



PUBLIC INQUIRY INTO LIVERPOOL CITY COUNCIL

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

**PUBLIC HEARING
SYDNEY**

**WEDNESDAY, 20 AUGUST 2025
AT 10.25 AM**

DAY 17

APPEARANCES

**Ms T McDonald SC, Senior Counsel Assisting
Ms B Anniwell, Counsel Assisting
Mr E McGinness, Counsel Assisting
Mr J Emmett SC with Mr D Parish and Mr N Andrews, Counsel for Liverpool
City Council
Ms K Richardson SC and Ms C Palmer, Counsel for Mayor N Mannoun
Ms C Hamilton-Jewell, Counsel for Mr P Ristevski
Mr T Boyle, Counsel for Mr J Ajaka
Ms V Brigden, Counsel for Lauren Myers**

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to any direction against publication commits an offence against s 12B of the Royal
Commissions Act 1923 (NSW).*

<THE HEARING RESUMED AT 10.25 AM

5 **MS McDONALD:** May I just deal with some administrative matters?

COMMISSIONER: Yes.

10 **MS McDONALD:** We have fallen behind in our tendering of documents that were shown to the last couple of witnesses.

COMMISSIONER: Yes.

15 **MS McDONALD:** Which includes Emily Tinson, Shayne Mallard and also Ms Morthen yesterday.

COMMISSIONER: Yes.

20 **MS McDONALD:** What we have done - we have a new index to TB8, if I can hand that up. And then we have a document entitled Documents to Tender of today's date with a suggested exhibit number. And it's cross-referenced to to the index to TB8.

COMMISSIONER: Excellent.

25 **MS McDONALD:** So if I may hand up, first, those two documents.

COMMISSIONER: Yes. I'll mark the updated index to TB8, as of 20 August 2025, MFI18.

30 **<MFI #18 UPDATED INDEX TO TB8 AS OF 20/08/2025**

COMMISSIONER: And the documents in the index, documents to tender, 20 August 2025, will have the exhibit numbers attributed to them in the index.

35 **MS McDONALD:** May I just make a comment about one document.

COMMISSIONER: Yes.

40 **MS McDONALD:** Which is now exhibit 87. It appears on the second page.

COMMISSIONER: Yes.

45 **MS McDONALD:** It was index number - in MFI18, number 255. There was evidence from Ms Tinson about an application to vary the - sorry, I've forgotten it. It's the grant - sorry, Western Sydney Infrastructure Grant for Brickmakers Creek, and the document that we showed her obviously wasn't the correct document. It had the application and then the identified differences did not accord with that variation.

We made inquiries of the Council. That has now been rectified. So exhibit 87 is the correct document.

5 **COMMISSIONER:** Thank you. And I see in the index there's some notations about non-publication orders. Have I already dealt with those or are they to be dealt with?

MS McDONALD: Excuse me. Our understanding is that they've already been made.

10 **COMMISSIONER:** Excellent. Great. Thank you. All right. Ms Richardson.

<**SANDRA MARIE MORTHEN, ON FORMER AFFIRMATION**

MS RICHARDSON: Ms Morthen, yesterday I asked you some questions about the rally outside the council meeting on 24 April last year.

15 **MS MORTHEN:** Yes.

MS RICHARDSON: And you gave evidence that Brandon Rhodes was the head delegate who was leading the chants at the rally.

20 **MS MORTHEN:** Yes.

MS RICHARDSON: Could we please pull up the following document, NMA.003.001.0004.

25 **ASSOCIATE:** (Indistinct) document on the live stream?

MS RICHARDSON: Yes, please. Is that you with the megaphone out the front?

30 **MS MORTHEN:** Yes.

MS RICHARDSON: Slightly shorter hair?

35 **MS MORTHEN:** Yes.

MS RICHARDSON: So the person we see, sort of, in front of you, to the right, at the rally with the visor on is David Taylor?

40 **MS MORTHEN:** Yes.

MS RICHARDSON: He's a union member?

MS MORTHEN: Yes.

45 **MS RICHARDSON:** Is he still a union member?

MS MORTHEN: As far as I know.

MS RICHARDSON: So you were speaking to the rally with the megaphone; is that correct?

5 **MS MORTHEN:** Yes.

MS RICHARDSON: So it appears you weren't afraid of hearing your own voice on that day at the rally. You were, in fact, speaking at the rally?

10 **MS McDONALD:** I object. Yesterday Ms Morthen did give evidence that she did speak at the beginning of the rally.

COMMISSIONER: Yes, she did.

15 **MS RICHARDSON:** Well, yesterday you gave evidence, "I don't like hearing my own voice on the speaker, so I would have been standing next to Brandon Rhodes as head delegate while he ran the chants and things for the rally." Do you recall giving that evidence?

20 **MS MORTHEN:** Yes.

MS RICHARDSON: So you were using the megaphone at the rally; correct?

25 **MS MORTHEN:** As I said yesterday, I would have made a statement at the beginning about it being a peaceful rally and I would have made a statement at the end about everybody being respectful if they were going into the council meeting.

MS RICHARDSON: And David Taylor was there in your line of sight when you were doing that?

30 **MS MORTHEN:** Potentially.

MS RICHARDSON: Well, look at the photo.

35 **MS MORTHEN:** I'm looking sideways and he's off to the side. I mean, potentially I saw him.

MS RICHARDSON: Well, do you agree with me that he's standing relatively close to you at the front of the - where the people are standing at the rally?

40 **MS MORTHEN:** Yes.

MS RICHARDSON: And you would have seen him on the day; correct?

45 **MS MORTHEN:** Potentially.

MS RICHARDSON: Well -

MS MORTHEN: I - okay. So -

MS RICHARDSON: Just take a look at the photo.

5

MS MORTHEN: Yes. I'm looking at the photo, but what I will also say to you is, for example, if you are speaking on a stage or you are speaking in front of a group, you're not always focusing on the people in front of you. So whilst it may seem that I had - saw him, and perhaps I did see him, I do not recall seeing him.

10

MS RICHARDSON: So just look at the photo there, just as - refresh your memory - that he was up the front of the rally.

MS MORTHEN: Yes.

15

MS RICHARDSON: And he was holding a pig in front of his chest; correct?

MS MORTHEN: He's holding a pig in one hand, yes.

20

MS RICHARDSON: In front of his chest; correct?

MS MORTHEN: Yes.

MS RICHARDSON: And I want to suggest to you that he is standing relatively close to you at the rally. Do you agree with that?

25

MS MORTHEN: Yes.

MS RICHARDSON: And that you must have seen him on the day because he was standing close to you up the front of the rally. Do you accept that?

30

MS MORTHEN: I accept that potentially I saw him. I can see other people I recognise there in that photo and I do not recall seeing them at the rally either.

MS RICHARDSON: And actually, he would stand out at the rally because he was wearing, I think you called it yesterday a silly hat. Correct? You described that as a silly hat?

35

MS MORTHEN: It is a silly hat.

40

MS RICHARDSON: And he had a toy pig propped in front of his chest; correct?

MS MORTHEN: Yes.

MS RICHARDSON: That's a slightly unusual scenario for someone at a rally to be wearing a silly hat and having a toy pig propped in front of their chest. Correct?

45

MS MORTHEN: The toy pig, yes. The silly hat, not necessarily.

MS RICHARDSON: But it's a memorable combination, isn't it?

5 **MS MORTHEN:** Yes.

MS RICHARDSON: And do you agree with me, just looking at the way Mr Taylor is standing there with a toy pig propped in front of his chest, that from an outsider that is - would be taken as a deliberate gesture to prop a toy pig in front of your chest
10 like that?

MS MORTHEN: I don't know if he did it deliberately. I do know he has the other toy in his other hand and potentially at some stage that was also in front of his chest.

15 **MS RICHARDSON:** Just listen to my question, Ms Morthen. Do you agree with me - I'm not asking you to put yourself in his brain. As an outside observer, for a person to stand like that with a toy pig propped in front of their chest at a rally, it comes off to - that a person would perceive that as a deliberate gesture he's engaging in. Do you agree with that?
20

MS MORTHEN: I will agree that some people might perceive that as deliberate.

MS RICHARDSON: Well, most people would perceive it that way, wouldn't they?

25 **MS MORTHEN:** Perhaps.

MS RICHARDSON: And that you're aware that Mr Taylor, who was standing there with the pig propped in front of his chest, had previously used the slogan, "Put some pork on your fork," and that that had upset Mr Mannoun; correct?
30

MS MORTHEN: I'm not sure if he was at the rally in 2015. I don't remember, sorry.

MS RICHARDSON: Well, you gave evidence yesterday that you were aware that he had used that phrase.
35

MS MORTHEN: No, I gave evidence that I was aware that Brandon Rhodes had used it at the rally.

MS RICHARDSON: Thank you. And if we look at what's in his right hand, you're
40 not suggesting that's a toy dog in his right -

MS MORTHEN: He did have -

MS RICHARDSON: In his left hand.
45

MS MORTHEN: He did have another dog squeaky toy.

MS RICHARDSON: Just have a look at what's in his left hand.

MS MORTHEN: I can see what's in his hand.

5 **MS RICHARDSON:** It looks like some type of tool or something or other. Do you agree with me that that is not a toy dog?

MS McDONALD: Well, no, I object. Her evidence yesterday was that Mr Taylor had squeaky dog toys in addition with the - there was the pig which was a squeaky
10 toy, and there were other squeaky toys.

COMMISSIONER: Yes.

MS RICHARDSON: Well, I'm asking a specific -
15

COMMISSIONER: Hang on. Hang on.

MS RICHARDSON: Sorry.

20 **COMMISSIONER:** Just let me have a go. I thought the question was directed to what is depicted in this image.

MS RICHARDSON: That is - I will ask it a different way. Look at his left hand. There's something that is small and cylindrical that's red; correct?
25

MS MORTHEN: Yes.

MS RICHARDSON: Do you agree with me that that is not any type of stuffed toy? Correct?
30

MS McDONALD: Not stuffed. Squeaky.

MS RICHARDSON: It's not any type of stuffed toy, is it? Correct?

35 **MS MORTHEN:** I don't agree with that, because my dog has toys that look like red sausages and hot dogs. So I can see that he has something red in his hand; I can't tell what it is.

MS RICHARDSON: Your evidence yesterday was not that it was a squeaky toy for
40 dogs - is that it was a dog.

MS MORTHEN: I actually -

MS RICHARDSON: Just wait for my question.
45

MS MORTHEN: I'm sorry, I thought you had finished.

MS RICHARDSON: Your evidence yesterday at transcript 1254 was one was a pig, one was a dog and one was some other animal. So just look at what's in his left hand. Do you agree with me that that is not a toy dog? Correct?

5 **MS MORTHEN:** I agree that is not a toy dog.

MS RICHARDSON: And it's not some other type of toy animal; correct?

MS MORTHEN: It's not a toy animal.

10

MS RICHARDSON: So do you agree with me that at least -

MS McDONALD: Hold on. I think, to be fair, at page 1254, line 20 - if my friend could have a look at that:

15

"I think it was three, I may be wrong, dog squeaky toys."

COMMISSIONER: Yes. I think -

20 **MS McDONALD:** And then she says:

"One was a pig, one was a dog and one was some type of other animal."

They were like dog squeaky toys, so not stuffed toys.

25

COMMISSIONER: This is prefaced as being in the foyer outside the council chambers. This picture is taken somewhere else.

MS MORTHEN: Yes.

30

COMMISSIONER: So we're talking - the picture is not, as I apprehend the evidence, what is - what is depicted in the picture is a different time and location to what is described from line 17 -

35 **MS RICHARDSON:** That is the point of my cross-examination. Thank you, Commissioner. So at this point in time at the rally, Ms Morthen, do you agree with me that the toy that he has displayed prominently is a pig which is propped in front of his chest? Correct?

40 **MS MORTHEN:** Yes.

MS RICHARDSON: And you would have been aware at the time that messaging around pigs and pork in relation to Mayor Mannoun, as a Muslim, was likely to be very offensive to him. Correct?

45

MS MORTHEN: I was aware that it upset him, yes.

MS RICHARDSON: And you were aware that it would actually be offensive to him because he was a Muslim; correct?

5 **MS MORTHEN:** I was aware that it upset him. If it was offensive to him, he would not have spoken about the delicious pork dish that was served at CPAC a few days later on the radio. So I knew it was upsetting to him; I was not aware at that stage that it was offensive to him.

10 **MS RICHARDSON:** Well, you knew that the displaying in a deliberate gesture of a pig by a union member would upset Mayor Mannoun; correct?

MS MORTHEN: Now I know that. Then, at this stage at the rally, I had not seen the pig, which is why I mentioned that I saw it in the foyer upstairs.

15 **MS RICHARDSON:** Well, Ms Morthen, you were aware - you had been aware for a number of years that messaging around pork and "pork on your fork" and pigs and so on was something that would upset Mayor Mannoun. Correct?

20 **MS MORTHEN:** Yes.

MS RICHARDSON: Because he told you that.

MS MORTHEN: Yes.

25 **MS RICHARDSON:** So you knew that -

MS MORTHEN: Yes.

30 **MS RICHARDSON:** - on and from 2015; correct?

MS MORTHEN: Yes.

35 **MS RICHARDSON:** So when you saw a union member at the rally adopting that deliberate gesture with a pig propped in front of his chest, it was obvious to you, wasn't it, that that would upset Mayor Mannoun? Correct?

40 **MS McDONALD:** I object. The witness has not agreed that she saw that. Her evidence is that she can't recall seeing him in this - at this situation at the rally - of seeing him.

COMMISSIONER: Yes.

45 **MS RICHARDSON:** Well, I want to suggest to you, Ms Morthen, that given how close the union member, Mr Taylor, was standing to you and given the unusual get-up he had on - you agree it's a memorable get up with the hat and the pig propped in front of his chest; correct?

MS MORTHEN: Yes.

MS RICHARDSON: And given his proximity to you, I want to suggest to you that you did see him on the day.

5

MS MORTHEN: I saw him in the foyer upstairs, and when I saw him with the toys -

MS RICHARDSON: Just -

10

MS MORTHEN: - I told him to put them -

MS RICHARDSON: Just wait. I'm asking - I'm not asking you about the foyer. Look at the picture.

15

MS MORTHEN: I do not recall seeing him at the rally.

MS RICHARDSON: Well, I want to suggest to you you did see him on the day because he was wearing a memorable get-up and he was standing right near you. Do you accept that you did actually see him on the day?

20

MS MORTHEN: Respectfully, you can suggest it as often as you like, I do not recall seeing him at the rally.

MS RICHARDSON: Well, isn't this a case, Ms Morthen, of you being prepared to lie to protect a union delegate?

25

MS MORTHEN: No, it's not. Mr -

MS RICHARDSON: A union member. Is this an example of you lying in your evidence, you refusing to accept the obvious that he was standing in front of you and you saw him on the day?

30

MS MORTHEN: I have no need to protect Mr Taylor. This matter was investigated and was dealt with, as per the award. I have no need to continue to protect Mr Taylor.

35

MS RICHARDSON: So do you only lie in your evidence where you've got a union member that you need to protect?

40

MS McDONALD: I object. There's been no evidence of Ms Morthen lying in evidence.

COMMISSIONER: I think that's right, Ms Richardson.

45

MS RICHARDSON: Well, she -

COMMISSIONER: There's a difference, I think, between Weir and here, if I can put it that way.

5 **MS RICHARDSON:** Well, do you agree with me, yesterday, that you lied to Mr Harvey as part of the independent investigation? Correct?

MS MORTHEN: I did.

10 **MS RICHARDSON:** Well, I want to suggest to you this is an example of you lying in order to protect someone who's a union member. Do you accept that?

MS MORTHEN: No.

15 **MS RICHARDSON:** And I want to suggest to you that it was - you must have seen him on the day and that you knew that what he was doing would be upsetting to Mayor Mannoun.

MS MORTHEN: I do not recall seeing him outside at the rally.

20 **MS RICHARDSON:** Ms Morthen, do you have a custom fluoro vest that you wear at the depot which has on the back of it, in capitals, "THUG"? T-h-u-g. Is that something you wore at the depot?

25 **MS MORTHEN:** I used to have it, and that is part of what is on the back.

MS RICHARDSON: So it says "THUG"; correct?

MS MORTHEN: It partly says "THUG", yes.

30 **MS RICHARDSON:** But it says "THUG"?

MS MORTHEN: It partly says "THUG".

35 **MS RICHARDSON:** What else does it say?

MS MORTHEN: It says "THUG" down the side. And then next to it, it says "That Helpful Union Girl".

40 **MS RICHARDSON:** Right. Spelling "THUG".

MS MORTHEN: "THUG" is down the side.

MS RICHARDSON: In large font; correct?

45 **MS MORTHEN:** It's all in large front.

MS RICHARDSON: Okay. You -

MS MORTHEN: But I don't have it any more. It broke.

5 **MS RICHARDSON:** But you accept that that's something that you regularly used to wear at the depot at Liverpool Council?

MS MORTHEN: That's what I wore at every depot.

10 **MS RICHARDSON:** Right. Including the Liverpool Council depot?

MS MORTHEN: Including, yes.

15 **MS RICHARDSON:** Can I just - the following picture please be brought up. NMA.008.001.0004.

ASSOCIATE: Do you want this on the live stream?

MS RICHARDSON: Yes, please. Ms Morthen, is that your Facebook profile?

20 **MS MORTHEN:** It is.

MS RICHARDSON: Is that you with brown hair?

25 **MS MORTHEN:** It's reddish brown, but yes.

MS RICHARDSON: All right. So is that a Facebook account or profile that you - is that your main Facebook profile that you use?

30 **MS MORTHEN:** That's my Facebook profile.

MS RICHARDSON: And that's your recent Facebook profile that you use? That - with that photo.

35 **MS MORTHEN:** I only have one Facebook profile. I don't know if that's still my photo, but it could be.

MS RICHARDSON: But you recognise it as a photo that you use on your Facebook account?

40 **MS MORTHEN:** Yes.

MS RICHARDSON: Are you aware of a Facebook page called Liverpool Council Shenanigans?

45 **MS MORTHEN:** Yes.

MS RICHARDSON: And that's a Facebook page where people put things that are negative about Liverpool Council? Or commentary on Liverpool Council?

MS MORTHEN: They put commentary about Council, yes.

5

MS RICHARDSON: Thank you. And the commentary's negative, isn't it?

MS MORTHEN: Often.

10 **MS RICHARDSON:** Because the title is Shenanigans. That's the point of the Facebook page, isn't it?

MS MORTHEN: Yes, maybe.

15 **MS RICHARDSON:** And you're aware - if we could please bring up NMA.008.001.0001.

ASSOCIATE: Do you want this document (indistinct)?

20 **MS RICHARDSON:** Yes, please. Just while that's happening, Ms Morthen, is that the Liverpool Council Shenanigans Facebook page you recognise?

MS MORTHEN: Yes.

25 **MS RICHARDSON:** And that's a page that you have, sort of, engaged with, in terms of liking comments and so on, at various points?

MS MORTHEN: Yes, sometimes.

30 **MS RICHARDSON:** And if we could go - I don't quite know how these are in your system, but to the next - I think these are a series of stills. Commissioner, there is a video of this, not that this is a - it's a video which shows how to scroll through various aspects of this page, but I think it's also been replicated in stills, to make it more manageable.

