



## **PUBLIC INQUIRY INTO LIVERPOOL CITY COUNCIL**

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

**PUBLIC HEARING  
SYDNEY**

**WEDNESDAY, 30 JULY 2025  
AT 10.05 AM**

**DAY 12**

### **APPEARANCES**

**Ms T McDonald SC, Senior Counsel Assisting  
Ms B Anniwell, Counsel Assisting  
Mr E McGinness, Counsel Assisting  
Mr D Parish and Mr N Andrews, Counsel for Liverpool City Council  
Ms K Richardson SC and Ms C Palmer, Counsel for Mayor N Mannoun  
Ms C Hamilton-Jewell, Counsel for Mr P Ristevski  
Mr T Boyle, Counsel for Mr J Akaja  
Mr P English, Counsel for Mr F Portelli**

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**<THE HEARING COMMENCED AT 10.05 am**

**COMMISSIONER:** Yes, Ms McDonald?

5 **MS MCDONALD:** Commissioner, before resuming my learned friend's examination of Mr Ajaka.

**COMMISSIONER:** Yes.

10 **MS McDONALD:** Can I just tender some documents?

**COMMISSIONER:** Yes.

15 **MS McDONALD:** And may I hand up a document entitled - it's at 30 July 2025 at 8.30 am, documents tendered on behalf of Mayor Mannoun.

**COMMISSIONER:** Yes. 16, thank you. MFI 16.

20 **<MFI #16 DOCUMENTS TENDERED ON BEHALF OF MAYOR MANNOUN DATED 30/07/2025 AT 8.30 AM**

**MS McDONALD:** And I tender item 3, document NNA.001.001.0003, meeting invitation 29 October 2021.

25 **COMMISSIONER:** That was one of the ones shown to Dr Jackson?

**MS MCDONALD:** Yes.

30 **COMMISSIONER:** Yes.

**MS McDONALD:** And there is a difference in the document shown to Dr Jackson in that there was some personal details which have now been redacted.

35 **COMMISSIONER:** Thank you. That will be exhibit 47.

**<EXHIBIT #47 ITEM 3: MEETING INFORMATION DATED 29/10/2021**

40 **MS McDONALD:** Then item 4, document NMA.001.001.004, meeting invitation 29 October 2021.

**COMMISSIONER:** Exhibit 48 be.

**<EXHIBIT #48 ITEM 4: MEETING INVITATION DATED 29/10/2021**

45 **MS McDONALD:** And then item 7, I tender document NMA.001.001.0007 which was the transcript of an interview that occurred on 23 April 2024 at 10.40 am between Ray Hadley and Steve Donley about Liverpool City Council.

**COMMISSIONER:** Exhibit 49.

5     **<EXHIBIT #49 ITEM 7: TRANSCRIPT OF INTERVIEW BETWEEN RAY  
HADLEY AND STEVE DONLEY ABOUT LIVERPOOL CITY COUNCIL  
DATED 23/04/2024 AT 10.40 AM**

**MS McDONALD:** Thank you.

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

**MS RICHARDSON:** Yes.

15    **<JOHN GEORGE AJAKA, ON FORMER OATH**

**COMMISSIONER:** So much noise carries from the corridor, I'm surprised you didn't hear.

20    **MS RICHARDSON:** That's good to know. Thank you, Mr Ajaka. You're on your oath from yesterday.

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

25    **MS RICHARDSON:** Good morning, Mr Ajaka.

**MR AJAKA:** Good morning.

30    **MS RICHARDSON:** So I just wanted to ask you a couple of follow-up questions on yesterday's topics. Do you recall I asked you some questions about the sequence of events in the lead-up to the council meeting on 24 April last year?

**MR AJAKA:** Yes.

35    **MS RICHARDSON:** So you - just one moment. Now, yesterday, I was asking you some questions about - so the council meeting, the Wednesday - the council meeting was on the Wednesday and the radio interview with Ray Hadley that we discussed yesterday was the day before in the morning on the Tuesday; do you recall that?

40    **MR AJAKA:** Yes.

**MS RICHARDSON:** And yesterday I referred you to your transcript of interview as part of the Weir review that you knew about the rumour being pushed by the union that there might be 150 job losses on Tuesday - sorry, on the Monday, 22 April.

45    **MR AJAKA:** Yes.

**MS RICHARDSON:** And yesterday you were unclear in your evidence about whether you knew that there would be a mass meeting of staff at Liverpool Council on the Tuesday, the 23<sup>rd</sup>. I just want to show you some text messages.

5 **MR AJAKA:** Yes.

**MS RICHARDSON:** We've sent these to the assisting team, Mr Commissioner.

10 **MR AJAKA:** Sorry, I can't hear you.

**MS RICHARDSON:** Sorry, I'm just talking to the Commissioner. We sent these through this morning, but it was relatively late, so I think they're having number and uploading procedures happening to them, but I've got hard copies in the meantime.

15 **COMMISSIONER:** Thank you.

**MS RICHARDSON:** If that could be provided to the witness, please. In the way they're printed, they are in reverse. The version I'm handing to the witness is in the correct order. So, Mr Ajaka, these are text messages between you and Councillor Goodman.

20 **MR AJAKA:** Right.

**MS RICHARDSON:** I just want you to just take a moment to look at them by yourself, please. So the top page should have a text message at 6.20 am. See that?

25 **MR AJAKA:** Yes.

**MS RICHARDSON:** And I understand, given the different colours as to who is writing and responding, that is a text from you, and then Councillor Goodman gives a thumbs up. Can you take a moment to review those.

30 **MR AJAKA:** Yes. Yes.

35 **MS RICHARDSON:** Have you had enough time to review both pages?

**MR AJAKA:** Yes.

40 **MS RICHARDSON:** Okay. So if we can just go through them, do you accept they are text messages between you and Councillor Goodman?

**MR AJAKA:** Yes.

**MS RICHARDSON:** Do you recall receiving those?

45 **MR AJAKA:** Yes.

**MS RICHARDSON:** And sending those texts?

**MR AJAKA:** Yes.

5 **MS RICHARDSON:** So if we start with the first one, we see they are commencing on the 22 April, which is the Monday, which is two days prior to the council meeting.

**MR AJAKA:** Yes.

10

**MS RICHARDSON:** And you text:

"I will call you just after 7 am."

15 To which Mr Goodman gives the thumbs up.

**MR AJAKA:** Yes.

**MS RICHARDSON:** And then you text at 8.32:

20

"Tried to call you."

And then he responds a minute later:

25 "I'll call you now?"

**MR AJAKA:** Yes.

30 **MS RICHARDSON:** So it's the parent that the two of you are trying to make contact to talk about something.

**MR AJAKA:** Yes, and most of that was in relation to meeting with the mayor for the apology.

35 **MS RICHARDSON:** Well, just wait. So if you look at the flier that was sent through to you, do you - did you send that flyer or advertisement from the unions to Mr Goodman, or was it Mr Goodman sending it to you.

40 **MR AJAKA:** No, I think that's Mr Goodman sending it to me - it's in the green - and with his comment underneath it at 5.51 pm.

**MS RICHARDSON:** Thank you. So he has sent you the flyer, and he has put a comment underneath it:

45 "Do these guys really get paid to go to meetings to rally against the council??"

See that?

**MR AJAKA:** Correct.

5 **MS RICHARDSON:** So Councillor Goodman is send through to you in the late afternoon or early evening of the Monday the flyer from the union.

**MR AJAKA:** Yes.

10 **MS RICHARDSON:** Did you look at that at the time it was sent to you?

**MR AJAKA:** Yes.

15 **MS RICHARDSON:** We'll go over the page in a moment, but you sent a response about this very issue back to Councillor Goodman; correct?

**MR AJAKA:** In response to do these guys really get paid to go to meetings to rally against council, yes. I responded to that.

20 **MS RICHARDSON:** That means it's apparent you responded to the flyer about the meeting, and you're aware it's happening; correct.

**MR AJAKA:** That the members' meeting was happening, yes.

25 **MS RICHARDSON:** And you were responding to Councillor Goodman's question about, in effect, do the workers get paid to go to a meeting to rally against council, and you're explaining it's per an agreement that they, in fact, can get paid to go to those meetings; correct?

30 **MR AJAKA:** Every second meeting.

**MS RICHARDSON:** Every second meeting.

**MR AJAKA:** Correct.

35 **MS RICHARDSON:** But you were explaining that to Councillor Goodman.

**MR AJAKA:** Correct.

40 **MS RICHARDSON:** So if we go back to the union flyer. It's in very small font.

**MR AJAKA:** I can't read it.

**MS RICHARDSON:** Is it difficult or do you need longer arms or -

45 **MR AJAKA:** I can't read it. It's very blurry. It's very, very tiny.

**MS RICHARDSON:** Can I read some basic things to you.

**MR AJAKA:** Please.

5 **MS RICHARDSON:** Let me know whether you want a blown up version. Can you see in the bottom part of it there's a blue box?

**MR AJAKA:** Yes.

10 **MS RICHARDSON:** I can tell you it says Tuesday, 23 April 2024.

**MR AJAKA:** I can read that part.

15 **MS RICHARDSON:** Okay. And it's setting out multiple meetings that are going to be held the next day. So the first one is at 8 am, Discovery Park. The other option is 12 pm at the Learning Pod, Moore Street.

**MR AJAKA:** Yep.

20 **MS RICHARDSON:** 1 pm Teams and then 6.30 Teams. So it's setting out four different meetings that workers can attend.

**MR AJAKA:** Yes. I accept that if you're telling me that.

25 **MS RICHARDSON:** Thank you. And you would have read that at the time?

**MR AJAKA:** I'm sure I did.

30 **MS RICHARDSON:** And we see in upper case, in the third paragraph under the heading, this is above the box:

"We urgently request all USU members at Liverpool Council to attend at one of these meetings."

35 Then under that upper case:

"These are paid meetings."

See that?

40 **MR AJAKA:** I'm accepting that. I can't read it.

**MS RICHARDSON:** That's what it says, and my - you've got a barrister here protecting you, and he'll say if I get it wrong.

45 **MR AJAKA:** No, I accept that.

**MS RICHARDSON:** And the first paragraph under the heading - so you see the heading:

"Urgent. Member meetings!

5

**MR AJAKA:** That I can.

**MS RICHARDSON:**

10 "These meetings are urgent due to the potential threat to a large number of council jobs! We cannot let mayor Ned Mannoun think that our members' livelihood can be bartered off to deliver election promises! This could be discussed as early as the council meeting on Wednesday, 24 April 2004."

15 Accept that you would have read that at the time about the time it was sent to you on 22 April?

**MR AJAKA:** I accept that.

20 **MS RICHARDSON:** Thank you. And then Councillor Goodman, when he is sending that flyer through to you, is querying do these people get paid to go to meetings to rally against the council, and then we see on the second page - can you read the font on the second page?

25 **MR AJAKA:** Yes.

**MS RICHARDSON:** You write at 6.22 - so it's about half an hour after you receive the flyer:

30 "It is per an agreement they get paid each second one. I did not incite this. You did not call me today, I am free now."

**MR AJAKA:** Yes, I think the incite might be a typo. I would have meant I did not instigate this.

35

**MS RICHARDSON:** Yes, I think it's meant to be i-n-c-i-t-e. Sometimes phones can auto correct things.

**MR AJAKA:** Yes.

40

**MS RICHARDSON:** But you meant to say incite in the sense of instigate.

**MR AJAKA:** I did not instigate this meeting.

45 **MS RICHARDSON:** Okay. Then we see -

**MR AJAKA:** And I indicated I'm free.



**MS RICHARDSON:**

5 "I'm in a meeting at the moment, but you had said that you will call me after you finish with Sandy."

See that?

10 **MR AJAKA:** Yes.

**MS RICHARDSON:** Do you accept that that's a reference to Sandy Morthen who was a senior organiser at the union?

15 **MR AJAKA:** Correct.

**MS RICHARDSON:** And then you respond at 7.51:

20 "I did call you after Sandy, then Councillor Peter came in wanting to see me, then Councillor Green came in. They had all heard no media all over this. I did not instigate."

Do you mean number of media all over this?

25 **MR AJAKA:** Yes, I think it is a typo. I would have meant media is all over this and I did not instigate any of the meeting. I didn't instigate any of the media.

**MS RICHARDSON:** It seems someone sent the letter to everyone.

30 **MR AJAKA:** Yes.

**MS RICHARDSON:** And then he responds:

"We'll talk in the morning."

35 **MR AJAKA:** Yes.

40 **MS RICHARDSON:** So first of all, do you agree that you were aware on 22 April that there would be mass meetings of union council employees on 23 April the following day?

**MR AJAKA:** Yes.

45 **MS RICHARDSON:** And you gave evidence yesterday at T836 that you didn't think you were aware of that meeting. Having been shown these documents, do you accept that you definitely were aware of that meeting on 22 April?

**MR AJAKA:** Yes.

5 **MS RICHARDSON:** And looking at the second page of those texts, I want to suggest to you that you were, in fact, having a meeting with senior union organiser, Ms Sandy Morthen, during the day on 22 April, and that's apparent from these text messages. Do you accept that?

**MR AJAKA:** Yes.

10 **MS RICHARDSON:** That you, in fact, met with her?

**MR AJAKA:** Yes.

15 **MS RICHARDSON:** And you accepted yesterday that you were aware on and from the 22<sup>nd</sup>, being the Monday, that the union's position was that there might be 150 job losses on the line at the council meeting on the 24<sup>th</sup>; correct?

**MR AJAKA:** Yes, that I've heard - yes, I've heard that.

20 **MS RICHARDSON:** You'd heard that from your meeting with the union organiser on the Monday; correct?

**MR AJAKA:** I'm not sure if that was the first time I heard it or if - it could be, yes. I'd say that's correct.

25 **MS RICHARDSON:** Isn't that likely, given that they were pushing that rumour from the Monday, and you were meeting with the senior union organiser on that very day? Isn't that likely?

30 **MR AJAKA:** Yes, it's likely.

35 **MS RICHARDSON:** So in terms of what has happened in the lead-up to the meeting, you now accept - firstly, I want to go back a step. I have the transcript of evidence that you gave to the Weir reviewer. You did not reveal to the Weir reviewer that he had, in fact, met with the union organiser on the Monday.

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

40 **MS RICHARDSON:** I want to suggest to you that the reason why you didn't reveal that to the - Mr Harvey interviewing you for the Weir review was that you were seeking to downplay your role in the escalation of this conflict. Do you accept that?

**MR AJAKA:** No.

45 **MS RICHARDSON:** And that you knew from the 22<sup>nd</sup> April because you had had a meeting with the union organiser that not only were they taking the position that there could be 150 job losses, but you did, in fact, know that there would be mass

meetings of council union workers the following morning. Do you agree you knew both of those things on Monday the 22<sup>nd</sup>?

**MR AJAKA:** Yes.

5

**MS RICHARDSON:** And then you're aware that the meetings of staff, in fact, happened at - the mass meetings of union workers happened on 23 April. You are aware of that. You knew that was happening; correct?

10 **MR AJAKA:** I'm assuming, yes. I can't recall now, but I'm assuming yes.

**MS RICHARDSON:** Yes. And you've also given evidence yesterday that you - that one of the union organisers went on Ray Hadley on the Tuesday morning, and we talked about that interview yesterday, and you have agreed that you were aware  
15 shortly after that because eight or nine people rang you to tell you about the fact that that interview had happened; correct?

**MR AJAKA:** Correct.

20 **MS RICHARDSON:** And we discussed at length yesterday that you were told that the union organiser had continued the rumour with Ray Hadley that there were 150 jobs at risk. You were aware that was what had been said on the radio; correct?

**MR AJAKA:** Correct.

25

**MS RICHARDSON:** Now, yesterday, I asked you some questions about your connections to Mr Hadley.

**MR AJAKA:** Correct.

30

**MS RICHARDSON:** I have an email where Mr Hadley has, in fact, described you as:

"John Ajaka is my good - is a good friend of mine."

35

**MR AJAKA:** Yes.

**MS RICHARDSON:** Do you accept his characterisation?

40 **MR AJAKA:** I'm honoured.

**MS RICHARDSON:** Do you accept his characterisation that you are good friends?

**MR AJAKA:** If he says it I accept it.

45

**MS RICHARDSON:** From your perspective, do you accept that you and he are good friends from your perspective?

**MR AJAKA:** I didn't see from my perspective that we're good friends. I considered that we knew each other. I considered at best he is a friend, but I didn't consider he was my good friend.

5

**MS RICHARDSON:** So you accept he's a friend, do you?

**MR AJAKA:** Yeah, I accept that we're friends. As I said, he was closer to my wife than he is to me.

10

**MS RICHARDSON:** And so, Mr Ajaka, yesterday, at transcript 823, I put a question to you:

"Would you describe yourself as friends with Mr Hadley."

15

Answer:

"I can't say he's a friend. He's someone I know."

20

**MR AJAKA:** Yes.

**MS RICHARDSON:** Do you recall that evidence?

**MR AJAKA:** Yes, I do.

25

**MS RICHARDSON:** And today, in response to my prompting of how Mr Hadley describes your relationship, you now accept you're friends.

**MR AJAKA:** I accept it based on what you just read to me, yes.

30

**MS RICHARDSON:** Well, you don't need a text message in order to give an honest answer about whether you're friends with Mr Hadley. Do you agree with that?

**MR AJAKA:** I can assure you, I'm being honest.

35

**MS RICHARDSON:** Just listen to my question.

**MR AJAKA:** Yes.

40

**MS RICHARDSON:** You've accepted today that you are friends with Mr Hadley. Is that the position?

**MR AJAKA:** I accept the fact that, yes, I am friends with Mr Hadley. But at the same time, as I indicated, in some ways friends is probably too strong a term for my relationship with Mr Hadley. That's the issue.

45

**MS RICHARDSON:** Well, you've accepted this morning that you are friends. Is that the position?

**MR AJAKA:** I accept that, yes, now.

5

**MS RICHARDSON:** And I want to suggest to you that the reason why when I put that exact same question to you yesterday, and you answered:

"He's not a friend of mine."

10

Is that you are seeking to down play your role in the escalation of this conflict about job losses. Do you accept that?

**MR AJAKA:** With all due respect, that's nonsense.

15

**MS RICHARDSON:** So you were aware on the Monday that there's going to be mass meetings of council workers. You accept as CEO that you are ultimately responsible for all those workers?

20

**MR AJAKA:** Yes.

**MS RICHARDSON:** And you're aware that the union is disseminating what you know to be an incorrect rumour about 150 job losses. You know that on the Monday; correct?

25

**MR AJAKA:** Correct.

**MS RICHARDSON:** And then you know that that rumour has been repeated in a radio interview with Ray Hadley on the following morning, on the 23 April; correct?

30

**MR AJAKA:** I became aware of that, yes.

**MS RICHARDSON:** I want to suggest to you that given the matters I've put to you about your knowledge of the - I'll just, sorry, go back a step. You agreed with me yesterday that the rumour that the union was pushing about 150 job losses was not correct?

