



PUBLIC INQUIRY INTO LIVERPOOL CITY COUNCIL

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

**PUBLIC HEARING
SYDNEY**

**FRIDAY, 22 AUGUST 2025
AT 10.22 AM**

DAY 19

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**

*Any person who publishes any part of this transcript in any way and to any person contrary
to any direction against publication commits an offence against s 12B of the Royal
Commissions Act 1923 (NSW).*

<THE HEARING RESUMED AT 10.22 AM

COMMISSIONER: Yes, Ms McDonald.

5

MS McDONALD: Commissioner, may I just deal with an administrative matter.

COMMISSIONER: Yes.

10 **MS McDONALD:** And may I hand up two documents: A further amended index to TB8 and then a list of documents for tender.

COMMISSIONER: Thank you. Thank you. The index, TB8, general exhibits to - as at 22 August 2025, at 9.10 am, will be MFI19.

15

<MFI #19 FURTHER AMENDED INDEX TO TB8, GENERAL EXHIBITS AS AT 22/08/2025

20 **MS McDONALD:** And, Commissioner, in the second document, these are documents that arose during Ms Myers' evidence.

COMMISSIONER: Yes.

25 **MS McDONALD:** We've suggested, or proposed, exhibit numbers for the various documents. And, Commissioner, you will note that with proposed exhibit 141 and proposed exhibit 157 - they were subject to non-publication orders.

30 **COMMISSIONER:** Though the documents in the list handed up - documents were tendered by counsel assisting - Lauren Myers' evidence will have the exhibit numbers attributed to them in that list. And other than those two documents, are there any others about which non-publication orders are outstanding or sought, do you know? No?

35 **MS McDONALD:** No. From our perspective there are no more that we know of.

COMMISSIONER: Thank you. All right. We can come back to it. Of course, someone will let me know, as has been the case so far. They're not going up on the internet or anything like that in the meantime. Yes.

40 **MS McDONALD:** I understand Mr Ajaka is outside.

COMMISSIONER: Yes. Mr Ajaka, just come forward. Thanks, Mr Ajaka. I take it you'll take an oath again?

45 **MR AJAKA:** Yes, Commissioner.

<JOHN AJAKA, RESWORN

COMMISSIONER: Thank you, Mr Ajaka. Yes, Ms McDonald.

5 **MS McDONALD:** Mr Ajaka, you have been recalled because, as part of this inquiry the Commissioner has heard some other evidence and, as a matter of fairness, there are some questions I wish to put to you, and I anticipate some other counsel do as well. In addition, there's just another discrete topic that's arisen from some documents produced that I'll ask you some questions about.

10 **MR AJAKA:** Thank you.

MS McDONALD: Since you gave your evidence, a number of witnesses have been called, including Ms Morthen and also Ms Myers. Did you watch their evidence?

15 **MR AJAKA:** No.

MS McDONALD: Right.

20 **COMMISSIONER:** Did you read the transcript?

MR AJAKA: My lawyer sent me the transcript. I read some of it.

MS McDONALD: All right. If evidence given by another witness is raised and you would like to have a look at the transcript, please just inform us.

25 **MR AJAKA:** Thank you.

30 **MS McDONALD:** Now, I want to go back to the lead-up to the council meeting on 24 April. And again, revisiting it just so we get our timeline correct, you received the email from the mayor about 12 April, which set out the four areas and asked for modelling and recommendations, basically whether they can be incorporated into the budget.

35 **MR AJAKA:** The dates are a little bit hazy with me, but yes, I received an email that set out that.

MS McDONALD: And then that led, on 16 April, to the meeting that you attended - the mayor, the deputy mayor and Mr Portelli?

40 **MR AJAKA:** Again, I accept the date, yes.

MS McDONALD: And we've now - seem to be describing that meeting as the swearing meeting.

45 **MR AJAKA:** I understand.

MS McDONALD: Now, in the lead-up to the meeting on 16 April, do you recall any discussions with the deputy mayor that may have occurred not at Council but at a social event or running into her outside the Council - formal Council premises?

5 **MR AJAKA:** Yes. I had, from memory, at least two discussions. One was at a wedding and one may have even been in my office. I can't remember. I think the wedding was first, and subsequently in my office.

MS McDONALD: Right.

10

MR AJAKA: But it could be the other way around.

MS McDONALD: Would document INQ.023.001.0008 be brought up, please.

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

MS McDONALD: Yes, please. Now, these are some text messages between yourself and Lauren Myers. And can you see this is dated 13 April?

20 **MR AJAKA:** Right.

MS McDONALD: And she is talking about:

25 "Good morning. 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 changes and was questioning why he included her in the email and now the meeting. Works in our favour. She was a bit shocked at what he proposed. Didn't mention it, only brought it up. Take it" -

30 And then there's some other comments, and then you respond further down - and this is the reference to the wedding.

MR AJAKA: Right. Yep.

35 **MS McDONALD:**

"I'll be seeing them all at the wedding tomorrow."

MR AJAKA: Yes.

40

MS McDONALD: I assume it was some kind of wedding where there were going to be either councillors or other people from Liverpool Council attending.

MR AJAKA: It was the child - I think the son of one of the councillors.

45

MS McDONALD: Okay. Now - so that sets or anticipates the first meeting you had with the deputy mayor.

MR AJAKA: I spoke to her at the wedding.

5 **MS McDONALD:** All right. Do you recall - and, sorry, when you spoke to her at the wedding, in particular, did you speak to her about the mayor's email and the proposed meeting during the next week?

10 **MR AJAKA:** So it was very informal. I think, from memory, it was even outside the reception. And I can't recall if she raised it first with me or if I raised it first with her. She indicated to me that she was really surprised that she'd received the email from the mayor. She was asking me what's going on.

I indicated to her, look, you know, I don't - the mayor has sent this email but he'd been at me for some time about removing two directors and for some time about
15 getting rid of the entire legal team and general counsel, and some time he's been wanting to get rid of some managers and I keep saying no to him, it's a restructure. And she indicated, well, she didn't agree with it, she was very nervous about it. I think she even raised that she was very nervous about it because an election would be coming up and it would be crazy to be doing this sort of thing before an election,
20 and then we agreed that, you know, it wasn't the time and place to keep talking about it and, you know, "Can you come and see me in my office and we'll have a chat about it."

25 **MS McDONALD:** Okay. In that response, you said that the deputy mayor indicated that she didn't agree with it.

MR AJAKA: Yes.

30 **MS McDONALD:** What didn't she agree with?

MR AJAKA: She didn't agree with removing two directors or removing - and she agreed with me that it was a restructure, as far as I was concerned, and I'd have to go through the process.

35 **MS McDONALD:** Now, you spoke about the second meeting.

MR AJAKA: Yep.

40 **MS McDONALD:** Excuse me for a minute. Would document INQ.023.001.0009 be brought up. And it can be live streamed. Now, this is a text exchange between the Deputy Mayor Macnaught and Ms Myers.

MR AJAKA: Sorry, between -

45 **MS McDONALD:** You can see at the top, one of the people exchanging messages is Fiona Macnaught.

MR AJAKA: Yes. Correct.

MS McDONALD: And then the other person who's receiving or sending the messages is Lauren Myers.

5

MR AJAKA: I can't see Lauren's name there yet.

MS McDONALD: We will come to that in a sec. But the first message, which is from Ms Myers, is:

10

"Discussed meeting with John again this morning."

MR AJAKA: Right.

15 **MS McDONALD:** And you can see there, there's a question about where that meeting will take place. You can see a statement:

"We both think the perception will be worse having the meeting off-site and someone sees it."

20

MR AJAKA: I can see it there. Yep.

MS McDONALD: And then:

25 "You're welcome to come and see the CEO on any matter."

And then if we can go down the bottom of the page. There's a reference to a citizenship ceremony occurring, and then right at the bottom - and this is Ms Macnaught:

30

"Yes, let's do an 8 am because I think both Ned and Naz won't come in before citizenship."

MR AJAKA: All right. Okay.

35

MS McDONALD:

"That's good."

40 **MR AJAKA:** Okay. I haven't seen these before.

MS McDONALD: No, no, no.

MR AJAKA: Yep.

45

MS McDONALD: That's fine. I know that. Why I'm using it is to try and jog your memory or help your memory about the meeting with Fiona Macnaught. It appears to have been scheduled for 8 am on the morning of 16 April.

5 **MR AJAKA:** That - that makes sense. So it was after the wedding. I couldn't remember which came first.

MS McDONALD: Yes.

10 **MR AJAKA:** But having said what we discussed at the wedding, it makes sense that the meeting was after the wedding.

MS McDONALD: And is it your recollection that this meeting with Fiona Macnaught was on the 16th, at around 8 am, in your office?

15

MR AJAKA: It was an early morning meeting, I remember that.

MS McDONALD: And were you the only two who attended the meeting - that meeting?

20

MR AJAKA: Yeah, I believe so. I'm not sure if someone else attended. I'm not sure if Farooq may have even been there. I just can't - I've just got a vague recollection that there may have been a meeting with Farooq and the deputy mayor as well on the same topic.

25

MS McDONALD: All right. Just concentrating on what you can -

MR AJAKA: Remember.

30 **MS McDONALD:** - remember at this meeting that you discussed with Fiona Macnaught -

MR AJAKA: Yep.

35 **MS McDONALD:** - by this time the swearing meeting had already been scheduled for that afternoon?

MR AJAKA: Correct.

40 **MS McDONALD:** What did you discuss with Fiona Macnaught at this meeting?

45 **MR AJAKA:** So we went through it again. We went through - I had the email in front of me. We went through it again as to what he was asking. Again - but we were both literally saying the same thing, "It makes no sense. We shouldn't be doing this now." She was very nervous about it happening. She made it clear that she didn't agree with it. And it was finally agreed that she would raise it with the mayor at the meeting - that she would indicate that she was not happy with this and we should not

be doing this, and I felt very comfortable - like, she would, in a sense, back me on what I was saying.

MS McDONALD: Now, the meeting occurs that afternoon.

MR AJAKA: Correct.

MS McDONALD: And we've been through this, the four attendees at the meeting including -

MR AJAKA: Correct.

MS McDONALD: - Deputy Mayor Macnaught. During that meeting, did she speak?

MR AJAKA: No. And it started to surprise me that as the mayor was continually indicating that he wanted it to occur and I kept indicating it was a restructure, and he kept saying no it wasn't, and I'd indicated that he needed to move a motion, he indicated no, he wanted me to do it - because the deputy mayor wasn't saying anything, I turned to her and said something to the effect, "Look, you can't possibly agree with this," expecting her to say yes, she didn't, and she just basically mumbled and said nothing. Just stood there - as she just sat there.

MS McDONALD: And when you said that to her, your expectation was that she would have expressed the views that she had expressed at least in the early morning meeting?

MR AJAKA: And at the wedding.

MS McDONALD: And at the wedding. Now, I just want to move from the meeting. The meeting ends - it was held in your office.

MR AJAKA: Yes.

MS McDONALD: At that point, Lauren Myers was your acting executive assistant.

MR AJAKA: Correct. Because Deb Cuthbertson had taken special leave.

MS McDONALD: Some leave. Yes. And again just roughly, Ms Myers had a desk, kind of, outside your office or something -

MR AJAKA: So think of it as a - yeah. So basically you - you go through the - if you want to call it the front door - you go through a front door, there's a little waiting area, a little round table with a few chairs. Then there's the desk, and then in between that is a door into my office. So you don't walk past her, but she's right in front of you before you go into my door.

MS McDONALD: Now, when the meeting had ended and the mayor had left, deputy mayor had left and Mr Portelli had left - okay?

MR AJAKA: He stayed a little bit longer and then he left.

5

MS McDONALD: Okay. After all three left -

MR AJAKA: Yes.

10 **MS McDONALD:** - did you come out and have a conversation with Ms Myers? What is your recollection of what you said to Ms Myers?

15 **MR AJAKA:** Basically I said to her that I'd - I told her what Ned wanted me to do. He wanted me to terminate Shayne. He wanted me to terminate Michelle. He wanted me to get rid of - when he told me about Shayne, I told her that I said something terrible, I told him to "shut the F up", felt pretty bad about it, and then the - told her the meeting had been continued for, I think, at least half an hour after that.

20 **MS McDONALD:** Right.

MR AJAKA: But the main thing that I expressed was that, you know, I used a swear word.

25 **MS McDONALD:** If I suggest to you that you said something along the lines of, "I did something bad," or, "I did something inappropriate," something along those lines?

MR AJAKA: I'd accept that.

30 **MS McDONALD:** And Ms Myers responded with something like, "Oh, goodness" - responded, like, "Oh, my goodness," or, "Oh, my good" - or something along those lines?

35 **MR AJAKA:** I'd accept that.

MS McDONALD: Right. Now, when you gave evidence on the last occasion - I'm sorry, I'll jump back. You gave evidence on the last occasion that what you had said in the meeting spread through the Council.

40 **MR AJAKA:** Yes. That I was receiving phone calls from people.

MS McDONALD: And your evidence was along the lines of, "I didn't tell anybody," and your view was that it had been the mayor who had been telling people?

45

MR AJAKA: Correct.

MS McDONALD: Now, this might be a fine point, but you did tell Ms Myers?

MR AJAKA: Correct.

5 **MS McDONALD:** So when you gave evidence that you didn't tell anybody, there was an exception that you had that conversation with Ms Myers immediately after the -

10 **MR AJAKA:** Yeah, I wasn't including or thinking about my EA. I mean, you know, from my perspective, my EA is, you know, the same voice, the same - you know, you tell your EA everything.

MS McDONALD: Okay. Now, after that meeting -

15 **MR AJAKA:** And of course Portelli was there as well, so we discussed it as well.

MS McDONALD: Yes.

20 **MR AJAKA:** So there was a second person - that we discussed, but he'd already heard it.

MS McDONALD: Now, we then have the lead-up to the weekend. During those subsequent days, is there any further direction or correspondence from the mayor along the lines of, "Well, I wanted that modelling done and a recommendation for the budget. Can you please do it?" Like, any direction or suggestion that what he was
25 interested in, in the meeting, should be progressed?

MR AJAKA: Not that I can recall.

30 **MS McDONALD:** From your perspective, the contentious issue at the meeting - that is, getting rid of some positions and whether or not that could be done because it was a restructure - during those couple of days, did you pursue it at all?

35 **MR AJAKA:** No, I thought it was over. I thought that I'd made it clear that it wasn't going to happen, and if he wanted it to happen he'd have to move a motion -

MS McDONALD: All right. So -

40 **MR AJAKA:** - at Council.

MS McDONALD: From your perspective, that was the end of it until some other step - for example, like, moving a motion or something like that occurred?

45 **MR AJAKA:** Yes.

MS McDONALD: All right. And until those kind of formalities had done - had been either instigated or completed, there was no job losses or, in your words, a restructure on the horizon?

5 **MR AJAKA:** No.

MS McDONALD: Now, was it during - during those couple of days, you spoke about people within the Council approaching you, they'd heard what happened at the meeting and discussing it. During those next couple of days, leading up to the
10 weekend, did you become concerned about the security of your employment at the Council?

MR AJAKA: There was - I remember - I think it was Sandie was telling me that the mayor might be moving to get rid of me, and I think something to the effect of,
15 "How do you know this?" And she mentioned a USU -

MS McDONALD: Okay. Can I just stop you there.

MR AJAKA: Yes.
20

MS McDONALD: I'm interested in the lead-up to the weekend. Just giving you the timeline -

MR AJAKA: Please.
25

MS McDONALD: And, I'm sorry, I didn't give you a complete timeline. We've got the meeting on the 16th.

MR AJAKA: Yes.
30

MS McDONALD: Then I think it's - the Friday is the 19th.

MR AJAKA: Right.

35 **MS McDONALD:** Then we've got the weekend.

MR AJAKA: Yes.

MS McDONALD: And then on the 22nd, the Monday, you had the meeting with
40 Sandie Morthen.

MR AJAKA: Right.

MS McDONALD: Okay. And then that's on the Monday, and then the council
45 meeting is on the Wednesday.

MR AJAKA: Right.

MS McDONALD: Now, I apologise. I should have given you the full timeline.

MR AJAKA: No, no, no. Thank you. I appreciate that.

5

MS McDONALD: At the moment I'm just concentrating on what had a - your view of - from the 16th to, really, the weekend. You've said that your view was any restructure or job losses - for that to, kind of, be progressed, there had to be formal steps undertaken by the mayor or another councillor.

10

MR AJAKA: Yep.

MS McDONALD: That hadn't occurred, so it was off the horizon?

15

MR AJAKA: Yes.

MS McDONALD: Putting it bluntly, you were probably the talk of the organisation at this stage?

20

MR AJAKA: Yes.

MS McDONALD: People were coming and speaking to you?

MR AJAKA: Phoning me.

25

MS McDONALD: Up until the weekend, were you concerned about your tenure - the security of your employment as CEO?

30

MR AJAKA: I - I can't answer that. I - I don't know the answer to that, or I can't recollect the answer to that. I'm just trying to think - I know, in that period, that there was quite - I was doing quite a bit with Councillor Mel Goodman in trying to organise the time to do the apology. And, you know, what I'm recollecting is that I was fixated on trying to do that.

35

MS McDONALD: All right. Would a document be brought up, please. INQ.023.001.0011. And it can be live streamed. Now, these are some text messages exchanged with Ms Myers. And you can see at the top -

MR AJAKA: Yes.

40

MS McDONALD: This one - the first one is 19 April, so the Friday.

MR AJAKA: Right.

45

MS McDONALD: At 4.19 pm. And I'm just really showing you this one to put it into context.

MR AJAKA: Thank you.

MS McDONALD: If we can just move down the page - just pausing there. Can you see Ms Myers has sent you a screenshot or something like that?

5

MR AJAKA: Yep.

MS McDONALD: And then in - her comment is blue:

10 "This has been posted on just about every community page in Liverpool."

Et cetera. Right?

MR AJAKA: By Mr Ristevski.

15

MS McDONALD: Yes.

MR AJAKA: Yep.

20 **MS McDONALD:** Then you respond down the bottom:

"Okay. Leave on my desk. If you can check on Monday which publications."

And then:

25

"Go home."

MR AJAKA: Yes, I remember that now.

30 **MS McDONALD:** Now -

MR AJAKA: I think she sent it to me at a fairly late stage or - not sure. I'm not sure. I just thought she should be home - going home.

35 **MS McDONALD:** She appears to have been very diligent and might have been working, at times, long hours.

MR AJAKA: She was extraordinary. She really was.

40 **MS McDONALD:** Okay. Would you then move to the second page, please. Now, this is her response to you. And when we get to the last one, it seems it would be that she's still sending this message to you and you respond on the Friday. So she says:

45 "Mr Mayor is disappointed you've put no effort into apologising to him or trying to talk to him after the incident the other day. I asked would it actually change anything if you both sat down and talked, and he was silent."

Just pausing there. You knew that Ms Myers had acted for two periods as the executive assistant to Mr Mannoun when he was mayor the first time and now mayor the second time?

5 **MR AJAKA:** Yes. And she was the EA who first took me around during the interviews -

MS McDONALD: Right.

10 **MR AJAKA:** - as his EA. So she was responsible for candidates going to their interviews.

MS McDONALD: Did you realise that they had actually known each other since they were teenagers?

15

MR AJAKA: No.

MS McDONALD: What I was going to - what that leads to is that she seems to have had a relationship with the mayor which wasn't strictly a, "I'm your executive
20 assistant, you're the mayor." There was kind of a - well, it was - there was a friendship which was kind of, as I said, generated from when they were teenagers. So a little bit more, kind of, approachable between the two of them. Was that the impression that you got?

25 **MR AJAKA:** I thought that when I first started - I thought they were incredibly close, but again, I would assume a good EA would be very close.

MS McDONALD: Yes. It's often the nature of the relationship.

30 **MR AJAKA:** A hundred per cent.

MS McDONALD: All right. If we can get back to the messages. So what she's saying there about "Mr Mayor is disappointed you've put no effort into apologising to him," etcetera. Does that suggest - or was your interpretation of that is that she's
35 had some kind of discussion or conversation with the mayor?

MR AJAKA: Yes.

MS McDONALD: Okay. If we can then progress down. Now, she makes another
40 comment there about another member of staff, which I'll jump over.

MR AJAKA: Right. Yes. I remember this now.

MS McDONALD: And then if we move to the next section:
45

"His ideal scenario would be for you to take leave for four to eight 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."

5 **MR AJAKA:** Yep, I remember this.

MS McDONALD: And then:

10 "I promise I'm not still in the office. Food for thought. Have a good weekend."

Now, I just pause there. That suggests that she's sending this message on the Friday.

MR AJAKA: Yes.

15 **MS McDONALD:** And if we go to the next page:

"No, it would be a disaster to let him do what he wants. Talk Monday. Have a good weekend."

20 **MR AJAKA:** Yes. I remember this now.

MS McDONALD: Now, she does raise that, "Mr Mayor's disappointed you've put no effort into apologising to him". Did that encourage you or incite you in a way to try and make more positive steps to apologise to him?

25 **MR AJAKA:** I - I was confident that what I was doing with Councillor Mel Goodman - or that how he was working to bring us together - acting as a conduit, if I can use that term - that we were going to get together for the apology, and I thought we kept trying to set a time, but as I said - and I think I said it at one stage to
30 Councillor Goodman - the goalposts kept moving and I could never actually pin it down. So that's where I was putting the effort in, to trying to get that to occur.

