



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

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

**PUBLIC HEARING  
SYDNEY**

**FRIDAY, 25 JULY 2025  
AT 10.10 AM**

**DAY 9**

### **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, Counsel for Mayor Ned Mannoun  
Ms C Hamilton-Jewell, Counsel for Mr P Ristevski**

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**<THE HEARING RESUMED AT 10.10 AM**

**COMMISSIONER:** Yes, Ms McDonald.

5 **MS McDONALD:** I call Dr Eddie Jackson.

**COMMISSIONER:** Yes. Dr Jackson, do you take an oath or affirmation?

10 **DR JACKSON:** Sorry?

**COMMISSIONER:** Will you take an oath or an affirmation? Do you wish to take an oath or an affirmation?

15 **DR JACKSON:** Sorry, an affirmation.

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

**DR JACKSON:** An affirmation.

20 **<THOMAS EDWIN (EDDIE) JACKSON, AFFIRMED**

**COMMISSIONER:** Thank you.

25 **MS McDONALD:** Please state your full name?

**DR JACKSON:** Thomas Edwin Jackson.

**MS McDONALD:** And you're known as Eddie Jackson?

30 **DR JACKSON:** I am.

**MS McDONALD:** What's your current occupation?

35 **DR JACKSON:** Chief executive officer of Flinders Shire Council in north-west Queensland.

**MS McDONALD:** Did you previously work at Liverpool City Council?

40 **DR JACKSON:** I did.

**MS McDONALD:** When did you commence work at Liverpool City Council?

**DR JACKSON:** I commenced work at the start of December 2014.

45 **MS McDONALD:** What was your role then?

**DR JACKSON:** As manager of community development and planning.

**MS McDONALD:** Were you then - did you change roles?

5 **DR JACKSON:** I - in February 2016, I had the then-director of community and culture ask me to take on an acting - or to represent her when she was on maternity leave, so took on the acting role, and then later in 2016, when Kiersten Fishburn had returned to work, she was appointed as CEO, and I was subsequently appointed as director of community and culture.

10 **MS McDONALD:** And how long did you remain in that role?

**DR JACKSON:** I remained in that role substantively until June 2020, but in 2017, I was seconded to the Western Sydney City deal for a period of 15 months along with on one the other senior managers.

15 **MS McDONALD:** What was the Parramatta city deal?

**DR JACKSON:** It was the Western Sydney City deal. The office was based in Parramatta.

20 **MS McDONALD:** What did it involve?

**DR JACKSON:** It involved the - all of the implementation of the Western Sydney City deal. That was an initiative that was the child of the then prime minister. He introduced the city deals across Australia. There were nine in total. The Western Sydney City deal was the most complex. It brought together eight local authorities from Western Sydney, together with State Government and Federal Government, all given impetus by the catalytic project of the Western Sydney Airport, the development of the aerotropolis and all of the road and rail infrastructure that went alongside that.

30 **MS McDONALD:** Now, if I can ask you some questions about your life before Liverpool City Council. You were born in Northern Ireland?

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

**MS McDONALD:** You have tertiary qualifications, including a PhD?

40 **DR JACKSON:** I do.

**MS McDONALD:** Where was the PhD from?

**DR JACKSON:** City of Ulster.

45 **MS McDONALD:** And what area were your tertiary studies in?

5 **DR JACKSON:** Well, the doctoral thesis looked on social policy responses to political balance. It looked at, in particular, how the education system had been used in Northern Ireland and compared that with initiatives in Israel, the Israeli-Palestinian conflict, and drew on international best practice, looking at how government could or should respond to political (indistinct).

**MS McDONALD:** The Troubles in Northern Ireland, and ultimately the peace process there, were you employed in any capacity in respect of that?

10 **DR JACKSON:** I was. Initially, following the completion of my doctorate, I lectured for a period of five years at the University of Ulster. I was then invited to join an initiative that was established to look at and reform public sector delivery to those areas in Belfast most directly affected by the conflict. I then moved from that initiative into what was called Belfast Regeneration Office as policy adviser to the  
15 then CEO.

Following the Belfast Agreement in 1998, there was a reform of Local Government. Belfast City Council established a new - what they called a "development  
20 department" that took on many of the powers that had been returned around regeneration in Belfast. I headed up the economic development side of that, and, at the time, I worked closely with Bill Clinton's economic envoy to Northern Ireland, an individual called Jim Lyons. I - at the time, the European Union had supported the peace process with a major investment of what they called - it was the Peace Funds  
25 peace program. It was a highly innovative approach to service delivery and multi-actor, inclusive and transformational in its impact.

At the same time, Bill Clinton had persuaded the British government that the American government ought to be involved in the attempts to move from a ceasefire situation to a formal agreement, and Clinton said, "Well, we'll take a different  
30 approach. We'll not give you one cent. What we will do is give you access to the business and political leadership in any American city you want, on condition that you bring your brightest and best entrepreneurs and young graduates over to the States. We'll engage in joint ventures and attract and seek to secure investment in Belfast, and particularly those areas that had been directly affected by the conflict."

35 So my role within that was to take political delegations. I drafted the strategy. My role was then to take political delegations to places like New York, Boston, Washington, Pittsburgh where there was a strong Irish tradition, shall we say, and we were successful in attracting American businesses to invest in Belfast. They created  
40 thousands of jobs and invested millions of dollars. We were successful in transforming what had been in some cases fourth-generation unemployment, and we brought jobs to those communities, and what Clinton described as the dividends of peace.

45 **MS McDONALD:** And from that role, you eventually emigrate to Australia?

5 **DR JACKSON:** Not quite. For the first couple of years following the signing of the Belfast Agreement, there was some toing and froing. By 2000 - I think it was 2001, violence had returned to the streets of Belfast, the political process had stalled, and the European Union came in with a second peace program, but they were very clear that they wanted direct approaches to peace-building, rather than a broad-based approach. I was pointed as chief executive of what was termed the Belfast local strategy partnership. It was a new governance instrument deliberately constructed. It was comprised of 28 directors drawn from seven politicians from each of the political parties in Northern Ireland, seven secretary-level administrators from 11 government departments under the newly devolved administration, seven representatives from civil society, private sector, including academics, and trade unions.

15 **MS McDONALD:** All right. When did you arrive in Australia?

**DR JACKSON:** I moved permanently in January 2013.

20 **MS McDONALD:** Can I return to the initial positions that you've held at Liverpool City Council. You said it was around - I think it was around March 2016 you were appointed as the acting director of community and culture?

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

25 **MS McDONALD:** And that was while the person who previously held the role, Kiersten Fishburn, was on maternity leave?

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

30 **MS McDONALD:** And then you said you actually commenced work, I think, in a managerial position or a manager position in 2014?

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

35 **MS McDONALD:** So when you started at Liverpool City Council, at that time, you had a council that was voted in 2012 and whose term was ending around 2016?

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

40 **MS McDONALD:** And the Mayor at that point was Ned Mannoun?

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

45 **MS McDONALD:** And also at that time, was there a Councillor representing the Liberal Party, Peter Ristevski?

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

**MS McDONALD:** Now, in about September 2016, a new council was elected?

**DR JACKSON:** I think it was June 2016.

5 **MS McDONALD:** Okay. There was a new Mayor voted?

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

10 **MS McDONALD:** That was Wendy Waller?

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

15 **MS McDONALD:** And the various members of that new council included Ali Karnib, Nathan Hagarty, Jeff Shelton and Charishma Kaliyanda?

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

20 **MS McDONALD:** And they were all representing the Labor Party. Then there were a number of councillors elected representing the Liberal Party, including Mazhar Hadid, Gus Balloot, Tony Hadchiti and Tina Ayyad.

25 **COMMISSIONER:** Sorry Ms McDonald. Dr Jackson, I see you nodding in response to counsel assisting, you have to say "yes" or "no" when responding so that the people taking down can record your answer if you wouldn't mind. Thank you.

**MS McDONALD:** And there were two independents, being Peter Harle and Karress Rhodes?

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

**MS McDONALD:** And other than a new mayor, was one of the changes with the new council that Councillors with links with the Labor Party now had a majority?

35 **DR JACKSON:** That's correct, but only if the Mayor used the casting vote.

**MS McDONALD:** Is it the case that six is the magic number with -

**DR JACKSON:** Six is the magic number.

40 **MS McDONALD:** Right. And when you say "six is the magic number", what do you mean?

**DR JACKSON:** Well, there, was 11 - 10 councillors and a directly elected Mayor, 11 in total, so six gave the majority for any decision that could be taken.

45 **MS McDONALD:** Now, before turning to the new council elected in 2016, you've given evidence that you were there for a period with the previous council where the

Mayor was Mr Mannoun, but Mr Ristevski was also a councillor. Towards the end of that period of that council's existence, did you observe anything about the relationship between the Mayor and Mr Ristevski?

5 **DR JACKSON:** The relationship when I had joined council between Councillor Ristevski and the Mayor was cordial. It was cooperative. I think actually Councillor Ristevski was deputy at that point, though I'd have to check on that. But that relationship deteriorated over time. As a manager, I didn't formally have to attend Council meetings. I chose to do so voluntarily on some occasions, but on assumption  
10 of the role of acting director, I was required to attend Council meetings. It was obvious at that point - which would have been, I believe, March 2016 - that the relationship had broken down, it had become confrontational, and that there were appeals made to competing force within Council and externally around what was happening, and that played out on the floor of the Council chamber to the point  
15 where security guards had to be used at all of the Council meetings, and trade union were very ask in their opposition to the proposed changes at the time, and it was a complete - it was very tumultuous.

20 **MS McDONALD:** You said that the confrontation played out on the - out of the floor of the Council's chambers. What conduct did you observe?

**DR JACKSON:** There were occasions at its worst where the Mayor was on his feet trying to eject Councillor Ristevski over certain issues and, in turn, Councillor Ristevski was on his feet shouting back over the Mayor. It was very, very  
25 unprofessional.

**MS McDONALD:** So from that do we take it that, at times, both gentlemen were raising their voices at each other?

30 **DR JACKSON:** They did.

**MS McDONALD:** Now, with - and that confrontational relationship that you observed from about March 2016, that continued until the new Council was elected after June 2016?  
35

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

**MS McDONALD:** During the period that you observed the confrontation, to your knowledge, was anything done to resolve the confrontation?  
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**DR JACKSON:** Not that I'm aware of.

**MS McDONALD:** Now, I'll turn back to the new Council. At - in October 2016, was Kiersten Fishburn appointed acting CEO?  
45

**DR JACKSON:** Michael Cullen had been appointed as acting CEO following the departure of Carl Wulff, and that would have been at the end of that 2012/2016

council. Michael then left the organisation, Kiersten had returned to the - to Liverpool City Council, and Mayor Waller then appointed her as acting CEO, and, shortly after that, she was recruited following a public recruitment exercise.

5 **MS McDONALD:** Around, to your recollection, December 2016?

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

10 **MS McDONALD:** And her position, director of city, community and culture where you had been acting in that position, the next year, 2017, around May, were you appointed to that position in a permanent role?

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

15 **MS McDONALD:** You've given evidence about being seconded to the Western Sydney - what was it called? The Western Sydney -

**DR JACKSON:** City deal.

20 **MS McDONALD:** City deal. And is it the case that you remained there from approximately April 2017 to about August 2019?

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

25 **MS McDONALD:** Now, I want to now turn to 2020. In about February 2020, do you understand that Kiersten Fishburn's contract, which was set to expire in December of that year - there was a determination that it would not be renewed?

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

30 **MS McDONALD:** Would you please bring up document LCC.015.003.0004. Now, this was a confidential report to the Council. Because it is a confidential report, and it was to the ordinary meeting of the Council in February 2020, you may not have seen this before, but if you would - would you proceed down the page. There are - sorry.  
35 We've got a Council decision moved by Councillor Ayyad and seconded by Councillor Kaliyanda where, basically, as it states:

40 "Acknowledges the contributions and capabilities of the CEO, expresses confidence in the leadership of the CEO, indicates its belief that newly elected Council should be afforded the opportunity to determine the CEO, note expiration in December 2020."

And then in 5:

45 "For the avoidance of doubt, Council determines not to renew the contract of the CEO for the reason above in 3."



And you'll remember 3 was referring to the fact that a new Council had been elected.  
And then if we go back to page 2:

5 "As per a clause of the contract, direct the Mayor to notify the CEO in writing of the  
decision within 48 hours from the conclusion of the meeting."

10 And a Councillor Shelton is recorded as voting against the motion. Now, is your  
understanding of that resolution, is that the CEO wasn't - employment wasn't being  
immediately terminated; it was, rather, her contract which was to expire in December  
wouldn't be automatically renewed, but there would in a sense be a spill of the  
position and applications would be sought from anybody who wanted to apply for  
the CEO position?

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

**COMMISSIONER:** Ms McDonald, can you just remind me the timings? When was  
Ms Fishburn appointed?

20 **MS McDONALD:** She was appointed acting on 12 October 2016 and then  
permanently appointed on 14 December 2016.

**COMMISSIONER:** So a four-year contract?

25 **MS MCDONALD:** That would be the maths according to this resolution.

**COMMISSIONER:** I see.

30 **MS McDONALD:** We probably have to - I'll have to double-check whether we've  
got the contract whether to confirm that, because my understanding is the standard  
contract can be up to five years.

