



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

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

**PUBLIC HEARING  
SYDNEY**

**MONDAY, 25 AUGUST 2025  
AT 10.31 AM**

**DAY 20**

### **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, Counsel for Mayor N Mannoun  
Ms J Gallagher, Counsel for Mr N Hagarty**

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

**<THE HEARING RESUMED AT 10.31 AM**

**COMMISSIONER:** Yes, Ms McDonald.

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**MS McDONALD:** Can I just deal with some administration?

**COMMISSIONER:** Yes.

10 **MS McDONALD:** There are four documents that I would seek to tender, and I haven't - it's MFI19.

**COMMISSIONER:** Yes.

15 **MS McDONALD:** On the last page, item 384. I tender document LCC.021.001.0183, email from Mr Mannoun to Mr Ajaka, 30 October 2023.

**COMMISSIONER:** Will be exhibit 162.

20 **<EXHIBIT #162 ITEM 384, DOCUMENT LCC.021.001.0183, EMAIL FROM MR MANNOUN TO MR AJAKA DATED 30/10/2023**

**MS McDONALD:** Item 385. I tender document LCC.021.001.0190, email chain between Accoto, Mr Mannoun and Mr Ajaka, 3 October 2023.

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**COMMISSIONER:** Exhibit 163.

30 **<EXHIBIT #163 ITEM 385, DOCUMENT LCC.021.001.0190, EMAIL CHAIN BETWEEN PROFESSOR ACCOTO, MR MANNOUN AND MR AJAKA DATED 03/10/2023**

**MS McDONALD:** Item 386. I tender item LCC.021.001.0202, letter from Liverpool City Council to Mr Mannoun dated 9 November 2023.

35 **COMMISSIONER:** Exhibit 164.

**<EXHIBIT #164 ITEM 386, DOCUMENT LCC.021.001.0202, LETTER FROM LIVERPOOL CITY COUNCIL TO MR MANNOUN DATED 09/11/2023**

40 **MS McDONALD:** And item 387. I tender document LCC.021.001.0191, email from Mr Ajaka to Mr Galpin, 30 October 2023.

**COMMISSIONER:** Exhibit 165.

45 **<EXHIBIT #165 ITEM 386, DOCUMENT LCC.021.001.0191, EMAIL FROM MR AJAKA TO MR GALPIN DATED 30/10/2023**

**MS McDONALD:** If there's nothing else, I call Nathan Hagarty.

**COMMISSIONER:** Yes. Come forward, Mr Hagarty. Do you wish to take an oath or an affirmation, Mr Hagarty?

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**MR HAGARTY:** An affirmation.

**COMMISSIONER:** Thank you.

10 **<NATHAN HAGARTY, AFFIRMED**

**COMMISSIONER:** Thank you.

15 **MS GALLAGHER:** Commissioner, I might, at this stage, announce my appearance.

**COMMISSIONER:** Yes, of course.

**MS GALLAGHER:** Seeking leave to appear on behalf of Mr -

20 **COMMISSIONER:** Yes. Leave is granted for that. Thank you, Ms Gallagher.

**MS McDONALD:** All right. Please state your full name.

25 **MR HAGARTY:** Nathan Matthew Hagarty.

**MS McDONALD:** Your current occupation?

**MR HAGARTY:** I'm the state Member for Leppington.

30 **MS McDONALD:** When were you elected to that position?

**MR HAGARTY:** March 2023.

35 **MS McDONALD:** And are you a member of the Australian Labor Party?

**MR HAGARTY:** I am.

40 **MS McDONALD:** Before becoming elected to State Parliament, were you involved in Liverpool City Council?

**MR HAGARTY:** Yes. I was elected to Liverpool City Council in 2016 and stayed on Council until December 2023.

45 **MS McDONALD:** When you were elected in 2016, was that the election where Wendy Waller was elected the mayor?

**MR HAGARTY:** It was, yes.

**MS McDONALD:** Which ward did you represent?

**MR HAGARTY:** North Ward.

5

**MS McDONALD:** In the 2021 council election, Ms Waller didn't stand as mayor. In addition to standing as a councillor, did you stand for mayor?