35

COMMISSIONER: Thank you.

MS RICHARDSON: I'll just give you the video number, just for the record, but we won't play that just yet.

40

MS McDONALD: Well, can I just flag I will be objecting to this evidence. It has been provided to the counsel assisting team, but I will be objecting to it.

COMMISSIONER: Okay. Perhaps if I just have the identifier for the video, and
45 then we'll take it step by step.

MS RICHARDSON: So the video is NMA.005.001.0002. So perhaps if we play that video, and then it will just be - well, we'll play it and then my learned friend will object.

5 **MS McDONALD:** Well -

MS RICHARDSON: Or - not play it.

10 **MS McDONALD:** I was -

COMMISSIONER: Is it okay if Ms Morthen hears this?

MS RICHARDSON: I think it's better to have it in the absence of witness, actually.

15 **COMMISSIONER:** Yes. Ms Morthen, sometimes this happens. It's no criticism of you. If you just wouldn't mind stepping outside.

MS MORTHEN: Yep.

20 **COMMISSIONER:** And someone will let you know when we're ready for you again.

<WITNESS LEAVES THE HEARING

25 **MS McDONALD:** And, sorry, it's just the awkwardness with it being live streamed and - and I think being foreshadowed what was proposed to be put to Ms Morthen. That's why -

30 **COMMISSIONER:** All right. So should we do this in private?

MS RICHARDSON: I don't mind. I don't think -

COMMISSIONER: I'm not sure what's coming.

35 **MS RICHARDSON:** I don't think I've actually proposed on the record what I'm going to do. I've discussed with my learned friend, but I don't really mind how - I can't see why it should be in closed session, in my submission.

40 **COMMISSIONER:** Okay. Well, what is it?

MS McDONALD: My understanding of the evidence that my friend wants to lead is a recent post by a person who I think is called Robert McDonald - in brackets, no relation, closed brackets - of, I think, a meme of the mayor.

45 **COMMISSIONER:** Right.

MS McDONALD: And then there is a posting - I'm hopeless with the terminology, but maybe a posting by Ms - or a comment by Ms Morthen - or a reaction, apparently, it's called.

5 **COMMISSIONER:** Right. A like or a tick or a - whatever it is.

MS McDONALD: I think - is it a smiley face?

MS RICHARDSON: I think it's a like.

10

MS McDONALD: It's a laughing face. Our understanding is this was done last week.

COMMISSIONER: The post should have a date on it, if not the - if not the reaction.
15 Could I see - can I see the post?

MS RICHARDSON: You can tell the date because it's got this week's witness schedule on it. So it's clearly -

20 **COMMISSIONER:** It's recent.

MS RICHARDSON: - relatively recent.

COMMISSIONER: All right. In any event, if it's commenting about something that
25 was posted late last week - I think they come out on a Friday - the website, so it's within recent times.

MS McDONALD: If we could bring up NMA. - I think it was up, the 008.0 -

30 **COMMISSIONER:** Not on the live stream for the - don't live stream it. Just in the room, so I can see it.

MS McDONALD: 008.001.0001. And -

35 **COMMISSIONER:** That's the page. Yes.

MS McDONALD: So the - and then if you move to 002, the last four numbers. It's a photo that's been posted in the Comment section. And then page 3, 0003, is a
40 zooming in of that photo.

COMMISSIONER: Yes.

MS McDONALD: And then - so going back to 2, there's - sorry, page 2. There's an
45 emoji reaction.

COMMISSIONER: I saw that in the thing, and the suggestion -

MS McDONALD: Yes.

COMMISSIONER: - is, well, the -

5 **MS McDONALD:** And then the -

COMMISSIONER: It records it as being Ms Morthen, does it?

10 **MS McDONALD:** I think if we go to page 5 -
COMMISSIONER: Yes.

15 **MS McDONALD:** Is Ms Morthen, but as it - and we can find the page. It was - it's associated with, I think, the witness list for this week. So we would say it was posted last week. We just can't see the relevance of it.

20 **MS RICHARDSON:** The witness has accepted - the Facebook page I took Ms Morthen to, when one clicks the next phase of this video is - you click on "Sandie Morthen" - and that's her. She's accepted that that's a Facebook page that she deploys and she's only got one.

COMMISSIONER: Yes, the same image you can see there.

25 **MS RICHARDSON:** Exactly.
COMMISSIONER: Yes.

30 **MS RICHARDSON:** So the relevance of it is two-fold. Firstly - well, this is really the second reason, but I'll deal with it first. It's relevant to Ms Morthen's credit. So she - I'll be making submissions on behalf of the mayor that various aspects of her evidence - she was not forthcoming or didn't give honest evidence. So one example is proposition that she did not see the union member in the front of the rally holding a pig propped in front of his chest and that she can't remember seeing him and didn't see him. She would not accept what I will be submitting is the obvious, that she must
35 have seen him there. Or that that was a gesture that, it would have been apparent to her, would readily be upsetting to the mayor. So it's relevant to her credit on that respect.

40 It's also relevant to other evidence she gave. I put multiple times to her that it was obvious to her and she knew that messaging around "pork on your fork" and pigs and so on was offensive to Mayor Mannoun, and that it was well-known that that would be offensive. And she would not, in my submission, accept the obvious in relation to that and she would only accept the language about, "I knew it would upset him. I don't know about being offensive," and so on. So it's relevant in multiple respects to
45 her credit.

It's also relevant to the racism that my client has been subjected to as mayor of Liverpool, which is that this type of material is posted on a public website and that it's been commented on by Ms Morthen, who's a well-known union organiser, who up until recently was the sole union representative at Liverpool. And so she has reacted to what I will be submitting is a very racist meme in relation to Mayor Mannoun by laughing at it, and that that's a public endorsement by her of a racist meme.

And so I seek to put that material to her because it is relevant to her credit in the sense of, in my submission, not readily accepting evidence in respect of offensiveness of this type of material to Mayor Mannoun and understanding about the upset it causes him. So I put it on the basis of both credit of her and also a broader relevance of the type of racism that my client faces in his role as mayor. May it please the inquiry.

MS McDONALD: On the question of credit, her evidence is not that she did not see Mr Taylor. She cannot recall seeing him. Her evidence has been - in respect of this question of upsetting or offensive to the mayor, her evidence has been she agrees with "upsetting" because she had some kind of conversation with the mayor or some direct knowledge from the mayor that he was upset about it.

This - that the - to attack her evidence or her credit on, for example, the evidence that she gave today - to use a reaction that she has made as a private individual, where she no longer is the organiser for Liverpool City Council - in my submission, there is not a sufficient link. In respect of some allegation - or, I'm sorry, my friend's foreshadowing a submission of the racism that Mr Mannoun is subject to, the Liverpool Shenanigans site and that particular photograph or meme - if it's relevant for her argument, that can be put before the Commission.

But the particular reaction of Ms Morthen as a private individual, not in a union capacity, not with - and in respect of at least over a year subsequent to some of the conduct that has been explored at the rally, in my submission, is not relevant to her credit and is not relevant to the matter of whether Mr Mannoun has been subject to public websites or other public comments concerning racism.

COMMISSIONER: I think what I'll do, Ms Richardson - I'll allow you to explore it, but with this caveat, if I can put it that way. There seems to be a distinction between "upsetting" and "offence", at least in my mind. I think you put to the witness a number of times that Councillor Mannoun would have been and was offended. The witness came as far as suggesting she was aware as "upset" is my recollection of the evidence. I think, on that proposition, the line that you want to explore through this is permissible.

I think, though, I need to be careful that I'm not inquiring into the union and the union's conduct, although I accept it's relevant. But there is a line at which I am alive to that we might be straying beyond what might be thought to be within the realms of my terms of reference, and I'm sure you understand what I'm putting to you.

So I think I will allow it in that context. But to make it worthwhile for me, it may be that you need to explore with the witness the difference between "upset" and "offence". And there's already been a fairly significant attack on credit. So put what
5 you need to put, but I understand the propositions. And as counsel assisting rightly points out, all of this material will be put before me and you are free to make submissions, and Councillor Mannoun will be given ample opportunity to explain to me in his evidence how it affected him and his reaction to it. And when that time
10 comes, I'll be interested to hear from a number of witnesses who are yet to come - how all this can be resolved, so that the Council and the workforce, moving forward - and the governing body can hopefully move forward in a more productive way. All right.

15 **MS RICHARDSON:** Thank you.

COMMISSIONER: We'll have Ms Morthen -

MS RICHARDSON: I'll take your comments on board.

20 **COMMISSIONER:** Thank you. We'll have Ms Morthen back. Thank you.

<WITNESS ENTERS THE HEARING

25 **COMMISSIONER:** Thank you, Ms Morthen. Yes, Ms Richardson.

MS RICHARDSON: So, Ms Morthen, just before that short break, you identified for the inquiry your Facebook account that you used by reference to your photo and so on.

30 **MS MORTHEN:** Yes.

MS RICHARDSON: That's your only Facebook account; is that right?

35 **MS MORTHEN:** Yes.

MS RICHARDSON: And you agreed that you have interacted with the Liverpool City Council Shenanigans Facebook page at various points?

40 **MS MORTHEN:** Yes.

MS RICHARDSON: And recently, you're aware that it was posted on that Facebook page the witness schedule for this week's inquiry?

45 **MS MORTHEN:** Yes.

MS RICHARDSON: And you saw that there on the page?

MS MORTHEN: Yes.

MS RICHARDSON: And you're aware that someone called Robert McDonald posted a meme on that page. The relevant - I might just hand up a still of that, but
5 I can - can I just hand that -

MS MORTHEN: Thank you.

MS RICHARDSON: Just for the record, where that appears on the video is
10 NMA.008.001.002, at 0.20. So last week, was it - can you remember what day? I think it was either late last week or over the weekend. When did you engage with this Facebook page recently?

MS MORTHEN: Potentially in the last few days.
15

MS RICHARDSON: Okay. So if you look at the picture in front of you, you went onto the Liverpool Council Shenanigans page and saw the witness schedule posted there; correct?

MS MORTHEN: Yes. Sorry, yes.
20

MS RICHARDSON: And you also saw that someone called Ronald McDonald had posted a meme of Mayor Mannoun?

MS MORTHEN: On the page or -
25

MS RICHARDSON: Yes.

MS MORTHEN: Or as a comment?
30

MS RICHARDSON: As a comment.

MS MORTHEN: I didn't see that, no. Sorry.

MS RICHARDSON: Well, just have a look. See what I've got in front of you - that
35 you've got in front of you.

MS MORTHEN: Yes.

MS RICHARDSON: I'm happy to play a video, but what I want to suggest to you is that Robert McDonald put up - just if we focus on that photo, you accept that that's
40 a photo of Mayor Mannoun's face?

MS MORTHEN: Yes.
45

MS RICHARDSON: And that's it's been, in effect, doctored onto the body of another person?

MS MORTHEN: Yes.

5 **MS RICHARDSON:** And that the person is wearing what's recognisable as an Islamic white cap?

MS MORTHEN: Yes.

10 **MS RICHARDSON:** And has a beard?

MS MORTHEN: Yes.

15 **MS RICHARDSON:** You would be aware that Mayor Mannoun doesn't ordinarily sport a beard; correct?

MS MORTHEN: He sometimes does, but usually no.

20 **MS RICHARDSON:** Usually no. And so here we have him wearing a white Islamic cap and a beard; correct?

MS MORTHEN: Yes.

25 **MS RICHARDSON:** And he's, in effect, depicted as a homeless person who's begging for money?

MS MORTHEN: Yes.

30 **MS RICHARDSON:** And the - he's got a placard around his neck, saying:
"Help, I have five kids. I have two wives and five kids."

MS MORTHEN: Yes.

35 **MS RICHARDSON:** See that?

MS MORTHEN: Yes.

40 **MS RICHARDSON:** So you would agree with me that that is a meme that would be highly offensive to Mayor Mannoun?

MS MORTHEN: Yes.

MS RICHARDSON: Would you agree it's a racist meme?

45 **MS MORTHEN:** I think it's - to me, it's - probably be more offensive because it's making fun of homeless people. I can see that it would be personally offensive to him. I'm not sure -

MS RICHARDSON: Would you agree with me he's not just depicted as a homeless person there, he is clearly depicted as a homeless Muslim person? Correct?

5 **MS MORTHEN:** Yes.

MS RICHARDSON: And if you look at what's being put in the cup, can you see there it's not actually money that's being put in, it's a condom?

10 **MS MORTHEN:** I didn't pick that up, sorry. I thought it was a credit card, but yep, it could be.

MS RICHARDSON: But you can see there that, in fact, it's a condom -

15 **MS MORTHEN:** It's not money.

MS RICHARDSON: - being put in the cup?

MS MORTHEN: It's what, sorry?
20

MS RICHARDSON: It's a condom that's being placed in the cup.

MS MORTHEN: It could be. I - yeah, it's something blue and square. I can see that it - someone could think it was that.
25

MS RICHARDSON: So do you agree with me that part of the offence of this meme is that a condom's being put in a cup and the placard around his neck that's superimposed is that, in effect, he has multiple wives and lots of kids. That's the gist of the meme; correct?
30

MS MORTHEN: If we accept that's a condom, then yes.

MS RICHARDSON: And do you agree, even if it were unclear about whether it's a condom going into the cup, that the gist of the meme, because of the Islamic cap and beard and the way he's presented with the placard, is to present him in a way that - depicting very negative stereotypes about a Muslim person. Do you agree with that?
35

MS MORTHEN: Yes.
40

MS RICHARDSON: That, in effect, it - unsophisticated and has multiple wives and lots of kids and so on. Correct?

MS MORTHEN: Yes.
45

MS RICHARDSON: Do you agree with me that that's actually an extremely offensive post to Mayor Mannoun?

MS MORTHEN: To him, yes, I can see that it would be.

5 **MS RICHARDSON:** And also it's offensive in the sense of it's showing him begging. It's not depicting him as a professional person as he is. Do you agree with that?

MS MORTHEN: Yes.

10 **MS RICHARDSON:** And do you see on - I just want to play the video. Do you agree with me that through your Facebook account you interacted with that comment by posting a laughing emoji.

15 **MS MORTHEN:** I don't think I did.

MS RICHARDSON: Well, I - let's play the video.

MS MORTHEN: I - if I did -

20 **MS RICHARDSON:** Just wait.

MS MORTHEN: - I did, but - yeah.

25 **MS RICHARDSON:** We'll play the video.
(Video played)

30 **MS RICHARDSON:** For my part, it can be on the live stream. So this is - just to explain, it's a video showing - obviously it's not a video on the website, it's just showing what happens when you click on various links.

MS MORTHEN: Yep.

35 **MS RICHARDSON:** So, sorry, if we could play that. Yes. Can it be blown up a bit so it's a bit bigger?

(Video played)

40 **MS RICHARDSON:** You see there that's this week's witness schedule down the bottom?

MS MORTHEN: Yes.

45 **MS RICHARDSON:** Just clicked on Comments, and then Robert McDonald has posted that meme as part of a comment. Do you see that?

MS MORTHEN: Yes. Now I can see it's a condom. Yes.

MS RICHARDSON: We see there it is clearly, in fact, a condom; correct?

MS MORTHEN: Yes.

5

MS RICHARDSON: And then do you see on the right-hand side there's a laughing face?

MS MORTHEN: Yes.

10

MS RICHARDSON: And that's your Facebook account; correct?

MS MORTHEN: Yes.

15

MS RICHARDSON: So do you agree with me that you've interacted with that meme by laughing at it?

MS MORTHEN: Yes. Yes.

20

MS RICHARDSON: And that's your Facebook page.

MS MORTHEN: That is.

25

MS RICHARDSON: So do you agree that in the last few days that you looked at that meme of Mayor Mannoun and you interacted with it by laughing at it? Correct?

MS MORTHEN: Yes.

30

MS RICHARDSON: So you found that post funny, did you?

MS MORTHEN: No, I don't.

35

MS RICHARDSON: Well, you agree that you had various options in respect of that comment, which - the first option was to do nothing?

MS MORTHEN: Yes.

40

MS RICHARDSON: Correct? And there are various other ways you can interact on Facebook. There are some negative emojis one can post in response to something; correct?

MS MORTHEN: Yes.

45

MS RICHARDSON: You knew about those at your disposal - that you could express disapproval of a post like that?

MS MORTHEN: Yes.

MS RICHARDSON: And there are also some positive emojis that you could deploy and you chose to deploy a laughing emoji. Correct?

5 **MS MORTHEN:** I don't think I did that intentionally, but clearly I did.

MS RICHARDSON: Well, you accept you pressed on the laughing emoji?

MS MORTHEN: Yes.

10

MS RICHARDSON: You didn't accidentally press on it; correct?

MS MORTHEN: I accept that I pressed on it. I don't even recall seeing the picture, but -

15

MS RICHARDSON: But you agree with -

MS MORTHEN: - I accept that I clearly did.

20 **MS RICHARDSON:** And that that must have been deliberate. You didn't accidentally fall on the laughing emoji, did you?

MS MORTHEN: I honestly don't know. I mean, you can accidentally do it. I don't even recall seeing the picture.

25

MS RICHARDSON: Ms Morthen, you're giving evidence under oath.

MS MORTHEN: I am, and I am being honest.

30 **MS RICHARDSON:** Well, you saw what - that meme in relation to Mayor Mannoun and you made a choice to click on a laughing emoji, reacting to it. Correct?

MS MORTHEN: Okay. I don't recall, but yes, I clearly clicked on -

35 **MS RICHARDSON:** Ms Morthen, this happened in the last few days; correct?

MS MORTHEN: Yes.

MS RICHARDSON: You've got a good memory for the last few days?

40

MS MORTHEN: You know what? Sometimes I don't have a good memory for what I had for breakfast, but I genuinely accept that that was wrong, that - what I did. I don't recall doing it, but I genuinely accept I clearly did it.

45 **MS RICHARDSON:** Well, I want to suggest to you you agree with me you didn't accidentally press the like - laughing emoji. Correct?

MS MORTHEN: I genuinely do not recall doing it.

5 **MS RICHARDSON:** Is that your truthful evidence to the Commissioner, that in the last few days you saw a racist emoji about Mayor Mannoun and you chose - that you clicked on a laughing emoji and you can't remember whether you did it. Is that your evidence on oath?

10 **MS MORTHEN:** Yes. My - I click on 4 billion Facebook things a day. I genuinely can see that this would be offensive and I genuinely do not recall clicking the laughing emoji.

MS RICHARDSON: Well, let me ask you a different question. You accept it's a racist meme of Mayor Mannoun?

15 **MS MORTHEN:** Yes.

MS RICHARDSON: And you accept that you did, in fact, click on the laughing emoji in response to it?

20 **MS MORTHEN:** Yes.

MS RICHARDSON: And that that happened in the last few days.

25 **MS MORTHEN:** Yes.

MS RICHARDSON: I want to suggest to you that you are giving false evidence to this Commissioner by suggesting that you can't remember that you did that. Do you accept that?

30 **MS MORTHEN:** I accept that you want to suggest that and I accept that it could be seen as that, and all I can say is I genuinely do not remember. I cannot control how that's interpreted.