35 **COMMISSIONER:** That was the reason for my question. I couldn't immediately  
recall to mind whether it was favourite years or, as you say, up to. And just remind  
me, when was the next election due in 2020?

**MS MCDONALD:** The election of Council?

**COMMISSIONER:** Yes.

40 **MS McDONALD:** The issue there was with COVID.

**COMMISSIONER:** It was postponed.

45 **MS McDONALD:** And it was postponed until - my recollection is about  
November/December 2021.

**COMMISSIONER:** Yes. Thank you.

**MS McDONALD:** Now, is it again your understanding that Kiersten Fishburn, at about - in about June 2020, determined that she would resign?

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

**MS McDONALD:** She wasn't going to wait until the end of her contract. She resigned, and that was effective from about 26 June 2020.

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

**MS McDONALD:** And at the Council meeting of 24 June 2020, her resignation was noted, and you were appointed as the acting CEO?

15 **DR JACKSON:** I was.

**MS McDONALD:** There was also a reference or a description that you were the deputy CEO?

20 **DR JACKSON:** No, I wasn't. At that time, that position was occupied by Mr Tim Moore, and on Kiersten's departure, because she - she effectively left the organisation a couple of weeks prior to the Council meeting. She was using her personal leave, as far as I understand. Mr Moore took on the role of acting CEO. It was expected that he would be appointed as CEO, or acting CEO, by the Council,  
25 and in the event that didn't happen, and I'm sure the records record Mayor Waller was the only councillor to vote against my appointment as acting CEO on the basis of the principle that we had a deputy who should automatically move into that position.

30 **MS McDONALD:** And, sorry, which councillor voted against your -

**DR JACKSON:** Mayor Waller. I have to say, to her credit.

35 **MS McDONALD:** And so you commenced as acting CEO around the end of June 2020?

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

40 **MS McDONALD:** And after your appointment, there were - a recruitment process was undertaken to lead to the appointment of the permanent CEO?

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

45 **MS McDONALD:** You applied, obviously, for that position?

**DR JACKSON:** I did.

**MS McDONALD:** Do you recall who the - I'm sorry, I withdraw that. Were you interviewed by a recruitment panel?

**DR JACKSON:** I was.

5

**MS McDONALD:** Do you recall who was on it?

**DR JACKSON:** The recruitment process had been handled by Management Solutions, which is like the commercial recruitment arm of Local Government New South Wales. So they had a representative, the Mayor, Councillor Balloot, Councillor Hadid, I think Councillor Hagarty was part of that panel. I think that was it. Councillor Harle and I think Councillor Rhodes was as well, I think.

**MS McDONALD:** Would you please bring up document INQ.001.001.0907. Yes, please. You can see there on the first page minutes of the ordinary meeting held on 25 November 2020, and would you go through to page 69, please. And you'll see there, there's the reference to appointing Local Government management solutions. It was advertised, and if we move - then we've got the motion that:

20 "The successful candidate be offered the position of CEO with a five-year performance-based contract. Remuneration package to be kept confidential."

Et cetera. Then:

25 "No public announcement of the name of the successful candidate to be made until the Mayor has obtained a written acceptance of the offer."

And if we go to the next page, further details about what's going to be involved with the contract of the person appointed, including a chief executive officer's performance review panel. To your knowledge, was that something new, or had that been in place previously?

**DR JACKSON:** That had been in place previously. It would be a standard condition under a senior appointment.

35

**MS McDONALD:** And if we keep on moving. And then you can see the motion was declared carried, and there is a reference to the performance review panel and who all consist of that?

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

**MS McDONALD:** Now, at the next Council meeting in November 2020, the selection of the chief executive officer was discussed. Would you bring up, please, document LCC.015.003.0012 that can be live streamed. You can see that's headed Selection of Chief Executive Officer. And then we can move through the document. It goes through the history of the advertising, the recruitment panel. Then there's - if

45

we can keep on going. All right. That was everything that we've seen before. Sorry, I must have the wrong document. Sorry, which document was that again?

**ASSOCIATE:** LCC.015.003.0012.

5

**MS McDONALD:** All right. Could you then bring up INQ.001.001.0907, and would you go through to page 69. Sorry, I'm - could you just excuse me for a moment.

**COMMISSIONER:** Of course. Of course.

10

**MS McDONALD:** All right. The upshot is you were appointed in November 2020, and it was your understanding it was a unanimous decision.

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

15

**MS McDONALD:** And also, is it your understanding that the recruitment panel agreed unanimously to recommend that you be appointed - unanimously recommended that to the Council?

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

**MS McDONALD:** All right. Sorry about that.

25 **COMMISSIONER:** It's all right. There's an awful lot of documents, as you can probably appreciate.

30 **MS McDONALD:** I want to ask you some questions about the organisational structure of the Council once you became either the acting CEO or - and, ultimately, the permanent CEO. As part of your role upon appointment, did you review the organisational structure of the Council?

35 **DR JACKSON:** I did, in short. In - I believe it was the July meeting of Council while I was acting chief executive, a resolution was moved to review the organisational structure and to introduce zero-based budgeting with a view to creating efficiencies within the organisation.

**MS McDONALD:** And you undertook that review?

40 **DR JACKSON:** I did.

**MS McDONALD:** And the actual structure, without going into people occupying positions, did you amend the structure?

45 **DR JACKSON:** I did.

**MS McDONALD:** And then did that lead to some either additional appointments or people leaving and new appointments being made?

5 **DR JACKSON:** It led to the reduction in the size of the office of the chief executive officer. Councillors were of a view - and bear in mind that we were in the middle of the challenges of COVID - there were significant financial pressures on Council through the loss of revenue, and it was felt that there were - that Council had become too loaded in terms of - particularly in terms of middle management levels, and I was asked as part of that review to look at those positions that were not essential to the core functions of council, and to make recommendations around a revised structure as such, and that's what I did.

10 **MS McDONALD:** Can I take you to two organisational charts. Excuse me for a minute. The first one is INQ.001.001.1263. Yes, please. Now, although it doesn't have a date on it, on the tendered organisational structure, my note was it was around November 2020 or - no - yes, November 2020. Looking at that structure - and, sorry, 15 if we can just go to the top again - can you identify, and I know it is a while ago and might be a bit of a challenge, but is that the structure that was in existence before your review?

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

**MS McDONALD:** All right. And, as you said, this was the one that you were concerned - or Councillors had expressed the opinion that it might be top heavy?

25 **DR JACKSON:** Correct.

**MS McDONALD:** And I just note there seems to be a number of direct reports to you?

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

**COMMISSIONER:** In addition to the directors? Is that -

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

35 **COMMISSIONER:** Yes.

**MS McDONALD:** I'm jumping ahead. The organisational structures that we've seen of recent Councils has obviously the directors reporting directly to you?

40 **DR JACKSON:** Yes.

**MS McDONALD:** What strikes you when you look at this one is above the directors, the number of other positions - for example, Chief Strategy Engagement Officer, Director of Property Strategic Projects, et cetera - reporting directly to you 45 and not through a director to you?

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

**COMMISSIONER:** That was the way it was when you assumed the role?

**DR JACKSON:** Sorry?

5

**COMMISSIONER:** Was that as it was when you assumed the role?

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

10 **MS McDONALD:** Could you bring up document LCC.001.002.0008. Yes, please.  
All right. Now, looking at that organisational chart, does - looking at it, does that  
suggest an organisational structure that you then introduced after that review that you  
spoke of?

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

**MS McDONALD:** All right. And, again roughly, can you give an indication - I  
know this is a challenging question - about what time this particular structure was  
introduced?

20

**DR JACKSON:** Sorry? About?

**MS McDONALD:** This structure -

25 **DR JACKSON:** Yes.

**MS McDONALD:** - that's in front of you. I don't think it has a date on the chart. Can  
you recall, is that - you said the review was conducted, and a new chart came  
in - organisational structure came in after November 2020?

30

**DR JACKSON:** That's right. The original resolution asked me to report back within  
three months, so -

**MS McDONALD:** And that was in about July?

35

**DR JACKSON:** That's correct. So that could have been the November - it was  
probably the November meeting, 2020. And it was brought back to Council.

**MS McDONALD:** So just using rough dates, from about 2021 it appears that this  
was the structure that was introduced?

40

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

**MS McDONALD:** All right. And having a look, or comparing it with the structure  
that was - I showed you previously, just looking at it, it would appear that a number  
of the direct reports to you have been decreased?

45

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

**MS McDONALD:** And I assume those roles have now been assigned to particular directors.

5

**DR JACKSON:** Correct.

**MS McDONALD:** Can I ask you about the role there of internal ombudsman.

10 **DR JACKSON:** Yes.

**MS McDONALD:** When you started at the Council, was there the role of the internal ombudsman?

15 **DR JACKSON:** That was introduced during the tenure of the 2012 to 2016 Council, I believe.

**MS McDONALD:** And it continued while you were CEO?

20 **DR JACKSON:** It did.

**MS McDONALD:** The role of the internal ombudsman, what was your understanding when you were the CEO of the role of the internal ombudsman?

25 **DR JACKSON:** The role was specifically to deal with complaints that would be raised by members of the public about services or particular issues, and the complaints would have been submitted through the system - through our customer service system. They would then have been addressed. Some of them required in detail investigation, and the reports would have then come to Council for resolution.  
30 In some instances, others were operational issues, they were addressed.

There was also around the whole personal-interest disclosures and conflicts of interest if I recall correctly. So it was an internal quality-assurance regulatory role. It was very important, and had, by my understanding of the guidelines - sorry for jumping in - but it was required to report - where a Council's introduced it, it was  
35 required to report to the chief executive.

**MS McDONALD:** During your period of chief executive officer, was there a code of conduct complaints procedure?  
40

**DR JACKSON:** There was.

**MS McDONALD:** And did that incorporate the role of the - or was the internal ombudsman involved in that?  
45

**DR JACKSON:** They were.

**MS McDONALD:** The - if a code of conduct complaint was made, and it was determined that it was of - within jurisdiction and of seriousness that it should be investigated, was that investigation undertaken by the internal ombudsman?

5 **DR JACKSON:** Initially, yes. And if it required elevation after that, then it would go on to higher level.

**MS McDONALD:** I'm sorry. When you said "if it was determined it needed it went to a higher level" -

10

**DR JACKSON:** Yes. If it raised matters of more serious potential consequences, then that could have been elevated.

15 **MS McDONALD:** Are you talking or referring to if it was a matter of such seriousness that it may have to be referred to the ICAC?

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

20 **MS McDONALD:** Or to another outside regulatory body, you know, even for - I'm sorry, even the Office of Local Government?

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

25 **MS McDONALD:** Particular matters might go there?

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

30 **MS McDONALD:** At the moment, there has been an increase in the code of conduct complaints. The internal ombudsman role no longer exists, and it would appear from the material we've received, what the Council is doing is engaging outside agencies who conduct investigations into workplace matters and disputes, engaging them to investigate the complaint. So there would be a - possibly a preliminary assessment by that outside agency. Depending on that result, it may then move to a more substantial investigation. But, again, by an outside agency, who, of course, charges fees for  
35 those services. I'm just interested broadly describing those code of conduct complaints, the preliminary and then, if necessary, investigation by this outside body, was it your understanding that that work would have been undertaken by the internal ombudsman?

40 **DR JACKSON:** That's correct. And if issues needed to be elevated, they would go through the legal counsel - sorry - Council's general counsel and eventually through to the CEO before being referred elsewhere, if necessary.

45 **MS McDONALD:** But the referral elsewhere is the evidence that you just gave that we're talking about something very serious?

**DR JACKSON:** Yes.



**MS McDONALD:** So it goes to Office of Local Government, the ICAC?

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

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**MS McDONALD:** Police maybe, you know, something of that nature?

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

10 **MS McDONALD:** But matters where it comes - it's covered by the code of conduct, needs to be investigated, but there isn't, at that time, any idea that it needs to be referred to the commission or somewhere else, the - your recollection is the internal ombudsman would conduct that investigation.

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

**MS McDONALD:** And the internal ombudsman, as you said, had other roles and work to do as well.

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

**MS McDONALD:** But at least in respect of code of conduct complaint investigations, you avoided - the Council avoided incurring that additional expense of incurring an outside investigative agency?

25

**DR JACKSON:** That's correct. You know, as a general principle, it's always less expensive to hire - to have your own internal staff than what it is to go out to your external agencies.

30 **MS McDONALD:** What might be raised is - I'm sorry, I withdraw that. Again, I know this is challenging you in terms of recollection, but the code of conduct complaints that you were receiving back when you were the CEO, can you remember the number?

35 **DR JACKSON:** No, I can't.

**MS McDONALD:** Right. Is your recollection that it was a number - a relatively small number, say, about 10 or 20 or something like that?

40 **DR JACKSON:** I think it was considerably in excess of that, and we worked very hard. We had the - I had the great privilege of working with our internal ombudsman at the time, who has subsequently passed, but she was a hugely diligent individual, and she was able - she brought great personal skills to the role. She was able to negotiate and resolve most of those in a pre-emptive way, and the number that that  
45 pattern of high numbers reduced over time significantly.

**MS McDONALD:** From that answer, does it follow that the internal ombudsman not only would investigate a code of conduct complaint, but also could be involved in identifying what the underlying problem was and then trying to resolve it between the parties?