**MR HAGARTY:** Yes. I was the mayoral candidate for the Labor Party.

10

**MS McDONALD:** You were unsuccessful?

**MR HAGARTY:** I was.

15

**MS McDONALD:** Mr Mannoun became the mayor or was elected the mayor?

**MR HAGARTY:** Yes.

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**MS McDONALD:** But you were re-elected as a councillor again for the North Ward?

**MR HAGARTY:** Yes.

25

**MS McDONALD:** And at least for a period from about March 2023 to December 2023, you were both a Member of State Parliament and a councillor?

**MR HAGARTY:** I was.

30

**MS McDONALD:** The council that was elected in 2016 - we've heard evidence of, obviously, councillors who represent the Liberal Party, the Australian Labor Party, and also there are independents, and some of those independents belong to an independent party.

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**MR HAGARTY:** Yes. So there were - the mayor, Wendy Waller, was Labor. There were four - in addition to that there were four Labor councillors, four liberal councillors and two, quote unquote, independents who were both at that time members of the Liverpool Community Independents Team.

40

**MS McDONALD:** Sorry, you said there was the mayor, four Labor councillors and then four Liberal councillors?

**MR HAGARTY:** Yes. So five, four, two.

45

**MS McDONALD:** And the two independent councillors, was one of those Councillor Harle?

**MR HAGARTY:** Yes.

**MS McDONALD:** And who was the second one?

**MR HAGARTY:** Karress Rhodes.

5

**MS McDONALD:** Now, in the 2021 election, what were the - how were the various parties represented in that Council?

**MR HAGARTY:** So the same, with the exception of the mayor. So you had  
10 Mr Mannoun as the mayor, a Liberal - four Liberal, four Labor, and again Councillors Harle and Rhodes from the Liverpool Community Independents Team. However, Councillor Rhodes did resign from the Liverpool Community Independents Team, I think, several months after the election.

15 **MS McDONALD:** All right. So some time during that time of the Council?

**MR HAGARTY:** Yes.

**MS McDONALD:** And so continued as an independent, not attached to the  
20 Independent -

**MR HAGARTY:** An independent proper.

**MS McDONALD:** Right.

25

**MR HAGARTY:** Yes.

**MS McDONALD:** Right. I want to turn to some topics. Excuse me for a minute.  
The first topic I want to turn to is the purchase of property by the Council at 600  
30 Cowpasture Road. Now, jumping ahead, when the purchase of Cowpasture Road was first raised, was it the case that it was raised because it possibly could become a depot for the Council?

**MR HAGARTY:** So it was first raised in a WhatsApp group chat by the mayor,  
35 who said words to the effect, "Anyone want to buy a depot?" Yes.

**MS McDONALD:** All right. Going backwards, over time have there been reports by Council looking at matters concerning depots within the Council?

**MR HAGARTY:** Yes. So with the construction of Western Sydney International  
40 Airport and a new city, Bradfield, both in the Local Government Area and a lot of growth on the western fringe of the LGA, in places like Austral, Council undertook a process to, effectively, come up with what was known as, I guess colloquially, the depot strategy. And in that strategy it was - Council had been at Rose Street for  
45 probably long before I was born. There was the western depot on Devonshire Avenue, and effectively what this strategy mapped out was a means to, sort of, be less reliant - still have Rose Street as a depot but be less reliant on it, and move

things out to the western depot and eventually buy - or acquire a parcel of land west of the airport - Aerotropolis for a third depot.

5 **MS McDONALD:** Would you bring up, please, INQ.004.001.0010. And that can be live streamed. Now, can you see that's an operation centre Masterplan with a date down the bottom of 7 November 2018?

**MR HAGARTY:** Yep, that's it.

10 **MS McDONALD:** And if we move to page 4 - I'll just draw your attention to the Executive Summary:

"Following on from the completion of the Liverpool depot operation strategic plan, urban" -

15

And you can see right down the bottom of that page that you've got:

"Complete urban for Liverpool Council."

20 So there it would appear that there's some kind of consultants who have prepared this report?

**MR HAGARTY:** Yep.

25 **MS McDONALD:** And if we go back towards the top of the page, they'd been engaged by Liverpool City Council to deliver an operations centre Masterplan for the Council works depot in line with the findings and recommendations of the strategic plan. And then next paragraph:

30 "The Masterplan has developed a transition strategy for the Liverpool City Council's depot functions to transition from Rose Street site to the Council-owned land at Devonshire Road and ultimately to an unidentified site in the vicinity of the Western Sydney Airport."

