAKA:** Sorry, I misunderstood your -

MS McDONALD: I understand under the Act, if it's a permanent appointment -

MR AJAKA: Yes.

35

MS McDONALD: - there are particular statutory requirements, including advertising, but again, one of the complaints that it was made - was that if you have direct appointments for 12 months, it gives the person an advantage.

40 **MR AJAKA:** Yes.

MS McDONALD: And this is linked with many of the positions. The direct appointment appears to be of a person with links to the Liberal Party or previous
45 links either through politics or in some way with senior members of staff.

MR AJAKA: Yes.

MS McDONALD: And it's like a - it's a domino effect. You have a direct appointment of that person. They're in the position for 12 months. Of course they're going to have an advantage when it is advertised and open to the appropriate procedures.

5

MR AJAKA: Yes.

MS McDONALD: So what I was looking at was whether - and I think you've answered it - whether there was any policy that all those positions which became a temporary position - you should offer to current staff the opportunity to apply for that position. If they're not qualified, then fine, they wouldn't be appointed to it on a temporary basis, but at least it allows a level playing field when the position is ultimately advertised on a permanent basis.

MR AJAKA: Yes. No, I understand. I was - I'm not aware of policy, but can I indicate to you - I mean, we had over 800 staff. We were looking at, at least another 150 at one stage. And as the Office of Local Government brought to my attention, we were talking at - about seven or eight that fit within the category of - yes, so you're talking about seven or eight staff out of 800.

20

MS McDONALD: Sorry, that were temporary - sorry, direct appointments to a temporary role?

MR AJAKA: Temporary, yes. Less - definitely less than 10.

25

MS McDONALD: Nothing further.

COMMISSIONER: Does any party seek leave to ask Mr Ajaka any questions?

MS PALMER: Commissioner, we will have some questions for Mr Ajaka. We're in a situation where we do not consider it to be procedurally fair for us to start our cross-examination tomorrow. There has been an awful lot of evidence that has fallen from Mr Ajaka that is very factually complex, it includes a lot of material that's very adverse to my client. And in circumstances where we've not had a witness statement - that's obviously no criticism of counsel assisting - we are in the position where we just simply need more time to look at the transcript, go back to our client, get instructions in relation to all of those bits of information, and potentially look for documents as well. And we're just simply not in a position to start tomorrow, I'm afraid, Commissioner.

40

COMMISSIONER: How long?

MS PALMER: From mid next week we think we could be in a position to start, Commissioner.

45

COMMISSIONER: Mr Searle, have you got any (indistinct).

MR SEARLE: Well, most of what Mr Ajaka has had to say over the last day or so was well foreshadowed in his record of interview with Mr Harvey of WEIR Consulting, and in the later Environment Court summons. But I'd have to concede that there are some matters of detail which have been additional. So if people are not
5 ready to proceed, well, we can hardly be critical of that and we'll accommodate ourselves to whatever procedure the inquiry adapts.

There will be other counsel for Mr Ajaka taking over next week, and so that is an additional complexity about not being able to complete his evidence this week,
10 which I know we were all working towards.

COMMISSIONER: Yes.

MR SEARLE: But nevertheless, if that is truly the position that counsel is in, we're
15 in the hands of the inquiry.

COMMISSIONER: Does that pose you or your client more generally difficulty, in the sense that you won't be here?

MR SEARLE: It may do. I would have to consult with my client and those instructing me. It may well create that difficulty, and in which case we will identify that to the inquiry as soon as possible and to the other parties represented. But I would need to take some instructions from Mr Ajaka and those instructing me more
20 generally.

COMMISSIONER: There's nothing that can be done tomorrow even up to a point?
25

MS PALMER: Yes. No, Commissioner, on my instructions, definitely not.

MR SEARLE: And if that turns out to be the case, obviously generally we would
30 like to reserve re-examination of Mr Ajaka.

COMMISSIONER: All right.

MR SEARLE: Although, in advance of that, there are a handful of documents I would just like to take Mr Ajaka to and perhaps ask that they go into evidence, that they become exhibits.
35

COMMISSIONER: All right.
40

MR SEARLE: And I could do that in fairly short compass, but I'm in the hands of the inquiry. If that's not a congenial procedure. I'm open to -

COMMISSIONER: Well, I'm all for efficiency so I can't see, subject to hearing
45 from counsel assisting, if there'd be any problem in you identifying those documents. Yes?