5

**DR JACKSON:** That's correct. And she was highly skilled in that regard.

**MS McDONALD:** Again, remembering about that role and the person who occupied that role, if, for example, the code of conduct complaints were in the number of around 200, do you think that's a matter that she, in her role as internal ombudsman, she could have dealt with? Or with that number of complaints, are you looking at inevitably having to engage outside resources?

**DR JACKSON:** It would depend on the nature of those complaints. Some of them were relatively minor and could be resolved quickly. Other would be more complex. But 200 is a large number in that context.

**MS McDONALD:** And also, even within that, if there are complaints which raised the same issue, it may be that the internal ombudsman could have, in a sense, grouped those together and dealt with those - or tried to either resolve or deal with them in a particular way.

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

**COMMISSIONER:** When you say "same issue", do you mean like a similar pattern of conduct or a particular incident? What do you have in mind?

**MS MCDONALD:** Probably both ways, like a similar pattern of conduct or - yes, similar pattern of conduct or maybe similar topic, if you can kind of group them together. You know if it's focussing on a particular person and how that particular person is acting in particular circumstances, whether they could be grouped together by the internal ombudsman and dealt with in trying to resolve it or reporting on them?

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

**MS McDONALD:** I know it's hard in a theoretical way.

**DR JACKSON:** Yes. If there is an emerging pattern, well, then that's something that would call for deeper investigation. If it was targeted at one individual, you would have to differentiate between fact and opinion.

**MS McDONALD:** Yes?

**DR JACKSON:** And, in some cases, those types of complaints can become vexatious, so you have to separate the wheat from the chaff and deal with it accordingly.

**MS McDONALD:** But, again, that examination of the number of complaints, again, was something that an internal ombudsman could do.

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

**MS McDONALD:** Now, with the structures during that Council's term, there was, we understand, with the previous council, a role known as either policy adviser or senior policy adviser, something along those lines. Do you recall such a position in  
10 the structure during the 2012-2016 Council?

**DR JACKSON:** I can't recall specifics, but I believe that there were a number of positions within the communications unit who reported directly to the Mayor at the time, who had that policy research function, but I had no direct dealings with them.  
15

**MS McDONALD:** You just said that your recollection is they reported directly to the Mayor?

**DR JACKSON:** As far as I recall, yes.  
20

**MS McDONALD:** Was that unusual?

**DR JACKSON:** It was certainly new to my experience, but given that that was my first position within local authorities in New South Wales, it seemed to be accepted.  
25

**MS McDONALD:** But it didn't appear to be a reporting structure that the new Council, the 2016 to 2021 Council, adopted?

**DR JACKSON:** It wasn't. In fact, I think towards the end of the tenure of the  
30 2012-2016 Council, those positions were removed as part of the budgetary process.

**MS McDONALD:** All right. Now, I want to ask you some, again, general questions about your period as the chief executive officer, and, in particular, your professional dealings and professional relationship with the Mayor, Wendy Waller. My first  
35 question is, at that point, what was your understanding of the respective roles of the CEO and the Mayor?

**DR JACKSON:** Well, under the Local Government Act, there are respective sections set out a distinction between the role of Mayor and the role of CEO. Simply  
40 put, the role of the Mayor and the governing body is a set policy to oversee the implementation of strategic plans, policies, programs. The role of the chief executive is operational, in charge of all the operational aspects of the organisation, and is held accountable for the delivery or otherwise of all of the policies, programs and plans to  
45 the political body.

**MS McDONALD:** The evidence that you've just given about the respective roles, your observation in working with Mayor Waller for a period of time, did it appear that she observed those different roles?

5 **DR JACKSON:** Mayor Waller was very, very clear that she dealt with the political matters, and the chief executive dealt with the operational matters. There was a clear line, and she did not cross it.

**MS McDONALD:** A clear demarcation between the two?

10

**DR JACKSON:** Absolutely.

**MS McDONALD:** During your period as CEO, did issues ever arise where either the Mayor or any councillor was trying to either directly communicate or - with  
15 members of staff of the Council in a way that may not be appropriate?

**DR JACKSON:** No. During that term, we managed to affect a shift because on assumption of the role of acting CEO, I met with the Mayor and all of the councillors individually. In those meetings, there was a common expression of a breakdown of  
20 trust and transparency in terms of how the organisation was operating, and my response to that was to introduce measures and processes that were completely transparent, that gave councillors all of the information, including financial information, that enabled them to make informed decisions. We set up a number of meetings that were both formal and informal so that councillors could actually get a  
25 chance to get to know some of the directors who were newly in place and to build that personal relationship.

Now, in terms of the information that councillors can appropriately obtain, that was all set out under a policy that dealt with the interaction between staff and councillors.  
30 I asked them to adhere to that process. They did. And by that time we had established sufficient trust and a positive working relationship where I, to my recollection, I was not approached by any of the directors or acting directors to say that any councillor had acted inappropriately during that time.

**MS McDONALD:** Now, I want to ask you some questions about a particular project of the Council which was being pursued during your term as CEO, and that was the construction of the - of Civic Place, or the Civic Place project. Now, again, if I can just establish some background. Your understanding is, the Civic Place project  
40 emerged as a proposal during the 2012 to 2016 Council?

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

**MS McDONALD:** And I am generalising, it was the proposal that there would be a new building constructed which would house at least some of the offices of Council  
45 including, for example, the Council chambers?

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

**MS McDONALD:** And there was a particular land that had been identified within the Liverpool CBD?

5 **DR JACKSON:** It had.

**COMMISSIONER:** Was it owned by Council? That was Council land? Do you remember?

10 **DR JACKSON:** I believe it required purchase.

**COMMISSIONER:** There will be a record anyway. If you're not sure, that's fine?

15 **DR JACKSON:** I had no involvement at that point in time, Commissioner.

**COMMISSIONER:** That's fine. There will be a document.

20 **MS McDONALD:** And I am saying - my understanding is this probably occurred before you actually started at Council in a -

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

25 **MS McDONALD:** - in your managerial role, and you really only became intimately involved in this project when you became CEO?

**DR JACKSON:** That's correct, and it is accountable for the grey hairs.

30 **MS McDONALD:** So a lot of my questions, as I said, at the moment are at a general level, just to establish background. And again, at that point, is it your understanding that, again roughly, you - the Council was looking when there was this first scope of work, that there would be a cost of about \$83 million, there was going to be a deduction of a developer's fee, so at that - in those early years of the project, it looked as if the cost to Council going to be about \$75 million.

35 **DR JACKSON:** That's my recollection, yes.

40 **MS McDONALD:** And, again, this concept of building a separate building for Council offices and Council's chambers, that emanated from Mr Mannoun when he was a Mayor during that 2012 to 2016 period?

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

45 **MS McDONALD:** And then in - during the Council term 2016 to 2021, there was a resolution to change the scope of the project?

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

**MS McDONALD:** And the building - and again I'm generalising - instead of only being a Council-specific building, it was looking at maybe having a commercial aspect to the building?

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

**MS McDONALD:** So there would be other floors which could be rented out to other organisations which would generate revenue?

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

**MS McDONALD:** And also there were proposals to build Council library, child care centre, matters such as that?

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

**MS McDONALD:** And the upshot of that is that the estimate of the cost over that time increased from that \$83 million to about \$195 million?

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

**MS McDONALD:** And, again, just as some background, exploring the financing of the first project and also the second project, the approach of Council staff was to seek a loan from TCorp?

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

**MS McDONALD:** And when I say TCorp, what am I referring to?

30 **DR JACKSON:** The Treasury Corporation, the investment arm of NSW Government.

**MS McDONALD:** And there's attractions in trying to get a loan from TCorp in that usually it is at a better interest rate and -

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

**COMMISSIONER:** Just so I make sure I've got that sequence in my head, Ms McDonald, in the 2012 to 2016 term, there's a resolution that approves what I'll call the project for council offices and chambers. That's the first stage.

**MS McDONALD:** And if we can describe that as the first scope.

40 **COMMISSIONER:** Yes. And in the following term, the '16 to - extended through to '21 term, that's when the commercial element gets added.

**MS McDONALD:** Yes. And the scope of the project increases.

**COMMISSIONER:** Yes.

5 **MS McDONALD:** My understanding is not only in terms of what is going to be built, but obviously the cost of what is going to be built.

**COMMISSIONER:** Quite. Thank you.

10 **MS McDONALD:** And when you become involved as - or your appointment as CEO, you become more integrally involved in the whole project process?

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

15 **MS McDONALD:** And when you're appointed CEO, is it your understanding that within Council there is a - I think it's called a project control group that was established?

**DR JACKSON:** That had been established under the previous CEO.

20 **MS McDONALD:** And that consisted of all directors?

**DR JACKSON:** No. It was only - initially, it was the chief executive and, if I recall correctly, it was the director of corporate services and the director of property. It was a small group.

25 **MS McDONALD:** And at that stage, they were the ones who were primarily dealing with the project.

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

30 **MS McDONALD:** And there would be reporting from that body - well, obviously, the CEO was a member, so the CEO would be - would know what was going on. Was there also a quarterly reporting about it project to the ARIC - the audit, risk and independent committee?

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

**MS McDONALD:** And also reports to Council?

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

**MS McDONALD:** Now, jumping ahead to 2021 - and, sorry, another fact I failed to get you to establish is that there had been engaged Built to actually construct the building?

45 **DR JACKSON:** That's correct. They were the successful tender for the project.

**MS McDONALD:** Okay. And that tender occurred back in the 2012 to 2016 for the first scope?

**DR JACKSON:** I believe so, yes.

5

**MS McDONALD:** And then when - is it your understanding when the scope was expanded, Built continued as the construction company for the project?

10 **DR JACKSON:** That's correct. In fact, they became a co-investor because they proposed - it's like a - I think it was initially a hostel or a student accommodation in the site adjacent to the proposed administrative centre. So in that sense, it was in their interests for the project to be a commercial success and, obviously, a success for the community.

15 **MS McDONALD:** All right. And, as part of that - again not getting into details - we've heard some evidence about an agreement with Built where there was a call option, which they could exercise for the payment of substantial sums of money, which would then mean that adjoining property owned by the Council would then be transferred to them?

20

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

**MS McDONALD:** Now, can I take you then to late December 2020 and then 2021, and can I just pause and say if there - if you're not sure about detail, because this  
25 occurred a while ago, and you need to check a document or something like that, please raise that, and we can see if we've got the document.

**DR JACKSON:** Thank you.

30 **MS McDONALD:** But in the lead-up to around December 2020, was it the case that you were - when I say "you", the project control group was still negotiating and discussing with TCorp to obtain the bulk of the financing from TCorp?

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

35

**MS McDONALD:** And, again, was it the case that at various stages, TCorp had made either encouraging comments or an indication that it was likely or that they would come on board as the primary financier?

40 **DR JACKSON:** Historically, I can't comment on what TCorp said or didn't say, but certainly it was reported to Council that there was confidence in the process, and that TCorp provide that funding.

**MS McDONALD:** And that position, did that change around December 2020?

45

**DR JACKSON:** It did. If I can just put that in context, by that point, COVID was in full flow, the first phase of COVID. Council was entirely preoccupied by our



organisational response to - in support of the public health bodies in Liverpool and in trying to address our own financial challenges that came from the loss of revenue and the pivoting of services. So, it was a particularly challenging time right across Western Sydney.

5

I would have to refer to documentation, but my recollection is that around November we were invited to present a business case to TCorp, and, along with the director of property and the chief financial officer, and the head of governance - sorry - the head of audit at the time, we came in, made our presentation, which I thought was exceptional. I had nothing to do with the formulation of that presentation, I hasten to add, but it was a very, very strong, compelling proposition as to why TCorp should fund. We were asked to return with more detail, which we did.

10

So that in the period of probably five or six weeks, we made three presentations to TCorp, the last being just before the Christmas break, in December. And following that meeting, I had gone into that meeting fully expecting confirmation that funding would be provided. We didn't receive that confirmation. I made a phone call to a senior official and asked for clarity as to what was happening or what would happen, and I said, "Look, if your answer is no, please tell me, because the clock's ticking here because of an exit clause that exists." It is standard practice in any major capital build.

20

And I can tell you exactly when it was. It was about quarter past 5, 23 December, and in the discussion I said, "Is the answer no?" And the official confirmed that it was no, that they had changed their policy, rather than being the funder of first resort for councils, that they had changed their approach and their role to being the funder of last resort. That left us facing - in the mouth of the holiday season - with about three months to attract commercial funding.

25

**MS McDONALD:** And so, as you said, you're practically on Christmas Eve, you're in the COVID period, and you've got a couple of months now to attract financing from commercial banks.

30

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

35

**MS McDONALD:** Would that be an appropriate -

**COMMISSIONER:** Yes. Dr Jackson, we are just going to take the mid-morning break. We will resume again at about 10 to 12, so if you wouldn't mind being back ready to go a couple of minutes before then, I'd be grateful.

40

**DR JACKSON:** Thank you.

**COMMISSIONER:** Thank you. We'll adjourn until at 10 to 12.

45

**<THE HEARING ADJOURNED AT 11.28 AM**

**<THE HEARING RESUMED AT 11.54 AM**

**COMMISSIONER:** Yes, Ms McDonald.

5 **MS McDONALD:** Dr Jackson, I was asking you some questions about your involvement when you were CEO of the Council with the Civic Place project, and, in summary, I think we were on 23 December. The Council is still looking for the finance for the project. You'd received - you spoke with the TCorp official who informed you that they would not be, in a sense, the primary or first lender, and then  
10 that resulted in the Council having to approach banks to see, for example, if financing can be obtained from them.