MS McDONALD: All right. Could we move to the bottom of that page, please. We've now moved to Monday the 22nd. Ms Myers sends a message:

35 "Good morning, John. Would you like a coffee or tea for 9 am meeting? Sandie is having a tea."

40 You respond:

"Coffee."

And then Ms Myers responds:

45 "Sandie's here. She's just using the bathroom."

MR AJAKA: Right. That was a morning meeting. Yep.

MS McDONALD: From that, we can take it that a meeting has been organised with Sandie.

5 **MR AJAKA:** Yes.

MS McDONALD: That meeting was, as you've just said, Monday morning. And you were the one who organised it?

10 **MR AJAKA:** Look, as I said, I used to speak to Sandie fairly regularly. I - I think I would have organised this meeting, but I just can't recall.

MS McDONALD: All right.

15 **MR AJAKA:** But it would be logical that I organised it.

MS McDONALD: Now, when you had this meeting with Sandie - and, sorry, I should just backtrack for a minute. You had had meetings with Sandie in her capacity as the union organiser?

20

MR AJAKA: Correct.

MS McDONALD: In the past?

25 **MR AJAKA:** Yes.

MS McDONALD: Did they usually arise because there was an issue or a matter that the union wanted to discuss with you?

30 **MR AJAKA:** Yes.

MS McDONALD: And it could have been just a matter where they might have felt they weren't getting much traction in dealing with employees - for example, management/employees below, or it could have just been another general industrial relations matter that they wished to raise with you?

35

MR AJAKA: Yes. Sometimes she would phone me. Sometimes I'd receive a letter. Sometimes a letter would go to, for example, Operations and they would forward it to me. Sometimes if I received a letter, I would pick up the phone and ring her and say, "Can we talk about this?" So there was a good relationship where we could talk to each other.

40

MS McDONALD: The meeting with Sandie, it was organised to discuss the developments from the previous Wednesday, the swearing meeting?

45

MR AJAKA: And the email. I wanted to seek her advice on - I just wanted to confirm from her, because she'd have a big role in it, if it - that it was a restructure,

that it wasn't something that I could just do on my own, because I knew that if it was a restructure we would have some very serious issues with the USU if we didn't consult with them.

5 **MS McDONALD:** All right. So even though, from the previous week, there had been no further movement, progression, discussion about the job losses, if I can describe it that way, you still thought that you should have a meeting with Sandie about what was proposed in that email?

10 **MR AJAKA:** Yes.

MS McDONALD: Even though it wasn't on the horizon at that time?

15 **MR AJAKA:** Yes. I was still concerned about it. Again, if you remember, that email that he sent me for the four things -

MS McDONALD: Yes.

20 **MR AJAKA:** - that's not something that came in isolation. He had been talking to me previously about removing the directors, about removing certain managers, et cetera, and I kept saying, "No, it's a restructure." He had spoken to me previously about wanting to find \$15 million in the budget. So again, it was a situation where I didn't think the mayor would leave it alone. If he was going to raise it again, I wanted to be absolutely certain that it's a restructure.

25 **MS McDONALD:** The email - I'm sorry, withdraw that - text message from Ms Myers where she gave the account of the mayor being disappointed and that what he would like to happen is for you to take four to eight weeks' leave -

30 **MR AJAKA:** Yes.

MS McDONALD: When you received that, did that raise a concern in your mind about the security of your employment?

35 **MR AJAKA:** No, not the security of my employment. I mean, that was not the first time I'd heard "take four to eight weeks". I mean, he once said to me I should take four to eight weeks' leave, and I remember saying to him, "Well, I don't have four to eight weeks' leave. That's a nonsense." And I remember someone else - it might have been Councillor Goodman or someone else raising the four to eight weeks.
40 Again - and then when she confirmed that, it just again re-corroborated that he'd been trying to get me to take four to eight weeks so he could do with the budget what he wanted to do.

45 **MS McDONALD:** The four to eight weeks that you just said that the mayor had previously said to you or suggested to you, when was that? Sorry, my question is really was it in the context of the email about the restructure or was it raised on a different -

5 **MR AJAKA:** No, no. It was before that. So as I said, he'd raised informally with me before about, you know, reducing the directorship from four to - from six to four - the two directors should go, a number of managers should go. He named a couple of the managers that he had issues with that weren't respecting him. Those discussions we'd had on a number of occasions, whether we were, you know, going for a walk or whether we would meet in the hallway, et cetera, and I'd keep saying, "Well, no, you can't do that. It's a restructure."

10 And that's why, when the email came, headed up Budget Adjustment, I just took that as his backdoor way of trying to get me to do what I kept saying I can't do. And at that - you know, it was during those discussions that he would say to me, "You should take four to eight weeks off and leave me to do it, because I don't think you'll make the tough decisions."

15 **MS McDONALD:** Now, the meeting with Sandie Morthen on the morning of the 22 April - again, putting it broadly, she has given evidence that during that meeting you raised with her the prospect of job losses. So I'll stop there. As part of the discussion with her and discussing, "This is what was proposed in the email. Is it a restructure?"
20 job losses must have been raised.

MR AJAKA: Yes.

25 **MS McDONALD:** I'm putting as a general topic.

MR AJAKA: Yes, yes.

MS McDONALD: Did you indicate to Ms Morthen which areas or which directorates were the ones to go, according to the proposal?

30 **MR AJAKA:** Yes, I had the email in front of me.

MS McDONALD: The emails doesn't nominate which directors.

35 **MR AJAKA:** No, but it nominates the categories. I followed the email and I indicated to her that he wanted two directors gone.

MS McDONALD: Yes.

40 **MR AJAKA:** And I indicated it was Michelle, Customer Service, and Shayne Mallard, City Futures. I indicated that he wanted a number of managers gone and I indicated that he wanted the legal - entire legal team -

MS McDONALD: Yes, legal team to go.

45 **MR AJAKA:** - gone, and I indicated that you're talking about 20, possibly 30. And the reason I couldn't pin it was that there was the category of the non-essential or

whatever the term was - non-core or something of that nature - employees, so there was no number there.

5 **MS McDONALD:** Can I just take you through that. So you had a copy of the email with you?

MR AJAKA: Yes.

10 **MS McDONALD:** Relying upon it, there are - it obviously indicates two directors to go?

MR AJAKA: Yep.

15 **MS McDONALD:** If those directors went, they have underneath them a number of people. They've got managers. They've then got other employees who, in a sense, work in areas that are covered by that directorate.

MR AJAKA: They have sections, so - as I've called them before.

20 **MS McDONALD:** Yes. Sorry. Sections. Yes.

MR AJAKA: Yes. I call them sections.

25 **MS McDONALD:** So we've got two directors going. Was it your understanding that if the directors went, that, in substance, meant their directorates would go? It might be an obvious question.

MR AJAKA: No. I mean, the sections would transfer to the other directors.

30 **MS McDONALD:** Well, did you - maybe if we just take it step by step.

MR AJAKA: Yes.

35 **MS McDONALD:** So two directors, the -

MR AJAKA: Is it possible to put the email up?

MS McDONALD: Of course. Let me just get it.

40 **MR AJAKA:** It'll just help me - it'll just -

MS McDONALD: LCC.008.001.0016.

45 **MR AJAKA:** Yep. Yep.

MS McDONALD: Sorry. So if I can just - your recollection is you had this in the meeting with Ms Morthen?

MR AJAKA: Correct.

5 **MS McDONALD:** You referred her to a reduction of management costs by 2 million.

MR AJAKA: And that's the key thing. I mean -

10 **MS McDONALD:** Well, hold on, let me ask the question, Mr Ajaka.

MR AJAKA: Sorry. My apologies.

MS McDONALD: Point number 1 is - what it's focusing on is:

15 "I want a decrease in a cost or an expense in the budget by \$2 million, and that cost is going to be management costs."

Correct?

20 **MR AJAKA:** Yes.

MS McDONALD: And then it's got a suggestion of - sorry about that. I just wanted to check something. And then it says:

25 "This can be achieved by a mixture of lessening the amount of directors and managers."

Now, in the actual email it doesn't nominate two directors.

30 **MR AJAKA:** No.

MS McDONALD: And how many managers.

35 **MR AJAKA:** No.

MS McDONALD: And it doesn't identify whether it's managers associated or working within the directorates that may disappear.

40 **MR AJAKA:** Correct.

MS McDONALD: So the fact that there were two directors earmarked, that was a matter that arose during the meeting?

45 **MR AJAKA:** Correct. After I asked my question.

MS McDONALD: Did you inform Ms Morthen that there had actually been two directors earmarked?

MR AJAKA: I named them.

5 **MS McDONALD:** And then you named them to her. And you then said to her two directors, one being Michelle McIlvenny and one being Shayne Mallard?

MR AJAKA: Correct. And then I said, "A number of managers."

10 **MS McDONALD:** All right. When you said to her "managers", did you indicate any particular managers?

MR AJAKA: I don't recall that I told her the name of any managers.

15 **MS McDONALD:** During the meeting on the 16th, was there any identification of which managers would be included in this reduction of management costs?

20 **MR AJAKA:** He had previously said to me - and I believe - I can't recall if he raised at the meeting, but he'd made it very clear to me that there were a number of managers he was quite upset with. In particular, they were to do with heritage, they were to do with other areas. There was Dr Clare - he was unhappy with her. They're discussions we'd had in the past, where he had said to me they should go and I kept saying, "No, they can't go." Dr Clare was one of the union delegates and he was very upset with that.

25 **MS McDONALD:** All right. Can I -

MR AJAKA: But I can't recall if he said it in the actually meeting.

30 **MS McDONALD:** That's what I wanted to know. You can't recall whether particular managers were identified. And the managers that you've just referred to there, I take it - were they managers in different directorates -

MR AJAKA: Yes.

35 **MS McDONALD:** - to those where Michelle and Shayne were the directors?

MR AJAKA: Correct.

40 **MS McDONALD:** All right. So there was a proposed 2 million in saving there. And then the next one is the 1 million reduction in wages by removing non-core function positions.

MR AJAKA: Non-core, yes.

45 **MS McDONALD:** During the meeting of the 16th, was there any discussion about - and this is just off the top of my head - library services? "We can cut that by 50 per cent," or -

MR AJAKA: No.

MS McDONALD: - anything like that?

5

MR AJAKA: No. The discussion came from me - when I said to him, "You know, when you talk non-core functions, you know, who do you mean? I mean, if you ask me, a non-core" -

10 **MS McDONALD:** No, no, no, no, no. And what did he say when you said to the mayor, "What do you mean by non-core functions"?

MR AJAKA: I think, from memory, he said, "Well, you should be able to work that out."

15

MS McDONALD: Was there any discussion at the meeting of the 16th about - I know it's got "\$1 million reduction in wages by removing non-core functions" - how that would translate into number of jobs?

20 **MR AJAKA:** No, but one which - no.

MS McDONALD: Let's - so no discussion about that?

MR AJAKA: No.

25

MS McDONALD: When you were at the meeting with Sandie, you informed her that the amount of directors nominated at the meeting were two, and their names?

MR AJAKA: Yes.

30

MS McDONALD: The managers, did you indicate to her, even based on the meeting of the 16th or your previous discussions with the mayor, any particular managers?

35 **MR AJAKA:** I don't recall giving her any names on the managers.

MS McDONALD: All right. Did you roughly discuss number of managers?

40 **MR AJAKA:** I - I - I do recall specifically saying to her that in total you'd be talking 20 to 30 people, because -

MS McDONALD: No, no, no. When you say 20 to 30 people, is that all the job losses or - I'm just -

45 **MR AJAKA:** That's everyone, including legal.

MS McDONALD: All right. I'm trying to take it step by step. So with the managers - just concentrating on number of managers. Because looking at that, you've got \$2 million.

5 **MR AJAKA:** Yes. Yes.

MS McDONALD: Getting rid of two directors, being generous, that's going to give you a saving of about 800,000?

10 **MR AJAKA:** Correct. So - yep.

MS McDONALD: So you've got about 1.2 more.

15 **MR AJAKA:** Yep.

MS McDONALD: Roughly how many managers is that going to -

MR AJAKA: About 10. Based on an average of 120,000.

20 **MS McDONALD:** Then the 1 million reduction in wages by removing non-core function positions - I suppose without knowing which positions they are, it's difficult to say how many would be included under 1 million?

25 **MR AJAKA:** Again, from memory, about - I said five to 10.

MS McDONALD: And then getting rid of the legal department, how many people were employed?

30 **MR AJAKA:** From memory, with general counsel - I think he a team of five or six.

MS McDONALD: So being generous, you're up to about 30?

35 **MR AJAKA:** That's why I always said 20 to 30. That, you know, 30 maximum, minimum 20.

MS McDONALD: Is your recollection in the meeting with Ms Morthen you roughly went through the process that I've just gone through -

40 **MR AJAKA:** Yes.

MS McDONALD: - of, well, if it's directors -

MR AJAKA: A lot quicker.

45 **MS McDONALD:** - it's two - yes. Okay.

MR AJAKA: I think I just said it all in one sentence.

5 **MS McDONALD:** All right. The purpose of the meeting, you've said, with Ms Morthen was just to seek her view on whether - if these positions were abolished, whether it would be a restructure, subject then to the various procedures that you've got to follow if there's a restructure?

MR AJAKA: Correct.

10 **MS McDONALD:** Right. If that was the purpose of it, why did you go into detail about nominating not only how many directors or managers but the actual name of directors? There would have been no necessity to do that.

15 **MR AJAKA:** Because of the - because of what had occurred with the mayor, because I also indicated to her that I'd said the swear words, and - and that was the reason - when Shayne Mallard's name was mentioned, that's when I mentioned the swear words.

20 **MS McDONALD:** Why did you have to raise the swear words with Ms Morthen, if this meeting was purely a meeting about this - if you've got this proposal, is your view that we should then have to go down the restructuring path with the consultation - can't be done overnight, it's going to take some time?

25 **MR AJAKA:** Elephant in the room. I mean, clearly I said it. Clearly it had gotten out that I'd said it. The mayor had - at this stage, telling everyone that I said it. How can you not talk about it?

MS McDONALD: Well, Ms Morthen isn't an employee of Council. She's, in a sense, an outsider representing the union.

30 **MR AJAKA:** Correct.

MS McDONALD: Is it the case that you're raising more matters like that because by this time you have some concern about the security of your employment?

35 **MR AJAKA:** I don't recollect it that way.

MS McDONALD: Even given the history of CEOs -

40 **MR AJAKA:** Not -

MS McDONALD: - within Liverpool City Council? You've got - you haven't apologised yet. And I know you have an explanation for that, but it's quite clear the mayor is annoyed that you haven't apologised. He's raising four to eight weeks' leave, et cetera.

45 **MR AJAKA:** And, I mean, you know, in all my discussions with Mel Goodman -

MS McDONALD: But - no, no, no. I'm not interested -

MR AJAKA: But it -

5 **MS McDONALD:** - in that. I'm just setting out -

10 **MR AJAKA:** There was never a discussion of, "He's going to sack you." There was never an indication, "He's going to fire you." Was always an indication of he just wanted me to take leave, he wanted an apology, he wanted it in writing. I mean, the worst case scenario, he wanted me to send it to Ray Hadley and have Ray Hadley read it over the radio. It was always on that basis. I mean, there was never any definite, "I'm going to sack you."

15 **MS McDONALD:** I'm not asking about a message directly or indirectly from the mayor. I'm really raising with you, with all these circumstances, with the history that you would have known about CEOs at Liverpool City Council, that you must have become concerned around that time about your future with the Council .

20 **MR AJAKA:** Look, as I said, even at that meeting on the day, I never thought he would actually move a motion to terminate me. I - you know, I was shocked that he did that when he - I mean, they'd moved an earlier motion, in a sense, congratulating me, but there was never - I just didn't think he'd do it. I really didn't. I didn't think he'd be that mad.

25 **MS McDONALD:** Was part of your rationale for arranging the meeting with Sandie that - sorry, I'll go one step back. You're a union member?

MR AJAKA: Yes.

30 **MS McDONALD:** Sandie Morthen, as the union organiser, in a sense, was your representative?

MR AJAKA: Yep.

35 **MS McDONALD:** Wasn't it part of your thinking, in organising the Monday morning meeting with Sandie, that you wanted to discuss with her your concerns about - my words now - retribution by the mayor, whether it's some kind of leave for four to eight weeks or termination of employment or anything else - along those lines, I'm sorry.

40 **MR AJAKA:** I can't - I - I don't recollect it that way. I just don't. I mean, is it possible? Yes, but I just don't - I recollect that I needed to speak to her about this being a restructure. And, yes, I did tell her about what happened and I did tell her that I felt bad about what I said.

45 **MS McDONALD:** Accepting that evidence that it was the talk of the Council, she'd probably be - already heard about the swearing - that's one thing in raising with her,

"Look, things are difficult at the moment. You've probably heard I swore." But then to - in a sense, to show her the email, drill down into, "Well, look, it's Shayne and it's Michelle," and then it's this and then it's this, that seems to go beyond what you've given evidence about - the purpose of the meeting. That is, basically to say to her,
5 "Look, if this happened and this happened, is it your view or the union's view that it would be a restructure and we would have to follow the rather lengthy process that a restructure involves?" Do you agree with that? There was really no necessity for your purported purpose in meeting with her?

10 **MR AJAKA:** I don't see it that way. I see it of giving - you know, I was giving her the entire facts.

MS McDONALD: But why? You didn't have to. All you wanted to - from what you've said today, all you wanted to discuss with her was, and I'm not criticising you,
15 but it's -

MR AJAKA: No, no. I understand that.

MS McDONALD: - like it's a bit of ammunition that if this arises again you
20 could - sorry, I'll start again. If the proposal by the mayor in the email of removing directors, et cetera, arose again - your view was it was a restructure - it gave you some ammunition to say something along the lines of, "Well, look, I know it's the union view that if you're going to start remove directors and other jobs, it's going to be a restructure, and that will mean that the union will be demanding that there's
25 consultation, et cetera. It can't be done as a budgetary matter." If that was your purpose, there was no need, was there, to go into the nuts and bolts of what was discussed at the meeting?

MR AJAKA: Had the swear word not been used in the meeting and had no basis, I'd
30 agree with you completely. But the reality is the swear word had been given. She will have known about it. And I, if anything, was explaining how it came about. It was part and parcel of the facts.

MS McDONALD: But even revealing the swear word, you still didn't have to. There
35 was no necessity to go into the nuts and bolts.

MR AJAKA: I didn't see it at that - I didn't see that at that time. Would I do it differently today? Absolutely.

40 **MS McDONALD:** There's going to probably be a constant refrain - well, often a constant refrain during inquiries, but anyway, Mr Ajaka - by raising what I've described as the nuts and bolts with Sandie, it was inevitable that she was going to use that information - and I'm not being critical of her because she's a union delegate, but she was going to use that information as a union delegate to protect her members
45 who may potentially be losing their jobs in the future?

MR AJAKA: I accept that.

MS McDONALD: You should have realised that at the time, shouldn't have you? You should have realised that at the time you had the meeting with Sandie and you delved into the nuts and bolts?

5

MR AJAKA: I was seeking her advice and that's what I was focused on. Did I think she was going to go outside and use it? I actually didn't give it any thought then, but I accept that what you've put to me would be correct.

10 **MS McDONALD:** It's pretty obvious, isn't it? And it was - sorry, it was obvious that's what she would do? She wouldn't be being a good union delegate if she didn't.

MR AJAKA: I see that now, but I didn't think of it at that time. I wasn't thinking about that.

15

MS McDONALD: It wasn't part of your mindset at that time to delve into the nuts and bolts, rile up the union, get some action on behalf of the union at the prospect of job losses of their members?

20 **MR AJAKA:** That's the part that I didn't think she would do. I was thinking - I mean, if she was going to do anything, normally what they would do is immediately write a letter. That was the first thing that would occur. They'd write a letter to the mayor or they'd write a letter to me and they wanted - demand answers to it or they'd escalate it to a grievance or something of that nature, yes. That is how
25 that - but for her to then go out and arrange demonstrations and things of that nature, no, I hadn't thought of it at that time.

MS McDONALD: That's a little bit naive, isn't it, Mr Ajaka?

30 **MR AJAKA:** Well, maybe it is naive, but, you know, we were having - I was seeking her advice on a matter as the USU delegate, and she gave me the advice that, yes, it is absolutely a restructure, and then I thought if she was going to take - if I was giving thought to action she'd take, I - you know, clearly the next step should have been a grievance.

35

MS McDONALD: But you didn't discuss that with her, did you?

MR AJAKA: No, we didn't discuss it. And we didn't discuss demonstrations and we didn't discuss anything of that nature.

40

MS McDONALD: What I'm suggesting to you is a little bit more nuanced, that you - if I can just set out the steps. You're in dispute with the mayor over the swearing.

45 **MR AJAKA:** Yes.

MS McDONALD: You've still got in the background this - if he's going to press this restructure.

MR AJAKA: Yes.

5

MS McDONALD: What I want to suggest to you is around this time you've got some concerns - and I'm putting it in a way of retribution by the mayor.

MR AJAKA: I accept that.

10

MS McDONALD: And by bringing Ms Morthen in and having a discussion with her where you drill down to the nuts and bolts, part of your rationale, part of your thinking was a strategic getting the union on side, getting the union incited early on.