MR SEARLE: Yes, if it would assist, overnight I could give a list of those documents to counsel assisting.

5 **MS McDONALD:** The only thing that I'm a little bit surprised about, we were provided with one document and Mr Searle is using the plural. So the other documents, we would just like to see them before they're (indistinct).

COMMISSIONER: All right. Yes. I think -

10 **MR SEARLE:** For clarity, they are all documents that have been - that the witness has been taken to, I think, apart from a couple. They're otherwise in the bundle, I think. For example, there are two minutes of council proceedings where the restructure of two tranches was adopted. I don't think they're technically exhibits, although they are in the bundle of documents. (Crosstalk). Well, if that's the case -

15

COMMISSIONER: But it -

MR SEARLE: - they don't need to be. But for example, the WEIR report, is that an exhibit? Okay, if it has all been tendered then we don't need to.

20

COMMISSIONER: That can be clarified but is it the case that you want to ask Mr Ajaka some questions about them now, or you just want to make sure they're in the evidence or -

25 **MR SEARLE:** One, I do want to make sure they are all in the evidence.

COMMISSIONER: Yes.

30 **MR SEARLE:** And I assume they will all be. Given where we are at with cross-examination, and re-examination, it may be that I don't have anything to ask him and that can be certainly identified and clarified quickly.

35 **COMMISSIONER:** All right. I think if, you wouldn't mind, Mr Searle, this afternoon or this evening or in the morning, whenever is convenient to you, if you send an email to counsel assisting with that list, we will just make sure they are in the bundle, or if not -

MR SEARLE: I think we can do better than that. I think I can just proceed directly to confer with counsel assisting -

40

COMMISSIONER: Perfect.

MR SEARLE: - and identify the documents and if (indistinct). That is the most efficient use of the time, given the circumstances in which we find ourselves.

45

COMMISSIONER: Yes. Yes.

5 **MS McDONALD:** Commissioner, could I just raise - I understand the position that my learned friend Ms Palmer is in, but I do agree with Mr Searle's observation. A lot of the material dealing with the termination were in the interview with Mr Harvey and the summons, which were - had been part of the tender bundle for a while, and also, your Honour, in the possession of - well, the council, though I do acknowledge -

COMMISSIONER: Might be slightly different. Yes.

10 **MS McDONALD:** - Ms Palmer is representing the mayor. We understand the issue. Unfortunately, with the amount of documents, etcetera, we didn't have the time or the opportunity for witness statements or anything else.

15 **COMMISSIONER:** Yes.

MS McDONALD: We would press that if there are topics that could be pursued tomorrow, that should be done. I also note that we understand the mayor, while he's been present on the floor watching proceedings - and again, not trying to be patronising or tell people how to do their jobs, we would - hoped that notes would have been taken about issues where further instructions are required, so that they could have been pursued expeditiously. But again, that is a position of somebody not representing a particular individual. But it's just a bit - it is frustrating.

25 **MR SEARLE:** I don't know if this assists or makes things more complicated, but there is clearly a significant majority of evidence from Mr Ajaka which was well flagged, which is no mystery to anyone in this room and should not be to any person whose interests are here represented. There may well be additional matters which are new, and I totally understand the need to get instructions about that. I myself was in that position with Mr Portelli.

30 **COMMISSIONER:** Quite.

MR SEARLE: In which there was something entirely new and I had to get instructions. And that's - if people are in that situation, that is a distinct position. But to the extent that matters are contained in the summons or in the WEIR report - or, sorry, the record of interview of Mr Ajaka with Peter Harvey, these are well-trodden matters that - yes, they're - they're on - council was on notice. Certainly the mayor must have been on notice, because he was intimately involved in these events. Now, I know that doesn't make his counsel's job any easier, but if there's some possibility of bifurcating between new and not new, that would be useful. But again, you know, we're in the inquiry's hands.