35 **MS RICHARDSON:** Well, I want to suggest to you that you're giving this evidence to the Commissioner because you realise that it reflects adversely on you that you have laughed at a meme of the mayor that is plainly racist. Do you agree with that?

MS MORTHEN: I agree 100 per cent that this reflects badly on me.

40 **MS RICHARDSON:** But you were prepared to do that in the last few days; correct?

MS MORTHEN: I clearly did it in the last few days. I don't think I was prepared to do it, and I think that as soon as I'm finished here I will be rectifying it.

45 **MS RICHARDSON:** But you were prepared to do it at the time; correct?

MS MORTHEN: I - yes.

MS RICHARDSON: And if we can go back to the beginning of that page - but I can tell you that there are 1000 followers of that page.

5 **MS MORTHEN:** Yep.

MS RICHARDSON: Do you agree with me that you are a - would be a well-known person amongst Liverpool City Council staff, as someone that had been a union organiser for 13 years?

10

MS MORTHEN: Yes.

MS RICHARDSON: And do you accept that for someone - and that you had a relatively high profile amongst Liverpool City Council workers because of your role over 13 years?

15

MS MORTHEN: Yes.

MS RICHARDSON: And that - do you accept as a general proposition that for a person to express - to interact with a Facebook post by either a thumbs up or a laughing emoji, it's a form of approval or endorsement?

20

MS MORTHEN: Yes.

MS RICHARDSON: And that the way that would be perceived by someone who saw you laughing at that racist meme, it would be likely to be taken as a form of public support by you for that type of racist meme?

25

MS McDONALD: Well, I object to this questioning. It's the boundaries that you establish - it seems to now be going beyond that.

30

COMMISSIONER: I think the introductory proposition, the question or so before about more than being known to staff - that line, I think - perhaps - I'll reject the question in that form and you can ask another one. That might be the easiest way forward.

35

MS RICHARDSON: So you've agreed with me that when, as a general proposition, a person engages with a Facebook comment by expressing a type of positive reaction like a thumbs up or a laughing face, that that's likely to be taken as a form of public approval of that comment by the person. Correct?

40

MS MORTHEN: Could be, yes.

MS RICHARDSON: Well, it's likely, isn't it?

45

MS MORTHEN: Well, it could be.

MS RICHARDSON: Well, it's not going to be taken as a disapproval, is it?

MS MORTHEN: By the people who see it? Okay. Yes.

5 **MS RICHARDSON:** Thank you. And that you've already given evidence that you accept that that meme posted of Mayor Mannoun was offensive; correct?

MS MORTHEN: Yes.

10 **MS RICHARDSON:** And would be very likely to be taken as offensive by Mr Mannoun personally?

MS MORTHEN: Yes.

15 **MS RICHARDSON:** And that - I want to suggest to you that by choosing to click on a laughing emoji you engaged in a form of public support for an offensive meme about Mayor Mannoun.

MS MORTHEN: Yes.

20 **MS RICHARDSON:** And that it must have been obvious to you at the time you expressed that public support for an offensive meme about Mayor Mannoun that he would take that as personally offensive to him.

25 **MS McDONALD:** Well, again, I object. I think you've gone - we're now moving beyond the boundaries.

COMMISSIONER: I think that's right. This has been well explored, I think, Ms Richardson.

30 **MS RICHARDSON:** Those are my questions. Thank you.

COMMISSIONER: Thank you. Does anybody else -

35 **MS McDONALD:** I think we've got two other counsel.

COMMISSIONER: Two others. Do we need to do a short break and a reshuffle or a -

40 **MS McDONALD:** Or - sorry, could I just - sorry.

COMMISSIONER: Of course you can.

MS McDONALD: If I can just organise -

45 **COMMISSIONER:** We can do a shuffle at morning tea.

MS McDONALD: Yes, that's what I was thinking.

COMMISSIONER: Yes. Yes, Mr Emmett.

5 **MR EMMETT:** Commissioner, the only thing - and there may be - there may not be a difficulty with this - I'm going to need to ask to go into closed session for one of them, for reasons I'll articulate in a - for - the questioning won't take long, so I'm content to deal with it before the break.

10 **COMMISSIONER:** All right.

MR EMMETT: Can I deal first with a matter that's in open session and then articulate the basis for the closed session, which will become clear?

15 **COMMISSIONER:** Please do.

MR EMMETT: Ms Morthen, would you agree with me that the union membership - USU membership, as disclosed from Liverpool City Council's payroll, is 343 members?

20

MS MORTHEN: That's how many members at Liverpool would pay by payroll deduction. There are other ways to pay your union fees.

25 **MR EMMETT:** Yes. Thank you. The matter I'm about to come to - the reason for it to - the next matter that I'm about to come to in closed session - the reason it needs to come in - it should be in closed session is because of evidence - this is not about Ms Morthen, but evidence that I will seek to lead about another employee in respect of whom there were mental health concerns. So I just want to tread extremely carefully. But I'm not going to be adducing evidence about those mental health
30 concerns, but I will see if Ms Morthen knows enough to give the - to give you, Commissioner, comfort about why it should be in closed session, and then I'll ask the questions that I want to ask.

35 **COMMISSIONER:** Ms McDonald, do you wish to be heard against doing it in that way?

MS McDONALD: I have no idea other than what Mr Emmett's just said. But if it does raise some personal issues about somebody, in particular mental health -

40 **COMMISSIONER:** Yes.

MS McDONALD: - then I would agree that we should move to a closed session.

45 **COMMISSIONER:** Yes. I think that's right. All right. Is there any difficulty with those who are in the room remaining in the hearing room, Mr Emmett?

MR EMMETT: No.

COMMISSIONER: All right. Pursuant to section 12B of the Royal Commissions Act, I direct that the next passage of this hearing take place in private, that those who are currently in the hearing room can remain in the hearing room. And I make
5 a further direction that the transcript of this private portion of the hearing not be published otherwise than in accordance with the usual form of order.

MR EMMETT: May it please.

10 **COMMISSIONER:** Just pause for a moment, Mr Emmett, till I get the nod that we're in private, and then we can continue.

<THE HEARING ADJOURNED TO PRIVATE SESSION AT 11.20 AM

<THE HEARING RESUMED AT 11.55 AM

COMMISSIONER: Yes, Mr Boyle.

5 **MR BOYLE:** Ms Morthen, my name's Mr Boyle. I appear for Mr Ajaka in the inquiry and I'm going to ask you some questions. Do you recall yesterday the evidence that you gave to the Commission was that on 22 April 2024 you met with Mr Ajaka at Civic Place, and that Mr Ajaka told you that the mayor - sorry, that the mayor, Ned Mannoun, had told him that he needed to get rid of 150 jobs? Do you
10 recall that evidence?

MS MORTHEN: Yes.

15 **MR BOYLE:** What actually happened in the meeting with Mr Ajaka on 22 April 2024 was that he discussed with you a proposal that Ned Mannoun had put to him which involved removing some managers and directors and the elimination of some non-core staff, and he asked you about whether that was a restructure which needed to follow a particular process. That's what happened, wasn't it?

20 **MS MORTHEN:** That is not what happened.

MR BOYLE: And he sought -

25 **COMMISSIONER:** Mr Boyle, I'm sorry to interrupt. Could you just raise that microphone a little close to your mouth? I'm just having a little difficulty. Thank you.

MR BOYLE: And he sought your view on whether removing 30 or so people would amount to a restructure, didn't he?

30

MS MORTHEN: No.

MR BOYLE: And he did not say to you that the mayor was wanting him to cut 150 jobs, did he?

35

MS MORTHEN: Yes, he did.

MR BOYLE: And he raised with you that Mr Mannoun wanted to terminate Shayne Mallard, didn't he, in that meeting?

40

MS MORTHEN: I don't believe he did in that meeting.

45 **MR BOYLE:** Well, what I want to suggest to you, Ms Morthen, is that you interpreted the removal of two directors and a number of managers as involving the termination of the employees within the organisation who sat under underneath them, so that your understanding was that around 150 jobs were going to be lost as a consequence.

MS McDONALD: I'm sorry, the question really has two propositions in it. Maybe if they could be broken up?

5 **COMMISSIONER:** I think that's right, Mr Boyle.

MR BOYLE: Yes. So insofar as - what I'm putting to you, Ms Morthen, is that the termination of a number of directors and managers would involve the termination of the employees who sat underneath them. Do you understand the proposition? That's
10 what -

MS MORTHEN: So, sorry, are you -

MR BOYLE: So your -
15

MS MORTHEN: Just so I'm clear, are you saying that I made an assumption that if the directors went, the staff under them would go?

MR BOYLE: Yes. That was your assumption -
20

MS MORTHEN: That was not my assumption.

MR BOYLE: And that was where - as a consequence of that assumption, you understood that around 150 jobs would be lost by reason of what Mr Ajaka was
25 telling you about. That's right, isn't it?

MS MORTHEN: I didn't make that assumption.

MR BOYLE: And the Council had a significant number of jobs which were vacant at the time. You gave some evidence yesterday you were aware that Council had
30 vacancies? Do you -

MS MORTHEN: Yes.

MR BOYLE: - recall that? Did you know how many jobs were, in fact, vacant at that time?
35

MS MORTHEN: At that time I didn't. I did later that same year, due to an industrial dispute.
40

MR BOYLE: And when you learned of that later on, what was the number of jobs that you became aware of?

MS MORTHEN: It was many - I am guessing, so please - I'm not being exact, but it
45 was around 180 to 190 jobs.

MR BOYLE: So what I want to suggest to you is that in a context where the Council was looking to fill around 180 jobs, it wouldn't make any sense to eliminate 150 jobs, would it?

5 **MS MORTHEN:** They weren't looking to fill 180 jobs. They had 180 jobs that they were not moving to fill at all. So they weren't moving to employ 180 people. They just - when we found out about it later that year, they just had these vacancies that they weren't looking to fill.

10 **MR BOYLE:** Right. So to your knowledge - your evidence is that you're not aware of Council trying to advertise and fill jobs at the same time in April 2024; is that right?

15 **MS MORTHEN:** No. They were constantly advertising and filling jobs, but when we found out about their vacancies later in that same year, they were jobs that they were not filling. There was a semi employment freeze on due to the budgetary constraints. So to fill any job at Council you had to go through a business case process, so the majority of those jobs were not being filled. And we ran a dispute on that basis.

20 **MR BOYLE:** Do you recall yesterday you gave some evidence about a meeting in the kitchen on 24 April 2024, in which John Ajaka effectively had an exchange with Steve Donley, in which he said, "Where did you get the 150 jobs from?"

25 **MS MORTHEN:** Yes.

MR BOYLE: And you said Steve Donley said, "You, mate."

30 **MS MORTHEN:** Yes.

MR BOYLE: Do you recall that evidence?

MS MORTHEN: Yes.

35 **MR BOYLE:** Well, what I want to suggest to you is that - was it your understanding at the time that - I'll withdraw that. Do you accept that it's difficult to reconcile your evidence that John Ajaka is the source of the 150 jobs with him then putting a question to Mr Donley as to where the 150 jobs had come from?

40 **MS MORTHEN:** No.

MR BOYLE: You don't see any logical difficulty in that?

45 **MS MORTHEN:** No, because when that question was asked there were other people within earshot. If he didn't want people to know that he'd said it, that's what I would say too.

MR BOYLE: And the last question that I have for you, Ms Morthen, do you recall - you gave some evidence in answer to some questions from Ms Richardson yesterday about Mr Ajaka never having to - never having apologised to you about getting it wrong around the 150 jobs. Do you recall that?

5

MS MORTHEN: Yes.

MR BOYLE: What I want to suggest to you is that no apology would be required from Mr Ajaka, would it, because he never told you that there were going to be 150 jobs cut from the Council?

10

MS MORTHEN: But he did.

MR BOYLE: May it please. Nothing further.

15

COMMISSIONER: Thank you, Mr Boyle. Anything, Ms - Ms McDonald, I'm sorry.

20

MS McDONALD: Yes. You gave evidence in cross-examination that at the time of the meeting on 22 April - that you were aware before that meeting that Mr Ajaka's job was on the line. That was the substance of your evidence. Why were you of the view - before the meeting on 22 April with Mr Ajaka, why did you form the view that his job was on the line?

25

MS MORTHEN: Because I'd been hearing - so in my role, people across the organisation talk to me and will tell me little bits of information, and I had been hearing information about things, such as - when they built the executive floor on Civic Place, there was meant to be a wall dividing the mayor's area and the CEO's area, and then when they built it, that wall was decided to not be put in. And then I had heard that there had been screaming arguments between the mayor and the CEO about putting that wall back in. And I didn't hear the arguments myself, I had just heard that.

30

And then I was hearing rumours that the mayor was holding caucus in his office with Liberal councillors, which is probably not unusual, but he'd started excluding the CEO. So I was hearing rumours, and that fell into line with my understanding of what had happened to previous CEOs, that - that - starting to freeze them out and - and more fighting in the workplace.

35

MS McDONALD: Is it fair that there's information - and rumours, as you've described them, they were coming from other staff members at the Council and not Mr Ajaka?

40

MS MORTHEN: Yes.

45

MS McDONALD: Can I just revisit a matter that I asked you about and also Ms Richardson asked you about, which is the language used by Mr Ajaka in that

meeting on 22 April. I asked you about this before you finished your evidence-in-chief, and I asked you can you think back, the best you can, and the - words to the effect of what he said. And I've got that - excuse me for a minute - he - that your recollection was, "He" - that is, the mayor - "has told me" - Mr Ajaka - "that I must get rid of 150 jobs." There's also been some - and you actually described this earlier - that the language was "of your members".

MS MORTHEN: Yes.

10 **MS McDONALD:** I'm just wondering - the reconciliation between -

MS MORTHEN: Okay.

15 **MS McDONALD:** - your evidence that - when I asked you to clarify and you said, basically, "must get rid of 150 jobs", and then with this idea of the language, "jobs of your members".

MS MORTHEN: Yep.

20 **MS McDONALD:** Your recollection is that Mr Ajaka said to you, "I must get rid of 150 jobs." Was the language of "your members" used in that meeting?

25 **MS MORTHEN:** I - I actually - as I said yesterday, I can't remember the exact words that were used. So I was forming it on the way that we would speak to each other. The truth of the matter is the majority of people at Liverpool Council are members of the union anyway, so -

MS McDONALD: That's a different matter. That's kind of the effect.

30 **MS MORTHEN:** Yep.

MS McDONALD: But I'm asking you about your recollection of the words Mr Ajaka said to you.

35 **MS MORTHEN:** Yep.

MS McDONALD: So if you can try and put to your mind what - the - what I think you're saying - the practical effect of that direction -

40 **MS MORTHEN:** Yep.

MS McDONALD: - by the mayor would be, what's your - what is your recollection of the words that Mr Ajaka reported to you?

45 **MS MORTHEN:** Yeah. I - I - I genuinely cannot remember. The conversation went for an hour.

MS McDONALD: Yes.

MS MORTHEN: And so we would have - we - from my recollection, we didn't talk about much else except those things. So I know that I came out of the room with the understanding that it would be our members, because when I rang my manager, I said, "They're going to cut 150 of our members' jobs." So -

MS McDONALD: Okay. Commissioner, I want to ask some other questions which may not strictly be re-examination, but if I can have the leave -

COMMISSIONER: Yes.

MS McDONALD: - to do that.

COMMISSIONER: Yes.

MS McDONALD: I want to ask you some specific and also general questions about, as a union organiser, dealing with an employer like a local council. If I can just ask you some specific examples now in respect of Liverpool. You gave evidence - and I'm using rough figures - that when Mr Ajaka was appointed as CEO, there were about 40-odd - 46-odd grievances, which may just have been internal - some of which also were notified to the Commission - grievances of an industrial nature.

MS MORTHEN: Yes.

MS McDONALD: And by the time of Mr Ajaka's employment being terminated, that had decreased to about four or five .

MS MORTHEN: Yes.

MS McDONALD: The decrease in numbers, can you give an account of what happened, how that occurred?

MS MORTHEN: Yep. So some of them would have been - if they were in the Commission, everything that was in the Commission, bar one very large dispute about a loss of flexi-time accrual, had been settled. So the matters had been closed to the satisfaction of both parties. The -

MS McDONALD: Can I just pause there. And with those types of matters, where they're before the commission, you're really in the hands of the commissioner mediating, conciliating or having an arbitration?

MS MORTHEN: Yes. Okay. The other thing that happened was that shortly after John started with the Council he restructured the Human Resources team. He spoke to myself and some of the delegates and asked us what was working and what wasn't working. A decision that we had no involvement in saw the HR manager who'd been there previously leave the organisation, and a new HR manager, Craig Knappick,

was employed. A new industrial relations officer named Margot Kindley was employed, and she was really, really hands on and able to help us resolve issues.

5 There was a HR person who had been based at the depot, who was removed from doing that role directly on industrial matters, and they became more of an advisory role around policies. And so that meant all the industrial matters went to one person, who was Margot, so we were able to resolve things a little bit easier.

10 But the other big difference was not since Kiersten Fishburn had been a CEO or - had we had the ability to sit down with a CEO and try and nut matters out before we had to take them to the commission. We had always got to the point where we'd get to HR, HR would say no and we had nowhere further to go, where - even if we didn't always agree on the resolution, John would at least give us that time, myself and the delegates, to try and talk through the grievances and try and come to a
15 solution, which meant we had to escalate less outside of the organisation.

MS McDONALD: All right. Just some questions following on from that. Can I just ask, within the State Commission, do you have a particular member of the commission - like, I'm just thinking of the old federal system, you used to have
20 panels for particular industries, where there would be either deputy presidents or commissioner, who would specialise in that particular industry. Do you have something similar here or -

MS MORTHEN: We don't - no, we don't. But what sometimes happens - if you
25 have a lot of disputes from one employer, it seems to be they get allocated to a particular commissioner, and I guess that saves time, because that commissioner then has the broader background. But there's no rule about it.

MS McDONALD: All right.
30

MS MORTHEN: It just gets allocated.

MS McDONALD: So that's, in a sense, an ad hoc result - that if it seems - as an
35 example, all Liverpool City Council disputes go to Commissioner X.

MS MORTHEN: Yes.

MS McDONALD: All right. Now, can I ask you - you spoke about there were
40 changes to the Human Resources team, so that there was a new human resources manager. There was the new IR person, Margot -

MS MORTHEN: Kindley. Kindley.

MS McDONALD: Is she still at Liverpool?
45

MS MORTHEN: Yes.

MS McDONALD: And the kind of HR person at the Rowe Street depot was doing work on policies and procedures. So if an issue arose at the depot, is it the first port of call would be Ms Kindley?

5 **MS MORTHEN:** Yep. The other thing that John put in place is that we would meet fortnightly with the director at the depot, who, shortly after John started, was Jason Breton, and Margot Kindley - and we would talk through issues there. But if a grievance came up in between, then I would email it directly to Margot.

10 **MS McDONALD:** Now, I know you left your role as an organiser in May, but when you left, was that fortnightly meeting with the director of the depot and Ms Kindley still in place?

MS MORTHEN: Yes. It was a different director, but yes.

15

MS McDONALD: Yes, because Mr Breton's now the CEO.

MS MORTHEN: Yes.