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

15 **MS McDONALD:** Now, as part of the process in 2021, in assisting the Council in obtaining the loan, was one matter that was undertaken by the Council the engagement of an organisation to review the Council's long-term financial plan?

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

20 **MS McDONALD:** And was an organisation known as Grant Thornton engaged to undertake that review?

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

25 **MS McDONALD:** Also, as part of the process in assisting in obtaining the loan, were the services again of an outside specialist in assisting the Council to obtain the funding a Mr John Bowes from Rebo Capital? Was he engaged?

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

**MS McDONALD:** So you've had an independent financial adviser appointed. You've got a review being undertaken of the Council's long-term financial plan.

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

**MS McDONALD:** And also around this time, did you bring in or engage on behalf of the Council an independent probity adviser?

40 **DR JACKSON:** I did.

**MS McDONALD:** And was that independent probity adviser O'Connor Marsden?

**DR JACKSON:** I can't recall the name, but it was an independent appointed.

45 **MS McDONALD:** And that independent probity adviser prepared a number of reports through your term as CEO?

**DR JACKSON:** That's correct. And those reports went to both ARIC and to Council.

5 **MS McDONALD:** And, ultimately, looking at financing, was it the case that there was the - that loans were able to be negotiated and obtained from two banks?

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

10 **MS McDONALD:** The National Australia Bank?

**DR JACKSON:** Correct.

**MS McDONALD:** And also Westpac?

15

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

**MS McDONALD:** And, ultimately, was there a component of the financing provided by TCorp?

20

**DR JACKSON:** It was anticipated that, should - given the size of the capital project, and the almost inevitability that additional finance would be required beyond the amount actually negotiated, to allow for that possibility, TCorp had indicated that they would look favourably at acting as that safety net should it be required.

25

**MS McDONALD:** And during 2021, did you make any amendments to the constitution of the project control group?

30

**DR JACKSON:** It wasn't so much - there was no formal constitution to the PCG as it was called. What I did was to broaden the membership and participation within that group. I felt it important, rather than it be a small group of directors, because it was a whole-of-organisation program that would require all of the council staff members to move into that building, that all of the directors had a skin in the game, and they were all directly involved in the future planning, or they should be involved in the future planning, of the Civic Place, and that we needed as much input as possible. I also broadened it out beyond the executive team to our general counsel and to the head of human resources.

35

40 **MS McDONALD:** Now, I'll just bring up some documents in respect of that evidence of what events occurred in 2021. Would you bring up document LCC.002.002.0806.

**ASSOCIATE:** (Indistinct).

45 **MS McDONALD:** Yes, please. You can see from the first page, if we can move down a little bit, this is the project control group report 27, which is dated 8 March 2021?

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

5 **MS McDONALD:** Would you please move through to page 6. Maybe if we - if you go down to the bottom of the previous page. Sorry. Right. You can see there a heading Project Funding?

**DR JACKSON:** I can.

10 **MS McDONALD:** The first paragraph says:

"TCorp has consistently advised a willingness to fund the works, potentially up to 120 million, with NAB also flagging potential funding of 170 million loan."

15 And if we move to the next back page, we've then got:

"Met with TCorp to discuss loan application."

20 There's a suggestion of engaging an independent financial organisation to review the long-term financial plan, and then it sets out in the following subparagraphs about discussions with Grant Thornton and the engagement of Grant Thornton.

**DR JACKSON:** Correct.

25 **MS McDONALD:** And then you -under 3.7 - sorry - 6.3.7, you set out further steps in resolving the issue of the funding.

**DR JACKSON:** Correct.

30 **MS McDONALD:** Which includes the second dot point, engaging the debt adviser, and that was ultimately John Bowes at Rebo Capital.

**DR JACKSON:** Correct.

35 **MS McDONALD:** And ultimately, in April 2021, Grant Thornton issued a report on his review of the Council's long-term financial plan?

**DR JACKSON:** Correct.

40 **MS McDONALD:** And also - I won't go through it step by step, but it's primarily John Bowes with Vishwa Nadan, new chief financial officer, who are out dealing with banks, negotiating with banks?

**DR JACKSON:** That's their expertise.

45

**MS McDONALD:** You have a role to play, but ultimately, as I said, it results in loans being arranged with Westpac and also NAB.

**DR JACKSON:** That's correct. It was a joint loan.

5 **MS McDONALD:** And was it also flagged that the financing would occur in about three tranches?

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

10 **MS McDONALD:** With different interest rates attached to the particular tranche.

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

15 **MS McDONALD:** This example of the project control group minutes, were they provided to Council?

**DR JACKSON:** Yes, they were. They were provided to ARIC and then to Council.

20 **MS McDONALD:** Just excuse me for a minute. And I also asked you about the probity adviser. Again, those reports were prepared - reports from the probity adviser were prepared or obtained?

25 **DR JACKSON:** The probity adviser actually sat in PCG meetings, and at the end of the meetings he was - he was able to make comment at any point in that meeting, and at the end, as Chair, I always made the point of asking if he had anything that he wished to add. He then reported separately to ARIC, and that was all part of a process that I wanted to ensure that there was transparency and accountability and good governance being exercised in what was the biggest investment by Council in a project of this scale.

30 **MS McDONALD:** Would document LCC.002.001.5669 be brought up, please.

**ASSOCIATE:** (Indistinct).

35 **MS McDONALD:** Yes. Sorry 5969. Sorry about that.

**ASSOCIATE:** Do you want that document live streamed?

40 **MS MCDONALD:** Yes, please. Do you see that is a letter from O'Connor Marsden & Associates?

**DR JACKSON:** I do.

45 **MS McDONALD:** There - it's addressed to a Ms Jessica Saliba, but also copied to John Morgan, director property and commercial development?

**DR JACKSON:** I note that.

**MS McDONALD:** Sorry?

**DR JACKSON:** I note that, yes.

5 **MS McDONALD:** What was his role with the Civic Place project?

**DR JACKSON:** John had responsibility for the conceptualisation, the advancement of the plans. John had been there at the start of - I believe he was actually recruited initially for that specific project because of his extensive experience in the property industry.

**MS McDONALD:** And if we can just look at the content of this letter, you can see it's headed:

15 "Probity Status Report: Liverpool Civic Place."

Talks about them being engaged to provide probity services. Then there's scope and methodology. And then under Documents Reviewed, they set out the various documents they have been provided with. And if we go to the next page, Work Performed. And then if we head to Summary:

"This probity report covers the period 12 May to the date of this report and finds that, with reference to our services scope, no material breaches of probity have been identified to date on the LCP Development Project."

25 **DR JACKSON:** Correct.

**MS McDONALD:** And I won't take you to them, but there were two other supplementary - subsequent probity advisory reports from O'Connor Marsden, one dated 21 September 2021 and the next one dated 12 January 2022. All right.

**COMMISSIONER:** Dr Jackson, where the report refers to no material breaches of probity have been identified -

35 **DR JACKSON:** Sorry, Commissioner.

**COMMISSIONER:** Sorry I'm not speak into the microphone again. I will be told shortly. Where the report on the screen 32 says:

40 "No material breaches of probity have been identified."

What should I understand that to be referring to? What comfort would you take as CEO from a report like this?

45 **DR JACKSON:** If - that means there's a clean bill of health.

**COMMISSIONER:** As to processes?

**DR JACKSON:** As to probity issues, yes. Had there been any, then they would have raised and identified each of them, and we would have been required to act on them, and that with have been notified to Council.

5

**COMMISSIONER:** Thank you.

**MS McDONALD:** Excuse me for a minute. I want to move to a different topic, Dr Jackson. I took you earlier to the resolutions of Council whereby you were appointed, and as part of those resolutions, it was anticipated that there would be a performance review of your work?

10

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

**MS McDONALD:** And my recollection is that there was a reference to a performance review panel that would be established and that would look at - review your work.

15

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

20

**MS McDONALD:** And in November 2021, was such a review undertaken?

25

**DR JACKSON:** The November '21 performance appraisal - performance review was the annual review that had been preceded by a six-monthly review with the same panel and the same external facilitator, Mr Anderson.

**MS McDONALD:** So is the one that was undertaken in around November 2021, was that the last one undertaken before your employment was terminated?

30

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

**MS McDONALD:** Now, the review panel consisted of the Mayor and Councillors Hagarty, Harle and Rhodes? All right. I'm testing -

35

**DR JACKSON:** Yes. I'm trying to recall correctly. Yes.

**MS McDONALD:** And as you said, there was an outside organisational person who was appointed to facilitate it?

40

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

**MS McDONALD:** Would you please bring up document LCC.014.002.0511. Yes. You can see that it's headed CEO Annual Performance Review November 2021 final summary report?

45

**DR JACKSON:** I do.

**MS McDONALD:** And if we just maybe move down a little bit. We stop there. We've got:

5 "Your performance was assessed as more than satisfactory with an average rating over the three sections of the performance agreement of 8.3 out of 10."

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

10 **MS McDONALD:** You'll see there that the performance review was conducted by the CEO's review committee, and we've got the Mayor, Councillor - sorry - Councillor Waller, and then Councillors Hagarty, Harle and Rhodes, and apologies were received from Councillors Hadid and Balloot, and it was facilitated by Mark Anderson?

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

**MS McDONALD:** And if we just keep on moving down. There's description of what they've seen in your performance. Stop there. We've got you highlighting some of the challenges facing the Council in the next 12 months, which includes COVID  
20 19. And also, I didn't ask you this, but the impact of COVID-19 on the Civic Place project, I think you commented that in the middle of trying to organise the financing, et cetera, you've got the challenges and pressures of dealing with COVID and the various lockdowns that occurred. Did it also, to your understanding, have an impact on some of the anticipated costs of the project?

25 **DR JACKSON:** It did, insofar as it had the potential to blow out the budget. For example, the cost of steel escalated significantly. The timing of the construction was delayed because, if you'll recall, under public health orders, construction workers weren't allowed on site for a period. I think it was around about three months. That  
30 obviously put costs back. Then we had - when we began to come out of COVID, we had the global crisis in supply chain. Cost of materials, availability of materials, an increase in price of labour. And so it was - it was a perfect storm.

**MS McDONALD:** All right.

35 **DR JACKSON:** And it was full of unknown unknowns.

**MS McDONALD:** So there were ongoing impacts on the costs of the project?

40 **DR JACKSON:** That's right. Correct.

**MS McDONALD:** All right. If we go back to this, after it records that you highlighted some of the challenges, if we can just move down the page.:

45 "The CEO left the meeting, review committee collectively discussed and appraised the performance against the indicators."



Came back, you were provided with feedback, and then there was an issue about - right down the bottom, discussed providing you with a performance based increase in remuneration, which was allowed under your contract of employment. And then, as it finally says, it was recommended a performance-based increase in the amount of about two per cent, but that requires a resolution of Council at the next available opportunity.

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

10 **COMMISSIONER:** Did that happen?

**DR JACKSON:** Sorry.

**COMMISSIONER:** Did that happen?  
15

**DR JACKSON:** It did. At the December '21 meeting.

**MS McDONALD:** Now, if you then - if you would bring up LCC -

20 **COMMISSIONER:** Sorry. Just before you do, could I just ask a question about that document. I'm sorry, operator, could we put it back on. Its - do you have the - LCC.014.002.0511. And to page 2, please and scroll a little further down. Perfect. Thanks. You'll see on the page here, counsel assisting took you to the list of challenges and, in particular, COVID-19. Do you see the first dot point:

25 "Collaboration central, fragmentation of structures and proliferation of strategies."

Do you remember what that was a reference to?

30 **DR JACKSON:** Yes. It referred specifically to the complexity of the Western Sydney City deal and the operational environment in which not just Liverpool but all the other councils, particularly Penrith, were experiencing in the context of the major infrastructural development around Western Sydney airport, the aerotropolis. We - layer upon layer of government, we had - I think it was in excess of 30  
35 implementation bodies. That was just within government, before the private sector was involved.

So it was just one of those instances where you had multiple actors involved in major projects, major programs, each having, as government tends to do, operating  
40 traditionally in silos. The whole point of the City deal concept was to bring everybody around the table and unite around one agreed strategy. That hadn't quite materialised, and, unfortunately in my view, by 2021 we were - governments and government departments were reverting to type. The collective responsibility, collective accountability had become diluted, and the resilience of old ways were  
45 coming back to the fore where we had that silo mentality, everybody again doing their own thing. But it was a complex, difficult environment in which to operate, and it involved constant external stakeholder collaboration.

**COMMISSIONER:** What particular challenges did that bring to the Council's operations?

5 **DR JACKSON:** Well, Council - all of the councils were - you know, we're the  
bottom of the ladder. We're the last rung in the ladder. And while we try to punch  
above our weight, and we work effectively - highly effectively, on my view - with  
State Government and Federal Government departments, there was nevertheless  
10 a - there was a financial challenge and just a constant, relentless question of time and  
availability and meetings, and, by that stage, we were about three years down the  
track. We were all suffering from meeting fatigue. We'd just - we were beginning to  
emerge from COVID at that stage, and there was a general sense of thank goodness  
Christmas is coming and we all get a break.