35

**MR AJAKA:** Yes.

40

**MS RICHARDSON:** And you knew that that was not correct. Is that the position?

**MR AJAKA:** I think I just answered that as yes.

45

**MS RICHARDSON:** Now, do you accept, then, that you knew on and from 22 April that the unions were disseminating a rumour about job losses that was false?

**MR AJAKA:** Yes.

5 **MS RICHARDSON:** What I want to suggest to you is, given your involvement in meeting with a senior union organiser on the Monday, and knowing that they were disseminating a false rumour about job losses, and knowing that there would be a mass meeting of staff, and knowing what had been said on the Ray Hadley interview, that your conduct in not making any public statement about the false rumour was adding to the escalation of that conflict. Do you accept that?

10 **MR AJAKA:** No.

15 **MS RICHARDSON:** And I want to suggest to you that your conduct knowing two days prior to the meeting that the union was disseminating false rumours about job losses and having mass meetings of staff about that, your conduct as CEO in staying silent was conduct that was designed to, in fact, escalate the conflict. Do you accept that?

**MR AJAKA:** No.

20 **MS RICHARDSON:** And that the reason why you were staying silent and allowing conduct to escalate is because you were concerned that your employment might be at risk .

25 **MR AJAKA:** No.

**MS RICHARDSON:** And that this was part of you were, in fact - it's not a question of in hindsight I should have issued a press release; it, in fact, was your conduct in staying silent, it was obvious that that would have an escalating impact on what was happening. Do you agree with that?

30 **MR AJAKA:** No. It wasn't in hindsight that I should have issued a press release. I think I answered in hindsight is I should have issued a release to all of the staff, not a press release. I had not communicated with the press in any shape or form during this period, including Ray Hadley.

35 **MS RICHARDSON:** Do you accept that given that the unions were spreading a false rumour about job losses, and organising mass meetings of staff on the 23<sup>rd</sup>, that your conduct as CEO, given that you knew those rumours were false, in not sending an all staff email out to disavow those rumours, your conduct in staying  
40 silent escalated the issue?

**MR AJAKA:** No, I don't accept that.

45 **MS RICHARDSON:** And that your conduct in staying silent in respect of a rumour you knew to be false would obviously have the effect of, in effect, confirming the rumour?

**MR AJAKA:** No, I don't accept that.

5 **MS RICHARDSON:** And that your conduct in staying silent meant, at the very least, it was your silence would be taken by people as a suggestion that perhaps it were true.

**MR AJAKA:** No, I don't -

10 **MS RICHARDSON:** Do you accept that?

**MR AJAKA:** No.

15 **MS RICHARDSON:** And that the reason why you were taking that course was it suited your purpose in terms of your conflict with the mayor to have this issue escalate significantly. Do you accept that?

**MR AJAKA:** No.

20 **MS RICHARDSON:** Do you accept that it would have been very easy for you as CEO to send an all staff email saying, "I've been aware since Monday that the unions are spreading false rumours about 150 job losses. It's absolutely not true."

**MR AJAKA:** Sorry?

25 **MS RICHARDSON:** Do you agree with me that it would have been an easy thing for you to send an all staff email - are you able to send all staff emails as CEO; correct?

30 **MR AJAKA:** Yes.

**MS RICHARDSON:** It's a very easy thing for you to do.

**MR AJAKA:** It's not difficult.

35 **MS RICHARDSON:** And that it would have been very easy for you to, for example, on the Tuesday morning, at this point you already know there's false rumours being spread, and mass meetings are being scheduled. It would have been very easy for you to send an all staff email saying, "I'm the CEO, and I know this rumour is false."  
40

**MR AJAKA:** I accept that.

45 **MS RICHARDSON:** And I want to suggest to you that the reason why you didn't do that is because it suited you to stay silent and have the situation escalate because of the conflict you were having with the mayor. Do you accept that?

**MR AJAKA:** No.

**COMMISSIONER:** Ms Richardson, are you moving away from the text messages?

**MS RICHARDSON:** Yes, I am.

5

**COMMISSIONER:** Just so I can keep track of them, I might mark it for the moment, and then you can wrap up. I'll mark the bundle of text messages shown to Mr Ajaka as MFI17.

10 **<MFI #17 BUNDLE OF TEXT MESSAGES SHOWN TO MR AJAKA**

**COMMISSIONER:** The doc ID can catch up.

15 **MS McDONALD:** Yes. I think they've got a number, but they haven't been uploaded to the system.

**COMMISSIONER:** Do we've a number? May as well put it on the transcript if we have it.

20 **MS McDONALD:** I have to revisit it, sorry.

**COMMISSIONER:** All right. Thank you. Sorry, Ms Richardson.

25 **MS RICHARDSON:** Mr Ajaka, yesterday when we stopped taking evidence, I was talking to you about the councillor interaction with staff policy. Is that - I don't have a doc ID. Perhaps the counsel could assist with a doc ID.

**COMMISSIONER:** Yes. I think it was added to the policies bundle. There it is.

30 **MS McDONALD:** Could I just inquire of our associate OLG.001.001.0276.

**ASSOCIATE:** Yes. Do you want that on the live stream?

35 **MS MCDONALD:** Yes, please.

**MS RICHARDSON:** So do you recall in your evidence last week, Mr Ajaka, you referred to this policy?

40 **MR AJAKA:** Yes. Is that the July '23 policy? Yes.

**MS RICHARDSON:** So I think you accepted yesterday that this was a policy that had been in place for some time, and that it had not been introduced more recently to deal with a particular person such as Mayor Mannoun; correct?

45 **MR AJAKA:** Yes.



**MS RICHARDSON:** And we don't need to do this, but I can tell you that in the back page of this, the version was listed as being 2002.

**MR AJAKA:** I understand.

5

**MS RICHARDSON:** Could we please go to annexure A, which is towards the back of the policy. Yes, thank you. Just scroll up a bit more. Sorry, down. Yes. So, Mr Ajaka, we can go back and see the where the link to attachment A is, but I can tell you that the body of the policy doesn't say a whole lot about this. It refers to attachment A, which, in effect, tells you how communications may happen.

10

**MR AJAKA:** Yes.

**MS RICHARDSON:** Are you happy with that?

15

**MR AJAKA:** Yes.

**MS RICHARDSON:** And then we look at attachment A, and we have the heading:

20 "Interactions between councillors and council staff."

Then we have the first column:

"Type of request."

25

And then sideways, the first two rows, the column is:

"Access to documents."

30 And then:

"Operational strategic advice."

35 Sorry, could we just make sure we see the headings. Thank you. And then we see in row 1 column 2:

"From whom to gain approval."

40 So the way we read this table is if a councillor wants access to documents, the person from whom they gain that approval is the CEO or public officer. Do you accept that that's how this works?

**MR AJAKA:** Yes.

45 **MS RICHARDSON:** And then column 3:

"How information is to be requested."

And that's set out, and then next column:

"How information is to be provided."

5

Next column:

"Restrictions."

10 And then:

"Record-keeping requirements."

Do you see that?

15

**MR AJAKA:** Yes.

**MS RICHARDSON:** And then in row 2, which is the type of request is:

20 "Operational or Strategic Advice."

**MR AJAKA:** Yes.

25 **MS RICHARDSON:** The council, a councillor, this is column 2, the person from whom they could gain approval is CEO, directors, managers or council support officer. Do you accept that that's how we read that?

**MR AJAKA:** Yes.

30 **MS RICHARDSON:** Because this is sort of a one-size-fits-all table, the heading to column 2 is from whom to gain approval but do you accept that how we would read that in relation to operational or strategic advice in the second row -

**MR AJAKA:** Yes.

35

**MS RICHARDSON:** - is that you're not really gaining - seeking approval; you're just seeking the information or the advice. And then it lists there in the column 2 who that can be obtained from. Do you accept that that's the tenor of this policy?

40 **MR AJAKA:** I accept the way it reads, yes.

**MS RICHARDSON:** So that if a councillor wishes to obtain operational or strategic advice, they can gain that or get that from either the CEO, directors, managers or a council support officer.

45

**MR AJAKA:** Correct.

**MS RICHARDSON:** Do you accept that that's what this policy provides for?

**MR AJAKA:** Correct.

5 **MS RICHARDSON:** So that if a councillor is - wishes to have operational or strategic advice, the persons in row 2, column 2 being the CEO, directors, managers or council support officer, are all people from whom they can properly obtain that advice; correct?

10 **MR AJAKA:** Correct.

**MS RICHARDSON:** And do you understand that the gist or the policy behind this type of interaction policy is to make sure that councillors are not dipping down too low down the organisation to people that are more junior. It's to make sure that the  
15 requests are going to people of sufficient seniority?

**MR AJAKA:** Yes.

**MS RICHARDSON:** So you would accept that it would be consistent with this  
20 policy for a councillor or a mayor to seek operational or strategic advice from any of the persons listed there in row 2 column 2?

**MR AJAKA:** Yes.

25 **MS RICHARDSON:** Thank you. But you agree with me that if councillor or a mayor were to contact a director or a manager seeking operational or strategic advice, without involving you, that would be consistent with the policy?

**MR AJAKA:** Yes, provided notes were taken of it, et cetera.  
30

**MS RICHARDSON:** But the fact that direct contact is made with people meeting that description is perfectly consistent with the policy. Do you accept that?

**MR AJAKA:** If they're seeking advice on an operational or strategic matter, yes.  
35

**MS RICHARDSON:** Last week, you gave evidence that the mayor would - had bullied councillors, and that he had thrown notes at you. Do you recall giving that evidence?

40 **MR AJAKA:** That he had thrown notes - yes, when I'm sitting next to him are you mean, not when we were in a governance meeting, and he threw them in the air.

**MS RICHARDSON:** Well, I want to suggest to you that he at no point threw papers in the air in your presence.  
45

**MR AJAKA:** Absolutely. It wasn't just in my presence. It was in the presence of all the councillors and the staff that there were there at the meeting, and he stormed out.

**MS RICHARDSON:** Is it the case that when you would sit next to the mayor in council meetings.

5 **MR AJAKA:** Yes.

**MS RICHARDSON:** That sometimes you would pass him a note.

10 **MR AJAKA:** Absolutely.

**MS RICHARDSON:** With suggestions about something to do with the meeting; correct?

15 **MR AJAKA:** Suggestions about something to do with the meeting. Sometimes he would pass me a note asking a question. I would get the answer and pass the note back to him.

20 **MS RICHARDSON:** So that was something that was commonplace between the two of you as part of participating in a meeting?

**MR AJAKA:** Yes.

25 **MS RICHARDSON:** And that sometimes you might pass a note to the mayor, and he didn't agree with it, and he would pass it back to you?

**MR AJAKA:** In the beginning, if he didn't agree with it, he'd just leave it, but towards the end of our relationship, he'd throw it back at me.

30 **MS RICHARDSON:** I want to suggest to you that he at no point threw notes at you. At most, he passed back a note to you. Do you accept that?

**MR AJAKA:** There was a difference in the passing and a very big difference when he threw it back at me.

35 **MS RICHARDSON:** And you made a broad allegation about the mayor bullying councillors.

**MR AJAKA:** Yes.

40 **MS RICHARDSON:** Are you aware of any conduct complaint being submitted by a councillor in relation to Mayor Mannoun in respect of bullying?

**MR AJAKA:** I aware of one?

45 **MS RICHARDSON:** Yes.

**MR AJAKA:** I can't recollect one, but I am aware of councillors coming to visit me about it, and being and us discussing it, but I can't recall if an actual complaint was put in. I was told on a number of occasions that they were thinking of putting in a complaint, but that's about as far as I recollect.

5

**MS RICHARDSON:** You have no recollection of anyone actually making a complaint; is that correct?

**MR AJAKA:** I just don't have a recollection of it at the moment,.

10

**MS RICHARDSON:** Now, last week you gave some evidence about the Hammondville pool.

**MR AJAKA:** Yes.

15

**MS RICHARDSON:** You are aware that this was a pool that had been referred to as a potential project, and perhaps it might replace the older Holsworthy pool?

**MR AJAKA:** Correct.

20

**MS RICHARDSON:** And you're aware that there had been briefings about the cost of that pool, that it would cost about \$25 million to undertake that project?

**MR AJAKA:** My recollection is that it would be more than the 25 million. I don't know why, but I seem to have a recollection of about 40 million could be what it would escalate to.

25

**MS RICHARDSON:** But it was at least \$25 million; correct?

**MR AJAKA:** At least 25 million.

30

**MS RICHARDSON:** And that if that were to happen, that would require the council to seek funding from various sources.

**MR AJAKA:** Correct.

35

**MS RICHARDSON:** And you're aware that that project was initiated well before 2023? That it had been talked about for some time?

**MR AJAKA:** My understanding is it had been talked about for some time, yes.

40

**MS RICHARDSON:** And, in fact, are you aware that it had been included in the strategic priorities committee of the governance committee, and had been worked on for multiple years within the council?

45

**MR AJAKA:** My understanding is that it had been talked about for some time. I think from memory there had even been possible drawings prepared for it.

**MS RICHARDSON:** But were you aware that it had been discussed at the level of a priorities committee?

5 **MR AJAKA:** I can't remember what level it had been discussed to, but I was made aware of it being discussed and being looked at.

**MS RICHARDSON:** Over a significant period?

10 **MR AJAKA:** Well, before my time, yes.

**MS RICHARDSON:** And were you aware that Tina Ayyad, who is married to the mayor - you're aware of that?

15 **MR AJAKA:** Yes, I'm aware of that.

**MS RICHARDSON:** That she was formerly a councillor at Liverpool Council.

20 **MR AJAKA:** Yes. The period that Ned Mannoun wasn't able to run, she took his place.

**MS RICHARDSON:** And that - are you aware that she was also contributing to work in relation to that pool when she was a councillor at Liverpool?

25 **MR AJAKA:** I'm not aware of it, but I would assume that's correct. I would have assumed they all did.

30 **MS RICHARDSON:** I want to suggest to you that at no point about the mayor link in his discussions of that pool with you anything to do with his wife's re-election as a state member at all. Do you accept that?

**MR AJAKA:** That's not correct. He clearly did.

35 **MS RICHARDSON:** Sorry?

**MR AJAKA:** Sorry, I did understand - sorry.

**MS RICHARDSON:** I think I have inadvertently put a confusing -

40 **MR AJAKA:** Yes.

45 **MS RICHARDSON:** That at no point did he link with you or say anything linking with you - sorry, I'll start again. At no point did he talk to you in terms where he was linking progress of that pool to either Tina Ayyad's initial election or her future re-election. Do you accept that?

**MR AJAKA:** It wasn't about her first election, but it was definitely about - he was worried that she wouldn't be re-elected if the pool wasn't delivered because it was part of her commitment during the first time she was running, where she appeared with the premier and made the announcement with the mayor.

5

**MS RICHARDSON:** I want to suggest to you that at no point did the mayor say words to that effect to you, and, instead, what he - when he was discussing the pool in the context of his wife, he was pointing out to you that his wife had done a lot of work in relation to that pool while she was councillor of Liverpool.

10

**MR AJAKA:** That's not correct. He has never once said that to me.

**MS RICHARDSON:** And I want to suggest to you that at no point did you say to him in relation to the pool and Tina Ayyad that you came here with the aim of ensuring that your wife wins the next state election, it's nonsense it has got to stop.

15

**MR AJAKA:** Sorry.

**MS RICHARDSON:** I want to suggest to you that at no point did you say to the mayor in relation to the pool and Tina Ayyad, "You can't be here with the aim of ensuring that your wife wins the next state election. This is nonsense. It has got to stop." That you did not say that to the mayor.

20

**MR AJAKA:** I did.

25

**MS RICHARDSON:** And that the discussions in relation to the pool and his wife about the work that she had done on that pool when she was councillor. Do you accept that?

30

**MR AJAKA:** No. He never mentioned that.

35

REDACTED

40

REDACTED

45

REDACTED

**MS HAMILTON-JEWELL:** Commissioner, just while that break is occurring, can I please ask through you, as a consequence of the rain outside -

5 **COMMISSIONER:** You can't hear.

**MS HAMILTON-JEWELL:** It's not particularly (indistinct) today.

10 **COMMISSIONER:** All right.

**MS HAMILTON-JEWELL:** So if everyone could keep their voice up.

15 **COMMISSIONER:** Yes. All right. All I can do to all of us is remind ourselves to keep our voice up and ask our operator if there's any more juice that can be extracted from the speaker.

**MS HAMILTON-JEWELL:** I'm grateful. Thank you, Commissioner.

20 **COMMISSIONER:** If there's some critical point that you can't hear, feel free to raise it.

**MS RICHARDSON:** The topic I just started, I'm going to come back to in case there are some confidentiality problems with it. Counsel for the council have just left to think about that.

25 **COMMISSIONER:** All right.

**MS RICHARDSON:** So I'm moving to a different topic which is defamation proceedings involving Mr Andjelkovic. Is that how I pronounce his name?

30 **MR AJAKA:** That's how I pronounce it, Andjelkovic.

35 **MS RICHARDSON:** So are you aware, Mr Ajaka, in relation to insurance policies, that they sometimes have an excess where the insured has to pay, it's like with a car, the first tranche of money, and then above that the insurer will pay. You're aware of that?

40 **MR AJAKA:** Yes. I was informed that there were three different variations, and in two of them you pay what I call an excess, but I think in one of them you didn't have to pay an excess.

45 **MS RICHARDSON:** And so you're aware in relation to the Andjelkovic defamation proceedings that the relevant statement that he complained was defamatory had been published by the council on its Facebook page. Are you aware of that?

**MR AJAKA:** No, I don't recall that. I thought the statement he complained about was what Ned Mannoun stated in an open forum, when - what I was informed was



that Mr Andjelkovic asked the mayor a question as to why the CEO had indicated council employees should not respond to his request, and the mayor had replied in that open forum:

5 "It's because you're a racist."

**MS RICHARDSON:** I was not clear what - the publication was by Liverpool Council on its Facebook page live streaming an interaction that was between Mr Andjelkovic and Mr Mannoun.

10

**MR AJAKA:** The forums that the mayor was conducting, he would live stream them.

**MS RICHARDSON:** Okay.

15

**MR AJAKA:** So that's what I mean by it was at an open forum.

**MS RICHARDSON:** Well, he wasn't live streaming them was it? It was the council communications team that were making sure that that was live streamed on the council's own Facebook page. Do you agree with that?

20

**MR AJAKA:** At that time, all of the forums were live streamed, yes, by council.

**MS RICHARDSON:** And I want to suggest to you that Mr Mannoun did not say, "Because you're a racist". He said words to the effect of, "Because you're sending racist emails."

25

**MR AJAKA:** That could be it. I just remember that the term racist was part of the complaint.

30

**MS RICHARDSON:** I want to suggest to you what was said was about sending racist emails rather than labelling Mr Andjelkovic a racist.

**MR AJAKA:** That could be the case.

35

**MS RICHARDSON:** And that that statement of sending racist emails had been, in effect, published by Liverpool City Council through live streaming the forum on its Facebook page. Do you accept that?

40

**MR AJAKA:** That - that - yes.

**MS RICHARDSON:** And so that was the reason, to your understanding, why the council and its insurer in relation to defamation was engaged because it had published the statements on the Facebook page.