20 **MS McDONALD:** And to your knowledge, that still continues?

MS MORTHEN: I assume so.

25 **MS McDONALD:** All right. You also spoke about if there was a matter that you couldn't resolve at that level, you would have the ability to sit down with Mr Ajaka in his role as CEO, and kind of try and resolve it at that level before it went to the commission?

MS MORTHEN: Yes.

30

MS RICHARDSON: When Mr Breton took over as first the acting CEO and then the - appointed to the CEO role, did that, kind of - ability to raise a matter with him in that way, did that continue?

35 **MS MORTHEN:** No.

MS McDONALD: When Mr Ajaka was there - and this ability to - as you said, to sit down with him before it went to the commission, how did that arise? Like, how was it a practice or a procedure that developed?

40

MS MORTHEN: When he - not when he - because he started and then he went on leave, but when he came back and started, for the bulk of his time he actually reached out and asked to meet myself and Steve. He also asked to meet our general secretary, Graham Kelly, and he asked to meet the delegates. As I said, we have a lot of delegates at that Council. So he came down to the depot and met the outdoor delegates one day and met the indoor delegates, and at all of those meetings he

45

indicated that he was happy to sit down and have those discussions and try and resolve things.

5 **MS McDONALD:** Was his suggestion a little bit like an open-door policy, that -

MS MORTHEN: Yes.

MS McDONALD: - at least you could contact him directly?

10 **MS MORTHEN:** No, I think the delegates felt that they could also have contacted him directly.

15 **MS McDONALD:** All right. That was going to be my next question. So it even went down to the delegate level that there would be, in a sense, an open-door policy that they could try and see the CEO?

20 **MS MORTHEN:** Yeah. We do have a structure that we set up with our delegates, where I would have told them not any delegate should do that. I would have said the head delegates, but yeah.

MS McDONALD: Okay.

MS MORTHEN: So we would feed it up through the chain.

25 **MS McDONALD:** And before you left your role, dealing with Liverpool City Council, that - I'm describing it just as an open-door policy - that's no longer in place.

MS MORTHEN: Not to my knowledge.

30 **MS McDONALD:** Can I move away from Liverpool City Council and your experience dealing with other councils. I'm just interested in if an example comes to mind of relationships between the council management and the union - and I'm including union members and union delegates - where although you have disagreements, it worked well - it wasn't like a dysfunctional relationship.

35 **MS MORTHEN:** Yes.

MS McDONALD: And can you nominate which council it was?

40 **MS MORTHEN:** Yeah. So out of the four councils I was organising in, I would say that we definitely had that relationship at Campbelltown Council and also at Blacktown Council.

45 **MS McDONALD:** Can you describe why you had, with those two councils, that functioning relationship?

5 **MS MORTHEN:** A lot of it would be because of the time we'd worked together. So at Blacktown Council, Kerry Robinson had been the CEO my entire time that I was at Blacktown, and I was at Blacktown for just one year less than Liverpool, so for 12 years - and, in fact, he was my referee for the job I currently have. So we had a very good relationship. But also their organisations - both those organisations have a much clearer line, I think, between the elected role of council and the operational role. So -

10 **MS McDONALD:** So if I can just pause there. A clear line between the governing body?

MS MORTHEN: Yes.

15 **MS McDONALD:** Is that what you're suggesting? So the mayor and the other councillors.

MS MORTHEN: Yes.

20 **MS McDONALD:** And then the council, as in the staff -

MS MORTHEN: Yes.

MS McDONALD: - dealing with operations.

25 **MS MORTHEN:** Yes. It's - it's - like, staff at those councils are aware who the mayor is at any given time and who the councillors are. But those - at those councils, those councillors don't seem to get involved in - so much as, you know, this - this - this lawn isn't mowed or that isn't mowed, and that - that's not necessarily, at Liverpool, a Ned Mannoun issue. That's the way Liverpool has always
30 been. The councillors at Liverpool have always been far more involved in the operational stuff, but I - I think that's part of it. So issues at those councils tend to become less political and - blow up as much because they're resolved in a different way, if that makes sense.

35 **MS McDONALD:** All right. How are they resolved in the other councils?

MS MORTHEN: So for example, if - and we have many disputes at Blacktown Council as well. We have, you know, over 1000 members there, so there's often someone who's upset. But if we have a dispute at Blacktown Council, the mayor of
40 Blacktown, for example, doesn't come out and talk about the workers or the dispute or anything. They just stay out of the industrial stuff. They may talk to the CEO, for example, if there's a strike and bins aren't cleaned up - I'm sure that the mayor talks to the CEO, but it doesn't - he doesn't or she doesn't share their opinion on the workers or their workers' actions.

45 **MS McDONALD:** Okay. Anything else you can - Campbelltown?

5 **MS MORTHEN:** And so at Campbelltown, the current CEO has not been the CEO the whole time I've been there, but she has been the CEO for the majority of the time I've been there, which is also around 12 or 13 years, and Lindy - Lindy Deitz is her name. She's always had a very collaborative open-door relationship with all of her staff. From my understanding, she's been at Campbelltown Council for her entire working career, so staff and union always felt that they were able to go in and speak to her, and I believe it was the same with the previous general manager, although I never met him.

10 **MS McDONALD:** All right. With Blacktown and Campbelltown, was there any fortnightly meeting that was organised between you and Mr Donley and the CEO?

15 **MS MORTHEN:** No. And the fortnightly meetings at Liverpool were not with Mr Donley and the CEO either. They were with a director and Margot and myself, so -

MS McDONALD: Sorry, I'm getting confused. So the fortnightly meetings were between whoever the director -

20 **MS MORTHEN:** Yes.

MS McDONALD: Who had coverage of the depot and you and Margot Kindley.

25 **MS MORTHEN:** And two delegates. Yep.

MS McDONALD: And two delegates. That type of fortnightly meeting, which is kind of the next level down, was - has that been adopted in Campbelltown or Blacktown?

30 **MS MORTHEN:** It actually was in Blacktown before it was in Liverpool. At Campbelltown, we had a different arrangement, where - we actually have far less issues at Campbelltown, so I would just call the - I guess she's a team leader of HR - Sarah when we had an issue rather than sit down and have formal meetings.

35 **MS McDONALD:** Can I ask you about when there is a matter with a council where, for example, there is a restructure and it's anticipated that there are going to be job losses - have you had an experience where that has become on the agenda and how the union has worked with the council, in a sense, in a productive way? In that there would be an acceptance that jobs have to go and how that's actually going to be done
40 and how the restructure is actually going to occur. Have had you that experience?

MS MORTHEN: Yes, many times.

45 **MS McDONALD:** In which councils?

MS MORTHEN: In all of the councils.

MS McDONALD: And in dealing with that scenario of a restructure which is going to involve some job losses, can you give an indication of the best way of the council management and the union's interacting to achieve that?

5 **MS MORTHEN:** Yes, if I can give you a real-life example, because it might be easier. Blacktown Council, maybe seven years ago, decided that having in-house civil construction was not delivering a cost-effective service, so they were going to remove that team but keeping civil maintenance. So they'd keep people doing potholes, but not people building big road projects.

10

MS McDONALD: Okay.

MS MORTHEN: And they came to us before they spoke to the staff and they briefed us on that. And then when they meet with the staff, they make sure that myself is advised of those meetings. If I can go, I'll go. Otherwise I'll delegate to a delegate, but there would always be a union present at those meetings. They would identify how many roles would need to go, and we would then hold meetings with our members because members have to make a decision. Sometimes you have members who are happy to take a redundancy, right?

20

MS McDONALD: Yes.

MS MORTHEN: They're happy - it's an early retirement, or they're young enough they want to have a career change. We would try and identify those and speak to council. Council would then give us estimates of what their redundancy would look like, so that those people could get some advice and make some decisions. Then we would start looking at the people who were left, who did not want to be made redundant, and we'd start working with council to find positions where they could be redeployed to.

30

And in this case at Blacktown, about half of them left and the other half were redeployed either to be waste drivers, street-cleaning drivers or in the maintenance part of civil. And then, once we have all of that in agreement and everyone is happy they've been consulted, a report is then presented to the consultative committee. And the consultative committee is outlined in the award - any workplace change must go there, and the role of that committee is to make sure that consultation has occurred. They can't stop a restructure, but they can send a council back to do more consultation. Once they approve of it, then they write to the unions, give them 28 days' notice, and then they can implement those changes.

40

MS McDONALD: And that particular restructure of the civil engineering area, the way you've described, was it done relatively - I'll say peacefully?

MS MORTHEN: Yeah. There was some angst at the beginning from members, but we held meetings with them. We got the information from council. It - from my memory, that one did not go to the commission.

45

MS McDONALD: Okay. And at the moment, there is a new organiser at Liverpool?

MS MORTHEN: Yes.

5 **MS McDONALD:** And who's that?

MS MORTHEN: His name is Thomas Russell.

10 **MS McDONALD:** They were my further questions.

COMMISSIONER: I appreciate you're no longer there, but do you have a view about whether there's anything in the way that the Council was interacting with the union and its membership - by the Council, I mean at the moment the - the management.

15 **MS MORTHEN:** Yes.

COMMISSIONER: Interacting with the union and its membership that could be improved to enhance the relationship between management and staff?

20 **MS MORTHEN:** I think that there's a lot of pain being felt still at Liverpool by our members.

25 **COMMISSIONER:** What do you mean by that?

MS MORTHEN: They're still hurt about the last 12 months. Members took the departure of John very hard. They - they really liked him. He was really a people person. Like, he'd get out on the tools, he'd talk to them, he'd remember their names. And I think that that - in my experience, that's a little bit unusual in a CEO or a general manager in a council. And the new CEO isn't as good at that sort of interaction, so he tends to more present things at - "This is what we're doing and it's going to start now," rather than, "Hey, I want to make changes. Let's have a chat. What do you have ideas" - I think it's - it's just a very different management style now.

35 **COMMISSIONER:** People are different and -

MS MORTHEN: Yes.

40 **COMMISSIONER:** - personalities are different. I suppose my question is more directed to processes.

MS MORTHEN: Yep.

45 **COMMISSIONER:** Is there anything that comes to mind that could be done differently to enhance the relationship between the staff and - or at least elements of

the staff and the organisation, to overcome what you've described as the pain felt over the last 12 months?

MS MORTHEN: Better consultation.

COMMISSIONER: And in what form?

MS MORTHEN: So there's lots of ways they could do that. They could do working groups - like, targeted working groups. So you might have a change management working group if you were going to do a restructure. Better policy review. So if you're making policy changes, actually make sure that the information gets out widely so everyone feels involved. When you have a large outdoor workforce, you can give them all the iPads and all the mobile phones you want, they're not going to check those emails.

Things like that. Liverpool Council's tended, over the last few years, to walk away from face-to-face learning and put a lot more reliance on electronic learning on a computer. That really makes people feel disengaged. And they have changed that - we were working on that when I left, so that has started to change, but things like that that make people feel more -

COMMISSIONER: Connected.

MS MORTHEN: "I'm valued here," not just, "I come to work to do what I'm asked to do."

COMMISSIONER: And to your knowledge, does the Council regularly undertake staff engagement or satisfaction surveys?

MS MORTHEN: I know that they had one not long ago - I believe. I'm not sure how long it was since the one before that. I'm not aware of the outcomes, unfortunately.

COMMISSIONER: You're not aware of the outcomes?

MS MORTHEN: No.

COMMISSIONER: Are they reported to staff, in your - do you know?

MS MORTHEN: They may have been since I left. They weren't shared with me.

COMMISSIONER: How long ago do you think that was done?

MS MORTHEN: I want to say earlier this year, but -

COMMISSIONER: I see.

MS MORTHEN: - it may have been late last year.

COMMISSIONER: Okay. All right. And how would you describe generally the relationship between the staff and the organisation at the point that you left?

5

MS MORTHEN: Could you give me a little bit more, just so I'm answering the right question?

10 **COMMISSIONER:** Well, you described what - you told me that there was, at least within elements of the organisation, pain felt over the last 12 months. How were things, to your observation, amongst your members at least, at the time you left - in May, was it?

15 **MS MORTHEN:** Yep.

COMMISSIONER: Yes. How would you describe the feeling amongst at least your membership?

20 **MS MORTHEN:** I'd say people are pretty demoralised. I would say even based on some messages I've received in the last 24 hours that people don't think I've sat here today and done a good enough job of explaining how badly they're feeling. I've copped some criticism for that overnight - that I'm sitting here and letting you know how distressed people who work in that organisation are.

25 **COMMISSIONER:** Well, to the extent you're being criticised, you're here to answer questions that are put to you. So anyone who's watching should readily appreciate that you're not here to -

30 **MS MORTHEN:** I hope they saw that.

COMMISSIONER: - do anything else. But I'll ask you - when you say "demoralised", what do you mean?

35 **MS MORTHEN:** People actively looking for work. People not feeling able to drag themselves into work. People not engaging with work. So I'm sure everyone in this room knows that, you know, when you're attached to your job and you want to give it all you tend work more than the hours that you're paid for. You want to put in, you want to complete your projects. At Liverpool, my understanding - that there's more people - they just get to 4.30 and say, "I'm going home now."

40

COMMISSIONER: Disengagement, you mean?

MS MORTHEN: Yeah. It's become a job rather than something you're passionate about.

45

COMMISSIONER: And do you have a sense of what might be causing that? Or what you - have you been told by any of them what is driving that feeling?

MS MORTHEN: They feel that the senior management team doesn't listen to them and doesn't care about them.

5 **COMMISSIONER:** Anything else?

MS MORTHEN: No, that's pretty much it.

10 **COMMISSIONER:** All right. Well, I'll repeat for anyone who's watching that witnesses are here to answer questions put to them, so that any criticism -

MS McDONALD: Can I just ask -

15 **COMMISSIONER:** - for what might or might not be said is misguided. Yes.

MS McDONALD: When you said you've been told that they have concerns about the senior management team not engaging or not speaking to them -

20 **MS MORTHEN:** Yeah.

MS McDONALD: When you used the words "senior management team", who does that include?

25 **MR EMMETT:** I object to that. If it's - this is in the level of people are saying, people are feeling (indistinct) who does that include?

30 **MS McDONALD:** No, no, no. Maybe if I should - can just clarify. I'm not seeking, "Is it Joe Blow," I'm talking about within the structure, your understanding of what level of management that includes.

MS MORTHEN: Directors and CEO.

35 **MS McDONALD:** You spoke about the consultative committee. Is that established under the award?

40 **MS MORTHEN:** The award says that they must have a consultative committee, and it - it sets out some guidelines for membership. So the three industry unions must be represented. And it sets out guidelines about what it can talk about, but then every individual council has a constitution, which sets out more broadly the membership. Because some councils are bigger, so they'll have more people on it. When they meet, some - most councils meet monthly. Some only meet six weekly though, and some only meet when they need to because their organisations are much smaller.

45 **MS McDONALD:** And the jurisdiction of what the consultative committee should be consulted about, is that a combination again of the award and also the particular constitution?

MS MORTHEN: Yes.

5 **COMMISSIONER:** All right. We traversed some new areas. Does anyone seek to - does anything arise for anybody out of any of that? No? Okay. Thank you for your attendance and your assistance, Ms Morthen, you are agree to go today. I'm asked not to excuse anyone formally from their summons so that won't happen so as soon as you can be excused from further attendance that can be communicated to you but for the moment you are free to go and thank you for your attendance.

10 **MS MORTHEN:** Thank you.

MS McDONALD: We've the next witness who is Lauren Myers.

15 **COMMISSIONER:** Yes.

COMMISSIONER: Could I have the indulgence.

COMMISSIONER: Yes, we'll resume at 20 to 1.

20 **<THE HEARING ADJOURNED AT 12.34 PM**

<THE HEARING RESUMED AT 12.44 PM

25 **COMMISSIONER:** Yes.

MS McDONALD: I call Lauren Myers.

COMMISSIONER: Yes.

30 **MS BRIDGEM:** My name is Ms Bridgem, I appear for Ms Myers.

COMMISSIONER: Yes, leave is granted for you to appear. Is Ms Myers here?

35 **MS McDONALD:** Yes, she is just outside.

COMMISSIONER: Thank you. Thank you, Ms Myers, would you like to take an oath or an affirmation?

40 **MS MYERS:** An affirmation.

<LAUREN MYERS, AFFIRMED

COMMISSIONER: Yes, Ms McDonald.

45 **MS McDONALD:** Please state your full name.

MS MYERS: Lauren Michelle Myers.

MS McDONALD: Ms Myers, up until late June of this year you were employed by Liverpool City Council?

5 **MS MYERS:** Correct.

MS McDONALD: And your position and I'm just putting it time-wise roughly, towards the end of June your positional role was made redundant?

10 **MS MYERS:** Correct.

MS McDONALD: I want to first ask you about your work experience. When did you commence working at Liverpool City Council?

15 **MS MYERS:** On 9 June 2015.

MS McDONALD: Before you commenced at Liverpool City Council, where were you working?

20 **MS MYERS:** At the Institute of Public Administration, New South Wales Division.

MS McDONALD: And what was your role there?

25 **MS MYERS:** Manager of Membership and Operations.

MS McDONALD: Roughly how long had you worked there?

MS MYERS: Just over seven years.

30 **MS McDONALD:** Sorry?

MS MYERS: Just over seven years.

MS McDONALD: And then you moved to Liverpool City Council?

35 **MS MYERS:** Yes.

MS McDONALD: Now, Liverpool City Council in addition to being an employee of the Council, were you also a constituent of the Council?

40 **MS MYERS:** Yes.

MS McDONALD: And to use a phrase that has come up with this inquiry, were you born and bred?

45 **MS MYERS:** Yes.

MS McDONALD: Within the Liverpool City Council area?

MS MYERS: Yes.

5 **MS McDONALD:** And taking the job at Liverpool City Council, your life history has been born and bred there, did that play a role in deciding to move from the Institute of Public Administration to the Council?

MS MYERS: A small role, yes.

10

MS McDONALD: And what was that small role?

MS MYERS: That it was a job that was closer to home, and that I could spend a little bit more time in my community.

15

MS McDONALD: Now, I want to now just go through the various roles that you have worked at, and people that you worked with or reported to during your time at Liverpool. When you commenced in June 2015, what was your role?

20 **MS MYERS:** The executive assistant to the mayor.

MS McDONALD: At that point who was the mayor?

MS MYERS: Mayor Ned Mannoun.

25

MS McDONALD: Before the inquiry we've got a number of organisational charts which usually have direct reporting to directors or to the CEO and they change over time. When you started in June 2015, although you were the executive assistant to the mayor, did you as an organisational matter, report to somebody else?

30

MS MYERS: Yes.

MS McDONALD: Who was that?

35 **MS MYERS:** I reported to the executive assistant to the CEO.

MS McDONALD: And at that point who was the CEO?

MS MYERS: Carl Wulff.

40

MS McDONALD: Do you remember who his executive assistant was?

MS MYERS: Deborah Cuthbertson.

45 **MS McDONALD:** Now, again I am a little bit rough with dates but my recollection is in 2016 there was a council election?

MS MYERS: Correct.

MS McDONALD: And a new mayor was elected?

5 **MS MYERS:** That's correct.

MS McDONALD: And who was that.