15

MR AJAKA: No.

MS McDONALD: Not at all?

MR AJAKA: No. I sought her advice.

20

MS McDONALD: All right. Could we jump back to INQ.023 - no. Sorry, before we go there, can I just go back to the meeting. So you've -

MR AJAKA: The one with the four points?

25

MS McDONALD: Yes.

MR AJAKA: Could we've it again?

30

MS McDONALD: Sorry. Could you - better move down to the four points, please.

COMMISSIONER: The meeting is the meeting with Councillors Mannoun, Macnaught and Mr Portelli?

35

MS McDONALD: Yes. LCC.008.001.0016. Thanks. And I think we're down on - is it about page 4? No, it's the bottom of the page. Sorry. Getting carried away. I just want to explore further with the meeting. Your evidence today is you did delve into the nuts and bolts, and with Ms Morthen you were doing, kind of, a rough calculation that I've just done and you've agreed with - two directors, this number of about 10
40 managers, this number of from the legal department, et cetera. And you came up with the ballpark figure, let's say, of about 30.

MR AJAKA: 20 or 30.

45

COMMISSIONER: That's with Ms Morthen.

MS McDONALD: I was just about to clarify that.

COMMISSIONER: Okay. All right.

MR AJAKA: Yeah, you - I was getting confused.

5

COMMISSIONER: All right.

MS McDONALD: And that process of two here, 10 here, dah, dah, dah, that was kind of a very mathematical process that you went through with Ms Morthen at the meeting?

10

MR AJAKA: With Ms Morthen?

MS McDONALD: Yes.

15

MR AJAKA: Yeah. But that - I went through that calculation with the mayor and the -

MS McDONALD: No, no, no, no. Okay. Sorry. I'm just taking it -

20

MR AJAKA: Yeah. You -

MS McDONALD: - step by step. I'm interested in the meeting on the 22nd with Ms Morthen.

25

MR AJAKA: Yes.

MS McDONALD: You've given evidence you delved into the nuts and bolts.

30

MR AJAKA: Yes.

MS McDONALD: And the nuts and bolts included, "It's Shayne and Michelle, it's about 10 managers."

35

MR AJAKA: Yes.

MS McDONALD: Then you would have mentioned, "Look, the legal department, it's about five" -

40

MR AJAKA: Yes.

MS McDONALD: - "or 10 or whatever."

MR AJAKA: Yes.

45

MS McDONALD: And with Ms Morthen, you roughly did that calculation?

MR AJAKA: Yes.

MS McDONALD: And then you said to her, "Look, with those positions and adding it all up, I think you're looking at 20 to 30."

5

MR AJAKA: Yes.

MS McDONALD: All right. So your evidence is you went through that rough process -

10

MR AJAKA: Yes.

MS McDONALD: - with Ms Morthen and the figures that you mentioned were about 20 to 30?

15

MR AJAKA: Correct.

MS McDONALD: Was there any discussion with Ms Morthen along the lines of, "Well, you're getting rid of two directors. That means the directorate disappears" -

20

MR AJAKA: No.

MS McDONALD: - right? No, no. Let me just finish.

25 **MR AJAKA:** Sorry, I thought you finished.

MS McDONALD: And whether that has the repercussion that there will be a flow-on of other job losses from all the - from people underneath in the sections.

30 **MR AJAKA:** No.

MS McDONALD: So that wasn't discussed with Ms Morthen?

MR AJAKA: No.

35

MS McDONALD: That scenario or possibility?

MR AJAKA: No, it makes no sense.

40 **MS McDONALD:** No, no, no - okay.

MR AJAKA: Yeah. I mean, I'm sorry, but we're talking a reduction of management -

45 **MS McDONALD:** No, no, no, no.

MR AJAKA: - costs by 2 million.

MS McDONALD: Mr Ajaka, please just listen to -

MR AJAKA: All right.

5

MS McDONALD: - me. I'm just trying to -

MR AJAKA: I know, but I -

10 **MS McDONALD:** - figure out what was discussed at the meeting.

MR AJAKA: It was not discussed.

15 **MS McDONALD:** All right. Ms Morthen has given evidence that during this meeting, when she was discussing with you different matters, the figure was roughly 150 jobs. And again, the words were something along the lines of, "Ned wants to get rid of 150 jobs." Did you say that to her during the meeting?

MR AJAKA: No.

20

MS McDONALD: Right. Also in her evidence - I'm sorry, withdraw that. During the meeting when you were doing that rough calculation, at any time did you earmark that, "Look, if we're getting rid of 10 managers, that's going to be people who are members of the union," or, "You're going to lose X number of jobs, which
25 are kind of union member jobs"?

MR AJAKA: No.

MS McDONALD: Were you identifying that at all?

30

MR AJAKA: No.

MS McDONALD: At any time, did you say to her anything along the lines of, "Look, Ned's said to get rid of 150 jobs and they're going to be primarily union
35 members," or anything along those lines, focusing on that the people whose jobs primarily are going to be lost are going to be union members?

MR AJAKA: No.

40 **MS McDONALD:** All right. Could we go back to INQ.023.001.0011. And if we could go through to page 4. And it can be live streamed. Right. This is again a text message exchange between you and Ms Myers. You will see at the beginning, it is 22 April. So you have the meeting with Sandie Morthen in the morning, and then this is - exchange is at 4.44 pm. See that? And again, just giving you some background
45 and evidence that you gave before, the email from - it's something like the USU Advocate?

MR AJAKA: Sorry, I can't see -

MS McDONALD: No, no, no, no, no. Sorry, I'm just -

5 **MR AJAKA:** Sorry.

MS McDONALD: - putting a little bit of background to you.

10 **MR AJAKA:** All right. Sorry.

MS McDONALD: You recall on the last occasion you were questioned about these emails that came from USU Advocate?

15 **MR AJAKA:** Correct.

MS McDONALD: And in an email of that afternoon, there was a reference to the 150 jobs and also - it's not there? Sorry, I withdraw that. I'll just deal with this to begin with.

20 **MR AJAKA:** Yep.

MS McDONALD: Can you see there she's just checking in:

25 "Hope there haven't been further negative developments this afternoon."

When she says "further negative developments", what were the negative developments that occurred earlier during the day?

30 **MR AJAKA:** I can't recall what she means by that. I don't know.

MS McDONALD: All right. And then if we can continue down:

35 "Mr Mayor is telling me he wants peace and to come to a compromise. He just won't initiate it, wants an apology."

Again, just pausing there - again, there's this emphasis - well, it's stating that the mayor is saying to Ms Myers he wants peace, wants to come to a compromise. He won't initiate it and wants an apology.

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

MS McDONALD: So on its face, from what she - her discussion with the mayor is that he wants to resolve all of this but he wants an apology.

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

MS McDONALD: And still in those circumstances, you couldn't have just walked down the corridor, knocked on his door, apologised?

5 **MR AJAKA:** As - look, as I've said, I was - I was dealing with Councillor Mel Goodman to deliver this apology and arranging a time to do it personally. And as I said before, in hindsight, maybe I should have barged in on his office, but I was - if I wasn't working with Councillor Goodman - I didn't think of any other alternative but to do it the right way with Councillor Goodman.

10 **MS McDONALD:** Now, she then goes on and says, "He", the mayor:

".. said you activated the unions, and I told him to the best of my knowledge they already knew everything, and then he stopped responding to me."

15 **MR AJAKA:** Yep, I see that.

MS McDONALD: Again, I know this is Ms Myers' text message, but the allegation that you activated the unions, something must have happened for the mayor to have made that comment.

20 **MR AJAKA:** I - I can't respond to this. I think I took -

MS McDONALD: No, no, no. Just listen to my question.

25 **MR AJAKA:** Yeah.

MS McDONALD: You agree, just with the terms of Ms Myers reporting what the mayor had said, that the allegation that you activated the unions would suggest that something's happened with the unions?

30 **MR AJAKA:** Correct. That's what I took it to mean.

MS McDONALD: All right. What is your recollection of what had happened after your meeting with Sandie which activated the unions?

35 **MR AJAKA:** I'm not sure what he meant by the "activated the unions".

MS McDONALD: I'm not asking you that. I'm asking you whether you can recall anything happening - on that Monday, you had the meeting with Sandie. You raised with her the job losses, 20 to 30 in total, and then that - I would - as I think I've put to you, not surprisingly, a union delegate would take that information and would do something with it.

40 **MR AJAKA:** Yeah.

45 **MS McDONALD:** Do you remember flyers going around and stop-work meetings or yard meetings -

MR AJAKA: I -

MS McDONALD: - being organised for the next day?

5

MR AJAKA: Yes.

MS McDONALD: Do you recall that?

10 **MR AJAKA:** I recall flyers. I recall meetings. Yes, going around - I can't pin it into a time, but definitely flyers were going around and stop-work meetings were being called, yes. And I think at one occasion someone - Jason said to me, "Why are they being paid to stop work?" So I recall all of that happening.

15 **MS McDONALD:** I don't think that was Jason. I thought that was -

MR AJAKA: One of the councillors.

MS McDONALD: Yes, it was.

20

MR AJAKA: Yes, yes, yes.

MS McDONALD: It was -

25 **MR AJAKA:** Councillor Goodman.

MS McDONALD: Yes.

MR AJAKA: Yep.

30

MS McDONALD: And, sorry, my learned -

MR AJAKA: During the working on the apology.

35 **MS McDONALD:** Yes. My learned friend has reminded me that she had asked you some questions about that, along the lines of - and this is transcript 867:

"You were aware on the Monday there's going to be mass meetings of council workers?"

40

MR AJAKA: Yes.

MS McDONALD: And:

45 "You were aware that the union is disseminating what you know to be an incorrect rumour about 150 job losses. You know that on the Monday. Correct?"

And you said, "Correct."

MR AJAKA: Yes.

5 **MS McDONALD:** So at that point, given that you'd had the meeting with
Ms Morthen - you'd given her some nuts and bolts details which appear to be very
different - I'm sorry. You'd given her nuts and bolts details, and now the information
that the union was disseminating to its members seems very different. Did you
contact Ms Morthen?

10

MR AJAKA: I can't recall.

MS McDONALD: Wouldn't have been something that you should have done, given,
on your evidence, you definitely weren't the source of the 150? But the union's
15 obviously onto the job losses and other aspects. Like, wouldn't it make sense to, you
see "150", ring Sandie and say, "Hey, when we had the chat I was saying 20 to 30.
It's nowhere near 150. Where'd that come from?"

20 **MR AJAKA:** I know that I have said to Sandie, but I can't - I'm sorry - I can't put it
in a timeline. I know I've definitely said to Sandie that it's 20 to 30. I know I've said
to Steve Donley once, "Where did this 150 come from? You know, it's 20 to 30."
I have those recollections. I just can't pinpoint it.

25 **MS McDONALD:** All right.

COMMISSIONER: Do you remember on that day, when you became aware of the
suggestion by the union that 150 jobs are at risk, thinking to yourself, "What is going
on here? Why did this come from?" Do you have that -

30 **MR AJAKA:** I -

COMMISSIONER: Do you - just - not what you would have thought, but sitting
here today, do you have a recollection?

35 **MR AJAKA:** Yeah, I remember saying it to Lauren that I didn't know where it came
from. I do remember saying it to Steve Donley, "Where did you get this 150 from?"

COMMISSIONER: On the Monday?

40 **MR AJAKA:** I can't remember when.

COMMISSIONER: All right. When you first became aware that the union had put
the flyer out and was arranging the meetings on the basis of 150 -

45 **MR AJAKA:** Yeah.

COMMISSIONER: - can you, sitting here today, remember what you were thinking at the time?

5 **MR AJAKA:** I remember when I read the flyer - it's like, "Where's this 150 come from?" I did definitely think that.

COMMISSIONER: And did it occur to you at the time to ring Ms Morthen and say, "Hang on. What's going on here? Where are you getting 150 from?"

10 **MR AJAKA:** Again, my recollection - well, it was Steve Donley, her boss, "Where's this 150 coming from?"

15 **COMMISSIONER:** Whether it was Mr - perhaps my question wasn't clear. When you saw the flyer and you became aware that the union was saying that 150 jobs were at risk, did it occur to you at the time - that is, the time you became aware of that, some time on the Monday - to call either Mr Donley or Ms Morthen and say, "Where are you getting this from?"

20 **MR AJAKA:** Yeah. Commissioner, I can't remember when, but I know that I had spoken to Sandie on at least one or two occasions, "Where do you get this 150 from? It's 20 or 30." I recall definitely speaking to Steve Donley about - saying, "Where do you get this 150? It's 20 or 30." Just can't put it in context as to when.

25 **MS McDONALD:** Would that be an appropriate time?

COMMISSIONER: Yes. All right. We'll take the morning adjournment, and I'll resume at 12 noon. We'll adjourn until then. Thank you.

30 **MR AJAKA:** Thank you.

<THE HEARING ADJOURNED AT 11.39 AM

<THE HEARING RESUMED AT 12.07 PM

35 **MS McDONALD:** Excuse me for a minute. Would you bring up, please, LCC.001.003.0461. And it can be live streamed. And would you go to page 4, please. And if you would bring - move down the document, yes, to that email dated 22 April, at 1.59 pm. Mr Ajaka, before the break I think I had mentioned to
40 you - incorrectly, but there - you did agree that there were emails being issued by this USU Advocate?

MR AJAKA: Correct.

45 **MS McDONALD:** Nobody knows who it was, but it was supposed to be an employee at Liverpool City Council?

MR AJAKA: From reading it, it's assumed.

MS McDONALD: All right. Now, this particular email was after your meeting with Sandie on the Monday. So it's at 1.59 pm.

5 **MR AJAKA:** Correct.

MS McDONALD: Did you gain access to this or find out about it during the Monday afternoon some time?

10 **MR AJAKA:** Yes. Either that day or the next day. I can't recall, because I didn't receive a copy of this.

MS McDONALD: Well, it doesn't appear that you're on the circulation list.

15 **MR AJAKA:** No. No.

MS McDONALD: Number of journalists, plus somebody at Parliament.

MR AJAKA: Yes.
20

MS McDONALD: Is it Mr Heffron?

MR AJAKA: That would be the -

25 **COMMISSIONER:** The electorate.

MR AJAKA: - minister for Local Government.

MS McDONALD: All right. And at that stage -
30

MR AJAKA: He's the Member for Heffron.

MS McDONALD: I see. Sorry.

35 **MR AJAKA:** That's correct. So it's the seat - identifies which minister.

MS McDONALD: Thank you. And at that point in 2024, was the Liberal Party still in government at that stage or -

40 **MR AJAKA:** No, no. The Minister - the Member for Heffron -

MS McDONALD: That's right.

MR AJAKA: - would be the Minister for Local Government. So Labor was in
45 government.

MS McDONALD: That's right. That occurred in 2023. Right. I just want to take you to some of the content of this email.

MR AJAKA: Yes.

5

MS McDONALD: In the second paragraph there, it says:

"Rarely support Liberal Party members. However, the CEO Mr John Ajaka has been nothing short of exemplary and impartial when it comes to staff."

10

Then he refers to the mayor, and there are several paragraphs where he's critical of the mayor. Do you see that?

MR AJAKA: Yes.

15

MS McDONALD: Would you please keep on going to the next page. Now, right at the top:

"He has become a law unto himself and now is moving to dismiss the CEO at the next council meeting this coming Wednesday due to the fact that the CEO refused to terminate some of the directors the mayor does not want to remain in employed by Council."

20

MR AJAKA: Yes.

25

MS McDONALD: Now, the first - also to note in this email, there is the reference to terminating some of the directors, but the magic words "job losses of about 150" does not occur.

30

MR AJAKA: No.

MS McDONALD: But what does occur is this suggestion that there's going to be a motion or in some way you're going to be dismissed at the next council meeting "this coming Wednesday". Do you see that right up the top of that paragraph?

35

MR AJAKA: Sorry, which - he - yes, "now moving to dismiss CEO at the" - yes, see that.

MS McDONALD: Right.

40

MR AJAKA: "This coming Wednesday". Yes.

MS McDONALD: Now, the moving to dismiss you, do you know where that came from? That suggestion.

45

MR AJAKA: No.

MS McDONALD: It didn't arise from something that you said to Sandie Morthen during the morning conference?

MR AJAKA: No.

5

MS McDONALD: To your knowledge - and, sorry, this was sent, I think, at 1.59 pm, so it's just about 2 o'clock in the afternoon.

MR AJAKA: But, again, I haven't seen it.

10

MS McDONALD: No, no, no, no.

MR AJAKA: Yes, I just want to make -

15

MS McDONALD: It's sent at 2 pm.

MR AJAKA: Yep.

20

MS McDONALD: Did anything occur on that Monday, up until around 2 pm, with your relationship or dealings with the mayor which may have grounded that suggestion that he was moving - he was going to move to dismiss you on Wednesday?

25

MR AJAKA: Not that I have any recollection of.

MS McDONALD: Right. Now, I think before the break you did recall that the union itself became active in what was going on and there had been some stop-work meetings or yard meetings organised for the next day?

30

MR AJAKA: The next day of this?

MS McDONALD: For the 23rd.

35

MR AJAKA: Yes.

MS McDONALD: Tuesday the 23rd.

MR AJAKA: Yes.

40

MS McDONALD: And you also remembered that the union was distributing flyers?

MR AJAKA: Yes.

45

MS McDONALD: For their members. Would document NMA.004.001.0002 be brought up, please.

ASSOCIATE: Do you want that document on the live stream?

MS McDONALD: Yes. And if you could just move down the page. What I'm interested in is the - is it a screenshot of the flyer?

5 **MR AJAKA:** Yes.

MS McDONALD: Yes. Great. Thank you.

10 **COMMISSIONER:** This exchange is between who?

MS McDONALD: Sorry. Mr Ajaka and the other councillor - Goodman, was it?

MR AJAKA: Goodman.

15 **COMMISSIONER:** Councillor Goodman. I know we've seen it before, but just for my recollection. Thank you.

MS McDONALD: And can you see there Urgent Member Meetings?

20 **MR AJAKA:** Yes.

MS McDONALD: Just to orientate you with the document, down the bottom, at the right-hand side, you can see the blue box with - setting out what time the various meetings were going to be held?

25 **MR AJAKA:** Yes.

MS McDONALD: And then going back to underneath Urgent Member Meetings -

30 **MR AJAKA:** Yes.

MS McDONALD: It's got:

35 "These meetings are urgent due to the potential threat to a large number of council jobs."

MR AJAKA: Yes.

40 **MS McDONALD:** And:

"We cannot let the mayor think that our members' livelihoods can be bartered off to deliver election promises."

45 Now - again, one thing that I would - sorry, I'll withdraw that. That flyer, do you recall seeing it on the Monday?

MR AJAKA: No, no. I think the first time I saw it is when it was sent to me like this.

MS McDONALD: And that was by Councillor Goodman?

5

MR AJAKA: I think so, yes.

MS McDONALD: And can we just scroll up a little bit.

10 **MR AJAKA:** Because he then asked me a question, I think, after he sends me the flyer.

MS McDONALD: So if you look at the bottom of it, there's -

15 **MR AJAKA:** Yes.

MS McDONALD: - "5.51 pm". And so that's the question about, "Do these guys really get paid".

20 **MR AJAKA:** Yes. Yes.

MS McDONALD: Okay. So you -

MR AJAKA: So that's the first time I see the flyer.

25

MS McDONALD: All right. The other thing to note is that there's no reference to the 150 jobs in that.

MR AJAKA: No, no. It talks about "number of jobs".

30

MS McDONALD: They just -

MR AJAKA: Yeah, I can't read it any more.

35 **COMMISSIONER:** Can we scroll to the -

MS McDONALD: "A large number of council jobs".

MR AJAKA: Yes, something like that. Yep. Yes.

40

MS McDONALD: To your knowledge, the 150 - the figure of 150, did that first become, in a sense, public when Mr Donley appeared on the Ray Hadley show the next morning?

45 **MR AJAKA:** That - that could be right.

MS McDONALD: On the Tuesday, at some time after - I'm sorry, withdraw that. Is it your recollection that it was on the Tuesday that you hear the figure of 150 being bandied about?

5 **MS RICHARDSON:** I object to that. It's contrary to the evidence he's (indistinct). Perhaps we could do this in the absence (indistinct).

COMMISSIONER: Yes. Mr Ajaka, would you just mind stepping outside for a moment?

10

MR AJAKA: Yeah, not at all.

COMMISSIONER: Sometimes this happens. It's no reflection on you.

15 **MR AJAKA:** No, no. I understand.

<THE WITNESS LEAVES THE HEARING

COMMISSIONER: Thank you.

20

MS RICHARDSON: Mr Ajaka gave evidence in the last block of witness days where he came, where I cross-examined him, that on the afternoon of - or on the Monday, that he was aware that there - mass meetings had been called by the unions, and that's made plain by the flyer that he was sent by Councillor Goodman, which he
25 clearly read and engaged with in the late - early evening on the Monday. He also agreed that he knew about - that there was a false rumour going around about 150 job losses on and from Monday the 22nd, and he knew it was false on that day. The transcript references are 867.46 through to 868.03 and 869.36.