45

**MR AJAKA:** No.

**MS RICHARDSON:** Do you recall that?

**MR AJAKA:** No. From memory, the notice intention, I can't remember what the term is, but the notice of proposed defamation proceedings by -

5

**MS RICHARDSON:** Do you mean the concerns notice?

**MR AJAKA:** Thank you. The concerns notice was in relation to the mayor being made the comment.

10

**MS RICHARDSON:** But you're aware that the reason why it was disseminated to the public was because it had been live streamed on the local - Liverpool Council Facebook page?

15

**MR AJAKA:** Yes, but there was also quite a number of people present in the forum who would have heard the mayor.

**MS RICHARDSON:** And you're aware in relation to the insurance - the relevant insurance policy, that there was an excess of \$50,000.

20

**MR AJAKA:** I became aware of that when I met with the insurance representative when we first discussed the matter.

**MS RICHARDSON:** So the effect of that \$50,000 excess was that council would have to pay up to \$50,000, but only if that amount of money were, in fact, spent?

25

**MR AJAKA:** Correct. The first up to 50,000.

**MS RICHARDSON:** So to your understanding, is it that an amount of money was spent in respect of those defamation threats that was well below \$50,000?

30

**MR AJAKA:** My understanding before I was terminated, that the - no proceedings had been commenced, and so that the only possible legal costs would have been well under 10,000, in my view, but I never saw the actual amount at the end.

35

**MS RICHARDSON:** So that there would be, in fact, very few costs expended because there were no proceedings; is that your understanding?

**MR AJAKA:** There would have been some cost. I mean, letters were dealt with, interviews were held, et cetera, lawyers charged. There would have been some costs.

40

**MS RICHARDSON:** But well below \$50,000, and your understanding below \$10,000; is that correct?

**MR AJAKA:** The view I formed is it wouldn't have even been up to 10. I would have been surprised if it was over 10.

45

**MS RICHARDSON:** Would it surprise you if the amount was \$5,000 or below.

**MR AJAKA:** It wouldn't surprise me at all.

5 **MS RICHARDSON:** And so - but you're aware that council passed a resolution authorising reimbursement of the mayor's legal fees in relation to the matter up to a maximum of \$50,000. Are you aware of that resolution?

10 **MR AJAKA:** Yes. The resolution was required to put into effect the insurance.

**MS RICHARDSON:** Thank you. But the effect of that resolution was not that that amount of money would, in fact, be spent or reimbursed; correct?

15 **MR AJAKA:** I believe the resolution said up to 50,000.

**MS RICHARDSON:** That's right.

**MR AJAKA:** I could be wrong.

20 **MS RICHARDSON:** And you're aware, aren't you, that there was media reporting at the time that - to the effect that council was paying \$50,000 towards Mr Mannoun's defamation dispute with Mr Andjelkovic; correct?

25 **MR AJAKA:** I believe so.

**MS RICHARDSON:** And that Mayor Mannoun contacted you to say he was very annoyed about the wording of the council resolution saying up to \$50,000. Do you recall him expressing his frustration about that?

30 **MR AJAKA:** But also at the same time expressing -

**MS RICHARDSON:** Just listen to my question. Do you recall him expressing frustration to you that the motion had been framed - he was frustrated with the way the motion had been framed. Do you agree with that?

35 **MR AJAKA:** I don't know if he used the word frustrated. He kept using the word that it wasn't a valid motion.

40 **MS RICHARDSON:** Well, you accept he was not happy with how the motion was framed.

**MR AJAKA:** Yes, I accept that.

45 **MS RICHARDSON:** And that part of the reason he expressed to you why he was not happy is it was fuelling - the way the resolution was drafted was fuelling media reports that \$50,000 of council money was being spent on Ned's legal fees; correct?

**MR AJAKA:** That was one of the reasons he said he was upset. He also stated that at no time did he authorise or agree to the insurance, nor did he authorise or agree to the lawyer sending out the letter responding to the concerns notice.

5 **MS RICHARDSON:** Now, last week you gave evidence about plans and the layout about where staff would physically sit outside the mayor's office. Do you recall that evidence?

**MR AJAKA:** In the new office? Civic Place?

10

**MS RICHARDSON:** Yes.

**MR AJAKA:** Yes.

15 **MS RICHARDSON:** So the evidence you gave last week of the mayor wanted to change the plans - the physical plans for the layout of offices, that was in relation to offices that had yet to be built. It was what would happen at the new Civic Place; is that correct?

20 **MR AJAKA:** Yes. It had been built. The walls were up, if I can use that expression. The plans showed - because it was also fit-out plans - the plan had showed that there be one desk outside his office which would be for his EA. He wanted that changed where he wanted four desks that had to be built. He wanted four desks and computer systems built so that four - his four staff, as he would refer to them, would be outside  
25 his office.

**MS RICHARDSON:** Well, I want to suggest to you at the time that you were having this conversation that the internal walls that would create the layout of the offices had not yet been built; do you agree with that?

30

**MR AJAKA:** No that's not correct. We were actually at one stage standing outside those walls. The offices were built. The walls were built. We had access to it. They were being fitted out. And it was a matter - and the reason I had concern is that the desk had actually already been fitted, and we needed to actually move that desk  
35 physically forward, which involved some work and special cabling, and to build the desks in the back. So clearly the walls were up.

**MS RICHARDSON:** Well, I want to suggest to you that the walls had not yet been built at that point, and so the reconfiguration of the layout outside the mayor's office  
40 would not increase cost in relation to that part of the project. Do you accept that?

**MR AJAKA:** No, that's not correct. The biggest cost was having to do the rewiring for the new desks because the wiring - not only the walls up, but the carpet was in, and the wiring had already been done, and the desk had to be moved forward. Sadly,  
45 it was one of those things where, you know, you move a desk one metre, and suddenly there's this massive cost involved.

**MS RICHARDSON:** Last week, you gave some evidence about billboards and trucks that were going around Liverpool.

5 **MR AJAKA:** The billboard was fixed at the operations site at Rose Street. It wasn't going around the trucks.

**MS RICHARDSON:** It was around a specific site, was it? Sorry, it was physically outside that site.

10 **MR AJAKA:** Yes, it was a fixed billboard.

**MS RICHARDSON:** Thank you. But you gave evidence last week about a truck that was going around with the photo of the mayor on it, which had some type of statement or slogan, "I'm looking for good staff. Come and work here."  
15

**MR AJAKA:** That's right.

**MS RICHARDSON:** I want to suggest to you that there was no such billboard or truck with that information on it.  
20

**MR AJAKA:** The billboard had the - was for the mayor, if I can use that. The track had adverse comments about the mayor from the staff, and the mayor was upset about the truck. The truck was not the mayor's.

25 **MS RICHARDSON:** Thank you. So in relation to the billboard that was outside an operations centre; is that correct? I want to suggest to you -

**MR AJAKA:** Correct. That's my understanding.

30 **MS RICHARDSON:** - that it did not say "I'm looking for good staff. Come and work here." Would you accept that?

**MR AJAKA:** My recollection is something to the effect with a photo of the mayor.

35 **MS RICHARDSON:** And that, in fact, what it said was:

"Record response" -

40 And in inverted quotes:

"50 extra staff to fix potholes and maintain our roads and parks" - Mayor Ned Mannoun."

45 That was the text of that billboard.

**MR AJAKA:** It could be. I just don't recollect.

**MS RICHARDSON:** So if -

**MR AJAKA:** What I recollect is that the staff were upset about the billboard being there, the mayor's photo, and what was being said on it.

5

**MS RICHARDSON:** Well, I want to suggest to you that there was no photo on that billboard, and it did not say the slogan that you gave in evidence last week. Do you accept that you could be mistaken about that?

10 **MR AJAKA:** I could be mistaken about the photo and the billboard, but I'm definitely certain that the staff kept raising the billboard with me, and I had it changed.

15 **MS RICHARDSON:** So you accept that you could be mistaken, and that if there's a photo of the billboard clarifying whether there was a photo of the mayor on it and what the slogan was, you would stand by the photographic evidence.

**MR AJAKA:** If you tell me it wasn't there, I accept that. I could be mistaken.

20 **MS RICHARDSON:** I'll just show you a copy of the billboard. It has been downloaded. Sorry. The relevant number is NMA.001.001.0005. That is the billboard.

**ASSOCIATE:** (Indistinct).

25

**MS RICHARDSON:** Yes, please. Do you see that?

**MR AJAKA:** Yes. That - that - now I recollect it, yes.

30 **MS RICHARDSON:** That's the billboard, isn't it?

**MR AJAKA:** Correct.

**MS RICHARDSON:** And you see in the top right-hand side:

35

"Getting back to basics."

**MR AJAKA:** Yes.

40 **MS RICHARDSON:** And that was a slogan that Mayor Mannoun had run on; correct?

**MR AJAKA:** Yes.

45 **MS RICHARDSON:** And so is that the billboard that, in fact, was outside operations?

**MR AJAKA:** Correct.

**MS RICHARDSON:** Do you accept with me - from me, obviously, there's no photograph of the mayor?

5

**MR AJAKA:** Sorry, say that again?

**MS RICHARDSON:** Obviously there's no photograph of the mayor on there.

10 **MR AJAKA:** No, there's his name. That's where I was mistaken.

**MS RICHARDSON:** So you were mistaken about that?

**MR AJAKA:** Yes.

15

**MS RICHARDSON:** And you accept that the slogan or the language on there has got nothing with "I'm looking for good staff, come and work here"; correct?

20 **MR AJAKA:** No, but it talked about 50 extra staff to fix potholes and maintain our roads and parks.

25 **MS RICHARDSON:** Well, I want to suggest to you that in your evidence last week when you suggested that the mayor had put up a billboard outside a council operations centre which had his photo on it and had a slogan like, "I'm looking for good staff. Come and work here", that what you were doing giving that evidence is you were seeking to paint the mayor in a light that he would do something that was inflammatory and inappropriate outside a council depot. Do you accept that?

30 **MR AJAKA:** No, not at all.

**MS RICHARDSON:** And that you were giving evidence under oath, which we now know to be mistaken, that it's an example of you giving evidence seeking to paint the mayor in an unfairly adverse light. Do you accept that?

35 **MR AJAKA:** Not at all.

**MS RICHARDSON:** And that the evidence you gave last week was exaggerating and distorting what the mayor had done. Do you accept that?

40 **MR AJAKA:** No, not at all.

**MS RICHARDSON:** Well, it was an exaggeration and a distortion, the evidence you gave last week, wasn't it?

45 **MR AJAKA:** Say that again.

**MS RICHARDSON:** It was an exaggeration and a distortion of the real position to describe that he had put up a billboard with his name on it saying, "I'm looking for good staff." Do you accept that that's a distortion of the real position?

5 **MR AJAKA:** No. I gave evidence of what I genuinely believed that it was about staff, it was about - it had a photo of the mayor as opposed to his name, but the crux of the evidence was that when I first arrived, the staff were incredibly upset about that billboard, made it clear to me and -

10 **MS RICHARDSON:** I'm asking you a question.

**MR AJAKA:** I know, but I'm trying to answer your question. You're not letting me.

**MS RICHARDSON:** This is a non-responsive answer.  
15

**MR AJAKA:** Okay.

**MS RICHARDSON:** You accept that if the Commissioner had relied on the evidence you gave on oath last week that the mayor had put up a billboard - I'll just  
20 start again. Do you accept that to have a billboard outside a council depot saying from the mayor, "I'm looking for good staff. Come and work here", would be a highly inflammatory thing for a mayor to do outside a council depot. Do you accept that?

25 **MR AJAKA:** Yes.

**MS RICHARDSON:** And because the natural implication of a billboard like that is, in effect, "I don't yet have enough good staff", ie, "The people I've got are not good enough, and I'm looking for good people." Do you accept that's the natural  
30 implication of that type of messaging?

**MR AJAKA:** Yes, but I also accept that's -

**MS RICHARDSON:** Just wait.  
35

**COMMISSIONER:** One at a time.

**MS RICHARDSON:** You accept that's the natural implication of a slogan like that; correct?  
40

**MR AJAKA:** Sorry, say that again.

**MS RICHARDSON:** It's a natural implication of a slogan like, "I'm looking for good staff. Come and work here", the reason why it would put people's noses out of  
45 joint if you were working there is it suggests that the people working there are not good staff; correct?



**MR AJAKA:** Yes.

**MS RICHARDSON:** And so that would be a highly inflammatory thing for a mayor to put up a big billboard outside a place of work saying words to that effect; correct?

5

**MR AJAKA:** Yes.

**MS RICHARDSON:** I want to suggest to you that it would be even more inflammatory if the billboard had a photograph of the mayor on it; correct?

10

**MR AJAKA:** I don't know about that. Name/photo, it would be the same.

**MS RICHARDSON:** Well it wouldn't make it any better, would it?

15

**MR AJAKA:** No, it wouldn't make it better.

**MS RICHARDSON:** And I want to suggest to you that when you gave evidence on oath last week, if the Commissioner were to have believed the evidence you gave on oath that there was a billboard with the mayor's photo on it saying, "I'm looking for good staff. Come and work here", that he would be misled into an understanding as to what the mayor was doing in relation to staff at Liverpool. Do you accept that? If he had have relied on your evidence, he would have misled.

20

**MR AJAKA:** I don't think I'm really in a position to say what the Commissioner would be thinking or not thinking.

25

**MS RICHARDSON:** Well, I'll ask a different question. Do you agree with me that the way you painted that billboard in your evidence on oath last week, the picture you painted with your words, put the mayor in a much more adverse light than what the actual billboard reveals. Do you agree with that?

30

**MR AJAKA:** Yes.

**MS RICHARDSON:** And I want to suggest to you that that's an example in your evidence of painting the mayor in an unfairly adverse light because of the falling out that you and Mr Mannoun have had.

35

**MR AJAKA:** Not correct.

**MS RICHARDSON:** The next question I have is - I'm just talking to my learned friends about breaks. Commissioner, were you minded to have one at 11.30?

40

**COMMISSIONER:** I'm happy to take it earlier if it is convenient, but otherwise 11.30.

45

**MS RICHARDSON:** I'm neutral. It is a matter for Mr Ajaka. Would you like to have a break now?

**MR AJAKA:** No, I'm fine.

**MS RICHARDSON:** Or in 10 minutes.

5

**MR AJAKA:** 10 minutes is fine.

**COMMISSIONER:** All right. Should we - should this be tendered? Thank you.

10 **MS RICHARDSON:** Mr Ajaka, last week you gave evidence about an interaction you had with the mayor in relation to a meeting where staff had been discussing 7.11 developer contributions.

**MR AJAKA:** Yes.

15

**MS RICHARDSON:** Do you recall that?

**MR AJAKA:** Yes.

20 **MS RICHARDSON:** And it's the case, isn't it, you were not in that meeting; is that correct?

**MR AJAKA:** Correct.

25 **MS RICHARDSON:** And the mayor came to speak to you about it afterwards?

**MR AJAKA:** Correct.

30 **MS RICHARDSON:** And were you aware that it was a Teams meeting that had been conducted.

**MR AJAKA:** No, no, I'm aware that the mayor phoned in.

**MS RICHARDSON:** He phoned in?

35

**MR AJAKA:** That's what he informed me. He phoned in.

**MS RICHARDSON:** And -

40 **MR AJAKA:** From memory, he said he was driving at the time.

**MS RICHARDSON:** But you were aware from what Mr Mannoun told you that he had been given the dial-in details to participate in that meeting?

45 **MR AJAKA:** No, we hadn't discussed that. And I didn't think to ask.

**MS RICHARDSON:** And what I want to suggest to you is that what the mayor said to you about that meeting was that he was concerned that Luke Oste, had alleged that the mayor had breached the code of conduct by attending the meeting. Do you recall that?

5

**MR AJAKA:** No, that's not what he said to me.

**MS RICHARDSON:** And that he said to you that Luke had made that allegation against him in the meeting, and that after that, the mayor had hung up. Are you aware of that?

10

**MR AJAKA:** He never indicated that's what Luke said. That's not correct.

**MS RICHARDSON:** I want to suggest to you that that's what he said to you, and that the - in the conversation that he had with you about it, he was not expressing concern about having been thrown out of the meeting at all. Do you accept that?

15

**MR AJAKA:** No. He continually used the phrase, "I've been thrown out", not once but a number of times.

20

**MS RICHARDSON:** And I want to suggest to you that he did not say those words. Instead the concern he was expressing was that Mr Oste had alleged on the meeting in front of others that the mayor had breached the code of conduct, and the mayor was concerned that that itself is a breach of the code of conduct to allege a breach.

25

Do you recall that?

**MR AJAKA:** At no time did the mayor ever mention code of conduct or breach of code of conduct.

30

**MS RICHARDSON:** I want to suggest to you that that was the tenor of the conversation you had with him.

**MR AJAKA:** Not correct.

35

**MS RICHARDSON:** And that Mr Mannoun asked you to raise with Mr Oste this issue, that he shouldn't be making allegations about - unwarranted allegations about breaches of the code of conduct. Do you accept that?

**MR AJAKA:** No, not correct.

40

**MS RICHARDSON:** Just in relation to the costings of the pool at Hammondville, I think today I put to you that the amount of money was up to \$25 million, and you said maybe it was more like 40. Last week, you gave evidence that there needed to be 15 to \$20 million for the pool to go ahead. Do you recall giving that evidence last week?

45

**MR AJAKA:** That the mayor wanted the budget to be in the black by at least 15 million to 20 million, so that there would be funds available for the pool were.

5 **MS RICHARDSON:** Well, I want to suggest to you that at no point did the mayor say to you that he was seeking a 15 to \$20 million surplus in order to have funds in relation to the pool. Do you accept that?

**MR AJAKA:** No.

10 **MS RICHARDSON:** And that what the mayor expressed to you is that he was aiming for the council to have a balanced budget or a modest surplus.

**MR AJAKA:** No.

15 **MS RICHARDSON:** Just going back to the meeting of 16 April of last year, you recall that's the meeting that you organised to discuss what we talked about as the four-point email -

**MR AJAKA:** Yes.

20 **MS RICHARDSON:** - that the mayor had sent you -

**MR AJAKA:** Yes.

25 **MS RICHARDSON:** - about the budget process. Do you recall that?

**MR AJAKA:** Yes.

30 **MS RICHARDSON:** And you gave evidence last week that the mayor at that meeting identified Michelle McIlvenny and Shayne Mallard as people that he wanted to go.

**MR AJAKA:** Two directors, yes.

35 **MS RICHARDSON:** I want to suggest to you that the mayor did not at any point during that meeting suggest that Shayne Mallard be offered money to leave.

**MR AJAKA:** Absolutely. It's why I made the comment.

40 **MS RICHARDSON:** And that he did not make any suggestion to you in concrete terms that Mr Mallard be given \$200,000 to go.

**MR AJAKA:** There would have been no basis for me to make that comment. That's what the comment was made in response to that.

45 **MS RICHARDSON:** What comment are you talking about?