35 And then it goes on in saying:

"Each stage of the transition has been detailed in terms of accommodation layout and functionality, and a Masterplan has been prepared for each of the seven stages."

40 **MR HAGARTY:** Yep.

**MS McDONALD:** And if you would then go to page 6, under Introduction, you can see there is a reference to:

45 "Undertake a Masterplan for the Rose Street depot as well as that transition plan that outlines potential steps necessary for Council to transition to a future depot site at

Devonshire Road, Kemps Creek, and then ultimately a further transition to an unidentified site closer to the site of the future Western Sydney Airport."

5 And underneath there, there's a rough map which has got - can you see "Rose Street" -

**MR HAGARTY:** Yep.

10 **MS McDONALD:** - "depot" with a blue star next to it?

**MR HAGARTY:** Yep.

15 **MS McDONALD:** And then there's an arrow, "five to 10 years", going over to Devonshire depot or western depot?

**MR HAGARTY:** Mm-hmm.

**MS McDONALD:** And then from it, another arrow further west, "10 to 20 years".

20 **MR HAGARTY:** Yes.

**MS McDONALD:** And is that consistent with the evidence that you gave that this was looking at ultimately - or Council was ultimately looking at some third site for a depot but over in that western area, which had been identified either as the growing  
25 area or definitely in the future growing?

**MR HAGARTY:** Yes. So the - when the State Government announced the plan for the Aerotropolis it had earmarked sections of land that were going to be initially rezone, and where this star is is effectively an area that was - I think it's known as the  
30 Dwyer Road Precinct, which wasn't being rezoned, so the thought there was that that would probably be the most opportunistic area to potentially purchase some land, due to - you know, it wouldn't be - hadn't been rezoned, therefore the value wouldn't be as high.

35 **MS McDONALD:** Now, if we could zoom in a little bit. You've got under section 1.2 Background, which - towards the bottom you can see just that paragraph:

40 "With planning well underway for the Western Sydney Airport, it is also going to have a major impact on the western part of the Local Government Area."

And if we can then move to page 7, you can see the paragraph:

45 "On this basis, the provision of geographically appropriate operation centre facilities will be critical to the efficient and effective delivery of services to the community within the LGA as it grows and moves west."

And then underneath that, the summary of recommendations from the strategic plan.  
And you can see we've got in green:

5 "Rose Street depot be developed and consolidated as the main Liverpool depot for the next 10 years."

Then in the yellow:

10 "As more development occurs in the western side, the western depot at Devonshire Road be developed as a new main depot that will also include road recycling material capacity. In association with the development of the Devonshire Road site, Council should consider the purchase of adjoining land to the northwest and south. And subject to DA approvals, potential uses for these parcels of land include community transport compound, community services store, commuter car park, park and ride."

15 Et cetera. Then under the purple:

20 "Purchase property in what will become the industrial and employment precinct adjacent the new Western Airport on its south-eastern fringe for the development of the new main Liverpool City Council."

And then finally in the blue:

25 "Develop the Western Sydney Airport depot site to become the new main depot facility."

And it was anticipated that that strategic plan would occur over a number of years?

30 **MR HAGARTY:** Yes. So I believe it's in this document, but there is an indicative timeline and an indicative budget as to, sort of, how that would be phased, based - or over the, yeah, next 10 to 20 years.

**MS McDONALD:** All right.

35 **COMMISSIONER:** Mr Hagarty, could I just trouble you just to raise your voice a little -

**MR HAGARTY:** Yep.

40 **COMMISSIONER:** - when you're engaging with counsel assisting - which is perfectly fine -

**MR HAGARTY:** Yep.

45 **COMMISSIONER:** I'm just having a little trouble hearing you.