30 **COMMISSIONER:** Sorry, I just missed the first one. It starts at -

MS RICHARDSON: 867.46 through to 868.03. Also at 869.36. He also gives evidence at 827.24 that he had heard a 150 job loss rumour but he didn't think people would take it seriously. So it's already locked in, if you like, that he's given evidence
35 in the last set of hearing days that he knew about these key matters on and from the Monday and that they were false. And my learned friend - and I'm sure it's inadvertent - is putting positive propositions to him that he did not know about the 150 number till the following day, which is inconsistent with the evidence he's already given. For example, 867, at line 22:

40

"You're aware that the union is disseminating what you know to be an incorrect rumour about 150 job losses and you know that on the Monday; correct?"

Answer:

45

"Correct."

And then it goes on. And then I put to him, at line 27, that:

"You know that that rumour was repeated in a radio interview with Ray Hadley the following morning, on the 23rd".

5

And then down the bottom, at line 45:

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

10

"Yes."

And then it goes on.

15 **MS McDONALD:** I'll withdraw the question. I'll approach it in a different way.

COMMISSIONER: Thank you. We'll just have Mr Ajaka back.

<THE WITNESS ENTERS THE HEARING

20

COMMISSIONER: Thank you, Mr Ajaka.

MS McDONALD: I withdraw the question.

25 **COMMISSIONER:** Thank you.

MS McDONALD: Mr Ajaka, the issue of the 150 jobs - my friend has pointed out that when you were giving evidence previously you agreed that you knew that the union was saying 150 jobs some time on the Monday. That was your evidence on the last occasion.

30

MR AJAKA: Yes.

MS McDONALD: Do you maintain that evidence?

35

MR AJAKA: Look, I can't recollect now, but that could be the case that it was on the Monday.

MS McDONALD: All right. Do you recall how you heard about the 150 jobs?

40

MR AJAKA: (Indistinct).

MS McDONALD: Sorry.

45 **MR AJAKA:** Yes.

MS McDONALD: Yes, how you heard about it.

5 **MR AJAKA:** Well, the recollection I have - so if I've got the dates wrong I've got the dates wrong. The recollection I have is that I was told Steve Donley was interviewed on the radio, so I know - and he mentioned that figure. I also was told - sorry. I also received the first USU Advocate email and it mentioned it as well, but I may have heard it before through people ringing me or telling me. I just can't pinpoint when it was.

10 **MS McDONALD:** All right. The Steve Donley interview was on the Tuesday morning, the 23rd.

MR AJAKA: All right.

15 **MS McDONALD:** The USU Advocate email, the first one, which was on the Monday afternoon - I just took you to, and there was no mention in it -

20 **MR AJAKA:** No, no. The - so I wasn't in the first email from the USU Advocate; that was sent to me. But somehow I got included in subsequent USU Advocate emails, and that was - and it was that first one that I got - that I was included, I believe, mentioned the 150.

MS McDONALD: I can bring that up, but the copy that we have, in which you were copied -

25 **MR AJAKA:** Yep.

MS McDONALD: - was dated 25 April, at 3.30.

30 **MR AJAKA:** And that could be the case.

MS McDONALD: But that is after the 22nd.

MR AJAKA: I accept that.

35 **MS McDONALD:** So the source of your knowledge of the 150 on the Monday, you're suggesting that you've either been rung or contacted by somebody?

MR AJAKA: I just can't recall how I got it that afternoon.

40 **MS McDONALD:** Who rang or contacted you?

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

45 **MS McDONALD:** Because if we just go on the flyer -

MR AJAKA: Yes.

MS McDONALD: And we have evidence from Ms Morthen that after her meeting with you -

MR AJAKA: Yep.

5

MS McDONALD: - she went, had breakfast or whatever, and was actually typing up a flyer. And as I've shown you, there was no mention of the 150 on the flyer.

MR AJAKA: Correct.

10

MS McDONALD: So you can't assist the inquiry any further that - learning about the 150 on the Monday, you're really not sure other than somebody rang you and told you that?

15

MR AJAKA: Someone may have rang me and told me. I just can't recall where I got that knowledge from when I gave that evidence.

MS McDONALD: All right. Once you had learnt about the 150 jobs, do you recall, either on the Monday or the Tuesday or even on the Wednesday before the council meeting, having a discussion with Ms Myers about the 150 jobs?

20

MR AJAKA: Yes.

MS McDONALD: Your recollection of - sorry, I'll start again. That meeting was a meeting in the office?

25

MR AJAKA: Yes.

MS McDONALD: Your recollection of when it occurred?

30

MR AJAKA: I can't recall when. I just recall saying something to the effect of, "I just don't know where this 150 number comes from." I was confused.

MS McDONALD: Do you recall the conversation with Ms Myers continuing with some speculation or some kind of reverse engineering to try and work out how the figure of 150 could have been formulated?

35

MR AJAKA: I recall telling her that it was - in my calculations, it was 20 to 30.

40

MS McDONALD: That's not my question.

MR AJAKA: And then when she - I understand that, but - and when I said that - again, repeated I still don't understand how they got it.

45

MS McDONALD: Yes.

MR AJAKA: And then she tried to work out some way where - she started to add the sections of the two directors and said that's - you could come to a figure like that.

MS McDONALD: So -

5

MR AJAKA: But I took it that she's just assuming.

MS McDONALD: So your recollection of that conversation was that Ms Myers then started suggesting - and I know this is all suggestions, et cetera - of if you thought
10 a director went, everybody else underneath the director in the organisation or structure would go as well.

MR AJAKA: Yes. Yes.

15 **MS McDONALD:** Maybe that was a way of coming up with about 150 jobs?

MR AJAKA: Yes, something like that.

MS McDONALD: You also, before the break, recalled some conversation with
20 Steve Donley about the 150 jobs.

MR AJAKA: Yeah, "Where did you get the" - something like, "Where did you get the 150?"

25 **MS McDONALD:** All right. Do you recall whether Mr Donley attended the council meeting on the 24th?

MR AJAKA: Yes, he was there.

30 **MS McDONALD:** Do you recall, during any time - you know, with everything that was happening at the council meeting - you know, the time where people didn't leave the Council chambers, then they did go into a - a closed session, I'm sorry - then came out - do you recall having a conversation with Mr Donley? Maybe in a kitchen area or something like that?

35

MR AJAKA: We were definitely in the foyer when we had the conversation.

MS McDONALD: So you -

40 **MR AJAKA:** We were outside. But I can't recall if it was before the council meeting started or during the council meeting when we went outside. I just can't recall which timing.

MS McDONALD: And is it your recollection that it was around the council meeting
45 that you've had this conversation with Mr Donley?

MR AJAKA: Yeah, it's - it was either before it started or when we were sent outside. One or the other.

MS McDONALD: Okay.

5

MR AJAKA: Because we were in the foyer.

MS McDONALD: And Sandie Morthen was there as well?

10 **MR AJAKA:** From recollection, she would have been there with Steve. She was - most of the time she was standing next to him.

MS McDONALD: And during the conversation, you said something along the lines of, "Where did you get the 150 from?"

15

MR AJAKA: Correct.

MS McDONALD: And Mr Donley said, "Well, from you. You said it."

20 **MR AJAKA:** Correct.

MS McDONALD: So Mr Donley said that to you?

MR AJAKA: That's my recollection.

25

MS McDONALD: And when he said that to you, which was basically, "You're the source of the 150," what did you say?

30 **MR AJAKA:** I said, "No." I said, "Steve, I've always said it's 20 to 30. I have no idea where you got the 150 from."

MS McDONALD: Other than his, "We got it from you," did he expand any more on -

35 **MR AJAKA:** That was it. After I said, "No. I've always said 20 to 30" - it kind of ended the conversation.

MS McDONALD: At that point, did you have a view of where the 150 came from, how it arose?

40

MR AJAKA: No, after - after the - my view was that it was a mistake. Somehow or other they'd miscalculated it.

45 **MS McDONALD:** All right. When you say, "It was my view that they miscalculated," who's "they"?

MR AJAKA: Either Sandie or Greg - Donley or the USU, and - and that was based on what Lauren had told me - the discussion I had with Lauren, when she said the sections.

5 **MS McDONALD:** So the reverse engineering, in a sense -

MR AJAKA: Yeah.

10 **MS McDONALD:** - by Lauren, that put in your mind that "they" - being either Sandie, Donley or somebody within the USU - have done this, kind of, rough calculation and come up with 150?

MR AJAKA: Yes. The only -

15 **MS McDONALD:** And -

MR AJAKA: Sorry, that was one of the things that I thought. So there was a second thing.

20 **MS McDONALD:** What was the second thing?

MR AJAKA: The second thing is that they'd mistaken it with the fact that we'd had over 150 vacancies unfilled. That could be the only two explanations.

25 **MS McDONALD:** So your recollection - just using rough figures, around that time there's a number of positions within Council that haven't been filled?

MR AJAKA: Correct.

30 **MS McDONALD:** And that the 150 might have been some kind of combination of people actually occupying positions who would lose their job, and then some other vacancies just not being filled?

35 **MR AJAKA:** No. Sorry, the people that were going to lose their positions were 20 to 30.

MS McDONALD: Yes. Yes.

40 **MR AJAKA:** That was clearly in my mind. The 150 were - you know, we all knew that there was over 150 vacancies.

MS McDONALD: All right. So -

45 **MR AJAKA:** Had nothing to do with the 20 or 30.

MS McDONALD: This second hypothesis is that the magic figure, 150, has somehow arisen from the fact that there were about 150 positions within Council that hadn't been filled?

5 **MS RICHARDSON:** I object to that. It's never been suggested that there were 150 vacancies. That number does not match up -

COMMISSIONER: Can I ask a more fundamental question. Perhaps in - Mr Ajaka, I'm going to trouble you just to step outside again.

10

MR AJAKA: Sorry?

COMMISSIONER: Can I just trouble you to step outside for a moment?

15 **MR AJAKA:** Yes. Certainly, Commissioner.

<THE WITNESS LEAVES THE HEARING

20 **COMMISSIONER:** No one should take this as a criticism because it's not, but I've heard quite a lot about the 150 and the potential sources and what people might have done or mightn't have done. Ultimately, it seems - sorry. Anyone can correct me if I've got the wrong end of this, but at some time on the Monday or early the Tuesday, 150 becomes the number. Various propositions are being put to Mr Ajaka, some of which he accepted, some of which he hasn't, about what he should or shouldn't have
25 done at the time. What more is to be mined from this?

MS McDONALD: I agree.

30 **COMMISSIONER:** I understand why he's back here. It's quite appropriate that he's back here to respond to the evidence of Ms Morthen, which he's done, and you quite fairly and properly have put a series of propositions to him. But - and this is obviously an important moment in the context of this inquiry and the Council's recent history, but what more can be drawn from it?

35 **MS McDONALD:** Commissioner, for my part I will just pose a couple of questions to him, just about his evidence on the last occasion, and then I'm more than happy to move on.

40 **COMMISSIONER:** I'm not trying to cut anybody off. I'm just sort of wondering where we're ultimately going to end up with this.

MS McDONALD: Ultimately with the terms of reference and what is at issue and what you are looking at in making findings or ongoing recommendations, the nuts and bolts of the 150, who was the source, et cetera - looking at it in hindsight, in my
45 submission, ultimately won't assist you in your role.

COMMISSIONER: It's important context and it was - you know, the termination of Mr Ajaka's employment in the context pre the last election was a big issue. And it may be that I need to make some findings about it, but ultimately how deep - I suppose my question is how deep into the detail of precisely when the
5 came on board, whether it be the Monday or the Tuesday morning, and the like - I'm just not sure how much more I need to hear.

Ultimately, I am very interested to hear about what the Council is doing now and what improvements might be made to policies, processes, procedures to ensure that
10 the Council is well placed to comply with its obligations under sections 8A, B and C into the future. But anyway, you take whatever course you wish. And I'm not intending or trying to shut anybody down, but I am wondering how much more of this I need to hear. All right. Does anyone want to say anything before I have Mr Ajaka back?

15 **MS RICHARDSON:** Only, Mr Commissioner, that from my client's perspective, Mr Ajaka has given, you know, a number of pieces of evidence that are quite adverse to him.

20 **COMMISSIONER:** Yes.

MS RICHARDSON: Including, relevantly on this topic -

25 **COMMISSIONER:** Yes.

MS RICHARDSON: - in effect, that the cause of the escalation and the narrative that is painted by him was - lands at the feet of my client, in the sense of the deterioration of the relationship with Mayor Mannoun, and also that - the activation of the unions and the - the meeting and so on - that that narrative has certainly been
30 put.

COMMISSIONER: Yes.

35 **MS RICHARDSON:** That that is - in effect, lands at my client's feet. And we will be making submissions on behalf of the mayor that some of the evidence is that - it's plain that Mr Ajaka was the source of this rumour, and not only was he the source, that he's lied on oath to the Commission about that.

40 **COMMISSIONER:** I understand.

MS RICHARDSON: And also that he lied to Mr Harvey in the Weir interview, and that he lied in pleadings he filed in the judicial review proceedings about that. That he has, in effect, concealed the fact that he met with the union organiser, because otherwise - if that had have been made plain, the causational link of him and his role
45 in activating the unions would be obvious.

So it's relevant to a significant number of factual matters about which,
Mr Commissioner, you have heard evidence. It's also relevant to the credit of
Mr Ajaka, because he - there's a lot of evidence he's given, which is that - in effect, a
"he said, he said" evidence against my client. And so, in my submission, as a matter
5 of procedural fairness to my client, I need to test credit on those issues.

COMMISSIONER: I'm not - nothing I said was intended to suggest otherwise.
I suppose what I'm flagging - and I might return to this at some stage next week - is
ultimately - and I accept the relevance and I accept - and I'm alive to the credit issues
10 that you've raised through what has happened already and what might happen next.

Ultimately, I would be very interested in assistance from all of the active parties as to
what recommendations I might make, going forward, to assist the Council, its
governing body, its staff to be able to, as I say, comply with its statutory obligations.
15 But perhaps some of what has happened, albeit very important context to my
inquiry - and they're matters I need to look at into the past and build - and strengthen,
going forwards. But anyway, no one needs to respond to that now, but just to give
some sense of what I'm interested in hearing as we move forward. Nothing I said was
intended, of course, to shut you down, Ms Richardson. I understand the propositions.
20 All right.

MS RICHARDSON: Thank you.

COMMISSIONER: I think I don't need to say anything else. No one else wants to
25 say anything before we have Mr Ajaka back? Thank you.

<THE WITNESS ENTERS THE HEARING

COMMISSIONER: Thank you, Mr Ajaka. I'm sorry to have you in and out. Yes,
30 Ms McDonald.

MS McDONALD: Mr Ajaka, since you gave evidence on the last occasion we've
heard the evidence from Sandie Morthen, in which she identifies you as the source of
the 150. And you've just given evidence about Mr Donley saying to you during that
35 period of - at the council meeting. Your evidence on the last occasion was that you
were not the source of the 150.

MR AJAKA: Correct.

40 **MS McDONALD:** You maintain that evidence?

MR AJAKA: Correct.

MS McDONALD: And is it your position that, as that is the position, you have not
45 lied on the - or given any kind of false evidence or misleading evidence to the
inquiry on the question of who was the source of the 150 -

MR AJAKA: Correct.

MS McDONALD: All right. I just want to very briefly refer you to another matter. With employees at the Council, if they wish to undertake any form of secondary employment, there's a procedure that they have to comply with?

MR AJAKA: Correct.

MS McDONALD: And that procedure includes completing a form that sets out what the work is so an examination can be made - that there's no conflict of interest and it's - that's correct?

MR AJAKA: Yes.

MS McDONALD: And that it's not in any way inappropriate for a Council worker to undertake that secondary employment?

MR AJAKA: Correct, with permission. If you tick all the boxes, if I can use that expression.

MS McDONALD: Now, that procedure doesn't apply to the councillors? The formal procedure and filling out the form.

MR AJAKA: That's my understanding. But if there's any possible conflict, they'd still have to seek - they still have to notify.

MS McDONALD: Do you recall, towards the end of October 2023, that the mayor, Ned Mannoun, raised with you the issue of secondary employment?

MR AJAKA: Correct.

MS McDONALD: Would document LCC.021.001.0190 be brought up.

ASSOCIATE: (Indistinct) that document on the live stream?

MS McDONALD: Yes, please. And if we go to the email at the bottom of the page - this is from the mayor, Ned Mannoun, to you, and it says:

"Hi, John. Please be advised that I've started working for Professor Dion Accoto and his law firm. Would you please ensure that appropriate measures are put in place so there's no conflicts."

MR AJAKA: Yes.

MS McDONALD: And then at the top of the email is an email from the professor. Do you see that?

MR AJAKA: Yes. Yes.

MS McDONALD: And then if we would go to LCC.021.001.0191. Yes, please. You forward that to Mr Galpin, the general counsel of the Council?

5

MR AJAKA: Yes.

MS McDONALD: Attaching some certain documents, some of which we don't have, with:

10

"Would you please call me to discuss."

Correct?

15

MR AJAKA: Sorry, I thought I only attached the two emails.

MS McDONALD: Yes. Sorry. You forward the email to Mr Galpin.

MR AJAKA: Yes.

20

MS McDONALD: And attach two emails. And then I made a side comment - we don't have - hold on.

COMMISSIONER: Aren't the emails the last ones?

25

MS McDONALD: No, there's -

COMMISSIONER: Is that Mr Ajaka's -

30

MS McDONALD: - another document we don't have. I -

MR AJAKA: Yes.

35

MS McDONALD: Sorry, I did mislead you there. With the two emails that I've just forwarded - showed you.

MR AJAKA: Correct. Yes.

40

MS McDONALD: Thank you. And then would you then go - could we please bring up LCC.021.001.0202. And it can be live streamed. This is an email you send to the mayor, and there are some attached email correspondence and attachments from the general counsel. And, I'm sorry, they're the ones we don't have. Refer you to points 1 and 2. And:

45

"Would you on forward this letter to your employer for their information and appropriate action."

So in substance, pursuant to this letter, you're giving your approval to the mayor to undertake this secondary employment.

5 **MR AJAKA:** Based on complying with points 1 and 2, but I can't recall what they are.

MS McDONALD: And we don't have - we're not - haven't been provided with a copy of that, so we can't assist you.

10 **MR AJAKA:** Yep.

MS McDONALD: The - and I'm asking at a very general level. The work that the mayor was going to do for the law firm, what was it?

15 **MR AJAKA:** I'm not - I don't know. He was not a lawyer, so I could only assume at the time it was some form of consultancy.

MS McDONALD: All right. But you don't know subject matter or -

20 **MR AJAKA:** No, we didn't go into that.

MS McDONALD: All right.

25 **MR AJAKA:** And I think that's why points 1 and 2 made it clear as to what he can't do.

MS McDONALD: All right. Okay. Putting this - and consistent with your evidence, this is an email from the mayor, raising that he was going to do the work and, I think, as he said:

30 "Please ensure appropriate measures are put in place."

But that secondary employment form that an employee would have to fill out, there was no requirement for him to do that?

35 **MR AJAKA:** No, because all councillors are not full-time employees of Council. So they have a right to have their own other form of employment.

40 **MS McDONALD:** All right.

COMMISSIONER: Is there any policy that provides councillors with guidance about - like the mayor sought from you here, guidance about ensuring that their professional activities don't conflict with their councillor responsibilities?

45 **MR AJAKA:** I can't recall if there's a specific document that sets it out. I do know that when I was a Rockdale councillor I had my own law firm, so I had to notify the general manager that I was still operating a law firm almost next door to the council,

and I was told exactly the same thing - that you can't be acting for a client against the council - the obvious.

COMMISSIONER: Obvious things.

5

MR AJAKA: All the obvious things. So - so I was aware that you had to go through that procedure even back then in 2004.

COMMISSIONER: Whilst you were the CEO, was it your responsibility to arrange training for the councillors?

10

MR AJAKA: So when a council is first elected -

COMMISSIONER: Yes.

15

MR AJAKA: - you do - you undertake an orientation for the councillors. I had not - that had already occurred before I started.

COMMISSIONER: What about any ongoing training during the term of the council? Was that something that happened?

20

MR AJAKA: Not that I'm aware of. We did have information sessions. We had workshops. We had things of that nature that one could argue was updating councillors on any changes, et cetera. If you brought in new procedures, you'd have workshops in relation to the new procedures coming through. So that was very much seen as a good update. Some councils - we didn't do that, but some councils would take councillors away for an entire weekend and workshop all the things that councillors were meant to be aware of.

25

COMMISSIONER: You're aware of that through your discussions with counterparts at other councils?

30

MR AJAKA: Yes, and we did it at Rockdale.

COMMISSIONER: And so there's no what I'll call formal CPD for us lawyers - type arrangement for councillors?

35

MR AJAKA: Not - not that I'm aware of.

MS McDONALD: And your recollection of the training - you spoke about an orientation where the councillor was first elected?

40

MR AJAKA: Yeah. My understanding is that you'd have an orientation when councillors are first elected. You'd have a handbook for them that you would provide to them. That - that's what I had experienced previously.

45

5 **MS McDONALD:** So for example, at Liverpool City Council, a long-term councillor like Councillor Harle, who I think had been elected many, many years before, he - your understanding is if the orientation existed then, he would have done the orientation, and there was no formal renewal of the orientation or topics when a new council was elected, though it may have councillors who'd been there for a while?