5 **MR AJAKA:** "Pay him the 200,000", and when I indicated, "How can you do that? That's - that won't be appropriate", he then indicated, "Look, if you do it now it won't appear in the - this current budget and it won't appear in the new budget", and that's when I said, "That's completely inappropriate", and that's when I made the comments that I made.

**MS RICHARDSON:** Well, I want to suggest to you that none of that occurred at the 16 April meeting?

10 **MR AJAKA:** If none of that had occurred, I wouldn't have made the comment. We wouldn't be here.

**MS RICHARDSON:** And that, in fact, what was discussed were the materials - points set out in the four point email that Mr Mannoun had sent to you?  
15

**MR AJAKA:** Sorry, could you repeat that again?

**MS RICHARDSON:** That, in fact, what was discussed at that meeting was the four points that Mr Mannoun had sent you in his email which is seeking a reduction of management costs by \$2 million, by lessening the amount of directors and managers. Do you accept that?  
20

**MR AJAKA:** No. The comment was made by Mr Mannoun when we were just discussing the first half of point one, which was the directors. And then after that comment was made we then moved on to the managers. Then we moved on to point 2. Then we moved on to point 3. And, as I said previously, I don't actually recollect discussing point 4. So, I'm sorry, that comment is very clear in my mind. He made it and, sadly, I made the comment in response.  
25

30 **MS RICHARDSON:** And I want to suggest to you that at no point in that meeting did the mayor identify managers that he liked or ones that had given him issues. Do you agree with that?

35 **MR AJAKA:** No. When I asked him, "What managers are you talking about?" he indicated one or two managers in planning, and he also indicated that there were other managers. But he didn't - I don't recollect now specific names but I do recollect that he identified two that worked in planning that he thought should go.

**MS RICHARDSON:** And that - do you recall mayor -  
40

**MR AJAKA:** Sorry, and someone from compliance as well. He said there was someone in compliance he was having issues with.

**MS RICHARDSON:** And you recall the - sorry, had you finished?  
45

**MR AJAKA:** That he was having issues with, in compliance.

**MS RICHARDSON:** And do you recall the mayor discussing with you that there were a number of managerial positions that were vacant?

**MR AJAKA:** I don't recollect that.

**MS RICHARDSON:** I want to suggest to you that he discussed, at the meeting, the fact that there were manager positions that were vacant and that a potential cost saving would be to collapse the role of, or bring into one, vacant managers with current managers so as to create cost savings. Do you recall that?

**MR AJAKA:** No. Look, I don't recall that. The - the time that I recall we discussed managers, vacant managers, combining managers, was when we undertook the restructure. We actually already - we'd already undertaken that, that work with the new restructure. A number of manager positions were combined.

**MS RICHARDSON:** And you also gave evidence last week about you receiving complaints about Betty Boustani at the council. Do you recall that?

**MR AJAKA:** Yes.

**MS RICHARDSON:** I want to suggest at no point did you communicate that to Mayor Mannoun, that you had received complaints about Betty Boustani?

**MR AJAKA:** I did.

**MS RICHARDSON:** I want to suggest that that conversation never happened.

**MR AJAKA:** It did.

**MS RICHARDSON:** I note the time. I'm about to move to a new topic.

**COMMISSIONER:** Yes, is that convenient?

**MS RICHARDSON:** Yes.

**COMMISSIONER:** Mr Ajaka, we're going to take the morning break. We will resume at 10 to 12, so if you would be back a few moments before that, I would be grateful. We'll adjourn until 10 to 12.

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

**<THE HEARING ADJOURNED AT 11.29 AM**

**<THE HEARING RESUMED AT 11.55 AM**

**MS RICHARDSON:** Sorry, we were talking about something else.

**COMMISSIONER:** That's all right.

5 **MS RICHARDSON:** Mr Ajaka - so, Mr Ajaka, I just want to ask you a couple of questions in relation to your evidence last week about an apology to Mayor Mannoun in relation to - call it the rude comment you made rather than repeat the language.

**MR AJAKA:** Thank you.

10 **MS RICHARDSON:** That you suggested that the mayor wanted an apology that had a condition attached to it, that it be sent to Ray Hadley to be read over the radio, and to apologise in front of liberal councillors. I want to suggest to you that that was never mentioned by Mayor Mannoun as part of an apology.

15 **MR AJAKA:** It was not mentioned by Mayor Mannoun. I didn't speak to Mayor Mannoun. That's what was being conveyed to me by others, in particular my discussions with Councillor Mel Goodman.

20 **MS RICHARDSON:** So do you agree that mayor Mannoun never communicated conditions like to that you; correct?

**MR AJAKA:** Not directly. Correct. As I said, I haven't spoken to him since the comment was made.

25 **MS RICHARDSON:** And I want to suggest to you your evidence that there had been an agreed time for you to meet with the mayor at 12 pm on the day of the council meeting to apologise is not correct?

30 **MR AJAKA:** No, it is correct. And there were previous times that I thought we'd agreed, but, again, in speaking to Councillor Mel Goodman, the times kept changing, and the last one was meant to be - from recollection, it was either 11 o'clock or 12 o'clock. It was definitely meant to be that morning.

35 **MS RICHARDSON:** One moment. Last week you gave evidence in relation to the April 2024 last year, that the mayor advocated to you that the 100-odd vacancies that they then had staff positions not be filled. Do you recall that evidence?

**MR AJAKA:** That I gave that evidence?

40 **MS RICHARDSON:** Yes.

**MR AJAKA:** That the mayor said to me that the 100 not be filled?

45 **MS RICHARDSON:** So I'll just - the transcript reference is 594.24, and my learned friend, Ms McDonald, put to you:

"So what he was looking at" -

This is a reference to the mayor:

"- was those 100-odd vacancies wouldn't be filled and on top of that there would be more redundancies or terminations of employment."

5

Answer:

"Yes."

10 **MR AJAKA:** Yes, sorry, I took the question to mean that in addition to the 100 not being filled, he wanted me to also make other positions redundant or vacant. I didn't take the question that he told me he didn't want the 100 to be filled. I'm sorry if I wasn't clear on that.

15 **MS RICHARDSON:** Okay. So it's the case, isn't it, that the mayor at no point advocated to you that those 100 vacancies not be filled; is that correct?

**MR AJAKA:** No. That's correct.

20 **MS RICHARDSON:** Last week, you gave evidence that the mayor would keep talking to you about how he needed to find money to build his house, and that that came up in conversations you had about the remuneration for directors. Do you recall that evidence?

25 **MR AJAKA:** Yes. He had spoken about it a number of times. He seemed to be quite stressed about the fact that - I think at one stage he even said he had to stop work because he just couldn't find the funding to continue working on the property.

**MS RICHARDSON:** I want to suggest to you that the mayor did not say words to that effect to you.

30

**MR AJAKA:** No, he did.

**MS RICHARDSON:** And last week you gave evidence about the new customer service section that would be in the new Civic Place building. Do you recall that?

35

**MR AJAKA:** Yes.

40 **MS RICHARDSON:** And that it's the case, isn't it, that when the layout of the new building was being considered, that the mayor communicated he thought that the council should be a customer-focused organisation and that the call centre should be near the CEO.

**MR AJAKA:** No, that's not right.

45

**MS RICHARDSON:** Do you recall that?



**MR AJAKA:** That's not what he said.

**MS RICHARDSON:** And that at no point did he say to you that he wanted to walk around the customer service centre?

5

**MR AJAKA:** He wanted the customer service centre on the same level next to him, so he could walk around it.

**MS RICHARDSON:** Well, I want to suggest to you at no point did he communicate that to you.

10

**MR AJAKA:** Yes, he did.

**MS RICHARDSON:** And are you aware that the mayor was invited to have a morning tea with the customer service team, and that he said, as part of that, he would join them on the counter for half an hour?

15

**MR AJAKA:** My understanding is that the mayor was being invited to morning teas, as was I, as were some of the directors, on numerous occasions by numerous members of the staff.

20

**MS RICHARDSON:** And that was being instigated by the staff themselves inviting the mayor in that respect. Do you agree with that?

**MR AJAKA:** It would be usually instigated by the director. The director would approach me or the director would approach the mayor and councillors and invite them. The best would be operations where they put on a barbecue and everyone was invited to that barbecue.

25

**MS RICHARDSON:** You agree with me it was the customer team, it wasn't the other way around, Mayor Mannoun seeking to himself sit on the customer service counter?

30

**MR AJAKA:** No, it's not a counter. The customer service team were a team of desks. They were sitting at their desks at their computers. He wanted to walk around and observe what was happening and be involved in that. That's what he told me.

35

**MS RICHARDSON:** But you agree that -

**MR AJAKA:** It's not a counter.

40

**MS RICHARDSON:** Okay. But you agree with me that they had invited him to join them where they worked for morning tea on multiple occasions.

**MR AJAKA:** As I'm aware, many of the sections invited the mayor and councillors to morning tea on numerous occasions.

45

**MS RICHARDSON:** Thank you. Mr Ajaka, you gave evidence yesterday in response to questions from my learned friend, Ms McDonald, that when you first met with Mayor Mannoun after you had become CEO, that you had an initial conversation with him about working together, and there was a discussion about  
5 directors and so on. Do you recall that evidence yesterday?

**MR AJAKA:** Yes.

**MS RICHARDSON:** And you gave evidence -  
10

**MR AJAKA:** Sorry, yesterday or last week?

**MS RICHARDSON:** It was yesterday.

15 **MR AJAKA:** Morning?

**MS RICHARDSON:** Do you recall Ms McDonald asked you some extra questions in the morning?

20 **MR AJAKA:** Yes.

**MS RICHARDSON:** And that - I want to suggest to you that when you were having that conversation - this is transcript 807 for the assisting team - that what Mr Mannoun discussed with you was he discussed with you areas of performance in  
25 the council where, in his view, they were not performing. For example, DAs and the numbers on the town planning desk was 50 instead of 20 and so on. Do you recall him expressing his concerns about those matters?

**MR AJAKA:** I recall him expressing his concerns on DAs and his concerns, I think,  
30 in customer service, and his concerns in operations when we first - when we first started to discuss matters.

**MS RICHARDSON:** And do you accept that he also talked to you about the number of town planners?  
35

**MR AJAKA:** I can't -

**MS RICHARDSON:** Sorry.

40 **MR AJAKA:** I can't recollect that.

**MS RICHARDSON:** I'm sorry, I've misspoken. The number of DAs on each town planner's desk. So it's a measure of performance of each town planner.

45 **MR AJAKA:** I don't recall specific. What I recall is that he spoke generally that there was a considerable delay in DAs being dealt with and a considerable delay in the time that DAs were taking to be processed, and it was one of the major areas that

I started to commence work on with the new acting director in planning to see how we could resolve that.

5 **MS RICHARDSON:** Do you agree that when he was - that he was expressing concerns about backlog with DAs; correct?

**MR AJAKA:** Absolutely.

10 **MS RICHARDSON:** And you are aware that one of the indicators of backlog or performance in relation to DAs is how many DAs is on a particular town planner's desk if you like?

15 **MR AJAKA:** No. That - we never discussed specifically a town planner with a number of DAs on their desk.

**MS RICHARDSON:** I'm not suggesting you were discussing specific town planners, but just that his concern about the backlog with DAs. Do you accept that, do you?

20 **MR AJAKA:** I absolutely accept the backlog of the DAs, but I don't think we every broke it down to, you know, planners per DAs. I don't have a recollection of that.

25 **MS RICHARDSON:** And I want to suggest to you that in that conversation you were having, that Mayor Mannoun expressed his concerns about performance at that level of generality, but he did not discuss or mention specific persons with whom he had concerns about performance. Do you accept that?

30 **MR AJAKA:** Are we talking in the very first weeks when I started, or are we talking later on?

35 **MS RICHARDSON:** Well, I'm talking about the conversation that my learned friend directed you to, to T - transcript 807 yesterday. So the context of my learned friend's questions yesterday was that in the early part when you started as CEO, you had conversations with five directors where you made them an offer, in effect, that you only wanted them to work with you if they were happy to be part of the team and to work with you with your direction and, if not, that you would consider a termination agreement with them where they were paid 26 weeks. Do you recall that evidence?

40 **MR AJAKA:** Yes.

**MS RICHARDSON:** And you made that offer to five directors, and three of them accepted it initially; correct?

45 **MR AJAKA:** Correct.

**MS RICHARDSON:** And then my learned friend asked you whether before you had - sorry, then you nominated that the three people who accepted your offer were Mr Smith, Mr Diplas and Mr Perrett. Do you recall that?

5 **MR AJAKA:** I think general council put their names to me, and I agreed.

**MS RICHARDSON:** Yes. And then she asked, before you had this conversation with Mr Smith, so I interpolate this is a conversation where you made offer about leaving to Mr Smith and others:

10 "Did you have a discussion with the mayor, Mr Mannoun, about any of the directors."

So that's the context.

15 **MS McDONALD:** Could I just interrupt. Earlier on page 805 in respect of Mr Smith, I indicated that the date of his termination was 30 December 2022, so it's linked with that date.

20 **MS RICHARDSON:** Thank you. I'm grateful. So the context is that Mr Smith - was he a director of planning?

**MR AJAKA:** I can't remember which director was which department at this stage. I think I indicated that to counsel assisting. But I'm accepting if you tell me that's who  
25 and their position was.

**MS RICHARDSON:** I actually don't know what his role was.

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

30 **MS RICHARDSON:** And - my learned friend tells me planning and compliance.

**MR AJAKA:** I accept that.

35 **MS RICHARDSON:** And my learned friend put to you yesterday that based on the material they have, is that Mr Smith's employment was terminated on 30 December 2022.

**MR AJAKA:** Yes.

40 **MS RICHARDSON:** And that was presumably shortly after you commenced as CEO; correct?

**MR AJAKA:** Correct.

45

**MS RICHARDSON:** And so you had had the conversation where you made him the offer that if he wanted to go, his agreement could be terminated, and he would be paid 26 weeks. Is that correct?

5 **MR AJAKA:** Correct.

**MS RICHARDSON:** And he then relatively promptly thereafter left, and the date is 30 December; is that correct?

10 **MR AJAKA:** Correct. I'm accepting that as the dates.

**MS RICHARDSON:** Well, I would accept it unreservedly from Ms McDonald that that is what she has in her documents.

15 **MR AJAKA:** Me too.

**MS RICHARDSON:** And then the question tethered to that date, which is obviously you've had a conversation. You've started in December as CEO. You had the conversation with Mr Smith, and he's ultimately gone at the end of December, so it's  
20 obviously happened somewhere in December. You accept that?

**MR AJAKA:** Yes.

**MS RICHARDSON:** And then my learned friend asked you:

25 "Before you had this conversation with Mr Smith, did you have a discussion with the mayor, Mr Mannoun about any of the directors."

Do you recall that question?

30

**MR AJAKA:** Yes.

**MS RICHARDSON:** So I want to suggest to you that when you were discussing directors - or, sorry, when you had your initial discussion with Mr Mannoun when  
35 you commenced, being prior to the offer made to directors, that you did not discuss any specific directors - that Mr Mannoun did not discuss any specific directors with you.

**MR AJAKA:** As I said, my recollection is that we discussed directors in relation to  
40 planning, operations and customer service. They were his - his concerns were those directors. I just can't remember which director was related to which department.

**MS RICHARDSON:** I want to suggest to you that he didn't discuss any specific  
45 directors with you, but, rather, the conversation was at the level of generality that I put to you before, which is about his general concerns about DA back logs and so on. Do you accept that?

**MR AJAKA:** No, no. I accept that it was in that conversation that he discussed that he didn't believe that the director for planning was up - I think his words were something like up to the job or doing the job that he was required to do.

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

**MR AJAKA:** And that's why he was so concerned about the delays in planning.

10 **MS RICHARDSON:** Well, I want to suggest to you that that conversation you had, that Mr Mannoun did not descend to that detail about specific directors.

**MR AJAKA:** As I said, that's my recollection.

15 **MS RICHARDSON:** Mr Ajaka, I want to suggest to you that there have been a couple of instances where evidence you have given on oath before the commission, that I have then put a document before you to show you the actual position, and you have changed your evidence. Do you accept that?

20 **MR AJAKA:** I accept that when you put a document before me, that it appears that the evidence I gave is not correct, that the document is more correct. Absolutely.

**MS RICHARDSON:** Well, I want to suggest to you in relation to the billboard issue -

25 **MR AJAKA:** Yes.

**MS RICHARDSON:** - it wasn't just a trivial example of getting a little bit wrong or the date wrong or the location wrong. It was a - you agree that the way in which you got that evidence wrong was substantially wrong?

30 **MR AJAKA:** Look, I mean, sitting here now, I'm still thinking that the photo you showed me, was that the original billboard that was complained of, or is that the new billboard that we had changed. I honestly can't tell you which. So if you're telling me that's the original billboard, then, yes, I accept that I got it wrong.

35 **MS RICHARDSON:** And you got it substantially wrong; correct?

40 **MR AJAKA:** Well, I wouldn't say substantially wrong. I mean, there was definitely talk of staff, definitely talk of hiring staff, definitely a very large print of me and Ned Mannoun's name, yes. But, again, I can't tell you categorically that that's actually the first billboard that they complained of because I did have a change within a very quick period of time to a better billboard.

45 **MS RICHARDSON:** Well, I had understood your evidence was that the billboard was removed after there was concerns about it.

**MR AJAKA:** No, no. It was changed, not removed. I removed the billboard, and we changed it to a billboard that they accepted. The billboard was still there. From memory, the billboard was still there right up until the time I left.

5 **MS RICHARDSON:** And in relation to the lead-up to the 24 April meeting, I'm happy to give you your transcript to Mr Harvey in the Weir review, but at no point did you reveal that had you actually had a meeting with a union organiser two days prior to the council meeting. Do you accept that? That you did not reveal to  
10 Mr Harvey that you had, in fact, met with the union organiser two days beforehand?

**MR AJAKA:** Look, if you say that's in there, I accept it. As I said, I was answering specifically Mr Harvey's questions, and I did have Sandy Morthen with me who also assisted if - to provide any information that she needed to provide. But, you know -

15 **MS RICHARDSON:** What I want to suggest to you is that you down played your role in the union's dissemination of false rumours of 150 job losses by failing to reveal to Mr Harvey when you were formally interviewed about it that, in fact, you had had a meeting with the union organiser. Do you accept that?

20 **MR AJAKA:** No. The questions were put to me as sent in an email in the categories, and when it came to the 150, the questions led to, you know, that the assertion was that I'm the one who told the unions about the 150, which I made clear it wasn't me. Sandy Morthen also made it clear that it wasn't me, that it was someone else, but she wouldn't reveal their identity.

25 **MS RICHARDSON:** Mr Ajaka -

**MR AJAKA:** And I also made it clear that I first became aware of this when Sandy Morthen had told me that there was an email of which I knew nothing about, and  
30 then she sent me the copy of the email, and then we discussed the email from the USU advocate. So it all sort of circled around that.

**MS RICHARDSON:** Mr Ajaka, that's a non-responsive answer. I'm asking you a very specific question, that I think it's probably best if we put this record of  
35 interview. Do you accept that you were personally interviewed by Mr Harvey? It wasn't just a question of emailed questions to you. Do you accept that?