10 **MS MYERS:** Mayor Wendy Waller.

MS McDONALD: When she was elected the mayor, did you continue as her executive assistant?

15 **MS MYERS:** Yes, I did.

MS McDONALD: As part of the organisational structure, was it still the case that you reported to the executive assistant to the CEO?

20 **MS MYERS:** Yes, that's correct.

MS McDONALD: And did that reporting structure continue while Wendy Waller was the mayor?

25 **MS MYERS:** Yes.

MS McDONALD: Going back to that period where you were the executive assistant to Mayor Mannoun, where were the Council offices at that time?

30 **MS MYERS:** At 33 Moore Street in Liverpool.

MS McDONALD: Physically, where was your desk or office?

35 **MS MYERS:** When you entered it was a section of level 6 on 33 Moore Street that was termed the mayor and councillors suite. You entered through a glass door and my office was almost directly in front of the door, the mayor's office was to the left as you entered and the councillors' suite was to your right.

40 **MS McDONALD:** At that time, were there other positions within the Council who, in a sense, I won't say reported to the mayor but kind of worked with the mayor or physically were near the mayor?

MS MYERS: Yes.

45 **MS McDONALD:** And what were those roles?

MS MYERS: There was a senior advisor, another role which I can't recall the title, and a research officer.

MS McDONALD: And was it your understanding that they would, under the organisational structure, they reported to somebody else other than directly to the mayor?

5

MS MYERS: Correct.

MS McDONALD: But physically they were, their working space was near that mayoral -

10

MS MYERS: Yeah, they were in the offices adjacent to my office.

MS McDONALD: Now, when Wendy Waller became the mayor, you continued as her executive assistant?

15

MS MYERS: Yes.

MS McDONALD: And did you remain in the same office that you were in?

20

MS MYERS: Yes.

MS McDONALD: The other positions, the senior advisor, the other role that you can't remember the name and a research officer, what happened to those roles?

25

MS MYERS: Those positions were structured out of the organisation. The research officer position remained for a period of time but its reporting line changed. So it was relocated inside the communications team.

MS McDONALD: And although relocated within the communications team, physically did that person still work in the offices near the mayoral suite?

30

MS MYERS: No.

MS McDONALD: They moved elsewhere -

35

MS MYERS: Correct.

MS McDONALD: - within the council offices. Now, again roughly with dates, Wendy Waller was the mayor from 2016 and I think up to 2021.

40

MS MYERS: That's correct.

MS McDONALD: And during that period, you remained in your role as her executive assistant?

45

MS MYERS: Correct.

MS McDONALD: Now, in the election in 2021, mayor Waller didn't stand again?

MS MYERS: No.

5 **MS McDONALD:** A new mayor was elected?

MS MYERS: Correct.

10 **MS McDONALD:** And that mayor was Mayor Mannoun?

MS MYERS: Correct.

15 **MS McDONALD:** Upon his re-election in 2021, did you continue for a time as his executive assistant?

MS MYERS: Yes.

20 **MS McDONALD:** At some point after 2021, did you cease working as his executive assistant?

MS MYERS: Yes. I formally finished working in the role in September 2023.

25 **MS McDONALD:** In September '23, when you ceased in that role, did you take up another role within Council?

MS MYERS: Yes.

MS McDONALD: And what was it?

30 **MS MYERS:** Originally it was personal assistant to the City Futures but through a consultative process the title of the position and some of the duties were changed and it became business support to the director of City Futures.

35 **MS McDONALD:** Could you just repeat the title business.

MS MYERS: Business support lead to director of City Futures.

40 **MS McDONALD:** The director of City Futures at that point was that Shayne Mallard?

MS MYERS: Yes.

45 **MS McDONALD:** Now, in that substantive position that, as you said the title and duties changed, was that your substantive position until late June of this year?

MS MYERS: Yes.

MS McDONALD: And the commission has heard some evidence about the first stage of a restructure where two directorates were abolished. Was the abolition of your position part of that?

5 **MS MYERS:** Yes.

MS McDONALD: During the period, September '23 to late June '25, was there a period when you moved to act or to assist in different roles?

10 **MS MYERS:** Yes. Only one role.

MS McDONALD: When did that occur?

15 **MS MYERS:** In April 2024.

MS McDONALD: What was the role?

20 **MS MYERS:** To act in the position of executive assistant to the CEO. It was originally proposed for a six-month period. However, I was only working in the role for two weeks.

MS McDONALD: The position of executive assistant to the CEO, you referred to reporting to that person earlier on and that was Ms Cuthbertson?

25 **MS MYERS:** Yes.

MS McDONALD: Was she still substantively in that role?

30 **MS MYERS:** Yes.

MS McDONALD: And was there a period where she took leave for personal reasons?

35 **MS MYERS:** Yes.

MS McDONALD: And because she took that leave, is that how you ended up working originally proposed for six months as the executive assistant to the CEO?

40 **MS MYERS:** Yes.

MS McDONALD: And at that point who was the CEO?

MS MYERS: John Ajaka.

45 **MS McDONALD:** You've nominated the date April 2024. Can you actually recall when within April that you moved?

MS MYERS: It may, I think my first, I can't recall the exact date, the first day that I commenced working with John was the first day everybody began working at Liverpool Civic Place.

5 **MS McDONALD:** And you said you remained in that acting role for two weeks?

MS MYERS: Yes.

10 **MS McDONALD:** And then after two weeks, you moved back to your substantive position?

MS MYERS: Yes.

15 **MS McDONALD:** Can I just take you back to 2021 when Mr Mannoun was elected mayor.

COMMISSIONER: About time we had a weird noise from the building.

20 **MS McDONALD:** You identified during the period 2015 to 2016 there were some other roles associated with the mayor. Do you remember there was, I think, an advisor, a research position. When Mayor Mannoun was re-elected in 2021, were those positions, did any of those a re-emerge?

25 **MS MYERS:** They did over time. There was discussion about it from the start of the term but it was something that wasn't speedily actioned.

MS McDONALD: And over time, which positions were re-created?

30 **MS MYERS:** The senior advisor position. There were two executive support officer positions. One was intend today work with the EA to the CEO and one was intended to work with me in the role of EA to the mayor. Then there was another position created which was a senior officer government relations stakeholder and advocacy, I may have got that incorrect.

35 **MS McDONALD:** All right, but something along those lines?

MS MYERS: Mm-hmm.

40 **MS McDONALD:** So for a period you were the executive assistant to the mayor and at that point you were still located at the Moore Street premises?

MS MYERS: Yes.

45 **MS McDONALD:** When you moved to being the executive assistant to the director of City Futures, you were still at Moore Street?

MS MYERS: Yes.

MS McDONALD: And it was when you took on the acting role as executive assistant to the CEO, that coincided with everybody moving to Civic Place?

5 **MS MYERS:** Yes.

MS McDONALD: When were you still at Moore Street and these other positions that you identified as the senior advisor position, and also the senior government stakeholder relations position, where physically were they located?

10

MS MYERS: At which time, sorry?

MS McDONALD: When were you still at Moore Street?

15 **MS MYERS:** They were - by the time the 2021 election had come around, the office had been remodelled. So we were not in the original suite that we were in originally. When you enter the mayor's office suite, I was located in the centre immediately as you walked in. It was a reception-style office. If you were facing the desk I sat at, there was a room to the left which had been a waiting room for guests but it had been
20 converted to have two desks and the senior advisor and the senior officer were both seated in that area.

MS McDONALD: When you became the executive assistant to director, City Futures, were the offices of the director and his executive assistant, were they on
25 a different floor?

MS MYERS: They were on the same floor but in a different part of the floor.

MS McDONALD: When you moved to Civic Place as you said, that was as the
30 executive assistant to the CEO, at that point where was the CEO's office?

MS MYERS: On level 11 at Civic Place.

MS McDONALD: The CEO obviously had an office?
35

MS MYERS: Yes. So when you exit the lifts, there is, to your right and your left secure doors to the staff area, which is where City Futures was located, and then if you proceeded to your left down the corridor, on your right would be the entrance to the CEO's office and straight ahead was the mayor's executive assistant. And to the
40 left was the door to the mayor's office.

MS McDONALD: And at Civic Place, where were the senior advisor and the senior government stakeholder relations officer?

45 **MS MYERS:** The senior adviser had a desk behind the mayor's executive assistant and the senior officer position was located within one of the City Futures business units and they were located in the open-plan behind the secure doors.

MS McDONALD: And the CEO had an office and did you have an office or were you at a desk in a sense outside his office?

5 **MS MYERS:** Yes, but the - where I sat was - could be enclosed and it had a door to seal it off from the hallway.

MS McDONALD: And after the two weeks, then you returned to City Futures area or directorate?

10

MS MYERS: I didn't return to City Futures until 3 June 2024. I had a period of sick leave.

15 **MS McDONALD:** And, again, without asking you the details, that period of sick leave was roughly some time in May.

MS MYERS: It was. Yes, from memory, it was the start of May until the start of June.

20 **MS McDONALD:** And after that period of sick leave you returned to City Futures?

MS MYERS: Yes.

25 **MS McDONALD:** I'll ask you about when you were the executive assistant to the mayor.

COMMISSIONER: Are you moving to a different topic?

30 **MS McDONALD:** Yes.

COMMISSIONER: Is that a convenient time?

MS McDONALD: Yes.

35 **COMMISSIONER:** Ms Myers, a short session for you but the rest of us have been going for a little while. We're going to break for lunch now. We will resume at five past two, so if you wouldn't mind being back here just a few minutes before then, I'd be most grateful. And I'll adjourn until five past two.

40 **<THE HEARING ADJOURNED AT 1.06 PM**

<THE HEARING RESUMED AT 2.13 PM

45 **MS McDONALD:** Thank you. Ms Myers, can I return to about 2021. Your role is executive assistant to the mayor, and Mayor Mannoun is elected during those council elections towards the end of that year?

MS MYERS: Yes.

MS McDONALD: Now, for the period - that period when you're his executive assistant, to begin with, at a general level, what type of duties did you undertake as
5 the executive assistant to the mayor?

MS MYERS: The role is responsible for all the diary management, incoming phone calls, correspondence, returning calls, drafting correspondence, reviewing
10 correspondence, obtaining briefing documents for the mayor for meeting preparation, liaising with the CEO's office, the executive - and developing and maintaining relationships with those positions, other internal and external stakeholders, community and business stakeholders, and assisting the mayor in carrying out their civic duties.

MS McDONALD: Did you also have any responsibilities about document control? And when I say "document control", making sure that communications between the mayor and others were - either within Council or outside Council - were recorded and also saved to the appropriate document management system of Council?

MS MYERS: Yes. Every employee is responsible for that.

MS McDONALD: And as an employee that was the executive assistant to the mayor, did your - obviously if you created a document, you have that responsibility?

MS MYERS: Yes.

MS McDONALD: What about if the mayor had created a document? Did you have any role to make sure that it was saved in the appropriate document control system?

MS MYERS: Yes, if I was privy to the document. Yes.

MS McDONALD: And is that procedure of making sure documents are saved to the appropriate document management system - is that kind of known as TRIM-ing or being -
35

MS MYERS: Yes.

MS McDONALD: And that reflects that the main document management system at the Council was a system called TRIM?
40

MS MYERS: Yes. Its technical name is Content Manager.

MS McDONALD: Now, also as part of your duties as the executive assistant, if there was a matter coming up that the mayor had a role in, did you have a role in
45 either facilitating or assisting the mayor's involvement in that matter?

MS MYERS: Yes, depending on what the matter was. If it was a set meeting, either external or internal, depending on the content of the meeting or the meeting topic, you would obtain a briefing note from the relevant area within Council, with any background or critical information that the mayor could be privy to about the matter.

5

MS McDONALD: So for example, if a constituent who was seeking for a - for some matter to be raised with the mayor, as the person who looked after the diary, would you schedule the meeting in the diary?

10 **MS MYERS:** Yes.

MS McDONALD: You would know what it's about?

MS MYERS: Not always, no.

15

MS McDONALD: If you did know what it was about, would you then contact the relevant section and say, "X is coming in to see the mayor about this subject matter. That falls within your coverage or your responsibility. Can you prepare a briefing note on that?"

20

MS MYERS: Yes. There - I couldn't give you the timeframe, but a meeting request form was developed for the mayor and CEO's offices. And so when people would email to request a meeting, they would be sent back the form and asked to complete it, to give us more information about what the meeting content was going to be and who was going to be attending.

25

MS McDONALD: Was that procedure followed where the person outside the Council contacted you or contacted somebody within the Council, saying, "I would like a meeting with the mayor"?

30

MS MYERS: By me, yes. But by other people, I couldn't speak for them.

MS McDONALD: Were there circumstances where you, the executive assistant to Mayor Mannoun - where he would arrange a meeting or put something in the diary that you weren't party to - that meeting being agreed to at a particular time?

35

MS MYERS: Yes.

MS McDONALD: Did that - and I'm looking at this second period from 2021 - did that happen frequently?

40

MS MYERS: Yes.

MS McDONALD: In what circumstances would it arise?

45

MS MYERS: On some occasions when I would arrive in the office in the morning, the meetings were - had been put in the diary overnight.

MS McDONALD: By the mayor?

5 **MS MYERS:** Yes. There was one diary which I scheduled from that he did not have access to, but I would see the meeting in his Mayor Mannoun diary. A lot of times they would be over the top of scheduled meetings, and then the diary would need to be rearranged.

10 **MS McDONALD:** And if, for example, a meeting had been arranged with a constituent about a particular issue and the constituent arrived for the meeting with the mayor, did you have any role in attending the meeting and taking notes?

MS MYERS: No, only if I was requested to.

15 **MS McDONALD:** And that would be a request by the mayor?

MS MYERS: Yes.

20 **MS McDONALD:** I want to ask you about a particular process that the mayor was involved in. You will recall, I think it was halfway through 2022, the CEO - there wasn't a permanent CEO of the Council, there was somebody in the acting role.

MS MYERS: Yes.

25 **MS McDONALD:** And around that time, there was a decision made that there would be a recruitment process for a permanent appointment?

MS MYERS: Correct.

30 **MS McDONALD:** The permanent - sorry, the recruitment for the permanent appointment, it would appear from evidence that the Commission's received that it was usual with such a senior position that it would not be a matter just dealt with internally by the Council but an outside recruitment agency with specialist skills would be engaged?

35 **MS MYERS:** That's correct.

40 **MS McDONALD:** In the lead-up to the recruitment of the CEO, which led to an appointment towards the end of December 2022, do you recall - sorry, I will start again. The mayor obviously was interested but also had a role in that recruitment process?

45 **MS MYERS:** Yes. The recruitment of the CEO is the one operational matter that the mayor's office is responsible for.

MS McDONALD: So when you said the mayor's office was responsible for, you, as the executive assistant, and others played a role in the organisation of the recruitment of the new CEO?

5 **MS MYERS:** Yes.

MS McDONALD: And as part of that, was - an issue that had to be determined relatively early on was the engagement of the outside recruitment firm?

10 **MS MYERS:** Correct.

MS McDONALD: And how was that done initially?

15 **MS MYERS:** When there would be a council resolution to proceed with recruitment for a new CEO, usually the resolution would state what steps needed to happen, and that would include some sort of tender process or expression of interest to quote for services, for recruiters to put forward their submissions, and then a panel would assess that.

20 **MS McDONALD:** The nuts and bolts of seeking expressions of interest, which section of Council would do that?

MS MYERS: Corporate - it - at that time I think it was called Corporate Services, which changed to Corporate Support.

25 **MS McDONALD:** And so they were responsible for that - seeking expressions of interest and getting responses from various recruitment firms?

MS MYERS: Yes.

30 **MS McDONALD:** You spoke about a panel. The panel, was that the CEO selection panel?

MS MYERS: No.

35 **MS McDONALD:** Which panel was it?

40 **MS MYERS:** So it was - it would have been a panel of internal staff. It is the only point of the process where other staff are involved, and it's purely to run that formal process to select the recruiter. Once the recruiter - a successful one had been appointed, their details would be passed on to the mayor's office, and then the - any other staff stopped being involved until the end of the process, when a successful candidate has been appointed.

45 **MS McDONALD:** All right. With the appointment of the permanent CEO which occurred in about December 2022, was part of the Corporate Services area - did they conduct the expressions of interest procedure and come up with a shortlist?

MS MYERS: Yes. It could have been a tender process. I'm not sure on which option it was. But from memory, they conducted it and presented two suitable suppliers who could carry out the services.

5

MS McDONALD: And the two suppliers, were they, in a sense, on a shortlist?

MS MYERS: Yes.

10 **MS McDONALD:** And was the anticipated procedure that that shortlist would be presented to - is it the mayor?

MS MYERS: Yes. And the other members of the recruitment panel, which is made up of councillors.

15

MS McDONALD: That these are the shortlisted ones. And was it then their decision to which shortlisted firm would be adopted - would be, sorry, given the contract?

MS MYERS: Yes.

20

MS McDONALD: Now, the shortlisted firms at this initial stage, was that shortlist given to the mayor?

MS MYERS: Yes.

25

MS McDONALD: And what happened when that was presented to the mayor?

MS MYERS: The mayor expressed that he wasn't comfortable with either of the suppliers. He wasn't - didn't feel that he had enough understanding of who they were and what they did.

30

MS McDONALD: At that point, did he nominate any other supplier?

MS MYERS: Yes. He was - had some interest in engaging Blackadder and Associates.

35

MS McDONALD: Did he inform you as to why he was interested in engaging Blackadder and Associates?

40 **MS MYERS:** Not me personally, but the director who was communicating with him about it, and I believe possibly the other councillors on the recruitment panel.

MS McDONALD: And did you hear why - what the mayor had said either to the director or the other councillors?

45

MS MYERS: I believe it was in written form to the director. It was more about the experience of that recruitment firm, the reach of their networks in attracting suitable candidates, and interest in them doing Hogan profiling on the candidates.

5 **MS McDONALD:** And when you spoke about the director, who was the director at that time?

MS MYERS: Paul Perrett.

10 **MS McDONALD:** Now, after the mayor had raised that, what was your understanding of the next stage in the process? Sorry, can I just - so you've got Corporate Services, who have done either the tender or expression of interest, they've come down to two firms. The mayor has now raised Blackadder and Associates. Does it go - is it the tender/expression of interest procedure -

15

MS MYERS: It was -

MS McDONALD: Sorry.

20 **MS MYERS:** It was abandoned and they redid the process.

MS McDONALD: When you say redid the process, that's the expression of interest/tender?

25 **MS MYERS:** Correct.

MS McDONALD: And that - after that process was followed again, what was the result of it the second time around?

30 **MS MYERS:** Two suppliers were shortlisted, and they actually presented in an online presentation to the mayor and the other councillors on the recruitment panel, so that they could get a feel for their experience, what they could offer through the recruitment process, and explain what sort of services they provide from start to finish through the whole process.

35

MS McDONALD: The two shortlisted firms this second time around, did it include Blackadder and Associates?

MS MYERS: Yes.

40

MS McDONALD: And after that online presentation by the two firms, was it then the process that the panel consisting of the mayor and the other councillors would then make a determination about which recruitment agency they wanted to go with?