45 **MS PALMER:** Commissioner, I would just - I would question the utility. Some of the topics do overlap, and I understand that some of the material, of course, has been foreshadowed. But I'm not sure any great efficiency is gained by starting cross-examination tomorrow in relation to isolated topics and then coming back a week or so later. I'm also conscious that when the initial practice direction 2 was

circulated it was raised by Ms Richardson - and Mr Emmett as well, I believe, in connection to the practice note that due to the nature of the inquiry, due to the lack of the witness statements, there were going to be situations where the only procedurally fair course was to recall the witness.

5

And in the circumstances, it seems to me it would make sense for the - that cross-examination to occur in one block. Far less messy and essentially procedurally fair. When - we could begin cross-examination tomorrow and quickly move into some of the areas that have come up that are not contained within the WEIR statement, and then we're back in this sort of procedurally unfair area.

10

COMMISSIONER: Sorry, I didn't mean to cut you off.

MS PALMER: Yes. No, sorry. Commissioner, that's the extent of my submissions.

15

COMMISSIONER: That's as far as you can go. All right. Well, we're now at the end of the day. Seems that Mr Ajaka comes back tomorrow for a point and then comes back again, or he comes back again once. I don't want Mr Ajaka to be put in any difficulty due to the unavailability of counsel if that can be avoided. So at the risk of incurring the wrath of those who assist me with scheduling matters, I ask that that can be accommodated if at all possible. Mr Searle, it may not be possible, but I've done my best.

20

MR SEARLE: And we will do our best.

25

COMMISSIONER: Going forward, however, if an issue like this arose at 2 pm, I would expect that the parties do everything that they can to take matters as far as they can in the time available. The hour of the day has probably tipped the balance. But in the future, for matters that are on the cards, to use that loaded phrase, I would expect that the parties, perhaps with a short break, although not always, would be in a position to at least start matters.

30

And I - all the points you raise, Ms Palmer, about matters requiring instructions and matters falling out, just like Mr Searle the other day, I am of course very much alive to that, but it does seem to me to be a significant portion of the evidence that was probably on the cards. But anyway, I've made clear my expectation and I'll be looking to the parties to meet that, going forward.

35

MS PALMER: I hear that Commissioner, and I'm grateful to the court. And we'll ensure to do everything we can to keep things going from now on.

40

COMMISSIONER: Of course. That's understood. I'm grateful for that. Can I leave you, Mr Searle, to liaise with Ms McDonald as to when Mr Ajaka might come back. And we'll do what we can to minimise the inconvenience to him.

45

MR SEARLE: Yes, we'll confer immediately.

COMMISSIONER: Thank you. Is there anything else I need to do this afternoon?
You want to do the documents?

MS McDONALD: Yes, please.

COMMISSIONER: Can I let Mr Ajaka go from -

MS McDONALD: No, that's fine.

COMMISSIONER: Thank you, Mr Ajaka. You've heard all that.

MR AJAKA: Yes.

COMMISSIONER: We will see you again.

MR AJAKA: Yes.

COMMISSIONER: So someone will let you know when that will be, but you're
free to go for this afternoon.

MR AJAKA: Thank you, Commissioner.

COMMISSIONER: And I thank you for your attendance so far and for your
attention over what have been two very long days.

MR AJAKA: Thank you, Commissioner.

COMMISSIONER: Thank you.

<THE WITNESS WITHDREW

COMMISSIONER: While we're on that, I don't think - Ms Palmer raised practice
direction 2, which I've never actually made. Is that still - is there any utility in
making it - something like that now or not?

MS McDONALD: There's -

COMMISSIONER: Or are we just - we're just fallen into a process that
accommodates everybody?

MS McDONALD: I'll discuss it with counsel afterwards about whether there can be
an amendment to it.

COMMISSIONER: At least for the main proposition as to the extent to which
things need to be - -

MS McDONALD: Put, yes.

COMMISSIONER: - put or not put, and the like. But I'm in your hands as to whether you think - whether anyone wants to press me to make a direction like that.

5 **MS McDONALD:** Can I hand up a new index to TB8.

COMMISSIONER: Yes.

10 **MS McDONALD:** As at 24 July 2025, at 1 pm.

COMMISSIONER: I'll mark that MFI13.

<MFI #13 NEW INDEX TO TB8 DATED 24/07/2025

15 **COMMISSIONER:** Yes.

MS McDONALD: Item 20, being document LCC.001.003.0461, email from USU advocate, 25 April 2024, is tendered.

20 **COMMISSIONER:** Exhibit 30.