**MR HAGARTY:** No worries.



**COMMISSIONER:** Thank you.

5 **MS McDONALD:** Excuse me for a minute. If we could go to page 58, please. And is this - as an example of how this plan sets out the various stages. And here we have Masterplan Layout 1 Rose Street Site, and then underneath:

10 "The immediate plan for the Rose Street depot is to sustain its ongoing use as Council's main depot site from 2019 to 2027, when it is replaced by the view depot at Devonshire Road."

15 And then you've got timeframe for work, so about 2018 to 2020. Timeframe for operations, 2019 to 2027. And then it sets out various work that's got to be done at Rose Street?

**MR HAGARTY:** Yes.

20 **MS McDONALD:** And then if we jump to page 60 - I won't take you to all the details, but the same thing - or same, sorry, process -

**MR HAGARTY:** Yep.

**MS McDONALD:** Is then done for Devonshire Road site.

25 **MR HAGARTY:** Correct.

**MS McDONALD:** Timeframe for works, 2020 to 2023. Then timeframe for operations, 2024 to 2036.

30 **MR HAGARTY:** Correct.

**MS McDONALD:** And then would we go to page 75, please. This section of the reports set out costings?

35 **MR HAGARTY:** Correct.

40 **MS McDONALD:** And because at this stage - I'm sorry, withdraw that. So you can see up until the end of stage 3 we're looking at costings for Rose Street and Devonshire Road?

**MR HAGARTY:** Correct.

45 **MS McDONALD:** And then stage 4 is the Western Sydney Airport site depot layout at the completion of transition strategy number 4. Timeframe for works no later than 2032 to '35, timeframe for operation beyond 2036, and it's about 30 million anticipated there.

**MR HAGARTY:** Yes.

**MS McDONALD:** And was it your understanding that this report and this strategy was the one that the Council adopted and was pursuing?

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**MR HAGARTY:** Yes.

**MS McDONALD:** You mentioned earlier a WhatsApp message received from Mr Mannoun. Would document INQ.004.001.0011 be brought up, please.

10

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

**MS McDONALD:** Yes, please. If we just have a look at the document, there's a reference - you can see there's - seems to be some kind of document, and then a message:

15

"Anyone want to buy a depot? It has a fully equipped and licensed and complying mechanical workshop. It also has an income 25 million."

20 That message, was that sent to you by the mayor as part of this WhatsApp group?

**MR HAGARTY:** Yes. So it was in a group chat with all the councillors, and the mayor sort of posted that.

25 **COMMISSIONER:** What's the date of this message, Ms McDonald?

**MS McDONALD:** About to ask that.

**COMMISSIONER:** Sorry.

30

**MS McDONALD:** And then just down the bottom, can you see you respond with:

"Would this replace or complement Rose Street and/or Western depot?"

35 And the answer is, right down the bottom:

"A bit from column A and a bit from column B."

Now, as the Commissioner has just noticed, this isn't dated. Roughly when was this?

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**MR HAGARTY:** It was early August 2022.

**MS McDONALD:** Can I ask you, the - I think you described it as a "WhatsApp group". This WhatsApp group was the mayor and all the councillors?

45

**MR HAGARTY:** Yes.

**MS McDONALD:** Did you communicate frequently via this method?

5 **MR HAGARTY:** We did, but never - never with things like this. It was normally very, sort of, incidental - casual things. So, you know, who's attending - it'd usually be, you know, who's attending the citizenship ceremony on Saturday or, "Hey, I've arrived at this meeting early. Anyone want a coffee?" So it was all very, sort of, casual. For things like this, in my experience, I would have sent an email or made sure that, you know, we were following the correct procedures in regards to, sort of, recordkeeping.

10 **MS McDONALD:** Right. You kept a copy of this? This is -

**MR HAGARTY:** Yes.

15 **MS McDONALD:** But at that time within Council, were there any, to your knowledge, requirements that such an exchange should be recorded or captured within the Council records?

20 **MR HAGARTY:** Yeah. So if someone had approached - if an external party had approached me about buying a depot, I would refer them to either the CEO or the appropriate director. I certainly wouldn't be posting a message in a - in a WhatsApp group.

25 **MS McDONALD:** You just spoke about if somebody approached "me". Did you have any discussion with Mr Mannoun about how this opportunity came about?