10 **MR AJAKA:** The orientation's designed for brand-new councillors, but all councillors are usually welcome to attend. You encourage old councillors to attend; that way, you can update. But you also encourage old councillors to attend because they, in many ways, assist and mentor the new councillors.

MS McDONALD: And the orientation, was your understanding it was compulsory?

15 **MR AJAKA:** No, I can't - I can't say if it's compulsory.

MS McDONALD: All right.

20 **MR AJAKA:** I just know that it's best practice. And as I - and I understood that it had taken place when the council was first elected before I started. And there was discussion and work to do it after the next council election if I was still there.

25 **MS McDONALD:** And then just - final question. I took you to this series of documentation about a request by the mayor to undertake secondary employment.

MR AJAKA: Yes.

30 **MS McDONALD:** When you were the CEO, do you recall whether there were any other requests made by the mayor for secondary employment?

MR AJAKA: No. I - I can't recall any other request.

MS McDONALD: No further questions.

35 **COMMISSIONER:** Thank you. Ms Richardson.

MS RICHARDSON: Could we perhaps have an early lunch and come back early, just so I can collect my papers? Would that be convenient?

40 **COMMISSIONER:** Yes. Yes. Do you want to resume earlier or at 2 o'clock?

MS RICHARDSON: I'm happy to resume at 10 to 2. I don't want more time. It's just could I just have eight minutes -

45 **COMMISSIONER:** No, that - yes, of course. That's not a trouble.

MS McDONALD: If I could suggest 10 to 2?

COMMISSIONER: Yes. Of course you can.

MS McDONALD: If that doesn't -

5

COMMISSIONER: Yes. All right.

MS McDONALD: - inconvenience -

10 **COMMISSIONER:** Mr Ajaka, we'll take a lunch break. We'll come back at 10 to 2.

MR AJAKA: Thank you.

COMMISSIONER: And I'll see you back here then. Thank you, everybody.

15

<THE HEARING ADJOURNED AT 12.52 PM

<THE HEARING RESUMED AT 1.56 PM

20 **COMMISSIONER:** Yes, Ms Richardson.

MS RICHARDSON: Thank you, Mr Commissioner. Mr Ajaka, you'll recall I'm Ms Richardson, acting for Mayor Mannoun. Mr Ajaka, you joined the Liberal Party at about the age of 19; is that correct?

25

MR AJAKA: Yes.

MS RICHARDSON: And your first political engagement was running an election campaign for your father in 1971; is that correct.

30

MR AJAKA: I didn't run it. I was - I was -

MS RICHARDSON: You were contributing.

35 **MR AJAKA:** I was 15 at the time, so I worked with the team.

MS RICHARDSON: You were making a valuable contribution.

MR AJAKA: I'd like to think so.

40

MS RICHARDSON: Yes.

MR AJAKA: But we lost badly.

45 **MS RICHARDSON:** And you have been - held various roles as ministers in State Government over a period of time previously?

MR AJAKA: Yes.

MS RICHARDSON: You were Minister for Ageing?

5 **MR AJAKA:** Yes.

MS RICHARDSON: Disability Services?

10 **MR AJAKA:** Yes.

MS RICHARDSON: Multiculturalism?

MR AJAKA: Yes.

15 **MS RICHARDSON:** Minister for the Illawarra?

MR AJAKA: Yes.

20 **MS RICHARDSON:** And Minister for the closure of the Cronulla Fisheries and Research Centre?

MR AJAKA: Not that I'm aware of.

25 **MS RICHARDSON:** Does seem a bit niche, but you deny that?

MR AJAKA: Not that I - no one ever told me I was the Minister for Cronulla Fisheries, but I was - I was the - I was also Minister for Youth and Minister for Volunteering.

30 **MS RICHARDSON:** Thank you. And you've also sat on various procedural committees as part of your parliamentary career?

MR AJAKA: Yes.

35 **MS RICHARDSON:** And I think you've said to the media when you'd been appointed at various positions that politics is in your blood?

MR AJAKA: Sorry?

40 **MS RICHARDSON:** Politics is in your blood.

MR AJAKA: After 50 years, one would have to think so.

45 **MS RICHARDSON:** Yes. So it's the case, isn't it, that at various points in your role as a Minister that you had to interact with various unions over issues?

MR AJAKA: Yes.

MS RICHARDSON: In fact, you clashed with the Public Services Association in 2015 over NDIS issues. Do you recall that?

5 **MR AJAKA:** There was many, many discussions and aspects and demonstrations by the PSA over the NDIS bill that I was bringing in to Parliament.

MS RICHARDSON: And at the time, you described that one of the challenges that the New South Wales Government faced with the NDIS and you as a Minister was
10 that you felt, sadly, that, "The PSA union continues to publicise inaccuracies and scaremonger as part of their self-centred campaign to retain union membership." Do you recall saying that?

MR AJAKA: I don't recall saying it, but if it's on record then it's correct.
15

MS RICHARDSON: And it's the case, isn't it, that you have, as part of being a Minister of the government - had interactions where you have become familiar with unions. Correct?

20 **MR AJAKA:** Does anyone really become familiar with unions?

MS RICHARDSON: Well, you'd become aware of the - the campaigns that they might run in order to advance the interests of their constituents.

25 **MR AJAKA:** Yes. Yes.

MS RICHARDSON: And that they, in your view, might publicise inaccuracies and scaremonger as part of advancing what they see as the benefit of their of constituents. Do you agree with that?
30

MR AJAKA: I don't disagree with you.

MS RICHARDSON: Well, do you agree with me or not? The answer is yes, isn't it?

35 **MR AJAKA:** No, I don't disagree with you. I think there are qualifications to that.

MS RICHARDSON: You certainly had experience, in your role in public life, where, in your view, you've had an interaction unions over an issue and, in your view, they have publicised inaccuracies and they've scaremongered. Do you agree
40 with that?

MR AJAKA: Yes.

MS RICHARDSON: And that you had felt as - that the reason why they were doing
45 it was as part of a campaign they were running that was self-centred, pushing their own interests.

MR AJAKA: Pushing their agenda.

5 **MS RICHARDSON:** So would it be fair to say that, given that politics is in your blood and that you have had regular engagement with unions as part of your political life, that you're not naive about the way unions might operate? Do you agree with that?

MR AJAKA: I think that's a fair comment.

10 **MS RICHARDSON:** You agree that you're not naive about how they operate; correct?

MR AJAKA: I said I think that's a fair comment.

15 **MS RICHARDSON:** Thank you. And in terms of being not naive about how unions operate, you would understand that if they're given certain information that they might be able to deploy to advance the interests of their members, one would expect that that's exactly what they'll do. Do you agree with that?

20 **MR AJAKA:** But they also sometimes take earlier steps before it gets to that, and if the earlier steps don't work, yes, they'll escalate it.

25 **MS RICHARDSON:** And just listen to my question - that you've had experience in public life - that if a union representative is given information that they can use for the benefit of their constituents' interests, that you would expect that they would use that information. Do you agree with that?

MR AJAKA: I'd expect them to use it appropriately, yes.

30 **MS RICHARDSON:** Well, you would expect it to - them to use it to advance their members' interests; correct?

MR AJAKA: Using it appropriately, yes.

35 **MS RICHARDSON:** Well, you knew at - in 2024, from your experience of working with unions, that if you gave a union organiser information that they could use to the interests of their own members, that they're very likely to do that. Correct?

40 **MR AJAKA:** At that time, I had a good working relationship with the union and I knew that we were - if we met and exchanged information, that would be used appropriately, and if - would attempt to resolve any issues, and if that failed then it would get escalated.

45 **MS RICHARDSON:** Well, I'll come back to that. And you knew - I think you said that Lauren Myers showed you around the Council when you first became CEO.

MR AJAKA: No, sorry, what I meant is - what I thought I said was that when I went in for the interviews, the first and second interviews - and I think the third interview, she was the one who met me, and then she would take - put me into a waiting area, then she took me to where the meeting was.

5

MS RICHARDSON: Thank you.

MR AJAKA: The room.

10 **MS RICHARDSON:** And you came to know, didn't you, once you started working at the Council, that - you've given evidence that Ms Myers was the EA to the mayor at the relevant time.

MR AJAKA: Correct.

15

MS RICHARDSON: And you gave evidence this morning that you understood that they were incredibly close.

MR AJAKA: They were a close EA and employer mayor, yes.

20

MS RICHARDSON: But you knew that they'd communicated regularly with one another?

MR AJAKA: Absolutely.

25

MS RICHARDSON: And we saw some text messages where, even when she was your EA, it was apparent that she was still communicating with the mayor. Do you recall that?

30 **MR PARISH:** Yes.

MS RICHARDSON: So you understood that she was communicating on a regular basis with the mayor even though she was no longer his EA; correct?

35 **MR AJAKA:** Yes.

MS RICHARDSON: And you knew that in April of last year?

MR AJAKA: Yes.

40

MS RICHARDSON: Could the following letter please be brought up. OLG.001.001.0292. So for context, this is a letter dated 2 May 2024 from -

ASSOCIATE: Do you want this document on the live stream?

45

MS RICHARDSON: Yes, please. You see there, Mr Ajaka, it's a - we see in the top right corner it's a letter dated 2 May 2024 on the letterhead of the mayor, and it's to Minister Hoenig, the Minister for Local Government. Do you see that?

5 **MR AJAKA:** Yes.

MS RICHARDSON: And just to give you context, could we just flick through the few pages - you'll see that starts at -

10 **MR AJAKA:** Sorry, I'm -

MS RICHARDSON: Sorry, I need to go slowly. Do you see there - the operator is going to flick through the pages. It starts at paragraph 1, and it goes through for - 16 matters are listed. This is where the mayor is writing -

15

MR AJAKA: Yes.

MS RICHARDSON: You've seen that letter before; correct?

20 **MR AJAKA:** Yes.

MS RICHARDSON: If we could go back to the first page, please. And you had a copy of that letter prior to being interviewed by Mr Harvey as part of the Weir investigation? I can tell you that you -

25

MR AJAKA: Yeah. No, no -

MS RICHARDSON: - refer to it in your -

30 **MR AJAKA:** Yeah, I -

MS RICHARDSON: - transcript with him.

MR AJAKA: Yeah, I definitely had it because I took it with me for - at the
35 interview.

MS RICHARDSON: And you gave him a copy of it?

MR AJAKA: Correct.
40

MS RICHARDSON: And you - I can tell you - it's in the transcript - that you referred Mr Harvey to the fact that you had a copy of this letter and that you were providing him a copy - with it, and that it referred to 16 matters that the mayor had referred to the Minister. Do you recall that?

45

MR AJAKA: Yes.

MS RICHARDSON: And so you reviewed that letter prior to being interviewed by Mr Harvey?

MR AJAKA: Correct.

5

MS RICHARDSON: And if we go to paragraph 2, please. If we can scroll up. You see that one of the issues that the mayor was raising for investigation by the Minister or someone he might appoint was the origins or source of misinformation to the USU, who claimed that 150 jobs will be cut. See that?

10

MR AJAKA: Yes.

MS RICHARDSON: So you were aware that that was a live issue prior to being interviewed?

15

MR AJAKA: Sorry, say that again?

MS RICHARDSON: Sorry. You were aware that prior to being interviewed by Mr Harvey on 22 May, that one of - a key issue that was being agitated was the original source of misinformation to the USU about 150 job cuts. You agree with that?

20

MR AJAKA: Yes.

MS RICHARDSON: And do you agree with me that - and I'll take you to the Weir transcript - that Mr Harvey came to that issue repeatedly about the source of the information. Do you agree with that?

25

MR AJAKA: Yes.

30

MS RICHARDSON: And then if we could bring up LCC.008.001.0021. And this can go on the live stream, please. So this - take your time, Mr Ajaka. This is an email from Mr Harvey of Weir to you on 18 May?

35

MR AJAKA: Yes.

MS RICHARDSON: I think we might have to scroll down. I think there might be multiple emails in here. Could we go to 18 May? Yes. Down, please. Sorry, keep going. Thank you. So stop. Can we just abridge those two pages? Thank you. Stop. So do you see there at the bottom of that page there's an email from Mr Harvey to you on 18 May?

40

MR AJAKA: Yes.

MS RICHARDSON: And he is talking about the fact that the date for the interview with - he was suggesting was, in effect, in a few days' time on 22 May. Do you see that?

45

MR AJAKA: Yes. First -

5 **MS RICHARDSON:** And we know that that's, in fact, when you had your interview with Mr Harvey.

MR AJAKA: Yes.

10 **MS RICHARDSON:** And he says, in the second paragraph:

"In order to prepare for our interview, I will provide you further details of the mayor's complaint on Monday."

15 Do you see that?

MR AJAKA: Yes.

20 **MS RICHARDSON:** And then if we scroll up, please, to the first page, the - yes, please. Keep going up. And this is the email on the 20th that Mr Harvey foreshadowed - that he would give you more detail. Do you see that?

MR AJAKA: Yes.

25 **MS RICHARDSON:** And you received that email at the time?

MR AJAKA: Yes.

30 **MS RICHARDSON:** And you read it carefully as part of preparing for your interview with Mr Harvey?

MR AJAKA: Yes.

35 **MS RICHARDSON:** And part of why you were reviewing all these documents carefully, wasn't it, is because you understood that your job was potentially on the line at this point, because you were on leave but your job had not yet been terminated. Correct?

MR AJAKA: I was on special leave; correct.

40 **MS RICHARDSON:** And that part of the purpose of this investigation was to investigate your conduct, including the "shut the fuck up" comment.

MR AJAKA: Correct.

45 **MS RICHARDSON:** But broader comments - broader - things that followed after that, including misinformation about the 150 jobs. Correct?

MR AJAKA: I got that out of the letter. Yes.

MS RICHARDSON: Yes. And also it was in the letter of 2 May that you took to Mr Harvey and gave him a copy of; correct?

5

MR AJAKA: Correct.

MS RICHARDSON: And so you reviewed all of these letters carefully because you understood that you were undergoing a formal interview with an external investigator, where your job was on the line. Correct?

10

MR AJAKA: Well, I was on special leave and I believed that this interview with Mr Harvey would get to the correct facts of the matter.

15 **MS RICHARDSON:** But you understood -

MR AJAKA: And that's what I wanted it to achieve.

MS RICHARDSON: But you understood that that was his role - was to investigate the relevant facts, and it could lead to certain fact-finding that might put your job at risk. Correct?

20

MR AJAKA: I never, even at that stage, believed my job would be terminated. I believed that they put me on special leave pending this investigation, and at the end of this investigation I would be exonerated and I'd be going back to my job.

25

MS RICHARDSON: But just -

MR AJAKA: That's what I believed.

30

MS RICHARDSON: Just listen to my question, Mr Ajaka.

MR AJAKA: Well, I - sorry.

35 **MS RICHARDSON:** In terms of the purpose of this investigation, you knew that they were investigating your conduct. Correct?

MR AJAKA: Correct.

40 **MS RICHARDSON:** And that it was very important for you to give a fulsome account of things in order for the investigator to engage in fact-finding and report to the Council about your conduct. Correct?

45

MR AJAKA: Correct.

MS RICHARDSON: And that included not only the 16 April meeting where you swore at the mayor but also broader conduct - like allegations against you, which included the source of misinformation about the 150 jobs. Do you agree with that?

5 **MR AJAKA:** Correct.

MS RICHARDSON: So if we could turn up the Weir interview with Mr Harvey, please. That is LCC.008.001.0022. So, Mr Ajaka, you've seen this transcript of interview before?

10

MR AJAKA: Yes.

MS RICHARDSON: And I'm happy to take you through this transcript in some detail, but I'm going to put some propositions to you - that it's apparent when - well, first of all, you've accepted that you prepared by looking at emails and phone messages and phone records before you went into this meeting with Mr Harvey?

15

MR AJAKA: Correct.

20 **MS RICHARDSON:** And isn't it the case that you reviewed those various emails, documents, texts and phone records in order to put together for yourself a chronology of exactly what had happened in relation to the matters Mr Harvey was investigating?

25 **MR AJAKA:** Yes.

MS RICHARDSON: And I can take you through the transcript, but it's apparent, because you are giving Mr Harvey specific emails that are date stamped down to the minute, that you have carefully reviewed emails that were relevant to the chronology he was addressing. Do you agree with that?

30

MR AJAKA: Yes.

MS RICHARDSON: And it's also apparent because we see you quoting to him you sending and receiving SMS text messages, where you're quoting them down to the exact minute as to when it happened, that you carefully checked your text messages with key players. Do you agree with that?

35

MR AJAKA: Yes.

40

MS RICHARDSON: And you did that before you went into this interview, as part of preparing, from your perspective, the chronology of what had happened; correct?

MR AJAKA: Correct.

45

MS RICHARDSON: And that as part of checking your text messages, that you - before going into this interview, you reviewed your text messages with Councillor Mel Goodman?

5 **MR AJAKA:** Yes.

MS RICHARDSON: Because, from your perspective, he was a key player in the events that happened; correct?

10 **MR AJAKA:** He was the go-between.

MS RICHARDSON: He was the conduit or the go-between. And if we could please go to page 25 of the transcript. We see there in the first full paragraph - starts on 22 April.

15 **MR AJAKA:** Yes.

MS RICHARDSON: Sorry, the 22nd of the 4th - I think that must be the 24th. Actually, I don't know what that means. That's -

20 **COMMISSIONER:** 22 April.

MS RICHARDSON: The 4th. The - April. Sorry. Everyone's assisting me here. So the 22nd of the 4th, that would read - mean 22 April, at 9 am. Is that what you think that means?

25 **MR AJAKA:** Yes.

MS RICHARDSON: So you were talking about having a call with Councillor Goodman about that. And then if we go down about four lines, you say:

"That was the same one as the 21st, a long conversation there. On 21 April '24, at 11.41 am, I sent an SMS to Mel."

35 That's Mr Goodman; correct?

MR AJAKA: Yes. Yep.

MS RICHARDSON:
40 "Thank you for listening."

And so on.

45 **MR AJAKA:** Yes.

MS RICHARDSON: So do you agree with me that - you've already agreed that you checked your text messages with Councillor Goodman, that you have started checking your text messages in relation to Councillor Goodman from at least texts sent early on 22 April. Do you agree with that?

5

MR AJAKA: I don't disagree. Yes, if that's what it says.

MS RICHARDSON: And if we - to give you more context, if we can go through to page 28, please. And down to the bottom of the page. And we see there the last full paragraph:

10

"At 10.08 am, I sent an SMS to Mel."

And we can see -

15

MR AJAKA: Sorry, where - yes, at 10.08. Yep.

MS RICHARDSON: And if we look further up, where the initials are JA, you're talking about 24 April. So do you agree with me that the context is you're describing things that have happened on 24 April?

20

MR AJAKA: Yes.

MS RICHARDSON: And you're describing text messages with you and Shayne Mallard, and then down the bottom you're describing text messages from you to Mr Goodman.

25

MR AJAKA: Yes.

MS RICHARDSON: And I can take you through to more examples, Mr Ajaka, but do you agree with me that you have plainly closely analysed your text messages with key players, including Councillor Goodman? Do you agree with that?

30

MR AJAKA: Yes.

35

MS RICHARDSON: And that you've done that review prior to going into the interview with Mr Harvey.

MR AJAKA: Yes, but I had my phone with me and I was reading it off my phone.

40

MS RICHARDSON: Well - so you were looking at the messages at the relevant time?

MR AJAKA: Correct.

45

MS RICHARDSON: Well, isn't it the case, when we look at this transcript, that there's a very large amount of information where you were giving Mr Harvey

information about texts, emails, phone records, in terms of, down to the minutes, "I spoke to him for 21 minutes," and so on?

MR AJAKA: Yes.

5

MS RICHARDSON: You had collated that material in advance in order to be able to deliver that amount of information to Mr Harvey. Is that correct?

MR AJAKA: I've already said yes to that, but I'm also saying I also looked at my phone. So I did both.

10

MS RICHARDSON: You did both.

MR AJAKA: Both. That's what I -

15

MS RICHARDSON: But you had prepared in advance by reviewing your text messages with the key players, including Councillor Goodman; correct?

MR AJAKA: Yes.

20

MS RICHARDSON: And you had collated the relevant information that you wanted to put forward as part of the chronology you wished to convey to Mr Harvey?

MR AJAKA: Correct.

25

MS RICHARDSON: Could we please go back to page 21 of the Weir transcript, please. And we see - if we could scroll down, please. You see where it starts there, up the top:

30

"So it has upset me a little bit that he seems to think" -

this is the mayor - the mayor:

MS RICHARDSON: "... seems to think that I'm the one who went out there, but I did discover that a USU delegate started sending emails literally - and I'll cover that in a moment - and that's where it appears to have gotten into the media from day 1 - from day 1 by someone who - I still have no idea who they are. Sandie has no idea who it is. It appears to be an employee here."

40

MR AJAKA: Yes.

MS RICHARDSON: And then if could we scroll down the page. Mr Harvey is saying to you:

45

"I mean, I know I can't talk to (inaudible) either, but from my understanding it's like a lot of these things, it's appearance. So it's a causation effect. You suddenly got - so

from what I understand, it's that 150. Where did this 150 come from? Suddenly we're talking about what I understand is - you guys are having a meeting about potential cuts."

5 And you answered, last time I cross-examined you, that that's referring to the meeting with the mayor on the 16th about potential cuts. Do you agree with that?