15 **COMMISSIONER:** The third dot point:

"Finance, structural and legislative changes, imperative of new financial  
instruments."

20 Do you remember what that was referring to?

**DR JACKSON:** Finance, again, was impacted by COVID. Council, if I recall  
correctly, took a direct hit of about \$4 million per year through lost revenue.

25 **COMMISSIONER:** 4 million a year?

**DR JACKSON:** Yes. There was the introduction of legislative changes, and I would  
have to refer to historical documents, but effectively - I can't remember what the  
precise issues were, but, effectively, Council's view was it represented costs shifting  
30 from State Government to local authorities.

**COMMISSIONER:** I see.

**DR JACKSON:** And, in my view, again based on my international experience, we  
35 had the opportunity to introduce new financial instruments, rather than be wholly  
dependent on government funding for everything. The European and American  
practice over the last 30 years in Europe, 50 years in the United States, has been  
highly successful at bringing the market and private sector finance to work with  
government rather than against it. I thought, given the scale of the investment in  
40 Western Sydney, that it was a perfect opportunity to apply new models and new  
financial instruments.

**COMMISSIONER:** The next three:

45 "Planning for growth, community repair and recovery, and business confidence."

Were they matters addressing the emergence from the effects of the COVID-19 pandemic?

**DR JACKSON:** Correct.

5

**COMMISSIONER:** And the next one:

"Legacy of underinvestment, and absence of long-term planning."

10 Do you remember what that was a reference to?

**DR JACKSON:** Yes. That referred in particular to asset management, asset planning and asset maintenance. There had been a sustained period of underinvestment through councils in terms of their investment in core assets like community facilities, libraries, swimming pools. So they were coming to their end - the end of their life span, and would require a major investment, but the period had also been characterised by an absence of long-term planning. It was the imperative of the next election cycle and the next election.

20 **COMMISSIONER:** And is the last point related to that same issue?

**DR JACKSON:** It is, yes.

25 **MS McDONALD:** Would you bring up document INQ.001.001.0949, and you can live stream it. Dr Jackson, you can see these are the minutes of the Council meeting held on 24 November 2021?

**DR JACKSON:** I do.

30 **MS McDONALD:** Would you go to page 4, please - \_004.

This is a Mayoral Minute, subject:

35 "Chief executive officer performance review."

And looking at the report there, it refers to what we've just looked at, the CEO review panel undertaking your annual review and meeting. If we can proceed. If you can stop there. Again, it's an average rating over three sections of the performance agreement of 8.3 over 10. The review panel was very - was positive and:

40 "Expressed to the CEO that he was working very well, and the organisation appears to be responding positively under his leadership."

45 There's a reference to the benchmarking data, and then in the penultimate paragraph, there was the recommendation for the increase of two per cent to your total remuneration package?

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

**MS McDONALD:** We can move towards the bottom of that page. You've got the motion that:

5

"The recommendation be adopted."

And, on being put to the meeting, the motion was declared carried. And is your understanding that as it was the recommendation - sorry - the motion that the  
10 recommendation to be adopted and was carried, did that mean that your understanding was that the two per cent increase in your total remuneration package had been agreed to by the Council?

**DR JACKSON:** That's correct.  
15

**MS McDONALD:** And then it was a matter of it being implemented by human resources or whatever.

**DR JACKSON:** Yes, that's correct.  
20

**MS McDONALD:** Would you then bring up document LCC.014.002.0510. Yes, please. And this is a letter to you from the Mayor dated 29 November 2021?

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

**MS McDONALD:** And I'm not going to go through it, but it's - the substance of it we've looked at in the previous two documents, and you can see that the Mayor says that she would like to reinforce the comments passed on during your discussion with Mark Anderson after the committee's meeting:

30

"The Council is more than satisfied with your performance during the period under review. No directions or recommendations in relation to your future performance."

And then the flagging of the two per cent increase. It then says:  
35

"This is in addition to the SOORT determination of 2.5 per cent."

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

**MS McDONALD:** What is the second reference to?  
40

**DR JACKSON:** The cost of living increase.

**MS McDONALD:** Right. Like a CPI increase?  
45

**DR JACKSON:** Yes, it is.

**MS McDONALD:** So is that flagging that it was at - what you were going to receive was about a 4.5 increase in your total remuneration package?

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

5

**MS McDONALD:** Now, can I turn to December 2021. During that month, there was an election for Council?

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

10

**MS McDONALD:** Mayor Wendy Waller did not stand again?

**DR JACKSON:** Mayor Waller retired -

15

**MS McDONALD:** Yes.

**DR JACKSON:** - at that point.

20

**MS McDONALD:** And the way Liverpool City Council operates is that the constituents vote for Councillors,  
But there is also a direct election for the Mayor.

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

25

**MS McDONALD:** Did you have a policy that you would try and meet with all of the mayoral candidates before the election?

30

**DR JACKSON:** It wasn't a formal policy, it is an approach I've taken over many years in trying to meet with mayoral candidates. The purpose of those meetings was to get - to build a personal relationship with the candidates, to identify what their priorities are, so that, on the election - or on their election, that I can organise the executive team to be better prepared to advance those priorities.

35

**MS McDONALD:** And did you meet with the various mayoral candidates?

**DR JACKSON:** I met with all of them with one exception. There was one candidate who wasn't available.

40

**MS McDONALD:** Did you meet with the candidate who was ultimately successful, Ned Mannoun?

**DR JACKSON:** I did. I met Ned on 13 December.

45

**MS McDONALD:** And where or in what circumstances did the meeting take place?

**DR JACKSON:** We had arranged to meet at the Paper Mill complex in Liverpool for lunch, and that's a mixed-use commercial restaurant and residential development.

**MS McDONALD:** Did you - you obviously knew the Mayor during his previous period of -

5 **DR JACKSON:** I did.

**MS McDONALD,** - Mayor, 2012 to 2016?

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

**MS McDONALD:** Did you have many dealings with him at that point?

**DR JACKSON:** During the -

15 **MS MCDONALD:** During 2012 to 2016 where you were primarily in a manager position?

20 **DR JACKSON:** That's right. My primary dealings with the Mayor at that time would have been around the - his involvement as the civic representative around the organisation of community events, such as - you know, the major event was always Australia Day, where we had attendances of 30,000. Similarly, with New Year's Eve, and then various celebrations in a community that's comprised of 150 - of over 150 different ethnic groupings. So there were - it was a very active community program, and I would have been involved with the Mayor in the organisation of those. Not  
25 directly in the organisation, but in the occurrence of those events.

**MS McDONALD:** Now, I want to ask you some questions about your discussion with the Mayor over lunch leading up to the election. During that discussion, did he say anything to you about what he anticipated your role would be if he was  
30 successful in being elected Mayor?

**DR JACKSON:** He did. After a very broad-ranging introduction.

35 **MS McDONALD:** With Mr Mannoun speaking?

**DR JACKSON:** Yes. If I recall correctly, as the Irish say, he didn't draw breath for 55 minutes. He - we talked about Liverpool Civic Place, we talked about his action campaign, his sense of urgency and desire to get things moving quickly. He laid out some of what he described as his agenda for the first 100 days, which included the  
40 building of two swimming pools, the creation of a new department within the organisation, the appointment of an outreach planning office in Austral, which was a new development. It was a very wide-ranging and highly critical analysis of Council and some of the directors within that.

45 Given that he was a candidate rather than the Mayor, I was quite happy to listen and take note, and we got to a point where I said, "Well, Ned, obviously, the election is yet to take place. I think that, should you be elected, you'll find that the organisation,

because of the process of change that we've been embarked on over the past 15 months or so, that we will be in a much better position than you think we're in looking in from the outside, and we'll be able to advance your ambitious agenda." And I said, "As long as we adhere to the Local Government Act and the Industrial Relations Act, I think we're in pretty good shape." And it was at that point that he said, "Eddie, I don't want us to argue. I respect you too much. We've worked together in the past, but you're not the type of CEO that I want, as Mayor." I said, "Well, what do you mean by that?" And he didn't respond directly to that. He asked me about the process that would be involved with that.

**MS McDONALD:** Sorry, the process involved with what?

**DR JACKSON:** With the termination of a contract. And I made the point that I believed that from a personal perspective or professional perspective, my experience was directly relevant to the operational environment in which we were operating. But, more to the point, we had a cohort of 800 or 900 staff who had already gone through the upheaval of the departure of a highly popular former chief executive. We had gone through COVID and all of the trials and tribulations of that. The organisation was exhausted, and we didn't need further upheaval. He didn't really pay any regard to that, and I said, "Look, Ned, at that - at this point, it's hypothetical. Let's talk again if and when you're elected." And our meeting ended shortly after that.

**MS McDONALD:** When you spoke - said to him something along the lines of, "Will you adhere to the Local Government Act and the Industrial Relations Act" or system," your reference to the Local Government Act, what were you referring to there?

**DR JACKSON:** Implicit within that was the whole separation of powers between the - or responsibilities of the CEO and chief - and the Mayor, and, obviously, the need for good governance.

**MS McDONALD:** Excuse me. In the initial conversation, where Mr Mannoun spoke - I think you described it with some urgency about the things that he wanted to achieve, the first matter you referred to was Liverpool Civic Place. Do you recall what he said to you about it?

**DR JACKSON:** I do. He acknowledged that I had inherited, in his words, Civic Place and the challenges that went with that. But he also made reference to his intention to hold those who were responsible for the blowout of the project, in his terms, he wanted to hold them accountable.

**MS McDONALD:** Did he elaborate on what he meant by the blowout in the comment?

**DR JACKSON:** He was referring there from the escalation in cost from 75 million to 195.

**MS McDONALD:** And also, this might involve matters after you left employment with the Council, but the ultimate cost of the project, had that increased from the 170, 175?

5

**DR JACKSON:** It certainly increased from 175. I think the loan was for 175, if I recall correctly, but the actual cost was greater than that. The figure in my mind is around about 205, but I've no idea what the eventual cost of the construction was.

10 **COMMISSIONER:** Was that 205 figure that you're recalling at the end of 2021?

**DR JACKSON:** Sorry, what -

**COMMISSIONER:** The 205 million figure that you had in mind?

15

**DR JACKSON:** Yes.

**COMMISSIONER:** What time period was that, to your recollection?

20 **DR JACKSON:** That would have been - well, I left the organisation in February 2022. That would have been my belief at that time.

**COMMISSIONER:** So about - towards the end of your tenure?

25 **DR JACKSON:** Yes.

**COMMISSIONER:** Thank you.

30 **MS McDONALD:** You also mentioned that the Mayor was highly critical of certain directors?

**DR JACKSON:** He was.

**MS McDONALD:** Which directors?

35

**DR JACKSON:** He was critical of - specifically critical of the director of planning, the director of infrastructure and the director of property.

**MS McDONALD:** Sorry, what was the last one?

40

**DR JACKSON:** Property, which was largely preoccupied by Liverpool Civic Place.

**MS McDONALD:** And was the director of that John Morgan?

45 **DR JACKSON:** It was.

**MS McDONALD:** And what about planning?



**DR JACKSON:** Planning was David Smith.

**MS McDONALD:** And infrastructure?

5

**DR JACKSON:** Infrastructure was Mr Raj Autar.

**MS McDONALD:** So, as you said, during this conversation, in a way it's all hypothetical because the election hadn't taken place. The election then took place, and Mr Mannoun was elected Mayor?

10

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

**MS McDONALD:** Upon the results of the election being known, did you have another - before the end of that year, did you have another discussion with the Mayor about - or Mr Mannoun, now that he's the Mayor, about his plans for the next year?

15

**DR JACKSON:** Mr Mannoun called me on - I believe it was 20 December, when the results of the election came out. I congratulated him on his success, and he immediately said, "Well, have you thought about my proposition to you about leaving the organisation?", and I said, "I think you're still making a mistake, but if you've got the numbers, we know how it plays out", and I said, "But on the back of a five-year contract, I've completed one year of that. I've got an outstanding performance appraisal and a salary increase on the back of that", and I said, "I will be expecting to negotiate greater than the 38 weeks that is generally available." And he confirmed that this group were prepared to pay, and had agreed to 50 weeks of a settlement figure.

20

25

**MS McDONALD:** Can I just take you back to some of that. At that time your contract was five years. You'd done about a year?

30

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

**MS McDONALD:** So strictly there were four years?

35

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

**MS McDONALD:** And as we've seen with the various documentation I just took you to, you got a very good performance appraisal which anticipated, in addition to a CPI increase, the two per cent increase.

40

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

**MS McDONALD:** And when you referred to the 38 weeks, you were referring to the clause in the standard contract for CEOs, general managers, that Council can terminate them without cause, but they are to receive 38 weeks' payment.

45

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

**MS McDONALD:** And your proposition to the Mayor was, given all the circumstances you just raised, you wanted to negotiate above the 38 weeks?

5

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

**MS McDONALD:** And, I'm sorry, my note was something along the lines of it had been discussed and his group had agreed to pay you 50 weeks?

10

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

**MS McDONALD:** When he - Mr Mannoun said "his group", what was your understanding of who he was referring to?

15

**DR JACKSON:** His party colleagues in the Liberal Party.

**MS McDONALD:** So the most recently elected -

20

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

**MS McDONALD:** - councillors who represent the Liberal Party?

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

25

**MS McDONALD:** And can you recall at that point, picking up your terminology previously, the numbers - the magic number six. Your understanding of the result, did the Mayor and his group have the magic number 6?