**MR HAGARTY:** No.

30 **MS McDONALD:** There's a - I think I referred you towards the top of that document - there seems to be a reference to another document. Would we bring up - I'm sorry. And you can see it's:

"IM 600 Cowpasture Road, Len Waters Estate."

35 Would you please bring up LCC.004.006.7754. Yes, please. And you can see there it's on a Colliers document, 600 Cowpasture Road:

"A rare industrial opportunity."

40 And right down the bottom, I think it's got Information Memorandum.

**MR HAGARTY:** Yes.

45 **MS McDONALD:** And if we go to page 2, you can see under Introduction:

"On behalf of our private client, Colliers has the pleasure of offering 600 Cowpasture Road to the market for sale. The opportunity is being offered by an expression of interest campaign, closing on Tuesday, 17 May, at 3 pm."

- 5 And then it goes on to describe the premises. To your recollection, is this the document that was attached or there was the link in the WhatsApp?

**MR HAGARTY:** Yes, that's the document.

- 10 **MS McDONALD:** Right. And you can see there that, at the time of the creation of this document, it was open to expression of interest campaign which was closing 17 May, at 2 pm. The WhatsApp message from Mr Mannoun, that was in August.

- 15 **MR HAGARTY:** Yeah, and I - and when I - I remember opening the document and sort of seeing that date and thinking, well, obviously expressions of interest had closed. We were, you know, almost three months past that date.

- 20 **MS McDONALD:** All right. Did you raise subsequently about the closure of the expressions of interest and why the Council still appeared to have an opportunity to buy this?

**MR HAGARTY:** I can't recall if I did, but I do believe that either myself or one of the other councillors raised it at some point during the process.

- 25 **MS McDONALD:** Now, at some point - after receiving the WhatsApp message, at some point in August, was there some kind of view or attendance at the site at 600 Cowpasture Road?

- 30 **MR HAGARTY:** Yes. So about three days later there was an exchange of messages in that group chat and then a diary request to do a site visit. I think it was about three days later. And, yeah, so there was a - there was a site visit.

**MS McDONALD:** Right. Do you recall the date of the site visit?

- 35 **MR HAGARTY:** I'm - I think the message was about the 3rd or 4th of August. So this would have probably been the 6th or 7th of August.

- 40 **MS McDONALD:** All right. Would document OLG.001.001.1413 be brought up. Now, this is an extract from the mayor's - I'm sorry.

**COMMISSIONER:** We're catching up.

**MS McDONALD:** Sorry.

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

**MS McDONALD:** Yes. Sorry, just before you do - this is an extract from Mr Mannoun's diary. All right. That can be live streamed. I know it's not your diary, but can you see on Thursday the 4th there is an entry:

5 "Meeting/site visit, Mayor Mannoun."

And it's got "factory viewing". Is it possible it was that day of the site view?

10 **MR HAGARTY:** Yeah. So that - that's within a few days of what I recall, and I remember it being about midday, so -

**MS McDONALD:** Who attended that meeting - or that site visit, I'm sorry.

15 **MR HAGARTY:** From memory, the mayor, myself, Councillor Harle. I think Councillor Macnaught might have been there. A gentleman who introduced himself as Fab Dalfonso, who was the - I guess the agent was there. Acting CEO Peter Diplas, acting director Tim Paisley and a number - Lina Kakish, who was - I don't know if she was then the director of Planning, but was there from Planning. And some other staff.

20 **MS McDONALD:** So you had a look around the site. And did that lead to, on 5 August, an email from Mr Mannoun proposing an extraordinary meeting of the Council and a motion to consider that?

25 **MR HAGARTY:** Yes.

**MS McDONALD:** Would document LCC.002.001.2558 be brought up. And if we can go to page 5 of that document, and it can be live streamed.

30 **COMMISSIONER:** Mr Hagarty, had you been on site visits like that one at other times during your term? Either of your terms on Council, do you remember?

35 **MR HAGARTY:** Not in relation to a purchase of a property. So we would - we would do - you know, we had done a tour of the Rose Street depot. You know, perhaps Western Sydney Airport arranged a site visit - to see that, but never in relation to the purchase of a property.

40 **COMMISSIONER:** In that context, then, do you remember whether opportunities to purchase properties like this had arisen during your - in other instances during your time on Council?