**<EXHIBIT #30 DOCUMENT LCC.001.003.0461 EMAIL FROM USU
ADVOCATE DATED 25/04/2024**

25 **MS McDONALD:** Item 21, document LCC.001.006.0036 letter from Liverpool City Council to B. Boustani, 15 September 2023, is tendered.

COMMISSIONER: Exhibit 31.

30 **<EXHIBIT #31 DOCUMENT LCC.001.006.0036 LETTER FROM
LIVERPOOL CITY COUNCIL TO B. BOUSTANI DATED 15/09/2023**

MS McDONALD: Item 39, being document LCC.008.001.0027, email from WEIR to J. Ajaka, 20 May 2024. I tender that.

35 **COMMISSIONER:** Exhibit 32.

**<EXHIBIT #32 DOCUMENT LCC.008.001.0027 EMAIL FROM WEIR TO J.
AJAKA DATED 20/05/2024**

40 **MS McDONALD:** Item 56, document OLG.001.001.1066, email chain re job evaluation and position descriptions.

COMMISSIONER: Exhibit 33.

45 **<EXHIBIT #33 DOCUMENT OLG.001.001.1066 EMAIL CHAIN RE JOB
EVALUATION AND POSITION DESCRIPTIONS**

MS McDONALD: On the second page, item 115, being document LCC.002.007.0027, email from J. Ajaka to staff, 14 June 2023.

5 **COMMISSIONER:** Exhibit 34.

<EXHIBIT #34 DOCUMENT LCC.002.007.0027 EMAIL FROM J. AJAKA TO STAFF DATED 14/06/2023

10 **MS McDONALD:** Item 173.

COMMISSIONER: 173?

MS McDONALD: 173, on the next page.

15

COMMISSIONER: Yes.

MS McDONALD: Being document INQ.039.001.0001, an article from the Daily Telegraph of 21 July 2025.

20

COMMISSIONER: Exhibit -

25 **MS McDONALD:** No, sorry, that's the wrong date. If I just describe it as "Daily Telegraph, Ratepayers Could Reimburse Liverpool Mayor Ned Mannoun's Legal Fees".

COMMISSIONER: Yes. Exhibit 35.

30 **<EXHIBIT #35 DOCUMENT INQ.039.001.0001 DAILY TELEGRAPH - RATEPAYERS COULD REIMBURSE LIVERPOOL MAYOR NED MANNOUN'S LEGAL FEES**

MS McDONALD: And on the last page, item 200, document AJA.001.001.0002, email from F. Portelli to V. Nadan, 15 April 2014.

35

COMMISSIONER: Exhibit 36.

<EXHIBIT #36 DOCUMENT AJA.001.001.0002 EMAIL FROM F. PORTELLI TO V. NADAN DATED 15/04/2014

40

MS McDONALD: Item 210, being document LCC.001.006.0015, letter from Liverpool City Council to Shayne Mallard, 3 April 2023.

COMMISSIONER: Exhibit 37.

45

<EXHIBIT #37 DOCUMENT LCC.001.006.0015 LETTER FROM LIVERPOOL CITY COUNCIL TO SHAYNE MALLARD DATED 03/04/2023

MS McDONALD: And finally, item 215, document OLG.001.001.1055, memorandum from S. Mallard to J. Ajaka, 6 September 2023.

5 **COMMISSIONER:** Exhibit 38.

<EXHIBIT #38 DOCUMENT OLG.001.001.1055 MEMORANDUM FROM S. MALLARD TO J. AJAKA DATED 06/09/2023

10 **MS McDONALD:** That's it.

COMMISSIONER: That's all of them? Have the parties been given a copy of this list?

15 **MS McDONALD:** I don't think they have, but we can easily provide that.

COMMISSIONER: The reason why I ask is that I've noticed a number of the documents are noted as being redacted. Just might be useful for Mr Parish and those instructing him to see that those documents have been redacted, and everybody else
20 of course, ahead of time. Anything else this afternoon?

MS McDONALD: No.

COMMISSIONER: No. 10 am tomorrow?
25

MS McDONALD: Yes. Thank you.

COMMISSIONER: Adjourn till 10 am tomorrow. Thank you.

30 **<THE HEARING ADJOURNED AT 4.01 PM**