MR AJAKA: Yes.

10 **MS RICHARDSON:**

"And suddenly there's a meeting with - allegedly with you with the union, and then suddenly it's out there there's this 150 cut."

15 Do you see that?

MR AJAKA: Correct.

MS RICHARDSON: And then he articulates that - or frames it as the causation
20 link:

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

25 That'd be a reference to the council meeting on the 21st - 24th. Do you agree?

MR AJAKA: Yes.

MS RICHARDSON: And et cetera. So do you agree with me - you've already
30 agreed that in the 2 May letter, which you reviewed carefully prior to going into this meeting and then you gave a copy of it to Mr Harvey - that you knew that a key source of Mr Mannoun's grievance and issue - and Mr Harvey describes as one of the things that's upsetting the mayor - is the origin or the source of the information about the 150 number. Correct?

35

MR AJAKA: Yes.

MS RICHARDSON: And now Mr Harvey is directly turning to that topic in the
40 interview. Do you agree with that?

40

MR AJAKA: Yes.

MS RICHARDSON: And you knew he was going to discuss that because you'd
45 been told that in the letters that he sent to you before the interview; correct?

45

MR AJAKA: Yes.

MS RICHARDSON: So you'd turned your mind to that issue, hadn't you?

MR AJAKA: Yes.

5 **MS RICHARDSON:** Because you knew it was going to be addressed?

MR AJAKA: Yes.

10 **MS RICHARDSON:** And so he is squarely putting to you at this part of the -

MR AJAKA: Sorry?

15 **MS RICHARDSON:** Sorry. He is squarely putting to you in this part of the interview that he is trying to work out the causational link, and he is putting to you a chain - a theoretical change where he's saying, firstly, there's a meeting on the - in effect, on the 16th about potential cuts - that's the swearing meeting. Next, he's saying allegedly you had a meeting with the union. And then he's saying, third, suddenly there's out - it's out there there's a 150 cut. Have a look at the transcript. That is the -

20 **MR AJAKA:** Yeah, no, I agree with that.

MS RICHARDSON: That's the clear chain he is saying, "This is the allegation about causation." Do you agree with that?

25 **MR AJAKA:** Yes.

MS RICHARDSON: So he put that causational link to you squarely. Do you agree with that?

30 **MR AJAKA:** Yes.

MS RICHARDSON: And you concealed in your answer to him the fact that it was true that you had, in fact, met with the union. Do you agree with that?

35 **MR AJAKA:** I met with the union, yes.

MS RICHARDSON: Look, I'm putting a different -

40 **MR AJAKA:** Sorry, I'm - I'm -

MS RICHARDSON: We're at cross-purposes.

MR AJAKA: Yeah.

45 **MS RICHARDSON:** Look at the next part of the transcript. I'll just go back a step - that Mr Harvey is putting to you a clear chain with three links in it. The first

link is there's a meeting, you agree, on the 16th about potential cuts, the swearing meeting. Then there's allegedly a meeting -

MR AJAKA: Yes.

5

MS RICHARDSON: This is link number 2, allegedly a meeting between you and the union. And link number 3, suddenly it's out there there's 150.

MR AJAKA: Yes.

10

MS RICHARDSON: So he is putting those links to you and he's saying -

MR AJAKA: Yes.

15

MS RICHARDSON: - there's an allegation you met with the union. Do you agree with that?

MR AJAKA: Yes.

20

MS RICHARDSON: And could you please read your response at the bottom of page 21 and following, and then tell me when you are comfortable that you've read the material you gave in response.

MR AJAKA: Yes.

25

MS RICHARDSON: So could we just scroll down so we can see the - sorry, scroll up. Sorry. So we see there - stop. Thank you. What I want to suggest to you is that Mr Harvey has clearly articulated for you that he is questioning you about whether you allegedly met with the union, and he's putting it in the context of, "Is this the causational link," which is where the 150 information has come from, and you have concealed from him the fact that it's true - the allegation that you met with the union was true. Do you agree with that?

30

MR AJAKA: That I had concealed it?

35

MS RICHARDSON: You did not tell him, "I met with the union." Do you agree with that?

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

40

MS RICHARDSON: Well, just have a look at it. If we - what Mr Harvey said to you that there's an - it has been alleged that you had a meeting with the union. Do you see that?

45

MR AJAKA: But in his -

MS RICHARDSON: Just wait.

MR AJAKA: Okay.

5 **MS RICHARDSON:** He has alleged that you met with the union. Do you see that there?

MR AJAKA: Yeah. Correct.

10 **MS RICHARDSON:** And that that is link number 2 in the chain.

MR AJAKA: Correct.

15 **MS RICHARDSON:** And in response, do you agree with me that you do not tell him the truth, "Yes, the allegation is true. I did meet with the union." Do you agree with that?

MR AJAKA: I didn't say I didn't meet with the union.

20 **MS RICHARDSON:** Well -

MR AJAKA: I'm sorry, I'm - you - I don't understand -

MS RICHARDSON: Just listen to my question.

25 **MR AJAKA:** - what you're putting to me.

30 **MS RICHARDSON:** Do you agree with me that nowhere do we see there you positively saying to Mr Harvey, "The allegation that I met with the union is true." Do you agree with that?

MR AJAKA: I don't deny that I met with the union. He's telling me that I met with the union. I didn't disagree with that.

35 **MS RICHARDSON:** Well, have a look at this, Mr Ajaka. In your response, what you do is, instead of telling him the truth, that, "Yes, the allegation is true. I met with the union," you seek to divert him and mislead him by saying:

"At no time did I ring the USU. They rang me."

40 So you sought to give him a misleading picture that you were, in effect, a passive actor, which is that you had not taken the active step but rather that the union had rung you. Do you agree with that?

45 **MR AJAKA:** No.

MS RICHARDSON: And that you sought to mislead the investigator in that respect.

MR AJAKA: No.

MS RICHARDSON: So just stop there. Just look at the bottom of page 21:

5

"At no time did I ring the USU."

MR AJAKA: That's correct.

10 **MS RICHARDSON:** Do you agree with me - to tell them what had happened.

MR AJAKA: Correct.

15 **MS RICHARDSON:** Do you agree with me that that is false, because you now agree that you rang Sandie Morthen on the Friday, 19 April, to arrange a meeting with her?

20 **MR AJAKA:** I'm sorry, you're, in effect, cutting out steps. I made it - I did not in any way deny that I met with the union. He made that as a statement. I didn't disagree with it. He then indicated the causational link. When I talk about, "At no time did I ring the USU to tell them what happened, they rang me," and then - and I said to them, "How do you know about this?" And they mentioned to me the USU delegate emails, that's the first time I became aware of the USU emails. That's what I was talking about.

25

MS RICHARDSON: Just listen to my -

MR AJAKA: I'm sorry, you - there's like -

30 **MS RICHARDSON:** No, just listen to my question.

MR AJAKA: All right.

35 **MS RICHARDSON:** Can we scroll -

MR AJAKA: I'm listening to your question, I just disagree with you.

40 **MS RICHARDSON:** Can we scroll up a bit, please. The causational link that Mr Harvey has given you is that there's a meeting about potential cuts. That's on 16 April, which is, in effect, cuts to two directors and some managers. And then there's allegedly a meeting with you and the union, and suddenly it's out there. I want to suggest to you that the factual picture that you painted to Mr Harvey was misleading because you did not reveal to him that, in fact, you had rung the USU on the 19th to set up a meeting with Sandie Morthen for the specific purpose of discussing with her
45 what had happened in the 16 April meeting. Do you agree with that?

MR AJAKA: No.

MS RICHARDSON: And that you actively sought to mislead Mr Harvey because he had, effectively, hit the nail on the head in terms of causation, because you did, in fact, have a meeting with the union and then suddenly there was a 150 number, and
5 so you were concealing the fact from Mr Harvey that you had, in fact, had that meeting. Do you agree with that?

MR AJAKA: No.

10 **MS McDONALD:** I'm sorry. He's denied it. It's just a convoluted question.

COMMISSIONER: It's answered.

MS RICHARDSON: So if we just go back to the causational link, there's three
15 links. There's a meeting about potential cuts on the 16th. Then the second link is that there's allegedly a meeting between you and the union. And the third link is suddenly it's out there there's 150. So if we just deal with the third link, that after your meeting with the union on the Monday suddenly it's out there there's 150. You've agreed in evidence last week and to my learned friend that on and from the Monday - that you
20 knew that there were rumours being disseminated that 150 job losses would occur. Correct?

MR AJAKA: Yes.

25 **MS RICHARDSON:** So he was right about the third part of the link?

MR AJAKA: Yes.

MS RICHARDSON: And the second part of the link he posited to you was that you
30 had had - there was an allegation you'd met with the union; correct?

MR AJAKA: Yes.

MS RICHARDSON: And he was right about that, wasn't he?
35

MR AJAKA: Yes, because he knew it.

MS RICHARDSON: Well, I'm happy to give you time to read this transcript. At no point in this transcript do you say to Mr Harvey, "You are correct that I did, in fact,
40 meet with the union, and you are correct that that afternoon the 150 number was out there. Your theory about causation, in terms of the links, is correct."

MR AJAKA: At no time does it say that I did not meet with them.

45 **MS RICHARDSON:** Do you agree -

MR AJAKA: It's the reverse as well.

MS RICHARDSON: Do you agree with me that nowhere in this transcript did you tell Mr Harvey, "Yes, it's true. I met with the union."

5 **MR AJAKA:** Do you agree with me it doesn't say I didn't meet with the - that I said I didn't meet with the union? With all due respect, you can word it any way you want to, there is nowhere it says there that I did not meet with the union.

MR AJAKA: Mr -

10

MS RICHARDSON: I was agreeing with him as he was putting a proposition to me.

MS RICHARDSON: Mr Ajaka, you're being interviewed by the independent
15 investigator.

MR AJAKA: Yes.

MS RICHARDSON: And you've agreed with me that one of the allegations that
20 you know in advance he'll be testing is what is the source of misinformation about the 150, and are you the source. You agree - you've already agreed with that; correct?

MR AJAKA: Correct.

25 **MS RICHARDSON:** And he puts it to you squarely there's an allegation that you met with the union; correct?

MR AJAKA: He says it very clearly.

30 **MS RICHARDSON:** And he puts it specifically in the context - is that the causational link is - is there's an allegation you met with them and then suddenly 150 is out there. If you were seeking to be frank and honest with this investigator, you would have said, "Yes, I met with Sandie Morthen on the Monday."

35 **MR AJAKA:** I disagree with you.

MS RICHARDSON: "I did have a meeting with her."

MR AJAKA: I disagree with you.

40

MS RICHARDSON: And I want to suggest to you is - the reason why you failed to tell that to Mr Harvey on the day was that it was a deliberate withholding on your part. Do you accept that?

45 **MR AJAKA:** No.

5 **MS RICHARDSON:** And it was a deliberate withholding on your part because you knew that your job was on the line, because that's what they were investigating, and that if you told the truth, which is you had actually met with her, that it would become rapidly apparent that you were the source of the rumour. Do you agree with that?

MR AJAKA: No.

10 **MS RICHARDSON:** And if we go over the page, you say:

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

15 I want to suggest to you that is false, because the evidence you've now given on oath to the Commissioner is that you were the person that rang Sandie Morthen and you asked her to come in for a meeting with you, and you explained what had happened in the 16 April meeting to her. Do you agree that you misled Mr Harvey about that?

20 **MR AJAKA:** No. That paragraph in its entirety relates to my indicating about my job being on the line and my saying I knew nothing about this, and when I asked, "Where did this come from," I was first told about the USU delegate email - the first one, which I didn't have a copy of, and that was then sent to me. That's what that paragraph is referring to.

25 **MS RICHARDSON:** Well, I want to suggest to you, Mr Ajaka, that this part of the transcript is not talking about whether your job's on the line, it's about the 150 cut, and it's put squarely to you. And the evidence you give to Mr Harvey is that that came from the union, and the way it came is that they rang you and they put it to you. And that evidence is false, given what you've told the Commissioner in this hearing. Do you agree with that?

30

MR AJAKA: No.

35 **MS RICHARDSON:** And that - if we could scroll down, please. That where you say:

"I never mentioned the 150."

And:

40 "As I said, I never spoke to anyone."

MR AJAKA: Sorry, say that again?

45 **MS RICHARDSON:** Do you see there, the second full paragraph starts:

"So I never mentioned the 150. As I said, I never spoke to anyone."

Do you see that?

MR AJAKA: No. Which paragraph?

5 **MS RICHARDSON:** The second full paragraph.

MR AJAKA: Yes.

10 **MS RICHARDSON:** Which starts -

MR AJAKA: Yes.

MS RICHARDSON:

15 "So I never mentioned the 150. As I said, I never spoke to anyone."

See that?

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

COMMISSIONER: Next paragraph down, I think, Mr Ajaka.

"So I have never mentioned ..."

25 **MR AJAKA:** Yes. Sorry. That's the third paragraph.

MS RICHARDSON: And then it says:

30 "As I said, I never spoke to anyone."

MR AJAKA: Yeah, about the 150. Yes. I'm referring - that I've never spoken to anyone about the 150.

35 **MS RICHARDSON:** Well, what I want to suggest to you - that you are giving an extended answer about your role in engaging with the unions and whether or not you're the source of the information, and you are deliberately misleading the investigator here because you are failing to reveal to him that you actually rang the union organiser on the Friday to arrange a meeting with her, and that you called her in for a meeting in your office on the 22nd to discuss the topic of the 16 April
40 meeting and potential job cuts. Do you agree with that?

MR AJAKA: No.

45 **MS RICHARDSON:** And that when - but given that Mr Harvey had identified three links of causational chain, the second one of which is that you met with the union - that by failing to reveal to him that you had, in fact, met the union and instead saying what happened was "they rang me", that you were deliberately

seeking to mislead him about your involvement with the union. Do you agree with that?

MR AJAKA: No.

5

MS RICHARDSON: And you were seeking to downplay your involvement, to suggest that the union had, in effect, rung you out of the blue and put it to you. That's what you were seeking to paint a picture of.

10 **MR AJAKA:** No.

MS RICHARDSON: When, in fact, you had been an active protagonist in the matter because you had called Ms Morthen and called her in for a meeting, where you described at length all of these various matters with her. Do you agree with me?

15

MR AJAKA: No.

MS RICHARDSON: And then if we focus on page 22 - if we see up the top - the evidence you give there -

20

MR AJAKA: Sorry?

MS RICHARDSON: Sorry, at the top of page - what's on your screen. And this is where you're giving evidence that what happened was that they contacted you, and you said, "How do you even know about this?" "That's when they said to me the email, and I went, 'What email?'" Now, that email you're talking about is the 1.59 pm email from the USU Advocate; correct?

25

MR AJAKA: Yes.

30

MS RICHARDSON: So that's an email in the afternoon?

MR AJAKA: Yes.

35 **MS RICHARDSON:** So what I suggest to you is that you are seeking to mislead Mr Harvey here by suggesting that that was the first time you had an engagement with the union was in the afternoon of the Monday, and that you were concealing the fact that you'd actually met with Sandie Morthen in the morning and discussed matters relevant to job losses. Do you agree with that?

40

MR AJAKA: No.

MS RICHARDSON: And that you were seeking to mislead or divert the Minister - by reference to concrete evidence, being an email, to conceal the fact that you'd met with her in the morning.

45

MR AJAKA: No.

MS RICHARDSON: And could the - are we able to bring up the transcript?

COMMISSIONER: Which day?

5

MS RICHARDSON: 29 July. I don't know, does this have INQ numbers?

COMMISSIONER: Internally we have -

10

MS RICHARDSON: Sorry.

COMMISSIONER: - doc IDs for this very eventuality. Which page?

MS RICHARDSON: Page 827.

15

COMMISSIONER: Thank you.

MS RICHARDSON: So just - can we just put that - scroll up for a second.

20 **Mr Ajaka, in relation to the Weir interview, you agreed with me that - as part of your preparation leading up to that interview, that you carefully reviewed your phone records and your text messages and emails; correct?**

MR AJAKA: Yes.

25

MS RICHARDSON: And that, in particular, you carefully checked your text messages between you and Councillor Goodman?

MR AJAKA: Yes.

30

MS RICHARDSON: And I took you to the date range for which you must have checked your Goodman texts, and it included, at the very least, from 21 April through to after the 24th. Do you agree with that?

MR AJAKA: Yes.

35

MS RICHARDSON: And -

ASSOCIATE: Sorry (indistinct).

40

MS RICHARDSON: Yes. Thank you. And do you recall that on the second day, when I cross-examined you and I showed you some text messages between you and Councillor Goodman on the 22nd, that the moment you looked at those texts it was obvious to you that you had met with Sandie Morthen on the 22nd? Do you agree with that?

45

MR AJAKA: Yes, I believe so.

MS RICHARDSON: It was obvious from the tenor of those texts. You've looked at them and it was immediately apparent that you had definitely met with Sandie Morthen on the morning of the 22nd; correct?

5 **MR AJAKA:** I believe that's correct. I just can't recall it now.

MS RICHARDSON: So isn't it the case that before you went into the meeting with Mr Harvey on 22 May last year - firstly, you agree with me that was about four weeks after the relevant events?

10

MR AJAKA: Yes.

MS RICHARDSON: So the events would have been fresh - fresher in your mind back then?

15

MR AJAKA: Yes.

MS RICHARDSON: And the fact that you had, in fact, met with Sandie Morthen on the morning of 22 April was something you would have remembered at the time?

20

MR AJAKA: Yes.

MS RICHARDSON: It's not something you would have forgotten; correct?

25 **MR AJAKA:** Correct.

MS RICHARDSON: And also that you would have remembered at the time, noting that you also check your phone records and your preparation for this interview, that it was you that called Sandie Morthen to ask her to come in for a meeting with you. Do you agree with that?

30

MR AJAKA: Yes.

MS RICHARDSON: And that you would have known that at the time.

35

MR AJAKA: Yes. Either that or I would have got Lauren to organise it. I can't recall, but it would have been one of us.

MS RICHARDSON: And that was a meeting you arranged for that specific purpose, to bring her in and talk to her about jobs and restructuring and so on. Correct?

40

MR AJAKA: Yes.

45 **MS RICHARDSON:** And so I want to suggest to you that you did have in your memory at the time you were interviewed by Mr Harvey the fact that you were the

person that instigated the contact with the union, by having contact made with Sandie Morthen. You agree with that?

MR AJAKA: Yes.

5

MS RICHARDSON: And also you knew at the time that you had, in fact, met with her on the Monday morning, and that you remembered that at the time.

MR AJAKA: Yes.

10

MS RICHARDSON: And you also knew there was an allegation that you had met with her, and was - that, in effect, a causational link in terms of misinformation. You knew that was an allegation made against you?

15

MR AJAKA: From the email that I got from Mr Harvey and from the discussion that - and from the interview, yes.

MS RICHARDSON: So you knew one of the things he was trying to get to the bottom of was did you, in fact, meet with the union prior to -

20

MR AJAKA: I knew what he had listed in his email was what he wanted to discuss with me.

MS RICHARDSON: But you also knew from the questions he was giving to you on the day that one of the things he was trying to get to the bottom of was did you meet with the union and was that meeting just prior to the 150 number coming out. Do you agree with that?

25

MR AJAKA: I don't recall it that way. What he was trying to get to the bottom of is who mentioned the 150. That I knew.

30

MS RICHARDSON: Well, Mr Ajaka, we can go back to it, but I've just gone through the three-link causational -

35

MR AJAKA: Yeah, and I remember that.

MS RICHARDSON: - chain that he put to you. And the middle link was there's an allegation you had a meeting with the union.

40

MR AJAKA: Correct.

MS RICHARDSON: And then link number 3 is then the 150 number comes out.

MR AJAKA: Correct.

45

MS RICHARDSON: You understood he was trying to get to the bottom of the fact did you, in fact, meet with the union. Correct?

5 **MR AJAKA:** No, I don't accept that. He - he was stating that we had a meeting. He wasn't trying to ascertain if we had a meeting. He made it a - he made it clear that he was having - that we had a meeting and he was trying to link that meeting to the - to what was being said, and that's what - and I said no, it - so, I'm sorry, I don't -

MS RICHARDSON: Mr Ajaka -

10 **MR AJAKA:** - really see what you're getting at.

MS RICHARDSON: Well, I'll be clear, Mr Ajaka. You're under oath.

MR AJAKA: Yes, I accept that. Thank you.

15 **MS RICHARDSON:** He said to you, "There's an allegation. I'm trying to work out the causational link, and there's an allegation that you met with the union." And at no point in response to him did you say, "Yes, I met with the union." You agree with that?

20 **MR AJAKA:** At no point did I say I didn't meet with - he made a statement, "You met with the union." I was probably nodding at the time. I'm sorry, I did not - if I had intended to tell him I didn't, I would have said to him, "No, I never met with the union." I did not do that.

25 **MS RICHARDSON:** Mr Ajaka, what you did was - he put the allegation that you met with the union. And instead of telling him the truth and saying, "Yes, I did," you said:

30 "At no point did I contact the union."

That was a lie, because you had. And you said, "I was reacting to them."

MS McDONALD: I think (indistinct).

35 **MS RICHARDSON:** Well, you said:

"At no time did I ring the union."