30

**DR JACKSON:** No, they didn't. They needed the support of one of the independents.

**MS McDONALD:** But as you said, his statement to you was that his group had agreed to 50 weeks?

35

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

**MS McDONALD:** During that - I'm sorry, I'll start again. From that part of the conversation, it appears you're taking rather a pragmatic approach?

40

**DR JACKSON:** I was.

**MS McDONALD:** And, again, if I can summarise it, if the Mayor and his group have the numbers, then they have the ability to be able to terminate your employment?

45

5 **DR JACKSON:** That's correct. And in discussions with the Mayor, he said - he had asked that we handle - that we make the transition professionally, that we agree on core messaging within the organisation, particularly within the executive team. And he stressed his desire for confidentiality, and I assured him that I would retain that confidence.

10 **MS McDONALD:** Was it also a matter - we're now talking December. You've just - you're coming up to the summer break. Was it anticipated that you would continue in your role to maybe some time early in the new year?

15 **DR JACKSON:** Well, the - the tradition in Liverpool is not to hold any Council meetings in January to allow people to take annual leave, and then to hold two meetings in February. So the first scheduled meeting was on 2 February, so any resolution to terminate my contract would have been scheduled to go to that meeting of 2 February.

20 **MS McDONALD:** But before that meeting of 2 February, did you anticipate that your role as CEO would be to assist the Mayor in commencing or introducing his - you know the platform or ideas or projects that he wanted to pursue?

25 **DR JACKSON:** That's correct. But on top of that, there are also - there's a requirement for an incoming Council to go through a formal induction process. They also have to take the oath at an official service or event involving the public and, obviously, their families. So there's actually quite a lot of activity that has to be advanced. We were keen to brief the Mayor and the new Council on our progress in terms of major projects, planning, community development, finance, all of the strategic issues, to bring them up to speed as quickly as possible, and we had organised sessions around that.

30 **MS McDONALD:** During this discussion with Mr Mannoun now that he's a Mayor, did you return to your comment during the lunch back in December about different roles of the CEO and the Mayor?

35 **DR JACKSON:** We did. I had taken a couple of weeks' annual leave from 24 December. I had - I was scheduled to meet the Mayor on 10 January, just in a regular meeting. I met the Mayor - or had previously met the Mayor on a weekly basis to discuss salient issues. So this was a scheduled meeting. We met.

40 **MS McDONALD:** And, sorry, what was the date of the scheduled meeting?

**DR JACKSON:** 10 January.

**MS McDONALD:** 10 January. Sorry, I didn't hear. Yes.

45 **DR JACKSON:** And we talked about, again, a wide-ranging - a wide range of issues, and at one point the Mayor said, "Eddie, the people of Liverpool have elected their Mayor and new CEO", and my response to that was, "Well, Ned, that's not my

interpretation of how the Act works", you know, and, "While you and I may have very different views to what our respective roles are, and, more to the point, the Act specifies the distinctions."

5 **MS McDONALD:** Did Mr Mannoun respond to that?

**DR JACKSON:** No, he didn't.

10 **MS McDONALD:** And your construction of him saying something along the lines of, "The people of Liverpool have elected their Mayor and their CEO", what was your interpretation of that?

15 **DR JACKSON:** That, to me, was a - I was surprised that he was so open about it, but to me it was a fairly brazen signal of his intent to take a direct role, contrary to the Act, in the appointment of directors, the day-to-day operations of the staff, and that he had no qualms about seeking to direct or influence members of the staff in general and directors in particular. So I was very concerned about it.

20 **MS McDONALD:** That meeting occurred on about 10 January. After that meeting with the Mayor, did you have any other - were you dealing with him on a regular basis?

25 **DR JACKSON:** It ought to have been on a regular basis in terms of those weekly - the weekly cycle of meetings. He declined the opportunity to attend those against the advice of his executive assistant at the time. But there were other sessions that we had planned on, I believe, 12 January. There was a formal induction process, which involved external legal advisers coming in to talk about governance, good practice and the demarcation of roles. They were augmented by other sessions, which, as I've mentioned, dealt with major issues of Liverpool Civic Place, planning, 30 the whole growth agenda in Liverpool, and the residential development, finances, long-term financial plan . All of those were discussed in the period from 12 January through to the end of January.

35 **MS McDONALD:** And, I'm sorry, those discussions, did they occur through those - I think you've described them as kind of induction or information meetings?

**DR JACKSON:** These were information meetings.

40 **MS McDONALD:** And they were attended by the Mayor and other councillors?

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

45 **MS McDONALD:** You raised in the December lunch conversation, before Mr Mannoun was elected as Mayor, that he had indicated that there were certain directors that he wasn't satisfied with and would - wanted them to be made redundant. Was that pursued with you at all in January?

5 **DR JACKSON:** Yes. He revisited his intention and his general dissatisfaction with the performance. Naturally, having just come through COVID, having gone through a public recruitment exercise for I think it was three or four of the director positions not long prior to that, I vigorously defended the performance and the capabilities of each of those directors. I thought it was very unfair. It was almost as if COVID has nothing to do with it, whereas COVID had everything to do with it, and it was just - it was a very dismissive, and I regarded it as a very arrogant, approach.

10 **MS McDONALD:** And your performance review of those directors, did you raise any concerns with their performances?

15 **DR JACKSON:** No. There were some outstanding performances. For those directors who'd been in an acting role and then appointed - I believe it was October or November 2020 - no, '21. I would have to refer specifically to that. The performance cycle had yet to be formally introduced to them, but all of those directors and senior management from across the organisation, throughout COVID people - the general public have no idea how time-consuming all of that took. We were regularly - if it was a 12-hour day, it felt like a half day. I'm not exaggerating. We were working 15, 16 hours a day, sometimes six and seven days a week. It was phenomenal in terms of the pressures that are put on the workers or the management team across the organisation, and I thought it was very unfair that any criticism should be given.

25 We were recognised by the chief executive of the local health district. We were recognised as an exemplar council by the Commissioner of the police and emergency services. The team did an outstanding job, under the most difficult and challenging conditions. Now, I'm speaking in the context of having lived and worked in Belfast through the worst of times. COVID tested everyone in a way that was simply unprecedented, and I genuinely hope that we never experience that again. It took its toll on people across the organisation.

35 **MS McDONALD:** You said beforehand - or you gave evidence beforehand that the pragmatic approach that you were taking, that the magic number six or - sorry I withdraw that. That you would anticipate that the Mayor may have the numbers to terminate your employment, and you said with the way that there was no Council meeting in January but there were two in February, and you were looking at 2 February, did you anticipate that - you anticipated on that date there would be some resolution to terminate your employment?

40 **DR JACKSON:** I did.

**MS McDONALD:** When you had raised previously your discussion after the election that, because of the factors that you had raised, you thought you were entitled to more than 38 weeks?

45

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

**MS McDONALD:** And the Mayor responded, "My group thought 50 weeks," or something along those lines?

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

5

**MS McDONALD:** During January, was there any further negotiation about what severance payment you would receive?

10 **DR JACKSON:** Well, at the meeting of 10 January, he - the Mayor confirmed again that his group had agreed to 50 weeks. And, again, we went over the ground of ensuring an orderly transition, agreed messaging and confidentiality, in particular, explaining to the executive team why it was in the organisation's best interests that I should leave.

15 **MS McDONALD:** But the nuts and bolts of a termination package often will involve things like deed of release being drafted and the parties agreeing to it, determining what the actual money amount is and things like that. Was that being progressed during January?

20 **MR JACKSON:** No. And as I explained to the Mayor, because in our conversations it was clear that he had no knowledge of the component elements of salaries and entitlements under a termination agreement, and I explained to him that I couldn't be part of that process and that he should consult with Local Government New South Wales and use our general counsel to proceed on that basis.

25

**MS McDONALD:** And at that point, was your expectation that the Mayor would do that, and then there would have been an approach to you that these are your entitlements - the entitlements that you now legally are entitled to, plus because we're terminating your contract basically one year into it, we are willing to pay you X, and this is the draft settlement deed or deed of release that we want you to enter into?

30

**DR JACKSON:** Well, one would expect that that would have been advanced ahead of the Council meeting, and then, following the resolution of Council to that effect, if he got the numbers, then that would have been finalised, I would have been given a draft agreement to review and consider, and then settle it.

35

**MS McDONALD:** You said your expectation is that at least would have been advanced in January leading up to the 2 February meeting?

40

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

**MS McDONALD:** To your knowledge, was it advanced?

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

**MS McDONALD:** Is that an appropriate time?

**COMMISSIONER:** Yes. Dr Jackson, we're going to break for lunch. We'll resume again at 2 o'clock, so if you wouldn't mind being back here ready to go a couple of minutes before 2, I'd be grateful, and we'll adjourn until 2 pm.

5

**<THE HEARING ADJOURNED AT 1.02 PM**

**<THE HEARING RESUMED AT 2.12 PM**

10 **MS McDONALD:** Now, Dr Jackson, when we broke for lunch, I was dealing with what happened in January concerning a negotiation of a termination package for you, and, in substance, your evidence was that it really wasn't progressed?

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

**MS McDONALD:** We're coming up to the Council meeting of 2 February. It is the first Council meeting for the year, and, as you gave evidence earlier, that was kind of the anticipated date when your employment would be terminated.

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

**MS McDONALD:** By the time of the meeting on 2 February 2022, was it still the case that the negotiations or discussions really hadn't progressed?

25 **DR JACKSON:** There had been no confirmation or advancement of any negotiations. They wouldn't necessarily be finalised before the Council meeting. It could be a matter of securing the resolution first. And given that there was, to some extent, a degree of uncertainty about that, that didn't overly concern me, but following the resolution, it was standard practice then that a deed of release would  
30 have been drawn up, terms of the termination would be agreed, and you would leave amicably.

**MS McDONALD:** Right. So for 2 February, was your expectation that in some way it would be announced or that your contract was going to come to an end and then  
35 there would be the necessity to appoint an acting CEO?

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

40 **MS McDONALD:** And also provision for some steps to be undertaken to identify and recruit a new CEO?

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

45 **MS McDONALD:** Would you please bring up LCC.002.007.0016, and that can be live streamed. Now, this is a document that's been produced to the inquiry, and you can see it's appointment of acting chief executive officer?

**DR JACKSON:** I can.

**MS McDONALD:** And then the first part of it under Basis of Confidentiality:

5 "The position of CEO will become vacant on 2 February."

A reference to the legislation that there's a requirement to appoint a person, basically in an acting role up to 12 months, and then if we can move along that page, under Motion. Stop. Thanks. You can see the first one is:

10 "Council notes that Dr Eddie Jackson was terminated from his position of CEO effective immediately."

15 And then the rest of it - of the motion goes to appointing an acting CEO and questions about the recruitment ultimately of a replacement permanent CEO. That's correct?

20 **DR JACKSON:** That's correct. The point I would make is that where it refers to me being terminated effective immediately, the original resolution was for 11 February.

**MS McDONALD:** All right. We'll come to that -

**DR JACKSON:** Okay.

25 **MS McDONALD:** - shortly. Because you've raised that, we'll go to the minutes of the Council meeting. Document INQ.001.001.0953, and that can be live streamed.

**COMMISSIONER:** Friday afternoon.

30 **MS McDONALD:** Yes. We can all sympathise. Right. First page, you can see minutes of the ordinary meeting of the Council held on 2 February 2022?

**DR JACKSON:** I can.

35 **MS McDONALD:** And could I just - could you move up, and we'll just look at those present, and I'm interested in the councillors. You've got the Mayor, Ned Mannoun, and you've also got the various councillors. Those councillors are the councillors that have been - were successful in the Council election held in December?

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

**MS McDONALD:** And looking at that list, there are some councillors who sat on the Council where Mayor Wendy Waller presided, and then there are some new councillors?

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



**MS McDONALD:** And the new councillors who were not part of the Wendy Waller term are councillors Karnib; is that correct?

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

5

**MS McDONALD:** Councillor Goodman?

**DR JACKSON:** Correct.

10 **MS McDONALD:** Councillor Macnaught?

**DR JACKSON:** Correct.

**MS McDONALD:** Councillor Ammoun?

15

**DR JACKSON:** Correct.

**MS McDONALD:** And Councillor Green?

20 **DR JACKSON:** Correct.

**MS McDONALD:** Would you please go through to page 55. At the top of that document, can you see Mayoral Minute, and it's a report of the Mayor, personnel matter, and if we then can move to the motion. We start off with Council:

25

"Acknowledging contributions and capabilities of the CEO over the course of his employment, various roles over seven years. Note that your contract will expire on 30 November 2025."

30 So if your employment wasn't terminated, you'd still be there?

**DR JACKSON:** That's right. I would.

**MS McDONALD:** And then it's got:

35

"Terminate the CEO's contract from 11 February."

And a reference to the particular section of the employment contract. And then point 4:

40

"Direct the Mayor to enter into direct negotiation with the chief executive officer to formally agree on a deed of settlement amount. Direct the Mayor to notify the CEO in writing of the decision to terminate the employment within 24 hours."

45 And then:

"Direct the Mayor to notify the CEO in writing within four hours of reaching an agreement on the deed of settlement, including monetary fee being paid by Council upon termination."