45 **MS MYERS:** No. So it was purely to obtain their feedback on how comfortable they felt with the presentations from the suppliers. The mayor had asked could their feedback be - asked Paul Perrett could their feedback be included as part of the

weighting in the tender process. Paul had explained that that wouldn't be appropriate, and they had some back and forth about that. And in the end, the decision still remained with the staff who were reviewing the tender.

5 **MS McDONALD:** All right. So ultimately, a firm was chosen?

MS MYERS: Yes.

10 **MS McDONALD:** Who chose the firm?

MS MYERS: The tender panel.

MS McDONALD: And, sorry, who was on the tender panel again? Was that -

15 **MS MYERS:** There was a procurement officer. I couldn't tell you who the other staff were.

MS McDONALD: All right. So -

20 **MS MYERS:** They were internal staff.

MS McDONALD: Internal staff. And your understanding is that internal panel selected Stephen Blackadder and Associates?

25 **MS MYERS:** Correct.

MS McDONALD: And after that selection was made, was the mayor informed?

30 **MS MYERS:** Yes.

MS McDONALD: And what occurred after the mayor had been informed?

35 **MS MYERS:** The mayor was informed that they were successful, but the paperwork had not been issued yet to appoint Blackadder and Associates. And once that had been done and Stephen Blackadder had been notified, then it's - it shifts over to the mayor's office, where we maintain the contact between myself and Stephen or the mayor and Stephen.

40 **MS McDONALD:** Was there some issue about Stephen Blackadder being contacted prematurely about the results of the tender/expression of interest?

MS MYERS: Yes.

45 **MS McDONALD:** How did that arise?

MS MYERS: The procurement officer that was dealing with the panel had indicated to me that Stephen Blackadder and Associates would be the successful party, but it

was unlikely that the paperwork would be done until the following week and that nothing - no further contact should be had with Stephen Blackadder until that takes place. The mayor had been informed - I can't recall if it was me that informed him or if it was Paul. He phoned Stephen Blackadder prematurely to congratulate him on
5 being the successful supplier. I also made a mistake in a diary entry, which indicated that a successful supplier had been appointed when the rest of the panel hadn't been notified yet.

10 **MS McDONALD:** And when you say the rest of the panel, is that the rest of the recruitment panel?

MS MYERS: Correct.

15 **MS McDONALD:** The contacting of Stephen Blackadder before - when it had been indicated that he was going to be the successful candidate but before it was done - the paperwork was done and the recruitment panel was informed, that contact by the mayor with Mr Blackadder, did members of the recruitment panel learn about that?

20 **MS MYERS:** Yes. Mr Perrett received a complaint from Councillor Dr Betty Green, where she felt that something had gone wrong with the process that - was improper, and she had concerns then about the process - the whole process and wanted
25 reassurance that it had been done in a proper manner. Mr Perrett asked everybody involved, including myself, the mayor and councillors, the procurement officer and any other people on the tender panel to put forward in writing to confirm what their contact was with both suppliers, and to openly state what your contact was, what it was about and when it happened so that there could be transparency across the board of who had done what action.

30 **MS McDONALD:** And was that, to your understanding, done?

MS MYERS: Yes.

35 **MS McDONALD:** By this time, you had been the executive assistant to Mr Mannoun for the - part of the first time he was mayor and then to Wendy Waller?

MS MYERS: Yes.

40 **MS McDONALD:** During that period, there have been a number of CEOs?

MS MYERS: Yes.

45 **MS McDONALD:** As being the executive assistant to the mayor, you had some role in the procedure of appointing a new CEO when the previous CEO's employment had either been terminated or they'd left?

MS MYERS: That's correct.

MS McDONALD: The procedure with appointing a CEO, at one point, is there meetings with the panel - the selection or recruitment panel, where they're discussing shortlisted or they're working out who's going to be on the shortlist of candidates?

5

MS MYERS: Yes. The majority of that work would be carried out by the recruiter. They would receive the full lot of applications. They would make a recommended shortlist and provide that to the panel for consideration. But the other applications could be accessed, should the panel wish to see them.

10

MS McDONALD: That meeting where the panel look at what the - the list that the recruiter has created for a shortlist - on previous occasions, would you attend that meeting?

15

MS MYERS: Yes.

MS McDONALD: And was your purpose in attending the meeting to take notes?

MS MYERS: Yes.

20

MS McDONALD: We've seen that what then usually happens is once the shortlist is created, there might be some presentation by the shortlisted candidates.

25

MS MYERS: If the panel chooses to do so. On all occasions that I assisted, they selected more than one candidate to present to the Council.

MS McDONALD: And then after that presentation, again there would be a meeting or discussion amongst the panel about who they thought would be the best candidate?

30

MS MYERS: Yes. So I can't recall, when they appointed Dr Jackson, if he was the only candidate they put forward.

35

MS McDONALD: I suppose what I'm getting at -

MS MYERS: But there was -

40

MS McDONALD: - if there's this other meeting post - the shortlist meeting, would you attend it?

MS MYERS: So the candidate presentations are to the Council as a whole -

MS McDONALD: Yes.

45

MS MYERS: - during a formal council meeting. So that's the only time the candidate - this - absolute last shortlisted candidates, ranging from one to three, would present to the council as a whole.

MS McDONALD: But after that, the panel had to get together and decide, "I think X is the best candidate and should be offered the position"?

5 **MS MYERS:** Not the panel, no. The Council as a whole.

MS McDONALD: Right. What I'm asking is after - at any stage leading up to the actual appointment of the CEO, did you attend - have to attend another meeting where you took notes?

10

MS MYERS: It would vary. It depended on what stage they were at with the recruiter.

15 **MS McDONALD:** All right. Going back to the recruitment leading up to the appointment of Mr Ajaka in December 2022, that shortlisting meeting, if I can describe it in that way, did you attend it to take notes?

MS MYERS: No.

20 **MS McDONALD:** To your knowledge, were any minutes or notes taken through that meeting?

MS MYERS: Not that I'm aware of. If there were, I would assume that Mr Blackadder took them.

25

MS McDONALD: If Mr Blackadder took them, was there some kind of procedure where they would eventually be TRIM-ed?

MS MYERS: Not necessarily, no.

30

MS McDONALD: Now, I want to move to a different topic. And this is roughly around April 2024. You've given evidence that at this time you had shifted to City Futures.

35 **MS MYERS:** Yes.

MS McDONALD: But because the executive assistant to the CEO had gone on long personal leave, you had gone back to be the acting executive assistant to the CEO?

40 **MS MYERS:** Yes.

MS McDONALD: And that was Mr Ajaka?

MS MYERS: Yes.

45

MS McDONALD: Before you moved to that acting role, had you had many dealings with Mr Ajaka?

MS MYERS: Yes. So through the recruitment process, on the day of the interviews for the CEO role, preparing anything that he required before he commenced at Council, and then liaising with him during the rest of the time between his
5 appointment and September 2023, with him or his office for any matters that arose.

MS McDONALD: During this time, Shayne Mallard and you, did you communicate through - on occasions by sending text messages to each other?

10 **MS MYERS:** Yes.

MS McDONALD: And many of those, not only between yourself and Mr Mallard but between yourself and other people, have you kept those?

15 **MS MYERS:** Yes.

MS McDONALD: Right. I want to ask you about some messages that you've exchanged with Mr Mallard. And they appear to commence around 8 April 2024. By
20 that time, had you moved to the acting executive assistant to the CEO role?

MS MYERS: Yes.

MS McDONALD: Would document INQ.050.001.0022 be brought up, please. When it comes up - it's a two-page document. I'm just going to, kind of, get you to
25 identify who's texting and how we read the document.

MS MYERS: Mm-hmm.

ASSOCIATE: Do you want the document (indistinct) live stream?
30

MS McDONALD: Yes, please. And if - maybe if we could expand it a wee bit. Bigger? Yes. Sorry about that. Now, this particular text message - and this is probably more for my benefit than anybody else in the room, but you can see that
35 there's some blue writing in a blue box?

MS MYERS: Yes.

MS McDONALD: Who is - who's written that?

40 **MS MYERS:** I wrote it.

MS McDONALD: All right. And then if we just go down, then there's some more blue writing. Again, that's you?

45 **MS MYERS:** That's still me.

MS McDONALD: And then if we go across the page, there's more blue writing. And then we've got on the left-hand side, in black:

"Call her in and talk to her."

5

MS MYERS: That's Shayne.

MS McDONALD: All right. If we go back to the first page, where it's got "Shayne" at the top, does this reflect that it's a communication between you and Shayne
10 Mallard?

MS MYERS: Yes.

MS McDONALD: And chronologically, is the starting point the more - the first one,
15 which has got a date of - I think it's 8 April, at 6.52 am.

MS MYERS: Yes.

MS McDONALD: All right. Now, I'll just take you through this quickly. So you
20 send a message to Shayne Mallard:

"Not sure I'm mentally prepared for today, but here goes. Ned has gone into overdrive and I believe he has told his office to take the lead."

25 And then if we move up - and again - sorry, I know I - my fault. Can you bring up that section which has got "Betty Boustani". Now, what's that?

MS MYERS: That is a screenshot image of an email from Betty Boustani to myself and another colleague.
30

MS McDONALD: Right. The other colleague, that's Maria somebody?

MS MYERS: Maria Gimellaro.

35 **MS McDONALD:** And what was her role?

MS MYERS: The executive support officer to the CEO's office.

MS McDONALD: And then if we continue down - can I just stop you. Again,
40 helping me, there's a - that's an emoji with a thumbs up?

MS MYERS: That's Shayne.

MS McDONALD: So that's Shayne doing that?
45

MS MYERS: Yes.

MS McDONALD: And then maybe if we go to the next page, that's you again:

"Won't be taking orders from Betty."

5 **MS MYERS:** Yes.

MS McDONALD: Then if you can just read that to yourself. And at the end of that blue box, I think you refer to "hostile takeover begins".

10 **MS MYERS:** Yes.

MS McDONALD: Then keep on going. Shayne says:

"Call her in and talk to her."

15

And then - I'll come back to this - you have a final message:

"I will, but I know it's coming from Ned."

20 **MS MYERS:** Yes.

MS McDONALD: All right. Can we go back to the beginning. Where you send the message to Shayne that:

25 "Ned's gone into overdrive. I believe has told his office to take the lead."

What was that referring to?

30 **MS MYERS:** The - I was being directed by Betty and - to do things that should have just been a normal duty, but it was in reference to a broader issue where there - there was a lot of direction coming from the mayor's office.

MS McDONALD: When you say "direction from the mayor's office", you've identified Betty Boustani. Did you include her as part of the mayor's office?

35

MS MYERS: Yes.

MS McDONALD: Who else within the mayor's office was -

40 **MS MYERS:** NazaN Behdjet. He's the EA.

MS McDONALD: Sorry, what was her name again?

MS MYERS: NazaN Behdjet. He's the executive assistant.

45

MS McDONALD: And when you say "being directed", would you receive emails or phone messages directing you to do something?

MS MYERS: Yes.

MS McDONALD: At the bottom of that blue square, you see you state:

5

"I believe has told his office to take the lead."

Dot, dot, dot. And then if we then look at the Betty Boustani screenshot, she refers to:

10

"Just chasing the meeting which was to be booked with CEO. Naz has now TRIM-ed to you, Lauren. It was with Deb before. Please action it urgently on Monday."

So the particular direction that you were referring to in the above blue message, was this to book some kind of meeting with the CEO?

15

MS MYERS: Yes.

MS McDONALD: Did you have any other details about what this meeting was concerning?

20

MS MYERS: Yes. It would have been the reference that is made, saying it's been TRIM-ed across to me. It would have been re-assigning the meeting request from the mayor's EA's container to myself.

25

MS McDONALD: And does that mean that you now have to organise the meeting?

MS MYERS: Yes.

MS McDONALD: And were you told at that stage what the meeting concerned?

30

MS MYERS: It would have been in the information that was assigned to me in the records management system. So either a meeting request form or an email stating what the content of the meeting was.

35

MS McDONALD: Do you remember what the content of the meeting was to be?

MS MYERS: No.

MS McDONALD: And then if we go to the second page, please. You say:

40

"I won't be taking orders from Betty. She needs to work on how she asks for things from people."

Now, the role of Betty Boustani at that point -

45

MS MYERS: Was senior adviser.

MS McDONALD: To the -

MS MYERS: It was just senior adviser.

5 **MS McDONALD:** Strictly, can she direct or order you?

MS MYERS: No.

10 **MS McDONALD:** The screenshot that you had - that I had taken you to on the first page, was your construction of that that it was some kind of order or direction from her?

MS MYERS: Yes.

15 **MS McDONALD:** Was that the first time she'd done that or was -

MS MYERS: Yes. When I had been in the CEO's office, yes.

20 **MS McDONALD:** And then you talk about:

"There are more emails from NazaN, as well as instructing her".

Maria?

25 **MS MYERS:** I think the "her" is a typo.

MS McDONALD: Okay. To send diary appointments for the mayor and the CEO. And then you've got, again, an emoji, which is, I think - is that a smiley thing?

30 Smiley one?

MS MYERS: Yes, but not entirely.

MS McDONALD: Okay. It's a smiley one but with reservations, is it?

35 **MS MYERS:** It's melting into the ground.

MS McDONALD: I'm sorry?

40 **MS MYERS:** It's melting.

MS McDONALD: I see. It's melting.

COMMISSIONER: We need a glossary - an emoji glossary.

45 **MS McDONALD:** And then you've got:

"Hostile takeover begins."

What did you mean by that?

- 5 **MS MYERS:** Because appointments were being requested to be dropped into the diary for the CEO, which was not the normal process.

MS McDONALD: What was the normal process at that time?

- 10 **MS MYERS:** Normally you would ask before doing so, and the EA to the CEO needs to engage with the EA to the mayor and have a good working relationship, so that - to check availability of both parties, does the day align, is - if it's with an external person, does their availability pair up, does the CEO feel comfortable taking the meeting, is he across the topic, is it appropriate for them both to be in the
15 meeting, those sorts of things.

MS McDONALD: So what you're describing - is this the case - it was kind of a cooperative -

- 20 **MS MYERS:** Yes.

MS McDONALD: - relationship.

- MS MYERS:** Yes.
25

MS McDONALD: And your concern expressed in these messages is that it turned away from a collaborative, cooperative process to, rather, a direction, "Make this appointment," or, "Include this appointment," or, "Include this meeting."

- 30 **MS MYERS:** Yes. Or just having - I can't recall which Maria that is referring to. Unfortunately, both of the executive support officers are both called Maria. One for the CEO's office, one for the mayor's office. But is just basically to bypass me in the EA to the CEO role and just slot them into the diary, which - the part about checking appropriateness, does the CEO need any other directors or officers in the
35 meeting - we would be - to then having to be - scramble and do that retrospectively if they were just dropped into the CEO's diary.

- MS McDONALD:** If we can then move down that page, please. Shayne Mallard then suggests:
40

"Call her in and talk to her."

MS MYERS: Yes.

- 45 **MS McDONALD:** And is your understanding, when he said that, the "her" was Ms Boustani?

MS MYERS: Yes.

MS McDONALD: And then if I can move down to that last message:

5 "I will, but I know it's coming from Ned. He will have told them to bombard the CEO's office. He wants John gone but doesn't want to pay him out."

Now, why do you say - what's the basis of you saying:

10 "I know it's coming from Ned. He will have told them to bombard the CEO's office."

MS MYERS: Because it is something that Ned and I had discussed when I was his EA. If things weren't going well with the CEO, then pressure would be put on to make the CEO's life more difficult, to obtain a particular outcome.

15 **MS McDONALD:** That conversation - or those conversations with the mayor, were they - did they occur in both periods where you were his executive assistant? So the 2015 to the 2016, and then from 2021 onwards, or only one of them?

20 **MS MYERS:** I don't recall it in the first period that I worked with Mayor Mannoun, but definitely in the 2021 term.

MS McDONALD: And when you referred to making the CEO - more difficult, did that also include temporary CEOs?

25 **MS MYERS:** No.

MS McDONALD: So which - can you recall which CEO - this conversation where he had said to you to make the CEO - life or whatever more difficult -

30 **MS MYERS:** He wasn't - it wasn't as explicit as that.

MS McDONALD: All right. Do you remember what he said to you?

35 **MS MYERS:** Just generally that we had discussed about sending more things to the CEO as they came in, but for the - for the volume to be high. Sorry, I'm explaining this terribly. It was when we were still at the Moore Street building and he was having an issue or disagreement with John Ajaka - he was the CEO at the time. And I can't recall the specifics, but it was - John wanted something a certain way. The
40 mayor disagreed about the way something should be done, and the discussion between the mayor and I had been, "Well, we will send everything that way," and it would become apparent very quickly from the volume - that then they could renegotiate the way that this particular matter or whatever it was that we were discussing would be done.

45 **MS McDONALD:** So from what you've said, that was when you were the executive assistant to the mayor but were you situated at Moore Street?

MS MYERS: Yes.

MS McDONALD: And it was when Mr Ajaka was the CEO?

5

MS MYERS: Yes.

MS McDONALD: And do you recall what the issue was or the matter was?

10 **MS MYERS:** I don't.

MS McDONALD: I want to ask you about your last statement in that message:

"He wants John gone but doesn't want to pay him out."

15

The "he" is the mayor?

MS MYERS: Yes.

20 **MS McDONALD:** What did you base that statement on?

MS MYERS: A previous discussion that I had had with the mayor.

MS McDONALD: Can you recall roughly when that occurred?

25

MS MYERS: When we were still at the Moore Street building, we touched on it briefly. There may have been further discussion. There was further discussion when we were at the Civic Place building, but I can't recall if it was before or after I sent this message - the Civic Place discussion.

30

MS McDONALD: The discussion that you had with the mayor when you were still at Moore Street, had you moved to City Futures by then?

MS MYERS: Yes.

35

MS McDONALD: Even though you had moved to a different area and reporting - or working with the director of City Futures, did you still have communications with the mayor?

40 **MS MYERS:** Yes.

MS McDONALD: You exchanged text messages?

MS MYERS: Yes, and verbal conversations.

45

MS McDONALD: So you would have - you'd talk to each other?

MS MYERS: Yes.

MS McDONALD: And again, just putting it very generally, talking to each other - on occasion, would he pop into your area or -

5

MS MYERS: No, never. He's not allowed to be in the staff areas without a member of staff present to escort him.

MS McDONALD: Well, when you were in Moore Street and you had these conversations, where would they take place?

10

MS MYERS: Sometimes in the lift, sometimes in the lobby, sometimes on the street. Or he would ask me to visit his office.

MS McDONALD: And you would pop up to the mayoral office?

15

MS MYERS: Yes.

MS McDONALD: And was that the same - sorry. When you went to Civic Place, at that point you went straight to being the acting executive officer, didn't you, to the CEO?

20

MS MYERS: Yes.

MS McDONALD: When you were in that position, at times - or at - did the mayor come to where you were working on that level -

25

MS MYERS: Yes.

MS McDONALD: - and have a discussion with you?

30

MS MYERS: Yes.

MS McDONALD: You've said that the last sentence was based on a conversation that you had with the mayor. Now, this is all dated - I think it's about, yes, 8 April. The conversation you had with him before you sent this message on 8 April, what did the mayor say to you?