45 **MR HAGARTY:** If they had, they wouldn't have been initiated by a WhatsApp message. So it would have potentially come to - it would have been mentioned in a councillor briefing that, you know, an approach had been made to purchase a land, we're undertaking an assessment, council staff are looking at it and, you know, if it's viable we'll bring it to a future briefing and discuss it, you know, in further detail with councillors with a view to bringing it to a council meeting.

**MS McDONALD:** And in -

5 **ASSOCIATE:** (Indistinct) a non-publication order (indistinct) I have a redacted (indistinct).

**MS McDONALD:** I wanted page 5. That shouldn't - the email down the bottom should not have been redacted.

10 **ASSOCIATE:** (Indistinct) that's all right to be on the (indistinct).

15 **MS McDONALD:** Yes, just that section. That's fine. Thank you. Mr Hagarty, the description that you just gave of a usual procedure - so if land or a property is identified, I take it one of the - is one of the first considerations that you have a look at the - any Masterplans or any policies or plans adopted by the Council to see if it comes within that?

20 **MR HAGARTY:** Well, when you - when you say "I" - like, as an elected member initially we wouldn't be involved in that. We would refer it to council staff and the appropriate department and they'd make an assessment around a number of things, including whether it had strategic alignment.

25 **MS McDONALD:** All right. So just as a hypothetical example, if Council were desperate for a property in Liverpool CBD to build a childcare centre - I'm just using it as a hypothetical.

**MR HAGARTY:** Yep.

30 **MS McDONALD:** If a councillor was walking past and suddenly saw a building or a block of land for sale, they could come back and raise it?

35 **MR HAGARTY:** Yeah. So if I put myself in those shoes, if I knew that Council was looking for a childcare centre in the CBD and you walk past a place, I'd flick an email through Councillor Support, probably to the CEO or the appropriate director, and said, "Hey, just saw, you know, a childcare centre for lease. You know, is this viable?" And, you know, they'd go away for a week or two or a few days and come back and say yes/no, and then from that point, you know, potentially they would do further - they'd do further due diligence. There'd be a briefing. And then something would come to Council. So it was a pretty involved process and there are obviously  
40 a whole bunch of considerations that I wouldn't be privy to at that -

**MS McDONALD:** Which is kind of happening on the operational side?

45 **MR HAGARTY:** Correct. It's operational. You know, my job as a councillor is to make decisions that are strategic, and at some point they would either decide that it wasn't feasible - and if it was feasible, you would assume that an item would come to a future council meeting.

**MS McDONALD:** Accompanied by some kind of detailed report?

**MR HAGARTY:** Yes.

5

**MS McDONALD:** Now, if we can look at this email dated 5 August 2022 by - from the mayor, Ned Mannoun, to LCC councillors and a number of other people.

**MR HAGARTY:** Yes.

10

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

"Confidential. Notice of motion, extraordinary meeting, 9 August 2022."

15

And then it sets out:

"The following motion is confidential."

And it sets out the content of the proposed resolution.

20

**MR HAGARTY:** Yes.

**MS McDONALD:** Which includes, under number 1:

25

"Approve proceeding with a negotiation and due diligence process for the potential purchase of 600 Cowpasture Road or the purchase of a depot site."

Nominates the address and then says that should be confidential.

30

**MR HAGARTY:** Yes.

**MS McDONALD:**

35

"Submit an expression of interest submission for the potential purchase of the depot site."

And then the expression of interest has got certain parameters which are set out there.

40

**MR HAGARTY:** Yes.

**MS McDONALD:** Including:

45

"The offer is to be no greater than 25 million, noting that the site has current offer of 24.5."

And then if we can go to the next page, paragraph 3:

"Approve expenditure associated with the due diligence of up to 50,000 to be funded from the unrestricted reserves/general fund."

5 **MR HAGARTY:** Yes.

**MS McDONALD:** Now, we're in August 2022. The budget for Council was passed in June 2022?

10 **MR HAGARTY:** Yes.

**MS McDONALD:** Was there, to your knowledge, any amounts earmarked in the budget for, first, any of the due diligence and (b) any actual purchase of a new depot site?

15 **MR HAGARTY:** Not to my knowledge.