40 That was a lie, wasn't it? Because you did ring Sandie Morthen; correct?

MR AJAKA: I told - but, again, the first - these - these are two or three different - so the first phone call when I met, yes. But when we were talking about the USU Advocate - about me losing my job, I did not make that phone call. That phone call came from Sandie and that was what happened. So they're two completely separate occasions that seemed to have somehow or other turned into one.

MS RICHARDSON: And -

MR AJAKA: And that's why the rest of it talks about the USU Advocate, the - and who it went to and who the people were in it. It's that that I'm talking about, not the meeting I had with Sandie.

5

MS RICHARDSON: Well, nowhere do we see in the transcript with Mr Harvey that you told him that there was any type of meeting with Sandie.

MR AJAKA: Sorry?

10

MS RICHARDSON: At no point did you tell Mr Harvey that you had a meeting with Sandie Morthen; correct?

MR AJAKA: Please, you've - you can ask me the question 50 times in different ways, with all due respect, and I will tell you again, I did not say to him I did not meet with her. He made a statement. I was probably nodding at the time, just as I nod to you when you make statements.

MS RICHARDSON: Well, I want to suggest to you, you would not have been nodding to him because the information you gave him was to downplay your role and suggest that you had been a passive participant, and that the union was the one that contacted you. Do you agree with that?

MR AJAKA: Again for the 50th time, no.

25

MS RICHARDSON: And could we please turn up transcript 827, please. So the context of this cross-examination, Mr Ajaka, is at this point we didn't know the information that Sandie Morthen - evidence that she met with you on the Monday. You had not revealed it in any documents by this point. And we also didn't have the text messages from Mr Goodman revealing you'd a meeting. So I'm cross-examining you on a different basis because we did not yet have that information. Understand that?

MR AJAKA: Understand that.

35

MS RICHARDSON: So if we look at 282 -

MR AJAKA: Sorry, which one?

MS RICHARDSON: Sorry.

40

COMMISSIONER: Over the page.

MS RICHARDSON: If we go to the next page, please. So I am cross-examining you on the basis of what you've told Mr Harvey because that was the state of knowledge at the time, from my perspective, in terms of instructions. Do you see there, at line 5, I'm asking you about the interview with Weir:

45

"That what happened was the union rang you, and they told you that their understanding was that there would be 150 job losses, and that was on 22 April, which was the Monday. Do you recall that?"

5

"I can't recall the date. I recall receiving a phone call from Sandie Morthen, and I indicated to her that that's completely incorrect. There is no talk of 150 job losses."

MR AJAKA: Correct.

10

MS RICHARDSON: And then down the bottom, at line 40, I say to you:

"What, she - was it she that rang you to say, 'We understand there's going to be 150 job losses at the Council'? Was she the union person?"

15

"Yes."

So there you're giving a different version of events, that it was Ms Morthen that rang you and put the 150 number to you, and you told her that that was incorrect.

20

MR AJAKA: Sorry, where are we reading now?

MS RICHARDSON: Line 40.

25

MR AJAKA: 40. Right.

MS RICHARDSON: You're giving a version of events that Ms Morthen was the one that rang you to say, "We understand there's going to be 150 job losses." She said that to you, and then up - at about line 9, that she'd rung you and you told her that's incorrect. Do you see that?

30

MR AJAKA: I - can I - I'm misunderstanding where that -

MS RICHARDSON: Do you see, at about line 38, I say:

35

"Was it she that rang you to say, 'We understand there's going to be 150 job losses at the Council'? Was she the union person?"

"Yes."

40

MR AJAKA: Yep, I see that.

MS RICHARDSON: See that?

45

MR AJAKA: Yep.

MS RICHARDSON: And if we scroll back up, please, to line 10, you also give a version of the same conversation - that there was a phone call from Sandie, where she had put the 150 job number to you and you had told her it was completely incorrect and there's no talk of that. Do you see that?

5

MR AJAKA: Yes, I see that.

MS RICHARDSON: I want to suggest to you that that is another version that you have given the Commissioner that is inconsistent with your evidence this morning, which was that Sandie Morthen was - rang you on the Monday and she was the one that referred to the 150 number and you told her that's not correct.

10

MR AJAKA: No, that's - that's what happened.

MS RICHARDSON: Well, I want to suggest to you that that's inconsistent with the evidence that you -

15

MR AJAKA: Well, the answer's no.

20

MS RICHARDSON: - have given today. And that, again, you were seeking to mislead this Commissioner in giving that answer, because at this point we did not know that you had, in fact, met with Ms Morthen and we - I was testing you on things that you had told Mr Harvey, and you were repeating the misleading information, to suggest that you were a passive participant in the process and that it was the union that rang you. Do you agree with that?

25

MR AJAKA: No.

MS RICHARDSON: And at no point did you reveal in this questioning, "Well, actually, I met with her on the 22nd." Do you agree with that?

30

MR AJAKA: No.

MS RICHARDSON: And you seek to give misleading evidence to suggest that what happened was, in fact, there was a phone call.

35

MR AJAKA: No.

MS RICHARDSON: And that you were the recipient of the phone call, so you were seeking to downplay your role in events.

40

MR AJAKA: No.

MS RICHARDSON: And, in fact, for more than an hour this morning you gave a detailed recall to my learned friend about a very detailed meeting you had with Ms Morthen on the 22nd.

45

MR AJAKA: Correct.

5 **MS RICHARDSON:** That you, I want to suggest, gave misleading evidence to this inquiry by failing to reveal that you had met with Sandie Morthen where issues about job losses had been discussed at length that morning.

MR AJAKA: Not correct.

10 **MS RICHARDSON:** And I want to suggest to you that the first point at which you stopped giving that misleading version of events and gave a truthful version for the first time, which is that you had met with Sandie Morthen, was when, the following day, I put text messages to you from Councillor Goodman that made it obvious that had you met with her. Do you agree with that?

15

MR AJAKA: No.

MS RICHARDSON: And so I want to suggest to you that you are prepared to give false evidence to this inquiry where you think you will be able to get away with it because there isn't a - you're hoping there's a document that doesn't impeach you about it.

20

MR AJAKA: No.

25 **MS RICHARDSON:** And that when I put the text messages to you that made it plain you had met with her, that was the first point at which you told the truth about meeting with the union.

MR AJAKA: No.

30

MS RICHARDSON: You didn't tell the truth to Mr Weir about the fact that you'd met with the union because, I want to suggest, he didn't have a document that he could impeach you with to force you to tell the truth about that.

35

MR AJAKA: No.

MS RICHARDSON: Now, Mr Ajaka, after - you were interviewed by Mr Harvey on 22 May 2025. And then about seven days later you received the termination letter that had been attached to a council minute and your employment was terminated.

40

MR AJAKA: I can't remember the date but I received the letter, yes.

MS RICHARDSON: I can tell you it was dated 29 May. That's a matter of public record.

45

MR AJAKA: Thank you.

MS RICHARDSON: Could we please pull that up. INQ.003.001.0001. Yes, please. Could we just scroll down, please. So you recall reading this at the time?

MR AJAKA: Yes.

5

MS RICHARDSON: And there were various instances of alleged unsatisfactory conduct put against you in that letter. Do you see the bullet points?

MR AJAKA: Yes.

10

MS RICHARDSON: So we see on - the last bullet point there is on 22 April you met with representatives of the USU. Immediately following the meeting -

MR AJAKA: Yes.

15

MS RICHARDSON: - the USU commenced making accusations -

MR AJAKA: Yes.

20

MS RICHARDSON: - to the effect - and then we see over -

MR AJAKA: Yes.

MS RICHARDSON: That - the 150 number.

25

MR AJAKA: Yes. Sorry, where's the 150?

MS RICHARDSON: It's in the quote at the top of that page. They started making accusations to the effect -

30

MR AJAKA: Yeah. Sorry, I missed that. Yep.

MS RICHARDSON: And then the next bullet point - so that bullet point ends - in effect, the causational link that you met with the union, and then immediately thereafter they started alleging 150 job losses. And then the next bullet point is that it's apparent from the timing of the accusations that the USU's concerns about security of employment arose from the meeting with you - that's the meeting you had with the union - and from your lack of action to correct the misstatement, and so on.

40

MR AJAKA: Yes.

MS RICHARDSON: So you understood that one of the key bases upon which Council was terminating your employment was an allegation on their part that you had met with the union and immediately thereafter the union started making accusations about 150 job losses. Correct?

45

MR AJAKA: Yes.

MS RICHARDSON: And also, looking at that bullet point on the second page, that the timing of the accusations of the union meant that their concerns arose from the meeting that you had had with the union. See that?

5

MR AJAKA: Yes.

MS RICHARDSON: So a key basis of your termination is those allegations about you meeting with the union, correct, and that immediately thereafter the 150 rumour starts? Do you agree with that?

10

MR AJAKA: That's what they're alleging.

MS RICHARDSON: And you then commence judicial review proceedings, seeking to challenge the termination of your employment; correct?

15

MR AJAKA: Yes.

MS RICHARDSON: And so one of the issues in those proceedings - so as part of those proceedings, you were seeking to defend yourself against the allegations made against you in relation to contact you'd had with the meeting and the 150 rumour.

20

MR AJAKA: I believe about the 150, yes.

MS RICHARDSON: Because that was one of the bases upon which you'd been terminated; correct?

25

MR AJAKA: Well, that's what I believed. Yes.

MS RICHARDSON: Do you agree with me that, as part of bringing litigation in a court to defend against an accusation that you had met with the union just prior to the 150 rumour coming out - was to be honest about the fact that you had met with the union?

30

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

35

MS RICHARDSON: You don't agree with that?

MR AJAKA: No.

40

MS RICHARDSON: Would you agree with me that was a central issue that would need to be dealt with as part of your litigation as to whether you had, in fact, met with the union?

MR AJAKA: No, the issue was the 150. I hadn't said it.

45

MS RICHARDSON: Just have a look at your termination letter, Mr Ajaka.

MR AJAKA: Yes.

MS RICHARDSON: Look at the bullet point on the bottom of page 1:

5

"On 22 April you met with representatives of the USU and immediately following that, in effect, the 150 accusations start."

Do you agree with me that a key basis -

10

MR AJAKA: So are we looking at the top:

"On 22 April you met with representatives of the USU".

15

MS RICHARDSON: Yes.

MR AJAKA:

20

"Immediately following the meeting, the USU commenced making accusations to the effect that the mayor is looking at sacking 150 staff members."

Yes.

25

MS RICHARDSON: So that was one of the central planks upon which your employment was terminated; correct?

MR AJAKA: That I - it was being put to me - the accusation that I was the cause of "the mayor is sacking 150 staff members".

30

MS RICHARDSON: Just look at the text -

MR AJAKA: Nothing about me meeting with the union.

35

MS McDONALD: Well, no, I object. To be fair, it is the allegation that follows that. It's from the timing of the accusations that the USU concerns about security of employment arose from the meeting, and "your lack of action to both correct the mistake and reassure staff".

MR AJAKA: Yes.

40

MS RICHARDSON: Well, let's have a look at it. The bullet point on the second page there, that:

45

"The USU's concerns about security of employment arose from the meeting with you."

So would you agree with me that a central issue is, firstly, whether you met with the union and what you talked to them about? Correct?

5 **MR AJAKA:** No. I don't believe for one moment the issue was whether I met with the union. The issue was did I say, which I didn't, that the mayor is looking at 150 staff. There was never any question about - I met with the union all the time. Everyone knew that. So I'm sorry, you're trying to combine the two into one. That's just not correct.

10 **MS RICHARDSON:** Well - so as part of working with lawyers to prepare this summons in court about your termination, you carefully reviewed the chronology of events; is that correct?

15 **MR AJAKA:** My lawyers prepared the summons. That's correct.

MS RICHARDSON: Well, they had extensive input from you, didn't they, because you were the one that understood the chronology?

20 **MR AJAKA:** Look, it's been a while. I need to see the summons.

MS RICHARDSON: All right. I think my learned friend would like a short break.

MS McDONALD: Can we just have a break -

25 **COMMISSIONER:** Yes.

MS McDONALD: - for five minutes?

30 **COMMISSIONER:** I'll take five minutes, and I'll adjourn until 10 past.

<THE HEARING ADJOURNED AT 3.02 PM

<THE HEARING RESUMED AT 3.13 PM

35 **MS RICHARDSON:** Mr Ajaka, before the break, I was discussing with you the judicial review proceedings you brought in the Land and Environment Court seeking to challenge, among other things, the decision of the Council on 29 May to terminate your employment. Do you recall that?

40 **MR AJAKA:** Yes.

MS RICHARDSON: Could we pull that up, please. LCC.002.004.0391 and that can go on the live stream. If you could go to the second page, please. Do you see there it's a summons. You saw this at the time it was filed?

45 **MR AJAKA:** Yes.

MS RICHARDSON: You see there in the middle it says:

"Material Date 29 July 2024 and/or 29 May 2024."

5 I can tell you that the 29 May date is the decision of the governing body of the Council to terminate your employment.

MR AJAKA: Right.

10 **MS RICHARDSON:** And see there:

"Filed in relation to the whole decision."

15 So you're saying to the court, "I'm challenging both of those decisions." And if we go to the second page, please, we see the next page, paragraph 3 you're seeking a declaration that the purported termination of your employment is void, and so on. See that?

20 **MR AJAKA:** Yes.

MS RICHARDSON: So one of the things you were challenging in these proceedings that we see down the bottom, if we could scroll down, again details of decision 3, you're seeking relief from the purported decision to terminate your employment. Do you see that?

25 **MR AJAKA:** Sorry, which number?

MS RICHARDSON: There's multiple number 3s I'm afraid, the number 3 that's down the bottom.

30 **MR AJAKA:** Yeah, the bottom one, yes. Yep.

MS RICHARDSON: Do you see that?

35 **MR AJAKA:** Yes.

MS RICHARDSON: So that was part of what you were doing in these proceedings; correct?

40 **MR AJAKA:** Correct.

MS RICHARDSON: And then if we go forward, please, to page 27, I think it's actually underscore page 29 of the physical document which has paragraph 128. Do you see that down the -

45 **MR AJAKA:** Yes.

MS RICHARDSON: Do you see there it's referring to the correspondence you've received articulating the basis for terminating your employment?

MR AJAKA: Yes.

5

MS RICHARDSON: And then 129, you're quoting the text of the letter that was put to you as the - if we go over the page, please, we see up the top:

10 "Since that time Council has considered several instances of unsatisfactory conduct on your part specifically."

And then we have a series of bullet points. Do you see that?

MR AJAKA: Yes.

15

MS RICHARDSON: And you understood those bullet points to be various instances of unsatisfactory conduct that the Council was alleging against you that justified the termination of your employment?

20 **MR AJAKA:** Yes.

MS RICHARDSON: So the second instance of unsatisfactory conduct in the second bullet point was the swearing meeting.

25 **MR AJAKA:** Yes.

MS RICHARDSON: Do you see that?

MR AJAKA: Yes.

30

MS RICHARDSON: The third instance of unsatisfactory conduct in the third bullet point is on 22 April you met with representatives of the USU?

MR AJAKA: Yes.

35

MS RICHARDSON: And immediately following the meeting, the USU commenced making accusations to the effect that the mayor's looking at sacking 150 staff members. Do you see that?

40 **MR AJAKA:** Yes.

MS RICHARDSON: Now, it's the case, isn't it, just breaking down the third bullet point, it is true that you met with the representatives of the USU on the 22nd?

45 **MR AJAKA:** Yes.

MS RICHARDSON: I want to say there's nowhere in this pleading where you admit that you met with them on that date? Do you (indistinct)

MR AJAKA: You can't be serious.

5

MS RICHARDSON: Well, I'll make this good in the submission. Nowhere in this pleading do you accept that you met with representatives of the USU on the 22nd. Do you accept that?

10 **MR AJAKA:** Nowhere in the pleadings does it say that I didn't meet with them on the 22nd. It's simply repeating what was in the letter and it's stating that I met with them, and immediately following that meeting, the accusation of the 150 was being made. That was one of the clauses that I was disputing about the 150.

15 **MS RICHARDSON:** So - just wait. The second part of the third bullet - so the first part is that you met with the USU on the 22nd. You agree that's true?

MR AJAKA: I met with them on the 22nd, yes.

20 **MS RICHARDSON:** And then the other part of it is that is immediately following the meeting the USU started making accusations about the 150. So you see that?

MR AJAKA: Yes.

25 **MS McDONALD:** Now, you agreed with me on 30 July that that second part is true, that on the Monday the union was disseminating information about 150 job losses on the Monday, which is after the meeting you'd had on the Monday. Do you agree with that that's, in fact, true?

30 **MR AJAKA:** That's my recollection, yes.

MS RICHARDSON: So I want to suggest to you that that allegation of unsatisfactory conduct in relation to you was correct.

35 **MR BOYLE:** Well, I object.

MR AJAKA: No. Sorry.

40 **MR BOYLE:** I object. True it may be that this is articulated and described as an allegation of unsatisfactory conduct in the letter that's the subject of the pleading, noting that paragraph 129 begins on the previous page and says that the correspondence stated in part. And then, as Mr Ajaka's already alluded to, it proceeds to quote from the letter. Quite how one can discern from the third bullet point taken in its entirety that there's any allegation of misconduct in, first, someone meeting
45 with the union and, secondly, then what happens thereafter is difficult to fathom.

And then when one goes to paragraph 130, in fairness to Mr Ajaka, the allegation of unsatisfactory conduct is effectively being denied. So, in my submission, it doesn't advance my friend's cause in attacking Mr Ajaka's credit, with respect, and mindful of what fell from the Commissioner this morning about the utility of continued exploration of the source of the 150 job losses, in effect, the question has no relevance to the Terms of Reference and the question also is based on a premise which, in my submission, is not Goodman.

MS McDONALD: Could I -

MS RICHARDSON: I'll ask a different question.

MS McDONALD: Sorry. Okay.

MS RICHARDSON: Mr Ajaka, if you look at the fourth bullet point there, do you agree with me -

COMMISSIONER: Hang on, the fourth bullet point is not on the page.

MS RICHARDSON: Thank you. The fourth bullet point starts:

"It is apparent from the timing."

You read that there?

MR AJAKA: Yes.

MS RICHARDSON: That that accusation also involved an allegation about a meeting you had with the USU. Do you agree with that?

MR AJAKA: I agree with that. It says that. Again, copied from the letter.

MS RICHARDSON: And if we can please go to page 14 of the pleading, which is page 15 of the physical document, you see at paragraph 69:

"The applicant did not inform any person about what happened in the meeting."

This is the 16 April meeting until you met with Mr Harvey. Do you see that?

MR AJAKA: Yes.

MS RICHARDSON: Do you agree with me that that information is incorrect because you've given information - or you've evidence on oath this morning that you told Sandie Morthen of the union that you detailed information about the 16 April meeting, including the exact job losses that the mayor had proposed, and the fact that you told him to "Shut the fuck up." Do you agree with that?

MR AJAKA: No, I agree with that. Yes.

MS RICHARDSON: You agree with me that paragraph 69 is wrong? Do you agree with that?

5

MR AJAKA: No. Sorry, the paragraph is correct. When - the only person I told about what happened in that meeting was, of course, the people that were in the meeting who knew about it, and the EA. When Sandie came to see me, she had already heard, by the time she came to see me, about what had happened and the swearing. And so -

10

MS RICHARDSON: Mr -

15

MR AJAKA: - what I was referring to there in that paragraph is that the mayor had, on day one, gone out and told the whole world and they were contacting me. I did not instigate the initial contact.

20

MS RICHARDSON: You agree with me that you informed Ms Morthen about what happened in the 16 April meeting when you met with her on the 22nd. Do you agree with that?

MR AJAKA: That's correct. But she had already been made aware of the issue that happened between the mayor and I.

25

MS RICHARDSON: And do you agree with me, in this part of the pleading you are giving a detailed chronology of factual matters that are relevant to the termination of your employment? Do you see that?

30

MR AJAKA: Sorry, say that again?

MS RICHARDSON: Do you agree with me in this part of the pleading you are going through and giving a detail account of chronological matters that are relevant to the termination of your employment? Do you see that?

35

MR AJAKA: Yes.

MS RICHARDSON: And that we see, for example, paragraph 73, if we can scroll down, you give information about interactions with Councillor Goodman and so on.

40

MR AJAKA: Yes, but before that - I mean, again, you just take something out of context. Before that if we can go back to 70 are 69 paragraph. I mean:

"The applicant did not inform any person about what happened in the meeting."

45

I'm talking about immediately after the meeting:

"However, in the following days the applicant did receive a number of phone calls and text messages from other persons who were aware of what happened at the meeting."

5 That's because the mayor basically told the whole world. He didn't leave anybody that he hadn't told, and that's what I was referring to. I wasn't the source of going out and telling people. The mayor had already spoken to the media. The mayor was also telegraphing it to everybody. That's what I'm referring to.

10 **MS RICHARDSON:** So, Mr Ajaka, please can you look at paragraph 74. So then you are saying not long after the discussion with Councillor Goodman on the 22nd you received the telephone call from the organiser of the union.

MR AJAKA: Yes.

15 **MS RICHARDSON:** In which she indicated that she knew about the meeting. That would be the swearing meeting?

MR AJAKA: Again, that was in relation to the email from the USU about the fact that the Council - that the mayor was going to terminate me, and I had asked her how did she know about that.