**MR AJAKA:** I was personally interviewed, but he sent me an email setting out what he was going to discuss with me, and I think there was some categories. I think  
40 counsel assisting may have even shown it to me.

**MS RICHARDSON:** Just listen to my question.

**MR AJAKA:** Or someone has.  
45

**MS RICHARDSON:** I've got a transcript of a 57-page in-person interview between you and Mr Harvey. You accept it was a very long record of interview?

**MR AJAKA:** Absolutely.

5 **MS RICHARDSON:** And I think it's best if I give you this transcript. The relevant inquiry number is LCC.008.001.0022, and at page 21 - I hand that up, or it can also go on the screen.

**COMMISSIONER:** I think we've got it.

10 **ASSOCIATE:** Do you want that on the live stream?

**MS RICHARDSON:** Yes, please.

15 **MR AJAKA:** I can see it on the screen.

**COMMISSIONER:** Feel free to use the hard copy or the screen.

**MR AJAKA:** I'll use the screen.

20 **COMMISSIONER:** We might take it off the desk there so it doesn't trouble you.

**MS RICHARDSON:** Thank you. If you could scroll down to the bottom half of that. Do you see in the bottom half of this transcript, the last line, you say:

25 "At no time did I ring the USU to tell them what happened. They rang me."  
See that?

30 **MR AJAKA:** Yes.

**MS RICHARDSON:** And I want you to keep reading and take your time.

**MR AJAKA:** Yes, thank you.

35 **MS RICHARDSON:** But at no point in that interview did you reveal that you had, in fact - now, confusingly, Sandy Morthen was present in this record of interview as a support person; correct?

40 **MR AJAKA:** Yes.

**MS RICHARDSON:** She is the person listed as SM?

**MR AJAKA:** Yes.

45 **MS RICHARDSON:** Because you are a member of the union at this point; correct?

**MR AJAKA:** Correct.



**MS RICHARDSON:** You had become a member of the union early on in your tenure as CEO?

5 **MR AJAKA:** Correct.

**MS RICHARDSON:** So you've got you and Sandy Morthen sitting there, and you're being formally interviewed by Mr Harvey.

10 **MR AJAKA:** Mm-hmm.

**MS RICHARDSON:** And what you suggest at the bottom of page 21, is that what had happened is that they rang you. Do you agree with that?

15 **MR AJAKA:** I believe I received a phone call from Sandy Morthen before I met with her. It might have even been the phone call that arranged a time for me to meet her.

**MS RICHARDSON:** And - well, if you look at the text here -  
20

**MR AJAKA:** Yep.

**MS RICHARDSON:** - Mr Harvey is plainly enough trying to work out what he calls a causation list of where did this 150 come from?  
25

**MR AJAKA:** Correct.

**MS RICHARDSON:** And he puts to you in line 21 - sorry, page 21, if we look at the - where Mr Harvey says to you:  
30

"Yeah, I mean, I know I can't talk to [inaudible]"

**MR AJAKA:** Sorry where are we looking at now?

35 **MS RICHARDSON:** On the bottom of page 21, it's the last entry for Mr Harvey.

**MR AJAKA:** Suddenly talking. Yep.

**MS RICHARDSON:** If you start from:  
40

"Yeah. I mean, I know I can't talk to."

Do you see that block of text:

45 "So it's a causation effect. Suddenly got - so from what I understand is 150, where did this 150 come from, suddenly we are talking from what I understand you guys

are having a meeting about potential cuts, and suddenly there's a meeting with you and the union and, suddenly it's out there that there's 150 cut."

5 So you understood Mr Harvey to be putting to you that when he was saying you're having a meeting about potential cuts, that was the meeting on 16 April with the mayor; correct?

**MR AJAKA:** Sorry, you've confused me.

10 **MS McDONALD:** Commissioner, I'm a little bit concerned. I think to be fair to Mr Ajaka, he should be given an opportunity to read more of the interview. It's unclear to me just looking at these particular passages what the meeting actually is that's referred to in that question by Mr Harvey. My learned friend has just put that it was the meeting with the mayor, the deputy mayor and Mr Portelli and just looking  
15 at this particular excerpt rather quickly, I don't know if that's the case. I'm just wondering, as a matter of fairness, because I don't know if Mr Ajaka has read this recently, that he be given an opportunity at least to read - be given a little bit of time to read this particular section.

20 **MS RICHARDSON:** I'm happy for that to happen if Mr Ajaka would like the additional time.

**COMMISSIONER:** So is the question what did he understand Mr Harvey to be asking him about?

25 **MS RICHARDSON:** Well, I can ask a different question. I'll ask this question and then, Mr Ajaka, you can tell us whether you think you can fairly deal with this or you would like some more time. That you accept that Mr Harvey was trying to work out a causational link of where the 150 job loss number came from; correct?

30 **MR AJAKA:** Yes. And, at the same time, I think it was all related to the media, where the media, how did the media get involved, who had indicated to the media. I think that was all part and parcel of it. But even as if - I think he was also trying to ascertain or the assertion was he told me that somehow it had come from me, and I  
35 was indicating that that, you know, that part hadn't come from me, and that I hadn't contacted any media. I mean that's my vague understanding of the whole context of that area and -

40 **MS RICHARDSON:** And so we see in the last entry for Mr Harvey on page 21 that he suggests to you that:

"There's been a meeting with - there's a meeting, allegedly with you, with the union, and suddenly it's out there, there's 150 cut. And I want to bring to your attention" -

45 Then he says:

"So the causational link is in my head, or I think it's been the upsetting part, because then that led to what happened in the meeting."

So we would read that as the 24 April meeting; correct?

5

**MR AJAKA:** Sorry, no. The 24 -

**MR BOYLE:** I think in fairness Mr Ajaka ought to be given an opportunity to refresh himself on the transcript. He has been given a hard copy as I understand it. Perhaps he might be given five minutes to at least orientate himself as to where this is in the interview and what, in fact, is being discussed.

10

**COMMISSIONER:** I think that's probably right. There's a couple of meetings referred to in the passage from Mr Harvey, I don't know, but there might be some more contextual material either side that might assist.

15

**MS RICHARDSON:** I'm happy for that to happen. Is this a convenient course: Mr Ajaka can have the lunch adjournment to do that.

20 **COMMISSIONER:** Yes.

**MS RICHARDSON:** Even though it might involve some bifurcation. I was going to finish with one question, and then I understand Mr Portelli's counsel has some questions. I don't know whether that's convenient to interpose.

25

**COMMISSIONER:** All right. It's convenient to me unless somebody wishes to be heard against that course.

**MR ENGLISH:** It's fine by me.

30

**COMMISSIONER:** All right.

**MS RICHARDSON:** But before that, I have to ask a couple of questions in closed session at the request of the council.

35

**COMMISSIONER:** All right. So, Mr Ajaka, you can have that hard copy over lunch to refresh your memory as to what was discussed in the interview, and I'm content to go into closed session, but can someone just give me a broad sense of why we're doing it.

40

**MS RICHARDSON:** It's human resources matters that involves confidential information.

**COMMISSIONER:** Personal information of a staff member?

45

**MS RICHARDSON:** Yes.

**COMMISSIONER:** Mr Parish, is what I've described as my usual form of order which I've probably expressed in eight different ways appropriate?

**MR PARISH:** Any of those eight ways are fine with us, Commissioner.

5  
**COMMISSIONER:** All right. Pursuant to section 12B of the Royal Commissions Act, I direct that the next passage of the hearing take place in private. I direct that the transcript of this passage of the hearing that's taken in private session not be published other than to the legal representatives of the authorised parties which  
10 includes the general counsel, the deputy general counsel of the council or any person occupying those positions from time to time and the CEO of the council, and I'll just wait for the operator to tell me that we're in private session.

**<ADJOURNED INTO PRIVATE SESSION 12.30 PM**

15

**<THE HEARING RESUMED AT 12.37 PM**

**COMMISSIONER:** All right. We will resume in open session. Yes, Ms Richardson.

20

**MS RICHARDSON:** So we're now in open session so I would ask you not to refer to the names of the employees we were just discussing in closed session.

**MR AJAKA:** Correct.

25

**MS RICHARDSON:** Mr Ajaka, I want to suggest to you that there have been a number of instances in the evidence that you have been prepared to give on oath to the Commissioner where you have been - it has been established when you were shown a document or given further information that you were mistaken about the  
30 evidence you've given. You would accept that?

**MR AJAKA:** I accept that on occasions.

**MS RICHARDSON:** And I want to suggest to you that in each of the instances I  
35 have brought to your attention the mistake in relation to the evidence has only been revealed when we have put a document to you proving to you that the evidence you've given on oath is incorrect. Do you accept that?

**MR AJAKA:** Yes.

40

**MS RICHARDSON:** And I want to suggest to you that when witnesses give evidence, sometimes they can get things wrong, but we would expect that there might be equally distributed sometimes it's wrong in a way that's helps a particular witness and sometimes it hurts them, but all of the instances I've put to you,  
45 Mr Ajaka, in each case, are - the mistakes in your evidence on oath are adverse to Mayor Mannoun. Do you agree with that?

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

**MS RICHARDSON:** Well, you accept that you did not accept last week that you had, in fact, attended a union meeting - sorry - yesterday in your evidence with me,  
5 you did not accept that you had actually had a meeting with a union organiser on the day, and it was only when I showed you text messages proving that you, in fact, had, that you revealed, "Yes, I met with the union organiser on the Monday." Do you accept that?

10 **MR AJAKA:** Yes.

**MS RICHARDSON:** I want to suggest that you are only prepared to tell the truth about the fact that you had met with the union organiser because, in effect, you had no choice because you had been presented with text messages proving that you had  
15 had the meeting.

**MR AJAKA:** No, I don't agree with that.

**MS RICHARDSON:** And that while ever it was in a state where there were no documents, and you thought you could get away with not telling the truth about it, you were prepared to take that course on oath in evidence to Mr Commissioner. You agree with that?  
20

**MR AJAKA:** That's completely wrong.  
25

**MS RICHARDSON:** And that you only told the truth when you were, in effect, impeached by a document. Do you accept that?

**MR AJAKA:** No, I don't accept that at all.  
30

**MS RICHARDSON:** And the same is true of the billboard in relation to Mr Mannoun, that you were prepared to give evidence on oath that was a significant distortion of the position, and then when you were presented with the true position, it was only then that you told the truth. Do you accept that?  
35

**MR AJAKA:** No, again, I don't accept that. I explained that.

**MS RICHARDSON:** And I want to suggest to you that the reason for that is that you've had a falling out with Mayor Mannoun, and so where you are giving evidence on oath, where you think there are not documents to establish the position one way or the other, that you are prepared to give false evidence to the inquiry in a way that's adverse to Mayor Mannoun. Do you accept that?  
40

**MR AJAKA:** No, I don't accept that.  
45

**MS RICHARDSON:** Those are my questions but for the topic in relation to the Weir transcript, so if it's convenient, we will move positions and -

**COMMISSIONER:** Do some shuffling?

**MS RICHARDSON:** Yes.

5

**COMMISSIONER:** Yes. Thank you. Everybody shuffle.

**MR ENGLISH:** My name is English. I represent Farooq Portelli. I'm going to ask you some questions about some evidence you gave last week. You were asked some questions by Senior Counsel Assisting, and this started on transcript page 517 and over to 518, about a meeting that you had in February or March 2024 when Mr Portelli was present and so was Tina Bono. Do you recall that?

10

**MR AJAKA:** Yes.

15

**MR ENGLISH:** And it was put to you that there was a meeting with Mr Portelli where it was a version of the budget, the draft budget, where the deficit was up around 25 million, and it was suggested by you that he, Mr Portelli, undertake some creative accounting. Do you recall being asked those questions?

20

**MR AJAKA:** Correct.

**MR ENGLISH:** And you deny that you used those words?

**MR AJAKA:** I didn't use the term "creative accounting".

25

**MR ENGLISH:** You deny that?

**MR AJAKA:** Yes.

30

**MR ENGLISH:** Okay. Indeed, you said, "Absolutely not. It's not a term I would use." Is that right?

**MR AJAKA:** Correct.

35

**MR ENGLISH:** And you stand by that?

**MR AJAKA:** Yes.

**MR ENGLISH:** You then gave some evidence that you had spoken to the directors on numerous occasions, and you had told them that they needed to be creative, "We need to be more innovative." Do you recall giving that evidence?

40

**MR AJAKA:** Creative and innovative. Sometimes we'd say creative. Sometimes we say innovative. Sometimes we'd say both. I wasn't the only one using those terms.

45

**MR ENGLISH:** No. But you also accepted that you had instructed directors to find innovative ways to find cost savings or income generation issues that could be added to the upcoming budget, the 2024/2025 budget. Do you accept that?

5 **MR AJAKA:** Correct.

**MR ENGLISH:** Then were you asked by the Commissioner - this is page 518, line 31:

10 "What was an example of creative or innovative steps that were taken to get the projected deficit down?"

Do you recall being asked that question?

15 **MR AJAKA:** Yes.

**MR ENGLISH:** And you gave a number of examples. I think you gave five. You spoke of mattress shredding; do you recall that?

20 **MR AJAKA:** Yes.

**MR ENGLISH:** You spoke of car parks; do you recall that?

**MR AJAKA:** Yes.

25 **MR ENGLISH:** You spoke of the property 33 Moore Street; do you recall that?

**MR AJAKA:** Yes.

30 **MR ENGLISH:** You spoke of childcare centres?

**MR AJAKA:** Yes.

**MR ENGLISH:** You spoke of the old Liverpool courthouse?

35 **MR AJAKA:** Yes.

**MR ENGLISH:** Actually six, you spoke of 3 Hoxton Park Road.

40 **MR AJAKA:** Hoxton Park, yes.

**MR ENGLISH:** I just want to go through those six points with you if I can.

**MR AJAKA:** Yes, certainly .

45 **MR ENGLISH:** You called mattress shredding the best example you could give. Do you recall that in answer to the Commissioner's question?

**MR AJAKA:** Yes.

5 **MR ENGLISH:** All right. I wonder if a document - it's exhibit 24 - it's LCC.016.001.0006 - could be brought on the screen, please. So here you can see this document is titled Mattress-Shredding Facility Income and expenditure. You see that?

10 **MR AJAKA:** Yes.

**MR ENGLISH:** And these are actual figures not budgeted figures; you accept that?

**MR AJAKA:** I accept that.

15 **MR ENGLISH:** And you can see for the first shredder there's an actual cost of 1.185 million in '22/'23.

**MR AJAKA:** Sorry, I'm trying to work out where you're pointing to.

20 **MR ENGLISH:** So in the financial year '22/'23.

**MR AJAKA:** Yes.

25 **MR ENGLISH:** Capital expenditure shredder 1 on the left, you can see that cost of 1.185 million.

**MR AJAKA:** Yes.

30 **MR ENGLISH:** And you see in the next financial year, '23/'24 the cost of the second shredder at 1.185 million again. Do you see that?

**MR AJAKA:** Yes.

35 **MR ENGLISH:** And some related items?

**MR AJAKA:** Yes.

40 **MR ENGLISH:** If you can go down the page, please, a little further, we come to the line Total Operating Income. Do you see that in the left-hand column, about point 6 on the page.

**MR AJAKA:** Yes, total operating income. Yes.

45 **MR ENGLISH:** And you can see for the two years I took you - '22/'23 and '23/'24 - there's no income; correct?

**MR AJAKA:** Yes.



**MR ENGLISH:** Okay. And if you see - if we can just go back up a little bit, please. Right to the top, yes. Now, I'd like you to focus on financial year '24/'25. Do you see that?

5

**MR AJAKA:** Yes.

**MR ENGLISH:** And if we can scroll back down, please, to Operating Income you can see there the total operating income for that year, '24/'25 was 151,780; do you see that?

10

**MR AJAKA:** Yes.

**MR ENGLISH:** And if you can scroll down a bit more, please, you can see, you see Net - on the left-hand column, net cash investment inflow outflow. Do you see that?

15

**MR AJAKA:** Yes.

**MR ENGLISH:** And it's actually got a negative net cash position for that year of 167,753. Do you see that?

20

**MR AJAKA:** Yes.

**MR ENGLISH:** Okay. So mattress shredding wasn't an example of a creative or innovative step that was taken to get the projected deficit down in the '24/'25 budget was it?

25

**MR AJAKA:** No, but it's from a long term perspective. It's not just a one single budget. Clearly, you have to spend money in years 1 and 2, and where you expect your return will come through in years 3 and 4. Also, you can see that there was substantial savings in expenses in collection and disposal. I think in one of the years, collection and disposal showed a saving of \$460,000

30

**MR ENGLISH:** You were asked questions firstly by counsel assisting in the context of the discussion you had with Mr Portelli leading up to the '24/'25 budget. I took you through that; you recall?

35

**MR AJAKA:** Correct.

**MR ENGLISH:** And then I took you to the question of the Commissioner. What was an example of creative or innovative steps that were taken to get the projected deficit down for that budget?

40

**MR AJAKA:** Correct.

45

**MR ENGLISH:** And how do you say that mattress shredding was an example of a creative or innovative step that was taken to get the projected deficit down in the '24/'25 budget.

5 **MR AJAKA:** Because clearly at the time we started the mattress shredding, if it was going to show a surplus, if it was going to show a savings, that's an innovative way. But as time went on, clearly the projections don't occur. I mean, I don't even know when this was prepared after my time. I don't think it was prepared before my time. But at the end of the day, if that doesn't work, it doesn't mean that it's not creative or  
10 innovative. It just simply means that the benefits will be deferred.

But I also gave the other examples at Hoxton Park, being the perfect example that gets booked into the budget. That's why I gave so many different examples and said with some of them, they don't get booked that year. I recall saying that. The car  
15 parks, for example, was a very good example, but they weren't going to be booked in that year's budget. There was no way they'd come to fruition in time.

**MR ENGLISH:** Well, why were you raising things that may or may not get booked in the budget when the Commissioner asked you a specific question about example  
20 of creative or innovative steps that were taken to get the projected deficit down?

**MR AJAKA:** Because these are the matters I was talking to directors about to be innovative and creative, but then when they looked at them and examined them, they would come back and part of those duties would be to determine if it could be  
25 booked in. And again, from recollection, the only one that came through or the only two that came through that could be booked in were the funds from Canterbury-Bankstown council that were admitted and the Hoxton Park property. But it wasn't a matter of everything that I suggested was going to be booked in. I mean 33 Moore Street would be \$60 million. That wasn't booked. But we were  
30 still - directors were still told to look at that.

**MR ENGLISH:** And no doubt for the purposes of accurate forecasts and budgetary modelling, proper assumptions have to be relied on when budgetary figures are provided?  
35

**MR AJAKA:** When they finally enter the budget, absolutely.

**MR ENGLISH:** Okay. So assume there was a projected surplus in the 2024/2025 budget mattress shredding that didn't eventuate in that financial year as I've shown  
40 you by reference to the document on the screen.

**MR AJAKA:** I don't know what the final figure was. I wasn't there. But I'm assuming from what you've shown me it definitely didn't eventuate.