35

MS MYERS: We had a conversation in his office at Moore Street, where I asked him what he was doing with John, and he said, "What do you mean?" And I said, "It is very obvious that the relationship has broken down and that the two of you can't work together." And I asked him, if that was the case, if he could manage to rein in his feelings until after the election because the staff were change-fatigued and we had had a revolving door of changes in leadership, and for stability of the organisation, if he wanted to proceed with moving towards the termination of John's employment, could he manage to hold off until after the election. The mayor made

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45

comments that Mr Ajaka wasn't doing what he wanted to do with the budget and that he was refusing to make the hard decisions.

5 **MS McDONALD:** From your account of that conversation, that would appear to have been in 2024 but before you moved to Civic Place at the beginning of April?

MS MYERS: Yes. It was either in February or March.

10 **MS McDONALD:** So February or March. The second part about he doesn't want to pay him out, what was that based on?

15 **MS MYERS:** By that time in April 2024, it was clear that there were issues with the budget, and it would not be a good look to also be terminating the CEO because that would involve money of a high quantity to be paid if the employment was terminated, on top of the existing budgetary issues.

MS McDONALD: So was that a conversation you had with the mayor when he raised that? Or is this -

20 **MS MYERS:** Possibly. It could have just been my interpretation from the earlier discussion combined with the stress on the budget.

MS McDONALD: And how did you know there was a stress on the budget?

25 **MS MYERS:** Because - whether I was in the acting role in the - with the CEO or supporting the director of City Futures, you would see the financial documents in prep for your executive that you're supporting. You would know enough about the situation that the budget was in deficit.

30 **MS McDONALD:** So when you described stress on the budget, you're referring to the budget being in deficit?

MS MYERS: Yes.

35 **MS McDONALD:** Excuse me for a minute. If the mayor sent an email to Mr Ajaka - this is on their council emails - as Mr Ajaka's executive assistant, could you access it?

40 **MS MYERS:** Yes.

MS McDONALD: Now, I want to ask you about events which arise around the 12th - commencing around 12 April. Would document OLG.001.001.0310 be brought up. And if we go to the second page, please. And it can be live streamed. And I want to take you to the email at the bottom of the page. Can you see there an
45 email from the mayor, Ned Mannoun, to Mr Ajaka, with Mr Portelli and Ms Macnaught copied into?

MS MYERS: Yes.

MS McDONALD: And just paraphrasing it, it's a request for modelling and recommendations for the budget and four matters are raised?

5

MS MYERS: Yes.

MS McDONALD: And then down the bottom:

10 "Can we please have this information and recommendations by Wednesday the 17th, please."

15 And then if we move to the top of the page - actually, we might have to go down to the bottom of the previous page. Sorry. Sorry. Can you see Mr Ajaka sends an email, 12 April, with:

"Hi, Mr Mayor. As discussed, Lauren will arrange time for Farooq and I to meet with you and the deputy mayor to discuss."

20 And then:

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

25 Can you recall - did Mr Ajaka raise this with you particularly or was it a matter of if you were, in a sense, looking at his emails, that you saw that you had been nominated to arrange a time and you did that?

30 **MS MYERS:** Most often, John would dictate the emails to you. I can't recall - there is a possibility I would have typed the email while John was dictating it to me - his response to the mayor.

35 **MS McDONALD:** All right. The email - the first one we took you to down the bottom of the second page, from the mayor, did you have some communications with the mayor about that email?

MS MYERS: Yes.

40 **MS McDONALD:** Was at least one of those communications in a text message that the mayor sent you?

MS MYERS: Yes.

45 **MS McDONALD:** I'll take you to the text message in a moment. But putting that to one side, can you recall any conversation with the mayor about the contents of that email to Mr Ajaka?

MS MYERS: Not a verbal conversation. A text conversation.

MS McDONALD: Would document INQ.023.001.0007 be brought up, please.

ASSOCIATE: (Indistinct) on the live stream?

5

MS McDONALD: Yes, please. And these are text messages that you're exchanging with Mayor Ned?

MS MYERS: Yes.

10

MS McDONALD: 12 April, at 9.26 am:

"Good morning. Please make sure John treats my email that I just sent with the importance it deserves."

15

MS MYERS: Yes.

MS McDONALD: You do the thumbs up?

20 **MS MYERS:** No. I've written the blue bubble.

MS McDONALD: Okay.

MS MYERS: And the mayor has thumbs up - reacted.

25

MS McDONALD: Okay. So I don't understand this, but anyway -

COMMISSIONER: You must have a Nokia from the nineties, Ms McDonald.

30 **MS McDONALD:** I see. So - but you respond:

"Good morning. Will do. He's just gone into ARIC."

And then:

35

"Tone and pitch of email perfect."

And you've done the - the kind of - the "okay" signal, and then the mayor gives you the thumbs up. Is that how it operates? Right. And then you get another message from the mayor:

40

"He will still lose it. He will hate this. Now that the budget is at 5 million deficit, it's the right time for us to provide suggestions."

45 Now, taking you back to the top, which is:

"Please make sure John treats my email that I just sent with the importance it deserves."

5 Was your understanding that email was the email I just took you to, which the mayor sent at 9.23, where he requests modelling and recommendations on four points?

MS MYERS: Yes.

10 **MS McDONALD:** When you replied, as part of your message:

"Tone and pitch of email perfect."

What were you referring to then? Why did you say that?

15 **MS MYERS:** Because I had had many discussions previously with the mayor where I was very critical of the way that he spoke to staff - in particular the CEO, no matter which CEO it was, the executive team and some managers. His language in his emails was often - could be perceived as insulting or demeaning or disrespectful. So I had - was commending him that on this particular correspondence he had done
20 a much better job than other examples I had seen in the past.

MS McDONALD: And then his - the mayor's response:

25 "He will still lose it. He will hate this."

You read that as the "he" was a reference to Mr Ajaka?

MS MYERS: Yes.

30 **MS McDONALD:** And then:

"Now that the budget is at 5 million deficit, it's the right time for us to provide suggestions."

35 What was your understanding of why the mayor predicted that Mr Ajaka "will still lose it, he will hate this"?

MS MYERS: I didn't really have a view on it. I think that was more the mayor's perception on how he felt his email will be received.

40 **MS McDONALD:** All right. Okay. Now, the email foreshadowed a meeting with the mayor, Mr Ajaka, Mr Portelli and also Deputy Mayor Macnaught?

45 **MS MYERS:** Yes.

MS McDONALD: Now, after seeing the email exchange - and I think you were volunteered as the person who was going to organise the meeting. Did you set about trying to organise a time for those four people to meet?

5 **MS MYERS:** Yes.

MS McDONALD: And did that include exchanging some text messages with Deputy Mayor Macnaught?

10 **MS MYERS:** Yes.

MS McDONALD: Would document INQ.023.001.0006 be brought up, please. Yes, please. Now, these are text messages that you've exchanged with the deputy mayor?

15 **MS MYERS:** Yes.

MS McDONALD: And again, you're in blue?

20 **MS MYERS:** Yes.

MS McDONALD: And there you're proposing possible times where everybody could get together?

25 **MS MYERS:** Yes.

MS McDONALD: Would - we progress down the page. Excuse me. Right. And, again - so you respond - sorry, she responds with her times and you then thank her.

30 **MS MYERS:** Yes.

MS McDONALD: Now, that was on the 12th. On the night of the 12th, did you run into the deputy mayor?

35 **MS MYERS:** Yes.

MS McDONALD: Where was that?

MS MYERS: In a social setting.

40 **MS McDONALD:** So not a council setting?

MS MYERS: No.

45 **MS McDONALD:** A social setting.

MS MYERS: Yes.

MS McDONALD: And did you have a discussion with the deputy mayor at this social setting?

MS MYERS: Yes.

5

MS McDONALD: Did you discuss - if I describe them as the budget modelling emails?

MS MYERS: Yes.

10

MS McDONALD: What did the deputy mayor say to you?

MS MYERS: She approached me and raised the topic and asked if I had any idea why the mayor had copied her into the email. She seemed surprised, and I asked,
15 "Did you not know about it before it was sent?" Or something along those lines. And she expressed that she didn't. And I told her, "He would have copied you in because you're the deputy mayor," and she said that she had concerns about what the mayor was proposing in the email, and I encouraged her to speak with the CEO.

20 **MS McDONALD:** After that, running into the deputy mayor at that social gathering, did you send a text message to Mr Ajaka?

MS MYERS: I did, on the Saturday.

25 **MS McDONALD:** Would document INQ.023.001.0008 be brought up. And it can be live streamed. Again, we can see "John" at the top. So these are text messages sent between you and Mr Ajaka?

MS MYERS: Correct.

30

MS McDONALD: And at the top, you send a message on 13 April, at 8.35 am:

"Caught up with the deputy mayor briefly last night in a social capacity. She mentioned she knew nothing about the mayor's email suggesting all the budget
35 changes and was questioning why he included her in the email and now the meeting."

You say:

40 "Works in our favour. She was a bit shocked at what he proposed. I didn't mention it; she brought it up. I take it he only has support from Ammoun at this stage for what he proposed."

I'll come back to that in a sec. If we could then move down the page to Mr Ajaka's
45 response.

MS MYERS: Yes.

MS McDONALD: He says:

5 "I'll be seeing them all at the wedding tomorrow. I will raise it with her, not mentioning what you said. I will ask her why she wants this and where is she and Ned going with this."

10 Where you responded - as you outlined, you set out your conversation with the deputy mayor at this social gathering. Then you say:

"Works in our favour. She was a bit shocked at what he proposed."

The "works in our favour", what were you referring to there?

15 **MS MYERS:** To try and calm the situation down between John and the mayor so that they could have - find an agreeable position on where they were going with the budget.

20 **MS McDONALD:** The email from the mayor to Mr Ajaka that I took you to with modelling on the four proposals, and then you saw Mr Ajaka's response - and I think that was on the 12th. Did you have a discussion with Mr Ajaka after he received the email?

25 **MS MYERS:** Yes. He was very unhappy about it.

MS McDONALD: Did he say why he was unhappy about it?

30 **MS MYERS:** Along the lines of he felt it was inappropriate that the mayor was asking for those things, and trying to - he felt that it would be a big enough change that it would impact the structure, and he felt that they should find another way to discuss the budget without proceeding to change a lot of roles, or possibly get rid of enough staff that it would be considered a restructure.

35 **MS McDONALD:** Your last suggestion in that message:

"I take it he only has support from Ammoun at this stage for what he proposed."

The reference to "Ammoun", that was to another councillor?

40 **MS MYERS:** Yes.

MS McDONALD: Another councillor who represented the Liberal Party?

45 **MS MYERS:** Yes.

MS McDONALD: All right. Excuse me for a minute. Now, on 15 April, did you receive further communication from Fiona Macnaught?

MS MYERS: I can't be certain on that date, but yes, there was more correspondence between us about this.

5 **MS McDONALD:** And did that include a suggestion that she may wish to speak to John separately from the proposed meeting with the four people to discuss the email?

MS MYERS: Yes. Her - I believe her and John had discussed having a meeting before that meeting with the mayor, and they were both agreeable and comfortable.
10 And I think I either - I might have spoken to her over the phone or in person or possibly on text to obtain her availability for that meeting.

MS McDONALD: Right. Would document INQ.023.001.0009 be brought up, please. And it can be live streamed. The blue are messages you're sending the deputy
15 mayor?

MS MYERS: Yes.

MS McDONALD: And you refer to:
20

"Discussed meeting with John again this morning, and after more consideration we both think the perception will be worse having the meeting off-site and someone sees it."

25 And then a suggestion of "8 am tomorrow morning".

MS MYERS: Yes.

MS McDONALD: This proposed meeting, was that the one that was going to be
30 between Mr Ajaka and the deputy mayor?

MS MYERS: Yes, and Mr Ajaka had indicated he wanted Farooq Portelli to attend it as well.

35 **MS McDONALD:** All right. Then if we just proceed down this page, you say:

"You're welcome to come and see the CEO on any matter, so it wouldn't be out of place if you were seen dropping in."

40 And then you make a reference to - that there were some citizenship ceremonies that day. And the reference to "NazaN", that's to the executive assistant to the mayor?

MS MYERS: Yes.

45 **MS McDONALD:** All right. And then the deputy mayor responds with:

"Let's do 8 am, because I think both Ned and Naz won't come in before the citizenship. That's good."

5 So that means that there was proposed, on the morning of 16 April, a meeting in the CEO's office of Mr Ajaka, the deputy mayor and also Mr Portelli?

MS MYERS: Yes.

10 **MS McDONALD:** To your knowledge, did that meeting take place?

MS MYERS: Yes, it did.

MS McDONALD: Did you attend the meeting to take notes -

15 **MS MYERS:** No, I didn't.

MS McDONALD: - or anything like that? After the meeting was over, did Mr Ajaka discuss with you what occurred at the meeting or what was said at the meeting?

20 **MS MYERS:** Not that I can recall. Only that their intent was to make the deputy mayor feel a little bit more comfortable in the afternoon meeting. She had expressed that what that message refers to, where "John and I think the perception would be worse if the meeting was off-site" - the deputy mayor had raised concerns with me about having the meeting in the office because she didn't want the mayor to know
25 that she was discussing his email with the CEO.

MS McDONALD: Can you recall anything else Mr Ajaka said about that meeting?

30 **MS MYERS:** No, just that the - I can't recall any specifics. I do recall that it was to provide support to the deputy mayor so that she would feel more comfortable on what the CEO and Mr Portelli were going to explain in the afternoon meeting, but I don't recall any other specifics about it.

35 **MS McDONALD:** So there was a meeting that afternoon?

MS MYERS: Yes.

MS McDONALD: The meeting was held in the CEO's office?

40 **MS MYERS:** Yes.

MS McDONALD: And it was attended by Mr Ajaka, the mayor, the deputy mayor and Mr Portelli?

45 **MS MYERS:** Yes.

MS McDONALD: Before that meeting was held, did Mr Ajaka say to you anything about what his position was going to be at the meeting?

5 **MS MYERS:** No. I - my understanding was he had asked Mr Portelli to prepare some figures around what the mayor had requested in the four points, and that the meeting was to discuss a way forward.

MS McDONALD: Did you see any figures that Mr Portelli had -

10 **MS MYERS:** No.

MS McDONALD: - created?

15 **MS MYERS:** No.

MS McDONALD: Now, the meeting - did you attend the meeting?

MS MYERS: No.

20 **MS McDONALD:** It was in the CEO's office?

MS MYERS: Yes.

25 **MS McDONALD:** Would you remind me, please, where was your office or desk in comparison to the CEO office?

30 **MS MYERS:** If I'm sitting at the desk, the entryway to the CEO's office is on my left, and there is a small window to my left as well, so that if the CEO stands from his desk he has an eyeline to the assistant should the door be closed and he needs to signal you to come into the office. Where they were located in the CEO's office was also where the window was - to the left of the window and behind another wall. So there's a big boardroom table in there. So it's - I could not visually see them.

35 **MS McDONALD:** All right. So the CEO's actual office, there was a section where his desk was?

MS MYERS: Yes.

40 **MS McDONALD:** And that - assuming he stood up at his desk, he could directly look through to you -

MS MYERS: Yes.

45 **MS McDONALD:** - in this window and then there was some kind of wall which, if you went around the wall there was another, what, kind of bigger table for, I suppose, meetings such as this?

MS MYERS: Yes.

MS McDONALD: Do you have any idea of who sat where at the -

5 **MS MYERS:** No.

MS McDONALD: - table?

10 **MS MYERS:** No.

MS McDONALD: As the meeting progressed, could you hear anything that was being said?

15 **MS MYERS:** Not specifics. John is a loud talker because he wears hearing aids. There was one point where the volume went up slightly, but it's - you can hear muffled talking. So it's not clear enough that you can make out words.

MS McDONALD: You can hear muffled talking. And if somebody raised their voice, would that be discernible to you?
20

MS MYERS: Possibly, possibly not.

MS McDONALD: All right. At any point during the meeting, did you hear Mr Ajaka say something very loud along the lines of, "Shut the fuck up"?
25

MS MYERS: No.

MS McDONALD: You said that you did recall at one stage a voice being raised?

30 **MS MYERS:** Yeah, which was not unusual for John. Sometimes he's louder than he probably needs to be. I always assumed it was because of his hearing aids.

MS McDONALD: So you weren't concerned at all about it -

35 **MS MYERS:** No.

MS McDONALD: - when you heard a voice raised?

40 **MS MYERS:** No.

MS McDONALD: The meeting, do you recall what time it started?

MS MYERS: No. It was in the afternoon. It was - it would have been after the lunch hour, but I can't recall the exact time.
45

MS McDONALD: And is it your recollection that you remained at your desk for the whole time -

MS MYERS: Yes.

MS McDONALD: - of the meeting?

5

MS MYERS: Yes.

MS McDONALD: So people arrived, and you might greet them say or say hello.

10 **MS MYERS:** And show them in, seat them, if any refreshments are required, and then return to my desk. It was common practice to close the door.

MS McDONALD: And you remained at your desk until people started leaving?

15 **MS MYERS:** Yes.

MS McDONALD: And when you say you showed people in, does that mean you showed them into that area behind the wall where the table was?

20 **MS MYERS:** Sometimes. It depended whether the CEO was in the room. If he was at his desk which was closer to the entryway, he may stand up and take, you know, control of the room, which I would not be required. So then he might take them over to wherever he would prefer them to conduct the meeting, and then I would not be required.

25

MS McDONALD: Do you recall on this occasion whether you took people into the area with the table?

MS MYERS: I don't think so. Mr Ajaka and Mr Portelli were already in the room.

30

MS McDONALD: In the room with the table?

MS MYERS: Yes. And from memory, the mayor and deputy mayor came in together, and I would have just closed - either I would have closed the door or one of them may have on their way in.

35

MS McDONALD: If you don't remember, don't be concerned because it was a while ago, but when Mr Ajaka and Mr Portelli had already moved to the table, do you remember where they were sitting at the table?

40

MS MYERS: No.

MS McDONALD: Roughly how long did the meeting last?

45 **MS MYERS:** I think I had scheduled an hour. I can't recall if - I don't recall it running over, but I can't - also can't recall if it ran for the full hour.

MS McDONALD: All right. Is your recollection it didn't - the meeting, in a sense, wasn't a short meeting. So if it was scheduled for an hour, your recollection was it didn't end after 10 minutes or 15 minutes -

5 **MS MYERS:** No.

MS McDONALD: - or something like that?

10 **MS MYERS:** No.

MS McDONALD: Is your recollection that it went for nearly - either went for the hour or nearly the whole of the hour?

15 **MS MYERS:** I can't recall.

MS McDONALD: All right. But you don't have a recollection of it, in a sense, finishing abruptly after a relatively short period of time?

20 **MS MYERS:** No.

MS McDONALD: When it ended, do you do anything or it is a matter of the door opens and those who are leaving just walk out?

25 **MS MYERS:** Yes. The mayor and deputy mayor came out first, and I could tell by their faces that something had gone wrong in the meeting.

MS McDONALD: So they came out together?