MS RICHARDSON: I want to suggest to you that by including in this pleading, a phone call from Sandie Morthen, that she called you about the 16th meeting and failing to disclose the fact that you had, in fact, met with the union organiser was misleading.

MR AJAKA: No. This phone call came after that meeting with Sandie on the 22nd. I'd had a number of - she phoned me later that afternoon in relation to the mayor wants to get rid of me, and when I asked her, "How do you know this?" she mentioned the email from the USU Advocate, and I asked her to send it to me. That's how that occurred.

MS RICHARDSON: Mr Ajaka -

35 **MR AJAKA:** And it talks about the email.

MS RICHARDSON: Mr Ajaka, you've given evidence on oath for about an hour this morning that you had a meeting with Sandie Morthen that morning.

40 **MR AJAKA:** Correct.

MS RICHARDSON: And that you told her during that meeting at about 9 am in the morning that you'd had the 16th April meeting with the mayor and that you'd had an altercation with him and that you had told him to "Shut the fuck up" and -

45 **MR AJAKA:** Correct.

5 **MS RICHARDSON:** - and you felt regret about it. So you gave evidence on oath this morning at the point at which she was told about that was when you told her in the meeting in the morning. So the evidence that you have just given that she called you in the afternoon and that that was the first time she raised with you in the afternoon, that was false evidence? Do you accept that?

MR AJAKA: No.

10 **MR BOYLE:** I object.

MR AJAKA: I'm sorry. I shouldn't -

15 **MS McDONALD:** I don't -

MR BOYLE: The witness hasn't given evidence of the kind the way that my friend said that - I think the way I heard the question, what was said to be false evidence is, in fact a paragraph in the pleading. The paragraph in the pleading is not evidence, in my submission.

20 **MS RICHARDSON:** No, I asked a different question, which is this witness has just given evidence on oath that Ms Morthen rang him in the afternoon and revealed to him that she had heard about the "Shut the fuck up" meeting.

25 **MR AJAKA:** No.

MS RICHARDSON: That's what the - no.

30 **COMMISSIONER:** Mr Ajaka, just wait.

MR AJAKA: Sorry.

35 **COMMISSIONER:** Perhaps, Ms Richardson, just put the proposition again so we are all clear about what is being put.

MS RICHARDSON: Well, the transcript will reveal the evidence that the witness gave.

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

MS RICHARDSON: So, Mr Ajaka, in the pleading at 74 you suggest that Ms Morthen rang you in the afternoon on the Monday and indicated that she had knowledge of the meeting, and then you just repeated evidence to similar effect to the Commissioner, which is that she rang you in the afternoon and she revealed that she had heard about the "Shut the fuck up" meeting.

My question to you is that evidence that you just gave is false, because you gave extensive evidence to my learned friend this morning that, in fact, you had arranged the meeting with Ms Morthen. You'd met with her at 9 am in the morning and you were the one that told her that you had told the mayor to "Shut the fuck up." So the evidence that you just gave was false. Do you accept that?

MR AJAKA: No.

MS RICHARDSON: And I want to suggest to you that given two of the bases or two of the bases put against you for termination involved you meeting with the union; that your failure to make an admission that you, in fact, had met with the union organiser was another instance of you seeking to mislead people about your role in the escalation of this conflict.

MR BOYLE: I object. The way the question was just put was that there were two bases and then I think only one basis was put.

MS RICHARDSON: Well, I put -

COMMISSIONER: Hang on, hang on.

MS RICHARDSON: The third bullet point and the fourth bullet point.

COMMISSIONER: I will allow the question.

MS RICHARDSON: Thank you.

COMMISSIONER: As I understood the question it was this is another example (indistinct). I'll allow the question.

MR AJAKA: Sorry, could you ask it again?

MS RICHARDSON: I put to you your termination letter, the third bullet point referred to you meeting with the union, and the fourth bullet point referred to you meeting with the union. What I want to suggest to you in circumstances where you were litigating and attacking the termination of your employment, where two of the bullet points outlining concerns about your employment involved meeting with the union, that it was beholden on you to make an admission in this pleading that you had, in fact, met with the pleading - met with the union.

MS McDONALD: I object.

COMMISSIONER: Yes?

MS McDONALD: I thought you were about to speak. I think the problem is - well, my objection is this is judicial review. I know that my learned friend is taking Mr Ajaka to part of the pleading which deals with a narrative. But judicial review,

depending on what is being raised, often doesn't go to the substance of an allegation or a basis for action.

5 It's not an unfair dismissal proceeding. It's looking more at questions of procedural fairness, compliance with council, the govern body's obligations under the Act, etcetera. So, for my friend to make a link with a statement in the pleading and that there's some kind of incentive in respect of the proceeding brought and the relief sought where it is not an unfair dismissal, it's a judicial review, I don't know whether that's - sorry, a suitable - sorry, it has been a long week - an appropriate question.

10

COMMISSIONER: I think -

MS RICHARDSON: Look, I'll ask a different question. In my submission, it does arise because at 130 of the summons he denies all allegations of unsatisfactory conduct or misconduct. So the facts obviously are in issue. But I'll ask a different question.

15

I want to suggest to you, Mr Ajaka, that by choosing to plead in the summons that the only thing referred to is a phone call where you are the recipient of the phone call and not the instigator, you were seeking to paint a misleading picture about your engagement with the unions in relation to the job losses issue. Do you agree with that?

20

MR AJAKA: No.

25

MS RICHARDSON: And that you took the same misleading approach in relation to Mr Harvey in the Weir independent investigation?

MR AJAKA: No.

30

MS RICHARDSON: And you took the same approach when I cross-examined you on the first day that you put the same version of events, which was false, which was that what happened was that you were on the receiving end of the phone call and that you were not an active participant. Do you agree with that?

35

MR AJAKA: No.

MS RICHARDSON: And it was only when you were impeached with a set of text messages from a third party proving that you'd had a meeting that you finally told the truth. Do you agree with that?

40

MR AJAKA: No.

MS RICHARDSON: So the evidence you've given is that it's the case, isn't it, that you called Ms Morthen on the Friday, 19 April, because you told her you needed to have a meeting with her on the following Monday?

45

MR AJAKA: Yes.

MS RICHARDSON: And you've accepted to my learned friend it was logical that you organised this meeting?

5

MR AJAKA: Yes.

MS RICHARDSON: That was an ad hoc meeting, it wasn't a regular meeting you were having with her?

10

MR AJAKA: I think most meetings with Sandie Morthen were ad hoc meetings. We didn't have a set meeting. We would meet regular.

MS RICHARDSON: So this is a specific meeting that you organised with her for the purpose of the things you discussed with her on the Monday; correct?

15

MR AJAKA: Yes.

MS RICHARDSON: And the meeting was in the morning at about 9 am?

20

MR AJAKA: Yes.

MS RICHARDSON: And you had text messages with your EA organising coffee orders, and so on?

25

MR AJAKA: Yes.

MS RICHARDSON: And I think Ms Morthen said you organised doughnuts for her; is that correct?

30

MR AJAKA: I can't remember doughnuts but it could be. I can't -

MS RICHARDSON: Does it have a ring of truth about it?

35

MR AJAKA: I don't - I don't remember doughnuts, but it could have been.

MS RICHARDSON: Right.

MR AJAKA: It's usually chocolates but it could have been doughnuts.

40

MS RICHARDSON: You've given extensive evidence to my learned friend this morning of what you say is a detailed recall of what you say was discussed at the meeting and that includes detailed information about what happened at the swearing meeting on 16 April. Do you agree with that?

45

MR AJAKA: Yes.

MS RICHARDSON: And I want to suggest to you that that was a breach of confidence for you to raise any of that material with a union leader at that point when it had not - none of that had gone to Council. Do you agree with that?

5 **MS McDONALD:** I object. It's following on from, Commissioner, your comments before lunchtime. The reason Mr Ajaka was called back was that there was the subsequent evidence of Sandie Morthen, and an application was made from my learned friend that in the circumstances it was a matter of fairness for Mr Ajaka to be recalled and cross-examined or examined further on that part.

10 Now, I do put my hand up and admit there was an area of new evidence that I did ask him about, towards the end of my questioning, but I would submit that was of very small scope. But he has now been in the witness box, on what should have been a narrow issue, for practically a day. Commissioner, you've given an indication about
15 the relevance and the scope of this. My learned friend set out to you her anticipated forensic use of this evidence.

In my submission, we've come to the end, and also now a question raising breach of confidence which hasn't been put, hasn't been raised before, is really enlarging what
20 was supposed to be a matter of fairness to Ms Morthen, to Mr Ajaka in bringing him back today.

MS RICHARDSON: Can I indicate I'm only going to ask a couple of questions about this topic. I'm not opening up a new front. It will become rapidly apparent, if
25 I could have the indulgence just for a couple of questions on this topic.

COMMISSIONER: I'll allow the question but, in general, having regard to the exchange we had when Mr Ajaka was out of the room, so I'll remain cryptic, I think the platform has been well and truly laid, if I can express it in that way.

30 **MS RICHARDSON:** Thank you. What I want to suggest to you, Mr Ajaka, that it's apparent that - sorry, you've accepted from my learned friend that you thought after 16 April that the proposal in relation to terminating two directors and managers was not going ahead because you had indicated you would not agree with it. Do you
35 remember that evidence?

MR AJAKA: Yes, that I would not go ahead with it without a Council resolution.

40 **MS RICHARDSON:** Right, and you agree with me there had been not a Council resolution?

MR AJAKA: I agree with you there had not.

45 **MS RICHARDSON:** So I want to suggesting to you there was no legitimate basis for having a meeting with Sandie Morthen about an issue when you knew that there was no Council resolution about it yet?

MR AJAKA: No. But I'd agree.

5 **MS RICHARDSON:** And that the reason why you arranged a meeting with Ms Morthen was to, in effect, activate the unions because you understood that your job with the Council was seriously at risk, and you were calling her in to give her information that would be of great interest to her and her constituents. Do you agree with that?

10 **MR AJAKA:** No.

MS RICHARDSON: And that given that you are not naive about politics and about how unions act in the best interests, as they see, of their members it was obvious to you that if you gave her information during this meeting about the fact that you had had a blow-up with the mayor and told him to "Shut the fuck up" and that were job losses on the line and so on, that it was obvious to you that that would be immediately weaponised.

MR AJAKA: No.

20 **MS RICHARDSON:** Do you agree with that? And it would be weaponised as part of your dispute with Mr Mannoun?

MR AJAKA: No.

25 **MS RICHARDSON:** And the evidence that you gave this morning that maybe you're naive and that wasn't obvious to you that they would deploy the information they gave you, was false.

30 **MR AJAKA:** Are you saying I'm naive?

MS RICHARDSON: That the explanation you gave to the Commissioner on oath, "Maybe I'm naive, I didn't think the union might use information that I gave them about job losses to protect their members" to suggest that that didn't occur to you at the time because maybe you're naive, that that is a false explanation that you've given?

MR AJAKA: No.

40 **MS RICHARDSON:** That it's laughable that someone with your political experience would not understand that if you gave information to a union organiser where you'd called her in for that meeting about job losses, and the fact that you had had a blow-up with the mayor, that they would not immediately deploy that information to their benefit. That was obvious, wasn't it?

45 **MR AJAKA:** No.

MS RICHARDSON: And that was the entire reason why you called her in to have the meeting, was to give her information that would be adverse to the mayor and knowing that they would then weaponise that information against him; correct?

5 **MR AJAKA:** No.

MS RICHARDSON: And that's also the reason why you concealed the fact that you had the meeting with the union from Mr Harvey of Weir. Do you accept that?

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

MS RICHARDSON: And you concealed that in the pleading you put forward in the Land and Environment Court that you'd met with them?

15 **MR AJAKA:** I don't accept that.

MS RICHARDSON: And what happened when you had the meeting that you called Ms Morthen in for, was that you told her about the fact that you had had a blow up with the mayor and you told him to "Shut the fuck up" at the meeting on the 16th; correct?

MR AJAKA: I believe she'd already heard about the swear aspect of it.

25 **MS RICHARDSON:** Well, Mr Ajaka -

MR AJAKA: It had been circulating everywhere from literally the minute it happened, so she would have been well aware of it.

30 **MS RICHARDSON:** Well, your evidence this morning is you told her about that, is that -

35 **MR AJAKA:** No, I thought my evidence this morning was that said that I shouldn't have said that, that I brought her in to explain why - as I said it, was like the elephant in the room, I had to explain why I said it, not that I told - not to tell her for the first time I said it.

MS McDONALD: And that you told her that Mayor Mannoun had given you a directive to cut 150 jobs?

40 **MR AJAKA:** No.

MS RICHARDSON: And that you had told her you would refuse to do that?

45 **MR AJAKA:** No.

MS RICHARDSON: And that it was after you had told him - that he had told you had to get rid of 150 jobs and you said you wouldn't, and then that, after that you told him "Shut the fuck up."

5 **MR AJAKA:** No.

MS RICHARDSON: And that you had painted a picture to Ms Morthen that you were standing up to the mayor - that he was giving a directive that 150 jobs be cut - you were standing up to him and that you were putting your own job on the line
10 standing up to the mayor; correct?

MR AJAKA: No.

MS RICHARDSON: That's the clear picture you painted to her in that meeting?
15

MR AJAKA: No.

MS RICHARDSON: Do you accept that?

20 **MR AJAKA:** No.

MS RICHARDSON: What I want to suggest is that you were not only telling - deliberately spreading false information to her about 150 job losses, you were painting yourself as the hero of the picture that you were putting your own job
25 on the line to stop that happening; correct?

MR AJAKA: No.

MS RICHARDSON: And that you understood that you were painting a very
30 colourful and volatile picture that you knew that unions would immediately weaponise?

MR AJAKA: No.

35 **MS RICHARDSON:** And that they would come out to defend you?

MR AJAKA: No.

MS RICHARDSON: Correct? And they did, in fact, come out to defend you. You
40 understand that Mr Donley went on the Ray Hadley show the following day; correct?

MR AJAKA: I understand that.

MS RICHARDSON: And you understand that emails went out that afternoon
45 describing how fantastic you were at Council and adverse to the mayor; you recall that?

MR AJAKA: That's the USU Advocate email?

MS RICHARDSON: Yes.

5 **MR AJAKA:** Yeah, I didn't see the first one, I saw the subsequent ones.

MS RICHARDSON: And that the unions actually wrote a letter prior to the meeting on the Wednesday saying that they supported you.

10 **MR AJAKA:** I can't recall knowing about the letter before or after the event.

MS RICHARDSON: So it's the case, isn't it, that on the morning of the 22nd you understood your job was at risk because you knew that the mayor had referred to you - people had told you he had referred to you taking leave. You knew that before
15 you met with Sandie Morthen; correct?

MR AJAKA: At no time before that Council meeting did the mayor or any of the other councillors indicating that there'd be a motion to in any way terminate me or deal with me. And when we -
20

MS RICHARDSON: Mr Ajaka, you -

MR AJAKA: - when we went to that first meeting, the exact opposite occurred.

25 **MS RICHARDSON:** You knew that your job was potentially at risk at that time because relations had broken down between you and the mayor; correct?

MR AJAKA: I - I did not believe at that time the mayor would be insane enough to move to terminate my job.
30

MS RICHARDSON: I want to suggest that you knew your relationship with the mayor was strained and that your job was at risk by reason of your conduct, and you were giving misinformation to Ms Morthen knowing that she would inevitably utilise that information by publicly disseminating it. Do you agree with that?
35

MR AJAKA: My relationship with the mayor had been strained for several months, but at no time had any indication ever been given to me that the mayor intended to terminate my employment. If he was, he was definitely keeping it a secret from me.

40 **MS RICHARDSON:** And you understood - you've given evidence that you understood that the unions were, in fact, disseminating what you knew to be false information on the Monday afternoon about 150 job losses?

MR AJAKA: Yes.

45 **MS RICHARDSON:** And, in fact, you knew that afternoon because your EA had sent of a text message was that the mayor was specifically saying that you had

activated the unions because they were now disseminating a rumour about 150 job losses. Do you recall that text -

MR AJAKA: Yes.

5

MS RICHARDSON: - that Lauren sent you?

MR AJAKA: Yes.

10 **MS RICHARDSON:** So you knew it was being specific -

MR AJAKA: I don't know if the text mentioned the 150.

MS RICHARDSON: The text said:

15

"The mayor says that you have activated the unions."

MR AJAKA: Yes.

20 **MS RICHARDSON:** So on the Monday afternoon you knew that, in fact, the union was spreading the 150 job loss misinformation already?

MR AJAKA: Yes.

25 **MS RICHARDSON:** And you knew that the mayor was saying that you had activated the unions, that you were the source; correct?

MR AJAKA: That's what he said, but I don't think he mentioned the 150 in the text. If I'm wrong, I'm wrong.

30

MS RICHARDSON: But he had said that you'd activated the unions; correct?

MR AJAKA: Right, thank you, but you said that he'd said the 150.

35 **MS RICHARDSON:** No, and I want to suggest you had activated the unions that morning in the meeting you'd had with Ms Morthen?

MR AJAKA: No.

40 **MS RICHARDSON:** And that the reason why you did not at any point issue a public email to staff, some other type of public disavowal of the rumour, is that you were deliberately seeking to -

MR AJAKA: No.

45

MS RICHARDSON: - escalate this conflict?

MR AJAKA: You asked me that last time and I answered it last time.

5 **MS RICHARDSON:** And I want to suggest the reason why you did not issue any type of public statement or email that the rumour was false was because you were the person who had, in fact, started the rumour.

MR AJAKA: Again, you asked me that last time and I answered you last time, no.

10 **MS RICHARDSON:** And you knew on the Tuesday that after the Ray Hadley interview where Mr Donley had repeated the false 150 rumour, that that was an obvious point at which you could have issued a public email?

MS McDONALD: I object.

15 **MS RICHARDSON:** All right. I'll ask a different question.

MS McDONALD: Sorry, it's more fundamental than that. I think, as Mr Ajaka has commented in the last couple of his answers, a lot of this has been put on the last occasion.

20 **MR BOYLE:** I was going to say that he's been asked (indistinct) to put this again to the witness.

25 **MS RICHARDSON:** Look, I'll move on. It is different because the last time I cross-examined Mr Ajaka we had not yet received the evidence from Ms Morthen that she'd met with him and we did not yet have the texts from Mr Goodman revealing that Mr Ajaka had met with her, and Mr Ajaka had not revealed in evidence that he'd met with her. So the cross-examination proceeded on a different basis. But I'm happy to move on.

30 **COMMISSIONER:** I appreciate that and you are right to point that out, although my observation from a moment ago I think remains relevant.

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

35 **COMMISSIONER:** Thank you. Mr Emmett, I assume nothing from you? I shouldn't assume. Nothing from Ms Hamilton-Jewell? Nothing from you?

40 **MS HAMILTON-JEWELL:** I don't have anything.

COMMISSIONER: Mr Boyle, anything from you?

45 **MR BOYLE:** One very brief matter. If we could bring up on the screen, please, LCC.008.001.0022. This is the transcript of the Weir interview, Mr Ajaka, which you were taken to. If we could -

COMMISSIONER: Just let us catch up.

MR BOYLE: Sorry.

5 **COMMISSIONER:** Can you just give me that? It will come up on the screen, that's all right.

MR BOYLE: If you could go to internal page 22 and just to the foot of the page. So, Mr Ajaka, do you see at the foot of the page, the initials SM. That's Sandie Morthen? That's right, isn't it?
10

MR AJAKA: Yes.

MR BOYLE: And she refers there to:

15 "We started talking about the 150 jobs on the Monday."

MR AJAKA: Yes.

MR BOYLE: To your recollection, was that talking with you, when she says "we"?
20 Do you have a recollection of talking to her on Monday about the 150 jobs?

MR AJAKA: No.

MR BOYLE: There's nothing further.
25

COMMISSIONER: No, I wasn't going to say anything.

MS McDONALD: Could I just take you to page 21, down the bottom. You've been taken to this by my learned friend. It's the three factual matters that Mr Harvey is putting to you.
30

MR AJAKA: The causational, yes.

MS McDONALD: So there's the potential cuts meeting. I just want to ask you about what's written up there:
35

"There's a meeting with allegedly (inaudible) with you, with the union."

I'm just wondering, the "allegedly" blank "with you", do you recall what was said there, what word was missing?
40

MR AJAKA: No, I'm trying to -

MS McDONALD: For example, was a name nominated of allegedly "person bler" with you - with the union?
45

MR AJAKA: No, I - I can't think of who that would be. I didn't even - I didn't even put my mind to it. No, I can't.

MS McDONALD: You can't recall. All right. No further questions.

5

COMMISSIONER: Thank you, Mr Ajaka, for your attendance and assistance over a long day. It's much appreciated. The same position will remain. I won't be formally excusing you but as soon as that can happen that will be communicated to you and you're free to go for the afternoon. Thank you.

10

MR AJAKA: Thank you, Commissioner.

<THE WITNESS WITHDREW

15 **COMMISSIONER:** Anything further to do this afternoon?

MS McDONALD: I could tender four documents or I could do that Monday morning.

20 **COMMISSIONER:** Why don't we do it on Monday morning. All right. Thank you everybody. I will adjourn until 10 am?

MS McDONALD: Yes. Thank you.

25 **COMMISSIONER:** 10 am Monday. Thank you.

<THE HEARING ADJOURNED AT 3.52 PM