45 **MR ENGLISH:** Okay.

**MR ENGLISH:** All right. The next point you raised car parks.

**MR AJAKA:** Yes.

**MR ENGLISH:** You said there were four to five car parks.

5

**MR AJAKA:** Correct.

**MR ENGLISH:** There's four car parks, I suggest to you. One at Bathurst Street; correct?

10

**MR AJAKA:** Look, I can't remember now, but I remember there were four or five car parks.

**COMMISSIONER:** Pause.

15

**MS McDONALD:** Commissioner, I object. I'm just wondering what the relevance of the cross-examination is, especially if we're now going through a number of different items.

20 **COMMISSIONER:** I don't know myself just yet, but I'm prepared to go on a little longer (indistinct). It probably should be made clear (indistinct).

**MR ENGLISH:** Thank you, Commissioner. Car parks, that was an answer you gave to the Commissioner?

25

**MR AJAKA:** As an example of being creative or innovative.

**MR ENGLISH:** There was nothing in the 2024/2025 budget about car parks?

30 **MR AJAKA:** But, again, I was giving examples of how to be innovative and creative. And I also believe I made it clear that would take some considerable time. Just getting the rezoning through if we went by way of rezoning was going to take a considerable amount of time. I wasn't in any way implying and if - that wasn't my intention, that those would be booked in the '23/'24 budget. Again, the only two  
35 matters that prior to my departure, that I was confident would be booked ended up being Canterbury Bankstown after Mr Portelli made the necessary inquiries and agreed it could be booked for a certain amount. And, secondly, the Hoxton Park after Shayne Mallard made his inquiries and then informed Mr Portelli and, again, it could be booked. And they were the only two that I'm aware of that actually were booked  
40 and made a considerable difference to the budget.

**MR ENGLISH:** Well -

**MR AJAKA:** The rest were just, I mean -

45

**MR ENGLISH:** I just want to understand. You say, you used the words "actually booked in the budget." Are you saying actually booked in terms of actual figures or were included in the budget forecasts?

5 **MR AJAKA:** No, no, that they would be included in the draft budget that would go before council to be ticked off on.

**MR ENGLISH:** Okay.

10 **MR AJAKA:** That's what I mean by "booked".

**MR ENGLISH:** All right. 33 Moore Street, is that something you say that was actually booked in the budget?

15 **MR AJAKA:** No. Absolutely not.

**MR ENGLISH:** Okay.

20 **MR AJAKA:** It would take way too long. It wouldn't be 12 months, I mean, it's a \$60 million property. A huge amount of work would need to be done, including the possibility of leasing it to obtain the best possible price. So that was not booked in the draft budget.

25 **MR ENGLISH:** All right. Childcare centres?

**MR AJAKA:** The childcare centres would not have been booked in the budget because you're talking about either selling existing childcare centres and building new ones using those funds, or alternatively, redeveloping and adding to the positions from a 40 childcare centre to a 70 childcare centre. Again, they would not be booked; they would be necessary to be looked at.

**MR ENGLISH:** All right. Old Liverpool Courthouse, was that in the budget?

35 **MR AJAKA:** My recollection is no because they still needed a bit of time to finish the renovations. So I don't believe that that was going to be booked in the budget. But that's something that could be looked at and, if possible, that would have been a very good example of one that could have possibly been leased before.

40 **MR ENGLISH:** Leased before when?

**MR AJAKA:** Before the budget came through. So if that had been leased before the budget came through, then, yes, that would have been booked in the budget.

45 **MR ENGLISH:** All right.

**MR AJAKA:** But I don't believe that was possible. They still had a considerable amount of work to do.

**MR ENGLISH:** All right. And 3 Hoxton Park Road, that was booked in the budget to use your term?

5 **MR AJAKA:** That was the instructions that came back, and I think they were in the emails, is that property people looked at it. Property people obtained their valuation. Figures were done and then there was an amount that could be booked in the budget. Shayne Mallard, from memory, notified Farooq Portelli, and Farooq Portelli notified Vishwa for it to be booked into the budget.

10 **MR ENGLISH:** And it was your idea to include the sale of that property in the budget?

15 **MR AJAKA:** Yes. But, again, these were discussions we had at ELT. So it's not that I suddenly thought of it on my own. All of this came out through ELT.

**MR ENGLISH:** All right. But that was never included as would ordinarily occur in council strategic community plan or a delivery plan?

20 **MR AJAKA:** Say that again please?

**MR ENGLISH:** The sale of the - the foreshadowed sale of that property was not included in council's strategic plan or delivery plan?

25 **MR AJAKA:** No, I don't believe it had been included. It was one of the new - it was thought of for the first time when we were looking at moving in Civic Place. And the councillors, my understanding, voted to sell it but I think one or two councillors were against the sale.

30 **MR ENGLISH:** All right.

**MR AJAKA:** But it did go in the draft budget. Again, if I can remind you, it only goes in a draft budget so it can go out to consultation, and then ultimately it has to be dealt with by council who can add or remove any item of the budget.

35 **MR ENGLISH:** All right. So, of those - of those matters, the only ones that you say were booked in the budget were Hoxton Park; is that right? Hoxton Park sale?

**MR AJAKA:** Yes.

40 **MR ENGLISH:** And the issue with Canterbury Bankstown and the bridge. Is that right?

45 **MR AJAKA:** Correct. They are the ones that I understood were going to be booked into the budget, but then, of course, I left, and ultimately I don't know what the final draft budget was that went out on consultation.

**MR ENGLISH:** All right. And you agree that you were encouraging directors at around this time, and that is in February and March 2025, to be creative and innovative with revenue streams and income generation options for the budget.

5 **MR AJAKA:** I wasn't the only one. The directors themselves were also doing it.

**MR ENGLISH:** Well, Mr Portelli wasn't doing it, was he?

10 **MR AJAKA:** No, I don't believe he was one of the directors that was - I mean, the director I can give the best example, and I believe he was the first one to use the term "innovative", would be the current CEO.

**MR ENGLISH:** Mr Breton.

15 **MR AJAKA:** Mr Breton, when he was the director of operations. I credit him with the mattress shredding.

20 **MR ENGLISH:** All right. And do you say you gave a similar instruction to Mr Portelli to be creative and innovative with whatever revenue he could identify or savings.

25 **MR AJAKA:** I think my evidence was my recollection is that at no time did I use the term "creative accounting", but on numerous occasions, I had met with the directors together or separately, and we consistently used the term "be creative", "be innovative", both.

**MR ENGLISH:** Well, you knew that under Mr Portelli's division Director of Corporate Services fell the CFO and the financial accounts team?

30 **MR AJAKA:** Correct.

**MR ENGLISH:** So it's not too much of a stretch is it for you to have said to Mr Portelli, I'd suggest, "Be creative in the accounting in this budget."

35 **MR AJAKA:** No, sorry, I don't accept that. I'm well aware of what creative accounting means. There's no way I would use a term like that.

40 **MR ENGLISH:** All right. I suggest to you you did use that term, "Engage in some creative accounting", and Mr Portelli said to you, "That's not going to happen". Do you recall that?

**MR AJAKA:** No.

45 **MR ENGLISH:** What you did, you gave some evidence saying that Mr Portelli saying, "That's not going to happen", this is at transcript page 524, was about -

**COMMISSIONER:** I'm sorry, Mr English. I think there is a discrepancy between the page numbering in the transcript.

**MR ENGLISH:** Is there?

5

**COMMISSIONER:** It's not your fault at all. We encountered this problem last week. I'm told it was due to a brief formatting between the draft version and the final version. So the passage that you were drawing attention to before in the final version is 545 and 556. I note the time. We might just correlate your numbers with the final  
10 version so we can all, and importantly I, when I look at this later, can follow along. So we are going to adjourn for lunch, Mr Ajaka. I will have that hard copy of the Weir interview given to you -

**MR AJAKA:** Thank you.

15

**COMMISSIONER:** - so you can peruse it.

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

20 **COMMISSIONER:** And we'll resume at 1 o'clock and -

**MR AJAKA:** 2 o'clock?

25 **COMMISSIONER:** I've done it again. I think I did that when you were here last week. But 2 o'clock, I'm sorry. And, Mr English, we might just get you an updated version of the transcript -

**MR ENGLISH:** Thank you.

30 **COMMISSIONER:** - so we can tabulate those numbers.

**MR ENGLISH:** 2 o'clock.

**COMMISSIONER:** Thank you.

35

**<THE HEARING ADJOURNED AT 1.02 PM**

**<THE HEARING RESUMED AT 2.06 PM**

40 **COMMISSIONER:** Yes, Mr English.

**MR ENGLISH,** Commissioner, I'm going to try and avoid the transcript, so I'm going to withdraw the question I asked just before the break.

45 **COMMISSIONER:** Okay.

**MR ENGLISH:** And just approach it this way.

**COMMISSIONER:** All right.

5 **MR ENGLISH:** Mr Ajaka, before the break, you gave evidence that you understood only the Hoxton Park sale and the Canterbury bridge matter to be the ones that would be booked in the 2024/2025 budget. Do you recall giving that evidence?

**MR AJAKA:** They're the ones that I recall, yes.

10 **MR ENGLISH:** Okay. And you recall you agreed with me that you gave six examples in answer to the Commissioner's question last week of creative or innovative steps that were taken to get the projected deficit down in that budget?

15 **MR AJAKA:** See, they were the examples I was giving of what I considered to be innovative, and I wasn't specifically saying that budget. We were looking at them, but they still had to meet the criteria if they were going to be entered into that budget.

**MR ENGLISH:** Well, just focus on my question, could you please.

20 **MR AJAKA:** Yes.

**MR ENGLISH:** You recall this morning when I took you to the question that the Commissioner asked, you agreed that you had given those six examples.

25 **MR AJAKA:** I gave those six examples yes.

**MR ENGLISH:** All right. And you now accept that five of those six examples were not steps that were taken to bring down the projected deficit in the 2024/2025 budget.

30 **MR AJAKA:** Five of those six examples would not have met the criteria to bring the budget down, as I understand it, but they were looked at.

35 **MR ENGLISH:** You've conceded today that certain evidence you gave last week was incorrect when you were confronted with two documents that contradicted your earlier evidence, and I'm talking about the WhatsApp messages and the photo of the billboard. That's right, isn't it?

40 **MR AJAKA:** Yes.

**MR ENGLISH:** Right. And I want to suggest to you that you are wrong in your denial about telling Mr Portelli to engage in creative accounting with respect to the 2024/2025 budget. What do you say about that?

45 **MR AJAKA:** I didn't say that statement.



**MR ENGLISH:** Okay. Just changing topics. I'm sure you will recall the email from the mayor on 12 April with the four items.

**MR AJAKA:** Correct.

5

**MR ENGLISH:** And you sent an email to Mr Portelli later that day, on 12 April, asking him to:

"Please put the figures together and see me to discuss."

10

**MR AJAKA:** I think the email was to the mayor, the deputy mayor and Mr Portelli.

**MR ENGLISH:** You're right. You put:

15

"@Farooq, please put the figures together and see me to discuss."

**MR AJAKA:** Yes.

20

**MR ENGLISH:** And you'll recall giving evidence last week that Mr Portelli - you understood he didn't do that.

**MR AJAKA:** Sorry, say that again.

25

**MR ENGLISH:** Mr Portelli didn't put those figures together, that was your evidence.

**MR AJAKA:** I don't recall him putting them together. That's my evidence.

30

**MR ENGLISH:** Do you recall Mr Portelli spoke to you about those items, particularly items 1 and 2. Do you recall that?

**MR AJAKA:** I don't have a recollection of that.

35

**MR ENGLISH:** At around the time of the email, he explained to you that - perhaps if the document can be put on the screen. It's OLG.001.001.0310.

**ASSOCIATE:** (Indistinct).

40

**MR ENGLISH:** Yes, please. If that can go to the next page. Keep scrolling down, please. So you can see there's the four points, and if we just go up, you can see your response to Mr Portelli or the mayor and Mr Portelli. Do you see that? Do you see that, Mr Ajaka?

45

**MR AJAKA:** Yes, as discussed. Yes.

**MR ENGLISH:** Okay. So if you can just scroll down again, please. So point 1, a reduction of management costs by 2 million. Do you see that?

**MR AJAKA:** Yes.

5 **MR ENGLISH:** Do you recall at around the time this email was received that Mr Portelli told you orally that that would involve two directors and two PA positions valued at a million dollars. Do you recall him telling you that is what would need to be done to address that figure, as well as losing four managers, which would equate to another million dollars. Do you recall him telling you that?

10 **MR AJAKA:** I don't recall Mr Portelli telling me that, but my recollection is that the mayor, in previous discussions with me, had always said we could remove two directors and four or five managers. So I may have also discussed that with Mr Portelli, but I just don't recollect it coming. I mean, the 2 million was already there.

15 **MR ENGLISH:** And in relation to point 2, a million - a one mill reduction in wages.

**MR AJAKA:** Yes.

20 **MR ENGLISH:** Do you recall at around the time of that email, Mr Portelli told you that that would involve losing about eight to 10 administrative staff positions?

**MR AJAKA:** No, I can't recall that. But I, you know, I could estimate myself, but if it's going to be a million dollars, you're talking 100,000 for staff, it's going to be  
25 about 10 staff. But, again, if I could say this: The 2 million and the 1 million were already in there. So the figures were already there. That's the part that was a little bit confusing about this. You've just reminded me.

**MR ENGLISH:** They're my questions, Commissioner.  
30

**COMMISSIONER:** Thank you. Anyone else before we return to Ms Richardson?

**MS HAMILTON-JEWELL:** Commissioner, I'm happy to go after Ms Richardson if you would prefer that. I only have two or three questions in short compass.  
35

**COMMISSIONER:** Why don't we we've your two or three questions, and then we will finish it with Ms Richardson.

**MS HAMILTON-JEWELL:** I'm Ms Hamilton-Jewell. I appear for council  
40 Ristevski. You commenced employment.

**MR AJAKA:** Sorry, I really can't hear you.

**MS HAMILTON-JEWELL:** I'll wait for the siren.  
45

**MR AJAKA:** Yes.

**MS HAMILTON-JEWELL:** By the time we move for three questions.

**MS McDONALD:** Could I just ask through you, Commissioner, if the transcript people are fine with picking up our learned friend's questions?

5

**COMMISSIONER:** Coming through clearly. All right. The siren recovery over.

**MS HAMILTON-JEWELL:** So you commenced employment with the council in December 2022; is that correct?

10

**MR AJAKA:** Correct.

**MS HAMILTON-JEWELL:** Did you attend council meetings for Liverpool City Council prior to your employment?

15

**MR AJAKA:** Not that I'm aware of, no.

**MS HAMILTON-JEWELL:** So can we take from that that you didn't attend any council meetings for Liverpool City Council in 2012 through to 2016?

20

**MR AJAKA:** Not that I can ever recall.

**MS HAMILTON-JEWELL:** And you didn't attend any council meetings after your termination. So after September 2024 you didn't attend any Liverpool City Council council meetings?

25

**MR AJAKA:** No, I've kept away from it.

**MS HAMILTON-JEWELL:** Thank you, Commissioner. Those are my questions. Thank you, Commissioner.

30

**COMMISSIONER:** Thank you.

**MS RICHARDSON:** Mr Ajaka, did you have a chance to read the transcript of your record of interview with Mr Harvey as part of the Weir review over the lunch break?

35

**MR AJAKA:** I read from pages 20 just before page 21 you took me to, and I think I got to about - I marked at page 27. So I read those seven pages.

**MS RICHARDSON:** Well, I'm going to put a series of questions to you and you've got counsel here to jump up if I'm putting any question to you fairly - unfairly based on this transcript.

40

**MR AJAKA:** Okay.

45

**MS RICHARDSON:** Could you please turn to page 21.

**MR AJAKA:** Yes.

**COMMISSIONER:** Operator, can we put it on the screen so -

5 **MR AJAKA:** Yes.

**MS McDONALD:** LCC.008.001.0022.

10 **COMMISSIONER:** Thank you.

**MS RICHARDSON:** So do you see there at the - if we could go to the bottom half of page 21, please. We've Mr Harvey saying to you about two-thirds of the way down, do you see the sentence starting:

15 "Yeah. I mean, I know."

Do you see that?

20 **MR AJAKA:** Yes.

**MS RICHARDSON:** And what he is saying to you is, in effect, he's trying to work out the causational link in his head about how the 150 got out and interactions with the union and so on. Do you agree that that's the gist of this part of the interview?

25 **MR AJAKA:** Yes. And also the - yes, about that, and I believe about the comment that I made. I took that to mean all of that. Yes.

30 **MS RICHARDSON:** And he suggested to you that there had been - do you see there he raises that - so he says:

"Suddenly we're talking from what I understand is, you guys are having a meeting about potential cuts, and suddenly there's a meeting allegedly - something with you - from the union, and suddenly it's out there that there's a 150 cut."

35 So I want to suggest to you that the context of this is that Mr Harvey was trying to work out the causation, that you had had a meeting about potential cuts which was the 16 April meeting, and then he's saying:

40 "Suddenly there's a meeting allegedly."

With you and the union, and then suddenly it's out there. That was the tenor of what Mr Harvey was putting to you. Do you agree with that?

45 **MR AJAKA:** Yes.

**MS RICHARDSON:** And he's putting it out there saying:

"What I'm trying to work out is the causational link."

He is trying to work out what is causing what, what is connected. You agree with that?

5

**MR AJAKA:** I believe that.

**MS RICHARDSON:** Then you respond at the bottom of page 21:

10 "So at no time did I ring the USU and tell them what happened. They rang me."

**MR AJAKA:** Yes.

**MS RICHARDSON:** Do you see that?

15

**MR AJAKA:** That was in relation to the comment that was made.

**MS RICHARDSON:** Well, I want to suggest to you that this is in relation to - you accept that Mr Harvey was seeking to explore with you where the causation in relation to the union publicly disseminating that there might be significant job cuts. Do you agree with that?

20

**MR AJAKA:** No. I understand that, yes.

25 **MS RICHARDSON:** And that he is saying to you, "I want to know the causational link."

**MR AJAKA:** I understand that.

30 **MS RICHARDSON:** Your response is to say at no time did I ring the USU to tell them. They rang me. So isn't it the case that what you were - and then you go on to say:

35 "When I asked them how do you even know about this, that's when they said to me the email. How did the - and I went, 'What email? How did the media know about this?' And they said, 'The email John', and you said, 'I don't know anything about that.'"

40 And then you were told that a union delegate had sent an email out to the media. Do you see that?

**MR AJAKA:** Yes. Again that was in relation to my comment and in relation to him terminating me. We were talking about all three at the same time.

45

**MS RICHARDSON:** Just wait for my question.

**MR AJAKA:** I thought you asked a question, I apologise.

5 **MS RICHARDSON:** You see what you are talking about quite specifically is testing with - Mr Harvey is seeking to explore with you what the union was saying about job cuts and the number 150, and you were dealing with that in this part of the transcript. Do you accept that?

**MR AJAKA:** I do as part of it, yes.

10 **MS RICHARDSON:** And you were seeking to - you were stating to Mr Harvey that you didn't come up with the 150 number. The union did. Do you see that?