**MS McDONALD:** And the reference to "due diligence of up to \$50,000 to be funded from unrestricted reserves and general funds", that's an indication that it's coming from, as it says, your unrestricted reserves/general fund part of, kind of -

**MR HAGARTY:** Of the budget.

25 **MS McDONALD:** - Council budget?

**MR HAGARTY:** Yes. The unrestricted reserves/general fund was - you know, wasn't - it's the bit of the budget that would be used for, I guess, things that were not - were not budgeted quite often. So things that weren't foreseen, you would use that as a bit of a - as an area of the budget that could be used for - to look into things that were unforeseen, yeah.

**MS McDONALD:** Right. Now, it's foreshadowed an extraordinary meeting on 9 August. That meeting was held?

35 **MR HAGARTY:** Yes.

**MS McDONALD:** Would you bring up OLG.001.001.1392, please. And it can be live streamed. Now, this is a confidential report that goes to that extraordinary meeting.

40 **MR HAGARTY:** Yep.

**MS McDONALD:** And if we follow down that page, there it talks about at the council meeting of 23 February 2022 there was a mayoral minute in relation to a new depot and the Council resolved to immediately start the process to lodge a DA to upgrade Rose Street:



"In the interim, identify alternative solutions to provide a better mechanical workshop."

"Aim" - 3:

5

"Aim to have the construction of a new depot programmed in the 2023-24 budget, if not earlier."

And then:

10

"Fund the upgrade of the Rose Street depot from the general reserve."

And then it continues that - it picks up point 3, noting that:

15

"A piece of land located at Cowpasture Road has become available for purchase and may be a suitable site for the establishment of a new depot. The offer of this land is to be no more than 25 million."

And then:

20

"This report seeks Council endorsement to proceed with an investigation of the site as a suitable site for a new depot."

And if we can go to the next page. If we go right down the bottom of Financial Implications:

25

"Costs associated with this recommendation are not included in the budget or long-term financial plan."

30

And then a capping of the due diligence cost at \$50,000.

**MR HAGARTY:** Yes.

**MS McDONALD:** And then across the page:

35

"Noting that Council previously resolved to build a new depot at the 23 February 2022" -

Or build a new depot:

40

"It is anticipated any expenditure in relation to purchasing this site would potentially negate any planned expenditure on the new depot."

And then if we turn to the minutes of the extraordinary meeting - and that's LCC.002.001.0303.

45

**COMMISSIONER:** While that's coming up, Mr Hagarty - so at this point, having been reminded of that report, what was your understanding of the impact on what had been considered and resolved in February of the potential introduction of 600 Cowpasture Road?

5

**MR HAGARTY:** Yeah, so the - the resolution that was passed in February was part of a wider, I think, mayoral minute in relation to the mayor's 100-day plan, and the assumption I made at the time that - any building of a new depot would be out at the Western depot and was in line with the strategy that we just covered.

10

**MS McDONALD:** And these are the minutes of the extraordinary meeting. I'll just note for the transcript, the document identifying number is INQ.012.001.0008.

**COMMISSIONER:** Thank you.

15

**MS McDONALD:** And that's being live streamed? Thank you. Now, could we turn - this was the extraordinary meeting that was looking at that solution that had been sent through. The first thing I want to take you to at page 2 is Declarations of Interest. And can you see:

20

"Mayor Mannoun declared a non-pecuniary less than significant interest in the following item."

His children attend tutoring in a nearby facility. So that was declared.

25

**MR HAGARTY:** Yep.

**MS McDONALD:** But the mayor remained in the chamber s?

30

**MR HAGARTY:** He did.

**MS McDONALD:** And participated in the debate and moving the motion?

**MR HAGARTY:** He did.

35

**MS McDONALD:** No other possible conflict of interest was raised by the mayor at this meeting?

**MR HAGARTY:** If it had been it would have been recorded here in the Declarations of Interest.

40

**MS McDONALD:** And on page 3 you can see the resolution. And then if we go to page 4, we've got it was declared carried, and underneath that we've got who voted in favour of it, which included you, and then voting against was Councillor Harle.