5 If we can proceed further. Just stopping there:

"On being put to the meeting, the motion was declared carried."

10 But it's not a unanimous decision. There are a number of - there are councillors in favour and councillors against.

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

15 **MS McDONALD:** And, of the councillors who voted in favour, councillors Goodman, Macnaught and Ammoun were new councillors with whom you had not worked under the previous Council?

20 **DR JACKSON:** That's correct. Looking at that list, I think I indicated previously that Councillor Karnib was a new Councillor. He wasn't. My apologies.

**MS McDONALD:** So your correction is he had been a councillor in a previous Council term?

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

**MS McDONALD:** And if we proceed - and, sorry, were you attending the meeting?

**DR JACKSON:** No, I chose not to attend the meeting.

30 **MS McDONALD:** Could we move just to page 56. This follows on. You've got a Mayoral Minute, appointment of acting chief executive officer. This reflects substantially that confidential report that I took you to a little while ago, except you can see that the first point has been amended, so it's not that your employment's terminated immediately; it's that you'll be terminated from your position of CEO on  
35 11 February.

**DR JACKSON:** Correct.

40 **MS McDONALD:** The nomination of the date of 11 February, were there discussions about that date with you?

**DR JACKSON:** No.

45 **MS McDONALD:** Was your expectation, by nominating a date of the - just, I suppose, about a week later than this meeting, that that would give time for negotiation about your termination package and for matters to be resolved?

**DR JACKSON:** Yes. It should have.

**MS McDONALD:** All right. There's nothing in the report or the minutes of Council which reflect the discussion that you gave evidence about that you had with Ned  
5 Mannoun along the lines of, "My group has agreed 50 weeks", or anything like that?

**DR JACKSON:** The initial report that went to Council as Mayoral Minute 05 included the wording under point 4 of the previous Mayoral Minute.

10 **MS McDONALD:** Sorry, can we bring up page 55 again? Sorry. Yes.

**DR JACKSON:** It included the wording under point 4 that:

15 "The chief executive enter into direct negotiations with the chief executive officer to formally agree on a deed of settlement amount not exceeding 52 weeks."

That was subsequently replayed to - or relayed to the public, and was available on the official recording of the Council meeting.

20 **MS McDONALD:** So your understanding is that at the Council meeting, it was stated in addition to point 4 of "not exceeding 52 weeks"?

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

25 **MS McDONALD:** And have you reviewed the recording?

**DR JACKSON:** I have.

30 **MS McDONALD:** Are you basing that evidence on information that you've been told by others who attended the meeting?

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

35 **MS McDONALD:** But that doesn't appear in the minutes?

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

40 **MS McDONALD:** After the meeting, was it your understanding that Peter Diplas was appointed acting chief executive officer?

**DR JACKSON:** Not until my departure on 11 February.

**MS McDONALD:** After this, did you send an email to all staff at the Council?

45 **DR JACKSON:** I can't recall.

**MS McDONALD:** Can you bring up LCC.002.007.0001. I probably jumped the gun there. Sorry, it's not up.

**COMMISSIONER:** In more ways than one.

5

**ASSOCIATE:** (Indistinct).

**MS McDONALD:** Yes, please. Dr Jackson, can you see that's an email from you?

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**DR JACKSON:** I can.

**MS McDONALD:** I think it is dated as 3 February?

**DR JACKSON:** Sorry?

15

**MS McDONALD:** It is dated 3 February?

**DR JACKSON:** Yes. Yes. Yes.

20

**MS McDONALD:** :

"Subject: Appointing acting CEO Peter Diplas."

Can we move down the document, please. You can see there:

25

"You've heard last night Council told its first Council meeting, resolved to appoint Peter Diplas acting CEO until a permanent appointment is made. My last day will be 11 February."

30

And then you thank all the staff for their hard work, commitment and dedication?

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

35

**MS McDONALD:** Now, after that meeting of 7 February, do you meet with the Mayor as required under - I think it was point 4 - that the Mayor negotiate with you a termination package?

40

**DR JACKSON:** I did. The Mayor sent me a text on Sunday evening of 6 February asking if I could meet him on the - tomorrow, on the Monday. We agreed that we would meet at 2 o'clock. I was on my way to Liverpool when my executive assistant has phoned me to say that the Mayor was late and that the meeting should commence at 2.30, so we met just after 2.30 on the 7th.

45

**MS McDONALD:** During that meeting, was that to discuss your termination package?

**DR JACKSON:** Well, that's what we - in Ned's words in the text, "We need to meet to finalise things", and as tended to be in most conversations with Ned, there was a wide-ranging, elongated conversation before I brought it round to the point of saying, "We're here to finalise my settlement." I suggested on the basis of the wording where  
5 it allowed up to a maximum of 52 weeks, I said, "Ned, I believe, based again on my performance and leading the organisation through COVID, the outcome of my performance appraisal, and the fact that I've got four years left on my contract, and, as we had agreed, I have led an orderly, professional, respectful transition process, that I would ask for 52 weeks." He nodded. He didn't comment. He didn't challenge.  
10 And some 15 minutes later, after we'd moved on to different ground again, the meeting concluded, I shook his hand at the door, and that was the last contact I had with Mr Mannoun.

**MS McDONALD:** Moving forward from that meeting, any - did you receive any  
15 notification from the Mayor or anybody else within Council about what was being proposed for your termination package?

**DR JACKSON:** Nothing.

20 **MS McDONALD:** Ultimately, did you engage a solicitor?

**DR JACKSON:** I did.

**MS McDONALD:** From that meeting of 7 February to engaging a solicitor, roughly  
25 what was that time period?

**DR JACKSON:** That may have been up to a couple of weeks. I can't recall. I could find out, but I can't recall precisely.

30 **MS McDONALD:** No, that's fine.

**DR JACKSON:** I just wanted a break at that time, and I assumed that the wheels would be put in motion and that matters would be finalised.

35 **MS McDONALD:** But nothing happened?

**DR JACKSON:** No.

**MS McDONALD:** Were you attempting to contact the Mayor?  
40

**DR JACKSON:** I didn't contact the Mayor. I contacted Local Government New South Wales.

**MS McDONALD:** No, before doing that, when you haven't heard anything, were  
45 you - did you give the Mayor a ring or ring anybody to, kind of, say, "What's happening? What's going on?"

5 **DR JACKSON:** Well, the executive team - my executive assistants had organised a farewell lunch on 10 February. I expected at that point that the acting chief executive would have finalised the deed of release, points - in my view points 4, 5, 6 of the resolution weren't implemented at any stage. There was no direct negotiation with me. I thought perhaps the Mayor would turn up at the lunch to say his farewells, but none of that materialised.

10 **MS McDONALD:** So is it the case that after a period of time, you contacted somebody from the Office of Local Government?

**DR JACKSON:** That's correct. Sorry, Local Government New South Wales.

**MS McDONALD:** Right.

15 **DR JACKSON:** I had advised the Mayor to contact them as an independent arbiter to take legal advice through their solicitor.

**MS McDONALD:** And did you speak to somebody there?

20 **DR JACKSON:** I spoke to one of their legal team - I can't remember precisely who it was - and basically said what's happening.

**MS McDONALD:** And did they tell you anything?

25 **DR JACKSON:** At that point, the Mayor hadn't contacted them.

**MS McDONALD:** After that discussion, did that lead you to engage a solicitor?

30 **DR JACKSON:** It did.

**MS McDONALD:** You engaged a solicitor?

**DR JACKSON:** I did.

35 **MS McDONALD:** And is your understanding the solicitor then spoke with somebody from Local Government New South Wales?

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

40 **MS McDONALD:** And was able to identify somebody who was representing either the Mayor or Liverpool City Council in the negotiation?

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

45 **MS McDONALD:** Ultimately, a termination package was agreed?

**DR JACKSON:** Correct.

**MS McDONALD:** But it was never further negotiations or discussions between you and the Mayor. It was done at a solicitor-to-solicitor level?

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

**MS McDONALD:** I'll bring up a document, which is LCC.002.004.0261. That can be live streamed. I want to take you to the document that's on the left-hand side of that page. You can see it's headed Termination Pay?

10

**DR JACKSON:** I can.

**MS McDONALD:** Can you see?

15 **DR JACKSON:** Yes.

**MS McDONALD:** And it's for you. It identifies your separation from employment date of 11 February. It then sets out the various components of your termination package, including payments that you've already accrued. For example, your annual leave and your long service leave which you're legally entitled to. Can we move down the document. Then under the heading Eligible Termination Payment, we've got notice period 38 weeks, and that reflects the provision in your - the standard contract of termination without cause?

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

**MS McDONALD:** And then we've got - if we jump the next row, we've then got ex-gratia additional four weeks. You've given evidence about 52 weeks and 50 weeks, et cetera. Ultimately, you didn't receive that?

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**DR JACKSON:** No, I didn't.

**MS McDONALD:** But you did receive an additional four weeks?

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

**MS McDONALD:** And you've never seen this document before, have you?

40 **DR JACKSON:** I haven't.

**MS McDONALD:** It is an internal document from Council. Your recollection of the various calculation of these amounts, was that based on your salary that was increased by about the 4.5 per cent?

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

**MS McDONALD:** All right. So it was based on that, but not the 50 or 52 weeks?

**DR JACKSON:** Correct.

**MS McDONALD:** It was about 42?

5

**DR JACKSON:** Correct.

**MS McDONALD:** And you entered into a deed of release?

10 **DR JACKSON:** I did.

**MS McDONALD:** And was that - you signed a copy, and you were expecting a counterpart -

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

**MS McDONALD:** - signed. And did you receive that counterpart-signed deed of release?

20 **DR JACKSON:** I didn't receive it.

**MS McDONALD:** Do you know if your solicitor did?

**DR JACKSON:** I can't recall. I can't recall.

25

**MS McDONALD:** And was it the case - I think this document, if you move down towards the bottom - yes, it talks about a payment on 14 - sorry 20 April?

**DR JACKSON:** Correct.

30

**MS McDONALD:** Is it your recollection that this was all resolved and you received your termination package payment at some time by 20 April?

35 **DR JACKSON:** I received the initial figure for 38 weeks, and then I think it was some weeks after that amount I received the additional four weeks' pay.

**MS McDONALD:** And that was the end of your association or dealings with Liverpool City Council?

40 **DR JACKSON:** It was.

**MS McDONALD:** Can I just go to a couple of other matters. You spoke about your discussions with Mr Mannoun in December and then in January where he had commented upon dissatisfaction with certain directors?

45

**DR JACKSON:** Correct.



**MS McDONALD:** Was your understanding that those directors were either made redundant or their contracts were terminated?

**DR JACKSON:** Over time, yes, they were.

**MS McDONALD:** And your experience was that they were very proficient, well-performing directors?

**DR JACKSON:** They were outstanding performers. They also added to the character and the culture of the organisation. As I said, they performed at the highest levels under the most challenging of circumstances, and I was very proud not only of those individuals but of the entire management team.

**MS McDONALD:** With recruitment - for example, recruitment of the CEO, recruitment of directors and also managers within Council - it appears from the material we have that it is the usual practice to engage an outside recruitment firm?

**DR JACKSON:** That's correct. Senior counsel, can I ask that that information be taken down at the minute, please? It was supposed to be confidential.

**MS McDONALD:** I'm sorry, I should have - I do apologise for that.

**DR JACKSON:** That's okay. Well, under the deed of release -

**MS McDONALD:** Sorry?

**DR JACKSON:** Under the deed of release.

**MS McDONALD:** Sorry, I do apologise for that. We might seek a non-publication order over it when we come to tender it, just in the future.

**COMMISSIONER:** Just remind me of the document ID.

**MS McDONALD:** It was LCC.002.004.00261.

**COMMISSIONER:** We can deal with that.

**MS McDONALD:** Yes. I was asking you about recruitment. And - excuse me.

**COMMISSIONER:** Yes.

**MS McDONALD:** It's just been raised that as there are different people being live - sorry - watching the live-streaming, possibly including journalists -

**COMMISSIONER:** Yes.

**MS McDONALD:** - maybe the non-publication should be made immediately and I thank my learned friend for pointing that out to me.

5 **COMMISSIONER:** I think that's right. So, over the document and the evidence given as to the amount?

10 **MS MCDONALD:** I think in questioning, it was only in terms of how many weeks and did it incorporate the pay increase. Maybe if I could ask, those details, in a sense, are innocuous, just at that level.

**DR JACKSON:** Yes, they are.

**MS McDONALD:** It was your concern about the actual figures?

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

**COMMISSIONER:** Pursuant to section 12B of the Royal Commissions Act I direct the content of document LCC.002.004.0261 or any evidence that may have been given concerning the amounts that were paid to Dr Jackson by way of - at the  
20 conclusion of his employment not be published subject to further order.

**MS MACDONALD:** I was just wondering whether we're still within the five-minute cutoff time?

25 **ASSOCIATE:** Yes.

**COMMISSIONER:** Let's do it anyway. Let's pause the live stream now. Take it back as far as we can in the delay. What do I do now? I just pause for a moment and we come back and - well, that's the maximum. That's the full extent of the delay.  
30 But - all right. When I come - because I would have dumped, as it were, the order I have made, I'll remake the order when we come back live in case that doesn't capture it, and I'll make an order over - make the order again. Let me know when we're back live. Now, all right. Pursuant to section 12B of the Royal Commissions Act, I direct that the content of document LCC.002.004.0261 and any evidence or other  
35 information for the inquiry concerning the amounts that may have been paid to Dr Jackson following the termination of his employment with the council might be published subject to further order.