**MR AJAKA:** Correct.

15 **MS RICHARDSON:** And you say, if we scroll down in the transcript to page 22, the third full paragraph starts:

"So I never mentioned the 150. As I said, I never spoke to anyone."

20 Do you see that?

**MR AJAKA:** Yes.

25 **MS RICHARDSON:** And I want to suggest to you in circumstances where Mr Harvey had suggested to you that there had been an allegation that you had met with the union and in the context of trying to understand the causational link as to how the rumour came about, that it was misleading for you to state to Mr Harvey that, "I never spoke to anyone." Do you agree with that?

30 **MR AJAKA:** No.

**MS RICHARDSON:** And I want to suggest to you that it was misleading for you in circumstances where he had specifically raised that there had been an allegation that you had met with the union to fail to tell him the truth that you had, in fact, met with  
35 a senior union organiser on the Monday. Do you agree with that?

**MR AJAKA:** No.

40 **MS RICHARDSON:** And isn't it the case that this record of interview was, you will see on the front page, 22 May of last year, which is about one month after the relevant events; agree?

**MR AJAKA:** Sorry, say that again?

45 **MS RICHARDSON:** This interview was taking place about one month after the relevant events last year. Do you agree with that?

**MR AJAKA:** Correct.

**MS RICHARDSON:** And so your recollection of events was good at that point?

5 **MR AJAKA:** Yes.

**MS RICHARDSON:** And certainly better than today; correct?

10 **MR AJAKA:** Yes. But you're not reading the sentence as a whole, with all due respect.

**MS RICHARDSON:** I'll come to that.

15 **MR AJAKA:** I think it's unfair that you pick one portion of a sentence and not read the whole sentence and the following sentence. I'm making one statement which is correct.

20 **MS RICHARDSON:** Well, I want to suggest to you that Mr Harvey has raised a specific allegation with you in the context of causation, working out what happened with the union and why this false rumour -

**MR AJAKA:** Yes.

25 **MS RICHARDSON:** - was put out, and he says to you at the bottom of page 21 that there's an allegation that you've had a meeting with the union. Just working on that, you have now accepted after I've shown you WhatsApp messages that you did meet with the union on the Monday; correct?

30 **MR AJAKA:** Yes.

**MS RICHARDSON:** And you met with the senior union organiser, Ms Sandy Morthen; correct?

35 **MR AJAKA:** Correct. But that's not what I'm saying in this paragraph.

**MS RICHARDSON:** Let's break it down. You, in fact, had a meeting with a union organiser on the Monday; correct?

40 **MR AJAKA:** Correct.

**MS RICHARDSON:** And you have revealed that for the first time today when you were confronted with WhatsApp messages. Do you accept that?

45 **MR AJAKA:** That's not - no, I'm sorry, that's not correct. I've never held back that I met with Sandy. What that sentence clearly says I never mentioned the 150. As I said, I never spoke to anyone. It's about the 150.

**MS RICHARDSON:** Okay.

**MR AJAKA:** But for me from day 1, it's always been 10, 15 people who was asking me to terminate. I was making it clear, so at no time have I ever said 150.

5

**MS RICHARDSON:** So, Mr -

**MR AJAKA:** That's what I was saying there.

10 **MS RICHARDSON:** You agree with me you have had an hour at lunch to review this transcript.

**MR AJAKA:** Yes, I've looked at it.

15 **MS RICHARDSON:** And that you agree with me at no point in this transcript do you tell Mr Harvey after he's raised with you that there's an allegation that you met with the union, that that is true, that you did meet with the union. Do you accept that you did not tell that to Mr Harvey?

20 **MS MCDONALD:** Well, I think to be -

**MR AJAKA:** ...

25 **MS McDONALD:** I object. As a matter of fairness, Mr Harvey is speaking about a meeting with the union where the 150 comes from.

**MR AJAKA:** Correct.

30 **MS McDONALD:** If you look at his comments and questions at the bottom of 21, it's in the context of the 150 and where the 150 comes from.

**COMMISSIONER:** I think that's right.

35 **MS RICHARDSON:** I'll ask a different question.

**MR AJAKA:** I mean -

**MS RICHARDSON:** Just wait for my question, Mr Ajaka.

40 **COMMISSIONER:** (Indistinct)

45 **MS RICHARDSON:** What I want to suggest to you, that in circumstances where - I'll go back. Do you accept that a key thing that Mr Harvey was exploring with you was the lead-up to the council meeting of 26 April and - sorry, 24 April, and the steps in the lead-up to that and rumours from the union about job cuts, that that was a key thing that you were being asked about in this interview? Do you agree with that?



**MR AJAKA:** Yes.

5 **MS RICHARDSON:** And that in circumstances where Mr Harvey suggested to you  
that there was an allegation of - that you had met with the unions, if you go back,  
please, if we could look at page 21. What Mr Harvey is putting to you, it's not that  
you had a meeting where the 150 job cuts was discussed. He was saying there's an  
allegation you met with the union and then suddenly it's out there, there's 150, and  
10 that's what he's seeking to explore with you, what had happened in relation to those  
events. Do you accept that?

**MR AJAKA:** Correct.

15 **MS RICHARDSON:** And so he is saying to you there is an allegation that you met  
with the union in this period. You understood that that's what he was putting to you?

**MR AJAKA:** I took it that he knew that I had met with the union. Sandy was there,  
and she was making comments as well as I was.

20 **MS RICHARDSON:** Well, do you agree with me that nowhere in this transcript do  
you reveal to Mr Harvey, "Well, yes, I did meet with the union organiser two days  
before the meeting." Do you agree that you did not accept that in this interview?

25 **MR AJAKA:** I answered the questions as he asked me, and I - I took it that he was  
aware that we've met because of the comments Sandy had made, including  
comments by me, "It's not me; it was the USU who said it." I mean, clearly I was  
told that by the USU to be able to say that. I'm sorry, I don't see it the way you do.

30 **MS RICHARDSON:** And if we could go to page 22, please.

**MR AJAKA:** Page?

**MS RICHARDSON:** 22.

35 **MR AJAKA:** Yes.

**MS RICHARDSON:** And you see in the second full paragraph starts:

40 "So I never mentioned the 150. As I said, I never spoke to anyone."  
Do you see that?

**MR AJAKA:** Yes, about the 150.

45 **MS RICHARDSON:** Well, I want to suggest to you that the way you gave your  
evidence to Mr Harvey was to downplay your role and to deliberately seek to clarify  
with him that you had, in fact, met with the union organiser on the Monday.

5 **MR AJAKA:** No. I'm sorry. That's wrong. I mean, you've got to read the preceding paragraphs where we're talking about all the media where I also indicated I never spoke to anyone in the media. It was the mayor who was speaking to everyone. So I was making it clear I never mentioned the 150. As I said, I never spoke to anyone. I'm referring to 150. So I then go on to clearly talk about from day 1 it was always 10, 15 people he was asking me to terminate, and the fact that I had the USU there, how could they be there if I hadn't previously spoken to them? I'm sorry, it makes no sense.

10 **MS RICHARDSON:** Well, Mr Ajaka, the reason why a member of the USU was there is she was there as a support person for you, wasn't she?

15 **MR AJAKA:** Correct. And I spoke to her beforehand.

**MS RICHARDSON:** Well, this is a month after you've gone on leave; correct?

**MR AJAKA:** Yes.

20 **MS RICHARDSON:** And the transcript records that she was there as a representative; correct?

**MR AJAKA:** Correct.

25 **MS RICHARDSON:** So she's not there to give evidence; she is there to represent you, correct.

30 **MR AJAKA:** Yes, but she did give evidence. She made it very clear that it wasn't me that mentioned the 150. I don't know how much clearer she could be. It's in the transcript. I mean, that came out, and my understanding is Mr Harvey accepted that completely and moved on.

35 **MS RICHARDSON:** Well, I want to suggest to you he didn't. He said it was an allegation, and at no point did you frankly tell him, "Well, actually it is not an allegation; it's true. I met with the senior union organiser two days before" -

**MR AJAKA:** I'm sorry, I don't see it that way.

40 **MS RICHARDSON:** And could you please turn to page 23.

**MR AJAKA:** Yes. Yes where Sandy Morthen starts to explain things.

45 **MS RICHARDSON:** And in the middle of the page do you see down the bottom of your screen, you say:

"So, again, by the time it got to the stage where the 150 went out, it was literally less than a day in real time for me, but, at the same time, I was in a situation where

I knew he was going to move a motion of council to terminate me. That was the problem."

**MR AJAKA:** I see that.

5

**MS RICHARDSON:** So you've accepted that it was, in fact, more than a day that you knew because you knew on the Monday the 150 number was being disseminated by the unions; correct?

10 **MR AJAKA:** As I've told you before, I accept that, and as I also told you before, in hindsight, I should have sent a memo to the staff.

**MS RICHARDSON:** And isn't it the case that the reason why you didn't send the all staff email even though you knew two days before on the Monday was what you  
15 have said on page 23, which was you were - you had an understanding that the mayor might move a motion to terminate you. Isn't that the reason why you sent out -

**MR AJAKA:** No.

20 **MS RICHARDSON:** - the all staff memo, just wait for my question.

**MR AJAKA:** No.

**MS RICHARDSON:** - because you were expecting that adverse action might  
25 happen, and so you were not prepared as the CEO to de-escalate the conflict over the 150 job loss.

**MR AJAKA:** No.

30 **MS RICHARDSON:** That's the case, isn't it?

**MR AJAKA:** No, I don't accept that.

**MS RICHARDSON:** That you deliberately stayed silent. I've already put to you that  
35 you deliberately stayed silent in a way that escalated the conflict and that the reason why that is is set out in paragraph 23, if you look at that, because you felt at the time you were potentially facing a motion to terminate you, and so you were not prepared to send an all staff email dealing with the false rumour that the unions were  
40 disseminating. Do you accept that?

**MR AJAKA:** No, I don't. I mean, the new CEO took 16 days before he sent out the email, so I don't think you're being very fair. If it took him 16 days, you know, again, in hindsight, I should have done it and I should have done it immediately, but I didn't, and I accept that. But I don't accept your assertion as to why I didn't do it.

45

**MS RICHARDSON:** Well, it's the case, isn't it, you've accepted that it's an easy thing to send an all staff email for you as the CEO.

**MR AJAKA:** I've accepted that.

**MS RICHARDSON:** Doesn't take much time at all; correct?

5

**MR AJAKA:** I can dictate it in five minutes, and it can be sent out.

**MS RICHARDSON:** Thank you. And that the difference that you were facing as a CEO is that you knew from the Monday that the unions were disseminating a false rumour about job cuts, which you knew to be false, and that they were calling for stop work meetings, and calling on protests for people to attend the meeting, but you were in a particular situation as a CEO facing an escalating tensions on this issue. You agree with that?

10

**MR AJAKA:** Yes.

**MS RICHARDSON:** And in that context, and another part of that context, was that you knew the situation was escalating in terms of the false rumour about job losses, but your view was you were in a situation where you thought the mayor might move to terminate you. I want to suggest to you that's the reason why you declined to send out the all staff email that you accept you should have sent do you agree with that.

20

**MR AJAKA:** And I've told you no on numerous occasions. I don't know how many times I need to tell you no.

25

**MS RICHARDSON:** Those are my questions, thank you.

**COMMISSIONER:** Mr Boyle?

**MR BOYLE:** While we've got the transcript of interview there is is LCC.008.001.0022, and we're on page 23, it was suggested to you earlier, Mr Ajaka, that there was no disclosure to Mr Harvey of the fact that you had met with the union on Monday. Do you remember being asked some questions about that?

30

**MR AJAKA:** Yes.

**MR BOYLE:** And do you see that, in fact, in this interview, there's a reference by Sandy Morthen:

35

"Yeah. Because I first raised it on the Monday."

And then you say in the next line:

"So I was going to raise that, but thank you sandy."

40

Do you see that?

45

**MR AJAKA:** Correct.

**MR BOYLE:** Is that your recollection?

5 **MR AJAKA:** Yes.

**MR BOYLE:** That that was an accurate recitation of what occurred in the interview with Mr Harvey?

10 **MR AJAKA:** Correct.

**MR BOYLE:** If I could bring up a document. You were asked some questions this morning, Mr Ajaka, about your recollection of the billboard and the trucks.

15 **MR AJAKA:** Yes.

**MR BOYLE:** Do you remember those questions from my learned friend, Ms Richardson?

20 **MR AJAKA:** Yes.

**MR BOYLE:** Now, if I can - I've got hard copies. I think it's been uploaded, but I don't have a document ID.

25 **COMMISSIONER:** Can you remember it?

**MR BOYLE:** Yes. It's AJA.001.001.0003.

**ASSOCIATE:** Do you want that on the live stream?  
30

**MR BOYLE:** Yes, that's fine. So, Mr Ajaka, I think the way in which Ms Richardson's questions were posed, and to put them into a temporal place, this was your evidence that you had given to senior counsel assisting, Ms McDonald, about when you commenced in the role in late 2023.

35 **MR AJAKA:** Sorry, late 2022?

**MR BOYLE:** Sorry, of course, you are quite right, and I'm wrong. I withdraw that. In late 2022, there were issues between the union and the council, and it's what you  
40 had given some evidence about. You described it as being a toxic environment or words to that effect. Do you recall that evidence?

**MR AJAKA:** Yes.

45 **MR BOYLE:** And it was in that context that you described a billboard, and you gave some evidence about trucks being driven around with bill boards on the side of them as well; is that right?

**MR AJAKA:** Correct.

5 **MR BOYLE:** Now, you were asked some questions this morning because the evidence that you had given in response to questions from counsel assisting involved the billboard having the mayor's face on it. Do you recall that?

**MR AJAKA:** Yes.

10 **MR BOYLE:** In the exchange this morning. If we could move, please, associate, to the third page of this document, and perhaps - I don't know whether it's possible to expand it at all. You can see there, Mr Ajaka, it's not entirely clear, but do you recognise the face in the middle of the billboard on the truck shown on the screen, that that's Mr Mannoun, the mayor?

15

**MR AJAKA:** Correct.

**MR BOYLE:** Now, it was suggested to you this morning that your evidence in relation to the billboards was tendered to paint the mayor in a negative light. Do you recall those questions and that proposition being put to you?

20

**MR AJAKA:** Yes.

25 **MR BOYLE:** Sitting here now, is it possible that you have, and in light of the answers you gave this morning, that you have simply conflated two billboards?

**MR AJAKA:** Yes. I just knew there was a billboard with his face on it. I obviously got it the wrong way around.

30 **MR BOYLE:** You - in your time, or, rather, shortly following - after you had been terminated as the mayor, do you recall receiving a letter from the CEOs of a series of councils?

35 **MR AJAKA:** Yes, The Parks. They're known as - collectively the eight councils inclusive of Liverpool are known as The Parks.

**MR BOYLE:** If we could bring up AJA.001.001.0001.

40 **ASSOCIATE:** (Indistinct).

**MR BOYLE:** Yes, that's fine. Now, if you just take a moment, Mr Ajaka, to read that document to yourself. Is that a document that you recall seeing? And is that the letter that I've just asked you about?

45 **MR AJAKA:** Yes. And I think there's seven signatures on it - everyone bar Liverpool. Yes. They're the seven other councils. Liverpool would be the eighth. And they're the CEOs of each of the seven councils.

**MR BOYLE:** Now, one of the issues which has arisen, including in some exchanges this morning with Ms Richardson, relate to the fact that you were a union member.

5 **MR AJAKA:** Correct.

**MR BOYLE:** Do you recall when it was that you became a member of the USU, and the circumstances that attended you becoming a member?

10 **MR AJAKA:** It was in the very first meeting that I had with the USU delegates in that first week that I started in December 2022. The discussion was had, which led to it.

15 **MR BOYLE:** And you say a discussion was had which led to it. Why was it that you became a member of the union?

MR AJAKA: So when I was speaking to the delegate, and I indicated to them that I was a different CEO, they were coming back with, "We've heard that before." I did indicate that I had the utmost respect for the union movement and indicated my  
20 father had been a member of the union for many years when he worked for BHP steelworks. Again, they said, "We've heard that before." One of them yelled out, "Why don't you join the union?", and I said I'm happy to join the union if you accept me, and one of them put a form in front of me and basically used the expression, "Put your money where your mouth is." So I filled it out then and there, handed it to them,  
25 and I think a day or so later they confirmed I was a union member.

**MR BOYLE:** And was that something you did in a bid to, as it were - sorry - was that something that you did in an effort to ensure that you had a good relationship going forward to deal with what I've earlier referred to as a toxic -  
30

**MR AJAKA:** Absolutely. I took it as a measure of approving or enhancing trust between myself and the employees. I was is always aware that a number of other CEOs were member of the union which I had known over a number of years when I was speaking to them as a minister.  
35

**MR BOYLE:** You gave some evidence, I think both to senior counsel assisting and also this morning in answer to some questions from my learned friend, Ms Richardson.

40 **MR AJAKA:** I'm having a little bit of trouble hearing you. Apologies.

**MR BOYLE:** Sorry. You gave some evidence before the commission, first in answer to some questions, I think, from senior counsel assisting, and also this morning in answer to some questions from Ms Richardson about the mayor's  
45 financial situation and him saying something to you - talking to you about how much directors were paid. Do you recall that evidence?

**MR AJAKA:** Yes. He was complaining about the fact that he was having financial difficulties in finishing his house, and at the same time saying, you know, the directors are earning this much money and, you know, mayors are earning far less, you know. He even I think at one stage how much ministers earned, but he was  
5 earning far less.

**MR BOYLE:** And apart from that conversation, was there ever a time where the mayor sought your approval in order to take secondary employment?

10 **MR AJAKA:** Yes.

**MR BOYLE:** Could you tell the Commissioner about that, to the best of your recollection.

15 **MR AJAKA:** Yes. The mayor approached me saying that he was seeking secondary employment in a law firm and needed to notify me. I believe he sent me a letter. I know definitely that I sent him a letter back confirming and acknowledging it. But I set some conditions in relation to it that needed to be adhered to, and including that he would have to notify the law firm of those conditions.

20 **MR BOYLE:** There's nothing further.

**COMMISSIONER:** Ms McDonald?

25 **MS McDONALD:** The last questions you were asked, Mr Ajaka, which law firm was it?

**MR AJAKA:** I can't remember the name. I remember the principal had a doctorate in law and they always referred to him as doctor, but I just can't remember the name  
30 at the moment.

**MS McDONALD:** Was it a Liverpool local firm?

**MR AJAKA:** I knew it was a law firm within the area, but I also knew it was a law  
35 firm that had acted for developers in relation to matters at council. That was one of the conditions I was imposed - I imposed in the letter, that he could not be involved in any matter that related to Liverpool City Council, nor could the law firm in any way - they could act, but they couldn't be seeking his advice in relation to it.

40 **MS McDONALD:** You gave evidence that he sent you a letter, and you sent -

**MR AJAKA:** I can't - I know we definitely had a discussion first, and I know I definitely sent him a letter. I just can't recall if he - it would have been my normal  
45 practice to say put it in writing to me, and I'd write back to you.