30 **MS MYERS:** Yes. And they went to leave - to walk back to the mayor's office. I can't recall if the mayor said it verbally or if he texted me, that when I had a moment could I come over to his office, and I took that to mean he would tell me what happened in the meeting. I didn't go over there straightaway. John remained in with Mr Portelli for a little bit longer. He came out and he said to me something along the lines of, "I did something quite bad," and then he told me about the
35 language he had used with the mayor.

And I think I said, "Oh, that's not good." And he said, "I shouldn't have done it. He just kept goading me over and over, and every time I tried to talk he kept talking over me." And he said it just pushed him too far, and - that was what he said. And he
40 said - he seemed remorseful and knew that he should not have conducted himself in that manner. And that was the - yeah, I think the end of the discussion about it.

MS McDONALD: Can I just pause there. When Mr Ajaka came out and said something along the lines of, "I did something bad," the conversation you had with
45 him, was that where you were still at your desk?

MS MYERS: Yes.

MS McDONALD: Had Mr Portelli left?

5 **MS MYERS:** I can't recall. He may have still been in John's office on a phone call or he may have been coming out of the office.

MS McDONALD: Was Mr Portelli party to this conversation where Mr Ajaka described what he had done which was something bad?

10 **MS MYERS:** No.

MS McDONALD: That was just between the two of you?

15 **MS MYERS:** Yes.

MS McDONALD: When you said that the mayor and the deputy mayor left and you could tell from their faces something had gone wrong, the mayor, what was his face like?

20 **MS MYERS:** Shocked.

MS McDONALD: And when you say "shocked", how was the shock -

25 **MS MYERS:** He just looked in disbelief. He looked like someone who had been shocked where they can't quite grasp what is happening.

MS McDONALD: And what about the deputy mayor?

30 **MS MYERS:** She seemed the same. She made some kind of comment to me about the tension in the room but that's all she said.

MS McDONALD: Do you recall what she said?

35 **MS MYERS:** No, not the specifics but it was to do with the tension in the room, and I remember her shaking her head.

40 **MS McDONALD:** Just before I return to any other conversations you had that day about the matter, you've got a meeting that's occurring with discussions about the budget. Should that meeting be minuted or at least the discussions recorded in some way?

45 **MS MYERS:** It could be either/or. It's up to the CEO. It's his meeting, whether he would - if he wanted notes kept, he would have called me in to take them. He may have made his own notes. He may have asked Mr Portelli to make notes. It's at their discretion.

MS McDONALD: I understand that your answer is it's in their discretion as to who takes notes?

MS MYERS: Or if they want them at all.

5

MS McDONALD: That was going to be my next question. So it's up to the person who called the meeting, is this your understanding, as to whether notes of the meeting will be kept?

10 **MS MYERS:** Yeah, it would depend on the formality of the meeting. If it's an internal meeting it may not be necessary if it's a working meeting where it's a discussion rather than official actions being agreed to.

15 **MS McDONALD:** That's why I hesitated with just referring to it as minutes, but just even if it's informal, I was just interested in whether notes of the meeting should have been kept?

MS MYERS: Again, it's - it's up to the -

20 **MS McDONALD:** It's up to the discretion -

MS MYERS: Yes.

MS McDONALD: - of the person who calls the meeting?

25

MS MYERS: Yes.

MS McDONALD: All right. Now, you had the discussion with Mr Ajaka at your desk?

30

MS MYERS: Mm-hmm.

MS McDONALD: And I think your account of it was that you responded, "Oh, that was not good."

35

MS MYERS: Yes.

MS McDONALD: Did you provide any suggestion to Mr Ajaka at that point about what he should do?

40

MS MYERS: I can't recall. If I did it would have been to apologise.

MS McDONALD: You can't recall whether you said that -

45 **MS MYERS:** I can't - not the specifics. I do just remember the first part where John explained to me what had happened. He did say something else to me at the end, I cannot recall what that was.

MS McDONALD: Now, you gave evidence that on that afternoon you received some kind of text message, was it, from the mayor saying:

5 "Can you come in to see me in my office."

MS MYERS: Yes. I can't recall if it was a text or if he had said it on his way out of the CEO's office, "If you have a moment come across". Later on in the day, I think John had had - I can't recall if he had another meeting after that meeting or if he had
10 to go to an off-site meeting, but I did go across to the mayor's office and he was in there with the deputy mayor. There were other people in the room. I can't be certain who they were. And I just listened rather than engaging in discussion because I wasn't comfortable speaking in front of the other people in the room.

15 **MS McDONALD:** The other people, can you recall were they other councillors or did it include other members of staff?

MS MYERS: I don't recall. It could have been a mix of both.

20 **MS McDONALD:** And during this, I'll describe it as a meeting, but during this meeting, was an account given of what occurred in the meeting with Mr Ajaka?

MS MYERS: Yes.

25 **MS McDONALD:** Who spoke about what happened?

MS MYERS: The mayor.

MS McDONALD: And what did the mayor say?
30

MS MYERS: He repeated what Mr Ajaka had said to him.

MS McDONALD: So he repeated that during the meeting, Mr Ajaka had said, ""Shut the F up"".
35

MS MYERS: Yes.

MS McDONALD: Anything else?

40 **MS MYERS:** Not that I can - just that they were, they felt disappointed and shocked - they, as in the mayor and the deputy mayor, about what had transpired, and they just still seemed shocked.

MS McDONALD: Was there any discussion about what prompted Mr Ajaka to say
45 those words?

MS MYERS: Not that I can recall.

MS McDONALD: You knew, because you saw the emails, that the meeting was to discuss the budget and the deficit stage at that point?

5 **MS MYERS:** Yes.

MS McDONALD: And particular matters that the mayor had identified to try and get the deficit down. Was there any discussion about the results of discussing that at the meeting or -

10

MS MYERS: Not that I can recall.

MS McDONALD: On that - we all know how organisations operate. Was it your impression that shortly after what had occurred at the meeting started to spread through the offices?

15

MS MYERS: Yes.

MS McDONALD: Do you recall the next day, the 17th, exchanging some email - sorry, I keep on calling them emails, text messages with Mr Mallard?

20

MS MYERS: Yes.

MS McDONALD: Would document INQ.050.001.0017 be brought up and that can be live streamed. I can see at the top it's your text messages with Mr Mallard?

25

MS MYERS: Yes.

MS McDONALD: And maybe if we can move down and we can get - yes, perfect. This is an exchange the next day at about 11.47 am and this is Mr Mallard saying:

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"I've just heard but shocked by what the CEO just told me about City Futures and the mayor."

35

And you respond:

"Yes, I really dug the knife in with Ned in the lift last night and said, 'I only ask about you plan to do with Shayne and CF' -

40

City Futures?

MS MYERS: Yes.

MS McDONALD:

45

"..because I want to know if I'm losing my job. He just looked uncomfortable and said again he didn't really need to do that now but would still weigh up his options."

MS MYERS: Yes.

MS McDONALD: Now, there you refer to a conversation with the mayor in the lift?

5

MS MYERS: Yes.

MS McDONALD: That conversation occurred after you went into his office where the deputy mayor and other people were?

10

MS MYERS: Yes.

MS McDONALD: And is it the case this was when both of you were leaving for the day or was it -

15

MS MYERS: Yes, it would have been.

MS McDONALD: All right. Now, in that, in your account you say:

20 "I only ask about what you plan to do with Shayne and City Futures because I want to know if I'm losing my job."

What prompted that comment by you? What information had you been given?

25 **MS MYERS:** It had become known that if directors were going to go, that Shayne had been identified with City Futures, and Michelle McIlvenny had been identified as the second director.

MS McDONALD: Identified by whom?

30

MS MYERS: My understanding was that was what had contributed to the discussion between the mayor and the CEO; that he had, at some point, had expressed a view that they were the two directors that the mayor wanted to remove.

35 **MS McDONALD:** And the mayor - your understanding is the mayor had expressed that at the swearing meeting?

MS MYERS: Yes, but I think it had actually been discussed before that meeting.

40 **MS McDONALD:** The information that you had about the plan to do with Shayne and City Futures, who did you hear that from?

MS MYERS: Most likely from John. But there was also discussions circulating around the organisation, so other people were aware of it.

45

MS McDONALD: Can I just pause there. Your position with Mr Mallard, you moved to City Futures in the role of an executive assistant to him as a director?

MS MYERS: Mm-hmm.

MS McDONALD: While you were working there, was the position changed?

5

MS MYERS: Yes. Originally it was titled "personal assistant".

MS McDONALD: Personal assistant, sorry.

10 **MS MYERS:** So - hen it was - the title of the position changed and some slight amendments to the duties.

MS McDONALD: Right, and what was the title?

15 **MS MYERS:** Business Support Lead to Director City Futures.

MS McDONALD: And did that bring with it some new tasks or responsibilities?

20 **MS MYERS:** It was just to broaden some of the duties. Shayne had expressed that he wanted me to have a role that was a little bit more than a personal assistant and to be more involved with the management team in our directorate.

MS McDONALD: Just going back to your message, when you raised with Ned:

25 "Because I want to know if I'm losing my job. He just looked uncomfortable and said again he didn't really need to do that now but would still weigh up his options."

What was your understanding of what he was saying to you there?

30 **MS MYERS:** That he had found something else that he would adjust in the budget to avoid having to reduce the number of directors.

MS McDONALD: But he didn't elaborate?

35 **MS MYERS:** Not that I can recall.

MS McDONALD: And your recollection was this was a conversation you had with him when you were both in the lift going home?

40 **MS MYERS:** Yes.

MS McDONALD: Now - excuse me. Still on the 17th, did you have any conversation with the deputy mayor about what had occurred at the meeting?

45 **MS MYERS:** Not - not that I can recall. Not an individual conversation.

MS McDONALD: All right. Do you recall her telling you something along the lines of during the meeting there was hostility coming from both?

5 **MS MYERS:** She - I remember her making a comment about the tension in the room.

MS McDONALD: When did she make that comment?

10 **MS MYERS:** It may have been when I was in the mayor's office. It could have been as they were on their way out. I - I can't recall.

15 **MS McDONALD:** Excuse me. Also on the 17th, did you receive a WhatsApp message from the mayor raising an aspect of what had occurred at the meeting the day before?

MS MYERS: Yes.

20 **MS McDONALD:** And, again, to help me, you exchanged text messages but you also exchanged WhatsApp?

MS MYERS: Yes.

MS McDONALD: They're separate?

25 **MS MYERS:** Yes.

MS McDONALD: But is your recollection that you received a WhatsApp message from the mayor?

30 **MS MYERS:** Yes.

MS McDONALD: Would a document, to begin with, INQ.023.001.0010 be brought up, please, and it can be live streamed. Is that the message you received?

35 **MS MYERS:** Yes.

MS McDONALD: And that's a WhatsApp message?

40 **MS MYERS:** Yes.

MS McDONALD: And, again, helping me, looking at that message is it a link to some kind of other video?

45 **MS MYERS:** Yes.

MS McDONALD: And the reference to the 382K views "Today could be the day, Jennifer" is that somebody not associated with the council but is -

MS MYERS: No, it's part of the video data.

MS McDONALD: Right. And to get the video, you click on -

5 **MS MYERS:** The link, yes.

MS McDONALD: - the link. All right. Could the video be brought up and played, please. INQ.023.001.0016.

10 **ASSOCIATE:** (Indistinct).

MS McDONALD: Yes, please. Can we get footage?

15 (Video played)

MS McDONALD: It was very quick, could we just play it again?

MS McDONALD: All right. So that was the video that was sent to you?

20 **MS MYERS:** Yes.

MS McDONALD: Did you have a discussion with the mayor about the WhatsApp message with the video?

25 **MS MYERS:** Yes.

MS McDONALD: Was it a discussion with the mayor himself or was -

30 **MS MYERS:** Yeah, it was with the mayor and deputy mayor. They were standing at the door to the corridor. We entered the CEO's office and he called out to me and said, "I sent you that, didn't I?" And I said, "Yes." And I think he asked deputy mayor the same question. From memory, she responded that she was the one that had sent it to him, but I could have that part wrong. But he had asked me and then they'd

35 had a discussion about where it had come from, who had sent it to who.

MS McDONALD: And anything else about it?

MS MYERS: No. They laughed a little bit about it and then they shook their heads

40 and walked back to the mayor's office.

MS McDONALD: All right. So you said that they laughed about it. So your impression was that they were amused by it?

45 **MS MYERS:** Yes.

MS McDONALD: And, I'm sorry, this conversation, it must have occurred after that was forwarded to you?

MS MYERS: Yes.

5

MS McDONALD: And I think it was forwarded at 6.43 am in the morning. So it was some time during 17 April?

MS MYERS: Either that day or the day after, I can't recall.

10

MS McDONALD: And, as you said, it was in the corridor leading up to the CEO's office?

MS MYERS: Yes. So right at the doorway. The mayor was sort of half in and out the doorway, and the deputy mayor was facing him.

15

MS McDONALD: Excuse me for a minute. Now, after the meeting and, in particular, on - commencing on 19 April, did you also exchange some text messages with Mr Ajaka?

20

MS MYERS: Yes.

MS McDONALD: Would you bring up INQ.023.001.0011. Can you see it commences, and this was my interpretation of this, you send something to Mr Ajaka?

25

MS MYERS: Yes.

MS McDONALD: And, sorry, if we - you in the blue square who said:

MS MYERS: "This has been posted on just about every community page in Liverpool by Mr Ristevski."

30

MS MYERS: Yes.

MS McDONALD: And then if we move back that's the kind of two pages there with, it seems it's a heading:

35

"Is your street getting its fair share."

MS MYERS: Yes.

40

MS McDONALD: And finishes with a photograph of Mr Ajaka?

MS MYERS: Yes.

45

MS McDONALD: And this was some kind of post that you observed on some kind of what Facebook community page?

MS MYERS: Yes.

MS McDONALD: And was it posted around 19 April?

5

MS MYERS: Yes.

MS McDONALD: And then if we move down the bottom of the page, you've got - he responds:

10

"Okay. Print and leave on my desk. If you can on Monday check which publications, et cetera. Go home."

MS MYERS: Yes.

15

MS McDONALD: Was it part of your role, at least when were you executive assistant to the CEO, to check kind of social media?

20

MS MYERS: Not to actively check but if I had - saw something that I felt they should have been aware of in case it gets picked up by other local media or metropolitan media to make the CEO and/or the mayor aware of it as they may field direct inquiries from the media.

25

MS McDONALD: And you did that also when you were the executive assistant to the mayor?

MS MYERS: Yes.

30

MS McDONALD: Now, if we then go to the second page. Now, this is a message that you send. I'll just take you through it to begin with:

"Mr Mayor is disappointed you've put no effort into apologising to him or trying to talk to him after the incident."

35

MS MYERS: Yes.

MS McDONALD:

40

"I asked would it actually change anything if you both sat down and talked to him and he was silent."

Then if we can keep on going:

45

"I also asked him if he was a director and his staff member slammed their hands down on their desk and yelled at him, would he be okay with that and he said no. So I said, 'Well, just remember that when you get complaints about Betty'."

Then if we keep on going:

5 "His ideal scenario would be for you to take leave for 4-8 weeks to allow him to do what he wants to do with the budget. He believes you don't want to make the hard decisions."

Then:

10 "I promise I'm not still in the office. Food for thought. Have a good weekend."

Now - and then maybe if we go to the next page, the end of your message is repeated and then you get a message from John:

15 "No, it would be a disaster to let him to do what he wants. Talk Monday. Have a good weekend."

MS MYERS: Yes.

20 **MS McDONALD:** So, from that, it would appear that's a message you send late afternoon, maybe early evening, on 19 April?

MS MYERS: Yes.

25 **MS McDONALD:** And if we can go to the top of the second page where you refer to "Mr Mayor" and there, as I read out to you:

"Disappointed no apology trying to talk to him about it."

30 Then you say:

"I asked would it actually change anything."

That suggests another conversation that you had with the mayor?

35 **MS MYERS:** It was before this message which is what prompted it - me to send it to John. When John would leave the office of an afternoon or if he needed to attend an external meeting the mayor would often come across and sit at - there was a little small round table in front of my desk with two chairs for people who may be waiting to see the CEO or were visiting the executive assistant. Mr Mayor would often come
40 across of an afternoon and sit on that chair and table set and talk to me while I was doing my work.

MS McDONALD: And is it your recollection that on the Friday after Mr Ajaka had left the mayor did that?
45

MS MYERS: Yes.

MS McDONALD: And so when he did that, you had this conversation with him?

5 **MS MYERS:** Yes. So he expressed his disappointment and that he was really disappointed that John had made no attempt to contact him directly, and he talked about that a little bit. And the way I was sitting at the desk, the monitor was pulled up so that I could only see him from my eye level and so he couldn't see my mouth. I pushed the monitor down and my words to him were, "Would it make a lick of difference if he did apologise" and Mr Mayor refused to answer the question. So I took that as no, it wouldn't make any difference if he did. He had already made his
10 mind up.

MS McDONALD: We'll jump over the next paragraph. Where it says:

15 "His ideal scenario would be for you to take leave for 4-8 weeks to allow him to do what he wants to do with the budget. He believes you don't want to make the hard decisions."

Was that based on something the mayor said to you during this conversation?

20 **MS MYERS:** Yes.

MS McDONALD: Do you recall how that arose, his discussion about ideally Mr Ajaka would take leave for four to eight weeks?

25 **MS MYERS:** His words were, "He just needs to take a nice long holiday and let me to get on with what I want to do with the budget." And I was - I can't remember if I clarified or not but I thought, "Would it be a holiday or would he just not return?" I thought that to myself. But I remember asking how long he would need to take leave and the mayor had said "Roughly between four and eight weeks."

30 **MS McDONALD:** The last sentence:

"He believes that you don't want to make the hard decisions."

35 Was that based on something the mayor said to you?

MS MYERS: Yes. And he had said that previously to me in the Moore Street building.

40 **MS McDONALD:** And did he repeat it again during this conversation?

MS MYERS: Yes.

45 **MS McDONALD:** And when it is:

"You don't want to make the hard decisions."

Was that in respect of the budget?

MS MYERS: Yes.

5 **MS McDONALD:** And then I think you finish off with:

"I promise I'm still not in the office. Have a good weekend."

MS MYERS: Mm-hmm.

10

MS McDONALD: Is that an appropriate time?

15

COMMISSIONER: We are going to conclude for the day. We will resume at 10 am tomorrow, if you wouldn't mind being here a few minutes before 10 ready to go, I would be most grateful. Thank you for your attendance and your assistance so far today and you are free to go for the afternoon.

MS MYERS: Thank you.

20

<THE WITNESS WITHDREW

COMMISSIONER: Is there anything else to do this afternoon?

25

MS McDONALD: No, thank you.

30

COMMISSIONER: Can I pose this question, not expecting an answer but perhaps seeking the collective assistance of everybody. Does the State Records Act apply to text and WhatsApp messages? No one needs to answer now but I'd be grateful for some assistance. And also, Mr Emmett, don't feel the need to say anything at the moment but does the Council have a document retention policy and, if so, it may have come to us in the many, many documents that we have but if the most current version of it could be identified and perhaps slid across the bar table to Ms McDonald at some convenient time, I would be most grateful.

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MR EMMETT: Yes.

COMMISSIONER: We will adjourn until 10 am tomorrow. Thank you.

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<THE HEARING ADJOURNED AT 4.04 PM