40 **MS McDONALD:** Dr Jackson, I wanted to move to another - I was moving to another topic. That was the use of recruitment - outside recruitment firms when a Council is appointing, for example, a CEO, a director and a manager - or a manager, and, from the material we have, it appears that it is standard practice, for that level of employee, that it is usual practice for such a firm to be engaged?

45 **DR JACKSON:** That would be correct.

**MS McDONALD:** And within the marketplace, there are a number of different recruitment firms that concentrate on Local Government appointments?

**DR JACKSON:** That would be accurate, yes.

5

**MS McDONALD:** All right. And within the different recruitment firms, do some have a reputation that if a Council is controlled by a particular political party, then that firm may be engaged by that Council and another firm that might - sorry, I'll start again. Is it the case that you - that there is an impression that there are certain recruitment firms that are aligned to particular political parties?

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**DR JACKSON:** I think it may be overstating - I can only go on my experience, and I would suggest that it would be overstating it to say that recruitment firms would be aligned with political parties. My experience has been far more positive in terms of they've all been highly professional, objective, impartial, and they do - they do a good job of what tends to be a very busy environment.

15

**MS McDONALD:** But it wasn't your experience that - and maybe the use - my use of the word "aligned" was not correct, but did you have an impression that when a Council was controlled by a certain political party, that would mean that certain recruitment firms appeared to be engaged by that Council?

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**DR JACKSON:** There had been instances of that, yes, and I was aware of some of those.

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**MS McDONALD:** And sorry, what -

**DR JACKSON:** I was aware of some of them.

**MS McDONALD:** A different topic. Mayoral minutes.

30

**DR JACKSON:** Yes.

**MS McDONALD:** I want to ask you about your observations of Mayor Wendy Waller and her use of mayoral minutes?

35

**DR JACKSON:** Yes.

**MS McDONALD:** We have evidence in the inquiry that provides guidance that mayoral minutes - and I'm generalising - should be used where it's a ceremonial matter, so somebody within the community's won an award, somebody well known within the community has passed away, so there will be a mayoral minute where there's some acknowledgment of that fact. Also, there can be mayoral minutes where there is something very urgent has arisen and it's got to be raised before the Council. But generally, complex matters should not be raised at a Council meeting via a mayoral minute, and that the usual procedure of notice of motion being included in

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the agenda book is the appropriate way of proceeding with a matter of some complexity?

**DR JACKSON:** Yes.

5

**MS McDONALD:** Now, that was a very long-winded setting out how mayoral minutes are to be utilised. Do you agree with that was generally the position?

**DR JACKSON:** I think that's a very accurate portrayal.

10

**MS McDONALD:** And your observations of Mayor Wendy Waller and her use of mayoral minutes, again putting it very generally, did she seem to comply with those guidelines?

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**DR JACKSON:** Mayor Waller complied not only with that but with every governance regulation. She was a stickler for - you know and she came to the post of Mayor in 2016, she made it very clear that she wanted to re-establish the highest levels of governance, of transparency, of consultation with community, and that's exactly what she did. And she - you know, to that effect, she made a point of saying, "My role in the Council meetings is actually to chair the meeting not to vote," even though she had a casting vote, and she used that very, very rarely.

20

**MS McDONALD:** Her casting vote?

25

**DR JACKSON:** Yes.

**MS McDONALD:** And she was Mayor during COVID times?

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

30

**MS McDONALD:** Do you have a recollection that there may have been, with matters of urgency, that she utilised the mayoral minutes in matters which may not have been the congratulations or the condolence mayoral minute, but in circumstances where, because of COVID, it was justified?

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**DR JACKSON:** Absolutely. Again, I would have to refer to the documentation, but I seem to recall that there was - she used the mayoral minute on one occasion to highlight - it was a deployment of troops, of army personnel on the streets of Liverpool.

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**MS McDONALD:** That was during one of the lockdowns?

**DR JACKSON:** It was, and it's when Liverpool was one of 12 designated LGAs of concern by the Berejiklian Government, and I think it was to highlight the point that Wendy made was we don't need more boots on the ground, we need more nurses in our hospitals. Something to that effect.

45

5 **MS McDONALD:** Another topic is employment and the use of the provision under the Local Government Act of the ability to directly appoint, but for a period of time up to 12 months. So you've got a direct appointment from outside the organisation of somebody for 12 months. Do you have any observations about the use of that and its appropriateness, or whether you have any concerns with it?

10 **DR JACKSON:** Well, I think it would be contingent on the circumstances on a - you know as arises - as arose on a case-by-case basis. For example, if it was a relatively junior position that didn't need immediate recruitment, then wider factors like can we hold off recruiting that position until the end of the financial year, for example, depends on how departments were performing in terms of their financial performance, that would be a matter for the director to determine in conjunction with their managers and, obviously, then notifying the chief executive.

15 In other positions, you know, should your general counsel, for example, or your chief financial officer leave the organisation, those positions would need to be filled as a matter of priority, and the typical response there would be to initially send out an internal expression of interest. That could provide a professional development opportunity for staff with the ambition to move up through the ranks, or someone  
20 who was highly experienced in that area, didn't necessarily want to put themselves forward as a director on a full-time basis, but were quite happy to take on that role for a limited period of time.

25 That would enable a public recruitment exercise then to be conducted. That would typically be of three to four months from, you know, initial discussions and advertisement through to someone walking in through the door. So it was - it was - there was no set approach to it, but generally it would have been handled internally in the first instance, and then an external recruitment exercise commissioned.

30 **MS McDONALD:** Will you just excuse me. There are some documents to tender, but I've got no further questions at the moment.

35 **COMMISSIONER:** All right. Does any party wish to (indistinct) to ask Dr Jackson?

**MS RICHARDSON:** I might (indistinct) that I might have questions (indistinct).

40 **COMMISSIONER:** Do it on Monday? Dr Jackson is available on Monday, otherwise -

**MS RICHARDSON:** Could I (indistinct).

45 **COMMISSIONER:** Of course you can, yes. Would you like me to adjourn for 10 minutes?

**MS RICHARDSON:** Yes, that might be convenient.

**COMMISSIONER:** Dr Jackson, we're just going to take a short break for about 10 minutes.

5 **DR JACKSON:** Okay.

**COMMISSIONER:** And we'll resume then. Thank you.

10 **<THE HEARING ADJOURNED AT 2.56 PM**

**<THE HEARING RESUMED AT 3.16 PM**

**MS McDONALD:** Commissioner, maybe if I can outline what was proposed. I've had some discussions with my learned friend.

15 **COMMISSIONER:** Yes.

**MS McDONALD:** I understand she needs some time to obtain instructions.

20 **COMMISSIONER:** Yes.

**MS McDONALD:** This was the proposal: That we now adjourn and recommence the inquiry on Monday, but at 2 pm. That will allow any further questioning of Dr Jackson to be completed so he can then return to Queensland.

25 **COMMISSIONER:** Good.

**MS McDONALD:** Either Monday evening or first thing -

30 **DR JACKSON:** Tuesday, I travel.

**MS McDONALD:** Sorry?

**DR JACKSON:** Tuesday, I travel.

35 **MS McDONALD:** Okay. Then can I just outline what was proposed for witnesses after that.

**COMMISSIONER:** Yes.

40 **MS McDONALD:** For next week.

**COMMISSIONER:** Sorry, just before you do, can we let Dr Jackson go for the afternoon?

45 **MS MCDONALD:** Yes.

**COMMISSIONER:** Doesn't need to sit here. Dr Jackson, thank you very much for attendance and your attention today?

**DR JACKSON:** Thank you.

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**COMMISSIONER:** We'll see you again on Monday just before 2 pm?

**DR JACKSON:** Thank you, Commissioner.

10 **COMMISSIONER:** You're free to go and enjoy your weekend?

**DR JACKSON:** Thank you.

**<THE WITNESS WITHDREW**

15

**COMMISSIONER:** Next week's schedule.

20 **MS McDONALD:** Dr Jackson will be Monday afternoon. Tuesday we were going to move to a Council employee, Emily Tinson dealing with grants made to the Council under the NSW Government. It's something like the Western Sydney -

**COMMISSIONER:** WestInvest.

25 **MS McDONALD:** Yes, the WestInvest schemes.

**COMMISSIONER:** Yes.

30 **MS McDONALD:** Then we were going to move back to Mr Ajaka, and, again, we're just pencilling in maybe Tuesday afternoon moving into Wednesday. Then we intend to call Shayne Mallard, and then when Mr Mallard is finished, move to Mr Breton, which may be on Friday - some time on Friday.

**COMMISSIONER:** And that program will be placed on the website (indistinct).

35 **MS McDONALD:** Yes. The other matter that I raised informally with the parties yesterday goes to the second tranche of evidence, and we have two weeks booked in here. Counsel assisting team's view is that, for abundant caution, we really should have a third week commencing 1 September. We understand that another location has been obtained within the city, but not here. Yesterday, I spoke to the counsel that  
40 was present and solicitors asking that to be pencilled into diaries, but I think we are moving to the stage where if the pencil maybe should be changed to pen.

**COMMISSIONER:** Be applied a little more heavily. All right. Well, thank you for that indication. The only thing I would ask is you keep your colleagues informed as  
45 things become clearer. I know that we have this building up until a period. I don't know whether - if it's the matter of a week, whether our stay here can be extended.

**MS McDONALD:** We'll make some inquiries.

5 **COMMISSIONER:** That - given the amount of infrastructure - I know this room has its, limitations, but the infrastructure is well embedded. It would be beneficial to the orderly conduct if those who oversee the access to the building could grant us a little leeway, but there's probably not much more I could say other than that. All right. Does that accommodate everybody's concerns and immediate needs, that proposal?

10 **MS RICHARDSON:** Yes, thank you.

**COMMISSIONER:** Thank you. Did you want to do some documents this afternoon?

15 **MS MCDONALD:** Can I hand up a new, or an amended index to TB-8 general exhibits as at 25 July at 8.50 am.

**COMMISSIONER:** I'll mark that MFI 14

20 **<MFI #14 AMENDED INDEX TO TB-8 GENERAL EXHIBITS AS AT 25 JULY AT 8.50 AM**

**MS McDONALD:** Commissioner, if you would move to the second page, item 83, being document LCC.014.002.0511. Local Government New South Wales CEO  
25 performance review November 2021. I tender that.

**COMMISSIONER:** That will be exhibit 39

30 **<EXHIBIT #39 LOCAL GOVERNMENT NEW SOUTH WALES CEO PERFORMANCE REVIEW NOVEMBER 2021**

**MS McDONALD:** Item 84, I tender document LCC.014.002.0410, performance review letter to E Jackson. 29 November 2021.

35 **COMMISSIONER:** Exhibit 40

**<EXHIBIT #40 PERFORMANCE REVIEW LETTER TO E JACKSON DATED 29/11/2021**

40 **MS McDONALD:** On the next page, I tender item 152, I tender document LCC.002.002.0806, project control group report 27 dated 8 March 2021.

**COMMISSIONER:** That will be exhibit 41

45 **<EXHIBIT #41 PROJECT CONTROL GROUP REPORT 27 DATED 08/03/2021**



**MS McDONALD:** Item 153. I tender document LCC.002.004.0261. Termination calculation. I note that a non-publication order has been made in respect of that document.

5 **COMMISSIONER:** That's the document that was on the screen?

**MS McDONALD:** Yes.

10 **COMMISSIONER:** Yes, all right, that will be exhibit 42 subject to the direction I made this afternoon

**<EXHIBIT #42 TERMINATION CALCULATION**

15 **MS McDONALD:** Item 156. I tender document LCC.002.007.0001. Email from Jackson to Council staff dated 2 March 2022.

**COMMISSIONER:** That will be exhibit 43.

20 **<EXHIBIT #43 EMAIL FROM JACKSON TO COUNCIL STAFF DATED 02/03/2022**

**MS McDONALD:** Item 174, document LCC.002.001.5969. O'Connor Marsden probity report 21 July 2021.

25 **COMMISSIONER:** Exhibit 44

**<EXHIBIT #44 O'CONNOR MARSDEN PROBITY REPORT DATED 21/07/2021**

30 **MS McDONALD:** And on the last page, item 223. I tender document LCC.015.003.0012. Selection of CEO report 25 November 2020.

**COMMISSIONER:** Exhibit 45

35 **<EXHIBIT #45 SELECTION OF CEO REPORT DATED 25/11/2020**

**MS McDONALD:** Item 230. I tender document LCC.015.003.0004. Confidential 05 report 26 February 2020 ordinary meeting.

40 **COMMISSIONER:** Exhibit 46.

**<EXHIBIT #46 CONFIDENTIAL 05 REPORT DATED 26/02/2020**

45 **MS McDONALD:** That's it.

**COMMISSIONER:** Is there anything else to attend to this afternoon? All right. And I'll adjourn until Monday at 2 pm.

**MS McDONALD:** Yes.

**COMMISSIONER:** Adjourn until Monday at 2 pm. Thank you

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**<THE HEARING ADJOURNED AT 3.25 PM**