**MS McDONALD:** There's evidence before the commission concerning other employees who completed a secondary employment form. Was that done in respect of this request by the mayor?

5 **MR AJAKA:** That could have been what he put in writing. I just can't recall, but I do know that if any employee wanted secondary employment, they would put it in writing, and then it would be dealt with by the director and, if necessary, escalated to me as the CEO.

10 **MS McDONALD:** And who did you notify about that permission and the conditions for that secondary employment by the mayor? Did you tell other councillors, for example?

15 **MR AJAKA:** No, I don't believe I told other councillors. I don't believe it came up in any meeting but I would have - I definitely told the directors at an ELT meeting. It would have been mentioned to the directors because I wanted the directors to be aware of that legal firm.

20 **MS McDONALD:** And roughly, during your time as CEO, when was this request made? Early on during your tenure as CEO?

25 **MR AJAKA:** No, no. It was definitely later when he was starting to talk about his new house and salaries. I - I probably say it could have been anywhere around the September 2023 give or take, but that's more of an estimate. But it should be - the letter should be there.

**MS McDONALD:** You were taken to the policy about councillor and staff interaction earlier this morning.

30 **MR AJAKA:** The July 2023?

**MS McDONALD:** Yes.

35 **MR AJAKA:** Yes.

**MS McDONALD:** And you were taken to attachment A, which was the table which set out the type of request, who you would seek that information from, et cetera.

40 **MR AJAKA:** Yes.

**MS McDONALD:** The last column, and I could bring up again if you need it.

45 **MR AJAKA:** Please, if you wouldn't mind. Ask the question. I may know without it.

**MS McDONALD:** I was asking about the last column which referred to. I'll bring it up. It's OLG.001.001.0276, and if we can go to page 8, please. I'm interested in the last column which is headed Record-Keeping Requirements.

5 **MR AJAKA:** Yes.

**MS McDONALD:** And, for example, the second type of request dealing with operations and strategic advice, it says:

10 "General principle is to keep a record of all transactions; however, not required if it's a routine matter."

**MR AJAKA:** Yes.

15 **MS McDONALD:** The obligation as expressed in the general principle to keep a record of all transactions, that obligation is on the staff member who an inquiry was made of?

20 **MR AJAKA:** Yes. And also with the assistance of the -

**MS McDONALD:** Director or -

25 **MR AJAKA:** - the council support officer. Through that. So if the councillor had sent the request through the council support office, through the staff, recording kept, answer given, and it would all be kept by both the staff member in their own personal records and the council support office.

30 **MS McDONALD:** Was it your understanding that the obligation to keep a record also was imposed on the councillors who made the request?

**MR AJAKA:** Very much so.

35 **MS McDONALD:** And how - what was your understanding of how they would keep a record of that interaction?

40 **MR AJAKA:** That they would note it, diarise it or put it in their diary or put it on their computer. A lot of them were very tech savvy if I can use that word and would have their own diaries and able to record notes. Many of them walked around with a pad, if I can use that expression, a notebook.

**MS McDONALD:** Was there any obligation for the councillors to provide some kind of update or record to you that, "I've made these inquiries of these directors or managers about this topic."

45 **MR AJAKA:** Not that I'm aware of. As I said, if the records were kept appropriately and dealt with council, council support would deal with it. It would invariably go to a director, sometimes a senior manager, and they would escalate it to me.

**MS McDONALD:** I'm interested in from the councillors who you said were also obliged to keep a record, whether there was any reporting or method of communicating to you that, for example, every quarter fill out I've made these requests under attachment A to the policy of these people about this topic. Was there any such -

**MR AJAKA:** No, not that I'm aware of.

**MS McDONALD:** - procedure or scheme in place?

**MR AJAKA:** Not that I'm aware of.

**MS McDONALD:** You were asked some questions about the mayor, the incident where he threw the notes in your presence.

**MR AJAKA:** He threw them in the air in front of everybody, not just me.

**MS McDONALD:** And then you were asked some questions about throwing other notes to you, and you said that you did have a system of passing notes to each other.

**MR AJAKA:** Yes. We sat next to each other within a - less than a metre from each other at the same table.

**MS McDONALD:** This was at council meetings.

**MR AJAKA:** This is at council meetings, or sometimes in a governance meeting around a board table. Again, I would sit next to him, almost side by side.

**MS McDONALD:** Now, you gave an answer - I think it was towards the end - if he didn't agree with a note, he would throw it back to you.

**MR AJAKA:** Not in the beginning.

**MS McDONALD:** No, no, no, no. Your answer was towards the end.

**MR AJAKA:** Yes.

**MS McDONALD:** Is my note.

**MR AJAKA:** Yes.

**MS McDONALD:** You gave evidence that he would throw the note back to me. Again, roughly, when did that conduct of the mayor start?

**MR AJAKA:** Definitely towards the end of 2023 and then early - early 2024.

**MS McDONALD:** You spoke about - you were asked questions about alleged bullying by the mayor, and you referred to a number of councillors would visit me and discuss the bullying, and that they were thinking about lodging a code of conduct complaint.

5

**MR AJAKA:** Yes.

**MS McDONALD:** Which mayors came - sorry, which councillors, I'm sorry, came to see you, raising concerns about bullying?

10

**MR AJAKA:** I mean, they did speak to me in confidence. I don't know if it's appropriate to breach that confidence. If I'm told I should, I will. But just -

**MS McDONALD:** I would press it.

15

**COMMISSIONER:** Okay.

**MR AJAKA:** All right. So council agreed on a number of occasions. It really got bad when she declared that she was going to be the mayoral candidate after councillor Hagarty left. Councillor Hagarty on a number of occasions spoke to me about it by telephone and a couple of times in person, and Councillor Callaghan spoke to me about it a number of times as well.

20

**MS McDONALD:** And Councillor Green was the mayoral candidate in last year's September election.

25

**MR AJAKA:** Correct. I'd left by then.

**MS McDONALD:** Yes. You were asked some questions about costing of the Hammondville pool. Do you - was it your understanding that an application to the Western Sydney Investment Scheme was made for a grant to build the pool, but it was ultimately unsuccessful?

30

**MR AJAKA:** You referred to as the west investment grants?

35

**MS MCDONALD:** Yes.

**MR AJAKA:** Yes.

**MS McDONALD:** And was it your understanding that the application for the grant which was unsuccessful was seeking approximately \$50 million?

40

**MR AJAKA:** Yes. I think the reason for the confusion of 25 million or 40 million is that the figure of 40 million relates to a 50-metre pool. The figure of 25 million relates to a 25-metre pool. And, at times, they would both discussed - either a 25-metre pool or a 50-metre Olympic pool.

45

**MS McDONALD:** Could I suggest to you that that may have been in respect of the Carnes Hill pool.

5 **MR AJAKA:** And that could absolutely be correct, and that's why I'm saying the confusion with the dollars could be. But if the West Invest fund application was for 50 million, it would have been 100 per cent for a 50 metre pool.

**MS McDONALD:** Right.

10 **MR AJAKA:** Aquatic centre.

**MS McDONALD:** I want to ask you some questions about the billboard.

**MR AJAKA:** Yes.

15

**MS McDONALD:** My learned friend, Ms Richardson, showed you the photograph of the billboard.

**MR AJAKA:** Correct.

20

**MS McDONALD:** Mr Boyle has taken you to an article in The Daily Telegraph which has a billboard on the side of a truck.

**MR AJAKA:** Correct.

25

**MS McDONALD:** Now, earlier when you were answering some questions to Ms Richardson, my note was you said at one stage something along the lines of, "Look, there was a billboard, and then it was changed."

30 **MR AJAKA:** Correct.

**MS McDONALD:** When you gave that answer, were you talking about the fixed billboard outside - I'm sorry, I withdraw that. The fixed billboard record response, is that outside the Rose Street depot?

35

**MR AJAKA:** Correct. Operations.

**MS McDONALD:** Yes. Now, that particular billboard, after you've seen The Daily Telegraph photograph, is it still your recollection that the fixed billboard changed?

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45 **MR AJAKA:** It definitely changed. So when I first arrived, there was a fixed billboard, and there were the trucks going around with the adverse comments. But the trucks were by the USU delegates. The billboard the mayor had arranged, I was told. I had - each was upset about the other. I arranged for an agreement that the billboard would go down immediately - the fixed billboard would go down immediately - and the trucks would cease their billboard on the side of the truck. That worked. Within a short period of time, the mayor arranged for a new billboard

to go up that was not as toxic or as aggressive or upsetting to the staff, and they accepted it. That's why I was indicating that I couldn't work out if that billboard was the first or the second billboard in my time.

5 **MS McDONALD:** Please bring up NMA.001.001.0005. Now, you've been asked questions about this is the fixed billboard outside operations or the Rose Street depot. You are unsure whether it was the first or second permanent billboard.

**MR AJAKA:** Correct.

10

**MS McDONALD:** And when I say permanent billboard, it's not on a truck.

**MR AJAKA:** No, no, it's actually a massive fixed structure.

15 **MS McDONALD:** Now, you gave evidence in an answer to my learned friend that getting back to basics was a campaign slogan of the mayor in the 2021 election.

**MR AJAKA:** Correct.

20 **MS McDONALD:** This billboard was attached to an asset owned by council?

**MR AJAKA:** Correct. Just outside the - just outside Rose Street.

25 **MS McDONALD:** A cost was incurred for the creation of the banner or the billboard.

**MR AJAKA:** It would have to be.

30 **MS McDONALD:** Costs for installation and other subsidiary costs?

**MR AJAKA:** Absolutely. And you would also lose income by not using it for advertising.

35 **MS McDONALD:** To your knowledge had it been used either previously or in the future for -

40 **MR AJAKA:** I'm not aware of it. I'm just saying that, you know, if you look at it from a cost point of view it costs you money but at the same time there's a possibility of - if you want to be innovative, there's a possibility of making income out of it by advertising.

**MS McDONALD:** And looking at its terms, it has got, as you've identified, the mayor's campaign slogan, then it has got the words:

45 "Record response."

Then it's inverted commas suggesting a quote.

**MR AJAKA:** Correct.

**MS McDONALD:** And the quote is:

5

"50 extra staff to fix potholes and maintain our roads and parks."

And then underneath, dash:

10

"Mayor Ned Mannoun."

**MR AJAKA:** Correct. But that's to say 50 extra staff would be employed because at that time there was a shortage of 50 staff in operations. That's not saying we've just employed 50 staff.

15

**MS McDONALD:** All right. But what it is stating - sorry - its terms are that it is a direct quote from the mayor.

**MR AJAKA:** Correct. That's what he is doing, getting back to basics.

20

**MS McDONALD:** And whether there are going to be 50 extra staff to fix potholes, et cetera, that is a matter determined by the council budget?

**MR AJAKA:** Correct.

25

**MS McDONALD:** That is, a budget agreed by the whole council involving - including expenses for employing staff?

**MR AJAKA:** Correct.

30

**MS McDONALD:** And determination of the employment of those extra staff and where they will be employed is a matter of strategic decisions by the council as a whole?

35

**MR AJAKA:** Council as a whole would impose the policy, and then it would be my role as the CEO with the directors to actually implement the operational administrative side of that.

**MS McDONALD:** That was going to be my next question.

40

**MR AJAKA:** Sorry. Apologies.

**MS McDONALD:** So it's a matter of the council, the money, the strategic direction, and then you and your directors putting that into operation?

45

**MR AJAKA:** Correct. But at that time, the council had already determined the staff level, and that's why I say, at that time, we were 50 staff short. It had already been

budgeted. It had already been determined. It was a matter of going out and hiring the 50 staff. So it wasn't a situation where the mayor just suddenly thought about it it and put it up.

5 **MS McDONALD:** But in the circumstances I've put to you about it being on a council asset -

**MR AJAKA:** Yes.

10 **MS McDONALD:** - the decision and roles behind 50 extra staff fixing pot holes.

**MR AJAKA:** Yes.

15 **MS McDONALD:** Is one way of reading this a political statement by the mayor really assisting him in a possible re-election?

**MR AJAKA:** Yes. But as I indicated, the staff at operations were very upset about the billboard.

20 **MS McDONALD:** Yes. I'm just interested at the moment in -

**MR AJAKA:** Yes.

25 **MS McDONALD:** - its terms and how it's displayed.

**MR AJAKA:** Yes.

30 **MS McDONALD:** Do you recall any communication or conversation with the mayor before the billboard was put up with you.

**MR AJAKA:** No, no. The billboard was there before I arrived. That's where the complaint on day 1 from the employees.

35 **MS McDONALD:** Did you have any involvement in the removal of that billboard?

40 **MR AJAKA:** The agreement that I reached with the staff and the mayor was that the billboard would go down, and a second billboard would go up, and this is where, again, I'm confused what the second one was. The second billboard would go up, that the staff were actually not in any way upset about, and then the trucks would stop as a result of that, and both occurred almost immediately.

45 **MS McDONALD:** Excuse me for a minute. You were asked some questions about evidence you gave in response to my questions last week, and this was about - it follows on from this, about vacancies at council, and then the possible impact of what was being suggested or proposed by the mayor in April 2024 leading up to the budget.



**MR AJAKA:** Yes.

5 **MS McDONALD:** Now, this is - I'll say transcript 594, and to put it in context, you gave evidence that when you started as CEO, you thought there were about 150 vacancies.

**MR AJAKA:** That's what I was informed by a number of people.

10 **MS McDONALD:** And then you said over the period when you were the CEO, some of those vacancies had been filled and you suggest 30, and then I say in a question to you:

15 "Well, if we say 40, does that mean there's about 100 positions - full-time employee positions vacant at the council?"

**MR AJAKA:** Correct.

**MS McDONALD:** And you said correct. I then asked you this:

20 "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 100-odd vacancies. So what he was looking at was that those 100-odd vacancies wouldn't be filled, and, on top of that, there would be more redundancies or terminations of employment."

25 And when I asked you that, you said yes.

**MR AJAKA:** Correct.

30 **MS McDONALD:** Now, when my learned friend asked you some questions about that today, you agreed that the mayor had never said to you that the 100-odd vacancies wouldn't be filled, and there would be other terminations or redundancies. Do you remember being asked that and giving that evidence?

35 **MR AJAKA:** I thought you asked me about the 150 terminations that the mayor had spoken to me about the 150 termination, and I said no.

40 **MS McDONALD:** All right. The 150 terminations, are you now referring to the information disseminated by the union -

**MR AJAKA:** Correct.

45 **MS McDONALD:** Okay. So the 150 is quite separate from the evidence that I have just relayed to you that I asked you about last week?

**MR AJAKA:** Yes. The 100 vacancies are already in the budget, and the 100 vacancies were not being filled. We were still struggling to fill them. From

recollection, probably at least 40 of them were still operations. We were just not able to secure those positions.

**MS McDONALD:** Excuse me for a minute. There's no further questions.

5

**COMMISSIONER:** Mr Ajaka, that completes your evidence for the moment. As with all witnesses, I won't formally excuse you from your summons just yet. In the unlikely event we need to get you back, someone will be in contact with you, and as soon as I'm asked to release you from your summons, that will be communicated to you also. Thank you for your attendance and attention over three and a-half days here. I'm very grateful. But you are free to go for the moment.

10

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

15

**<THE WITNESS WITHDREW**

**MS McDONALD:** May I raise two administrative matters?

**COMMISSIONER:** Of course.

20

**MS McDONALD:** Commissioner, do you still have MFI16?

**COMMISSIONER:** Yes.

25

**MS McDONALD:** Item 5. I tender document NMA.001.001.0005, the billboard.

**COMMISSIONER:** That will be exhibit 50.

**<EXHIBIT #50 ITEM 5: BILLBOARD (FORMERLY MFI16)**

30

**MS McDONALD:** Item 20, I tender document NMA.003.001.0011.

**COMMISSIONER:** That will be exhibit 51.

35

**MS McDONALD:** Excuse me for a minute. There may be an issue with that.

**COMMISSIONER:** All right. Do you want to withdraw the tender for the moment?

**MS McDONALD:** Yes, I do. Thank you. Sorry about that.

40

**COMMISSIONER:** All right.

**MS McDONALD:** While we are just trying to work that out -

45

**COMMISSIONER:** Yes.

**MS McDONALD:** - there were some text messages which are contained in first document, and these aren't on MFI16. NMA.004.001.0001. These were MFI17.

5 **COMMISSIONER:** Yes. All right. Documents that were formally MFI17 will be exhibit 51.

**<EXHIBIT #51 TEXT MESSAGES (FORMERLY MFI17)**

10 **MS McDONALD:** May I just check within MFI17 was also another document which finished with 0002.

**COMMISSIONER:** It did, yes. Two pages.

15 **MS McDONALD:** I tender The Daily Telegraph article being document AJA.001.001.0003.

**COMMISSIONER:** That will be exhibit 52.

20 **<EXHIBIT #52 DAILY TELEGRAPH ARTICLE**

**MS McDONALD:** I tender the reference letter from the CEOs from the parklands council being document ANA.001.001.0001.

25 **COMMISSIONER:** Exhibit 53.

**<EXHIBIT #53 REFERENCE LETTER FROM CEOS OF PARKLANDS COUNCIL**

30 **MS McDONALD:** They were the tenders.

**COMMISSIONER:** Yes.

**MS McDONALD:** Commissioner, there's been some discussion about transcript.

35 **COMMISSIONER:** Yes.

40 **MS McDONALD:** What is anticipated, and I understand this has been circulated in an email to counsel, is that a transcript will be prepared and distributed to the parties roughly from 6.30 to 8.30 at night. Upon reading that, if there are any matters of corrections that wish to be raised, if that could be done by email or first thing the next - before the commencement of evidence the next day. Hopefully, that can be determined whether an amendment to the transcript has to be made can be determined then. What we anticipate is that when we come towards the end of the evidence, those corrections will then be incorporated into the transcript, but, at the  
45 moment, we'll just continue with the transcript issued on the night of the hearing, with the amendments raised and recorded in the transcript the next day.

**COMMISSIONER:** That all sounds incredibly sensible to me. Obviously, the most important thing is everybody has the same thing as early as they can to do what they need to do, so that's perfectly fine. We will just make sure the amendments are recorded at the start of each day's transcript in the usual way. Anything else?

5

**MS MCDONALD:** No, thank you.

**MS HAMILTON-JEWELL:** Commissioner, can I just confirm that the tender of exhibit 51 is withdrawn.

10

**COMMISSIONER:** The document that was NMA.003.001.0011, which I notionally marked exhibit 51, was withdrawn, and exhibit 51 is now something else, and that can be revisited in a appropriate time once counsel assisting have completed their inquiries. Is there anything else to do this afternoon? We will adjourn until tomorrow.

15

**MS McDONALD:** Commissioner, I think you were going to grant me an indulgence.

20

**COMMISSIONER:** I was.

**MS McDONALD:** And that we would commence at 10.30 tomorrow.

**COMMISSIONER:** Yes, 10.30 tomorrow. Thank you, everybody.

25

**<THE HEARING ADJOURNED AT 3.14 PM**