45

**MR HAGARTY:** Yes. So the motion that was passed was different to the recommended one.

**MS McDONALD:** How did - can you recall how it differed?

5 **MR HAGARTY:** I believe Councillor Kaliyanda proposed an amendment that effectively, you know, required or requested that a probity report take place in parallel with the whole process. So given we had gotten a WhatsApp message about a week earlier and then, you know, within the space of a couple of days had done a site visit and then were having an extraordinary meeting to pursue due diligence, it's fair to say that alarm bells were ringing for me.

10 And in discussions with the other councillors, we couldn't understand why there was a need to have an extraordinary meeting and why we couldn't wait at least to the August meeting, if not later - the proper August meeting, if not later, to go through this process. So to allay some of our concerns, we - Councillor Kaliyanda put  
15 forward an amendment to essentially have an independent at arms-length - sort of probity adviser, keep an eye on things and produce a probity report.

**MS McDONALD:** And if we can just move a little bit up. Paragraph 5:

20 "Seek to appoint an independent and suitably qualified probity officer as soon as practical to assess all aspects of this process."

**MR HAGARTY:** Correct.

25 **MS McDONALD:** So that was the amendment that Councillor Kaliyanda sought and that was voted in favour - or it was incorporated into the motion?

**MR HAGARTY:** Yes. There was - I recall there being quite a bit of back and forth and, sort of, massaging of the wording so that we - you know, we could be - we  
30 could all be comfortable about, you know, the wording there. So yeah.

**COMMISSIONER:** And ultimately, that was agreed by everybody?

35 **MR HAGARTY:** Yep.

**COMMISSIONER:** Other than - well, Councillor Harle, but he might have had different reasons for voting against the motion, perhaps, rather than that particular one.

40 **MR HAGARTY:** Yes.

**COMMISSIONER:** Was his - if you can remember, was his objection more fundamental to the purchase as a whole or -

45 **MR HAGARTY:** Yeah, he took the view that it didn't align, you know, with the strategy and we didn't need it. That was - but that was my view at the time, but I also

took the view that, look, I think \$50,000 is a reasonable amount of money to, you know, I guess, kick the tyre, so to speak.

**COMMISSIONER:** To have a look at it.

5

**MR HAGARTY:** Yeah, and come back.

**COMMISSIONER:** Thank you.

10 **MS McDONALD:** Could we jump back to the operation centre Masterplan, which was document INQ.004.001.0010. And I took you to page 6. And this can be live  
streamed. I took you to that map with a very rough indication of where certain  
current depots were located and with the arrows of where, in a sense, the - the  
15 designation of it being the main depot was going to kind of move from Rose Street then to Devonshire Road and then ultimately to this new depot out west.

**MR HAGARTY:** Yes.

20 **MS McDONALD:** The location of Cowpasture Road, if you have a look at that diagram, roughly where is it located?

**MR HAGARTY:** It's about halfway between the - Rose Street, which is the blue star on the right, and, yeah, Devonshire Street, which is the blue star in the centre. So it's just to the right of that red line. You'll see there's sort of a line that goes from north to  
25 south. I believe that's Cowpasture Road. So it's on Cowpasture Road.

**MS McDONALD:** All right. Could we go to page 10 of that document. You can see at the beginning of that page it says:

30 "Whilst the Western Sydney Airport depot will ultimately become the main depot for Council, the existing and new satellite depots created as a result of this transition strategy will service their immediate areas."

And you can see that - maybe if we can expand that a wee bit. No, no, other way.  
35

**COMMISSIONER:** Other way.

**MS McDONALD:** Sorry.

40 **COMMISSIONER:** A little bit blurry. That's all right. I think it's just the quality if - if it causes you any difficult, Mr Hagarty - the quality of the image, don't -

**MR HAGARTY:** No, all good. I -

45 **COMMISSIONER:** - hesitate to speak up.

**MR HAGARTY:** I know the area very well.

**COMMISSIONER:** Yes.

**MS McDONALD:** So you can see in the pink area Rose Street depot?

5

**MR HAGARTY:** Yes.

**MS McDONALD:** And immediately at the border between the pink area and the blue area is Cowpasture Road?

10

**MR HAGARTY:** Correct. Correct.

**MS McDONALD:** So roughly - 600 Cowpasture Road obviously is on that road?

15 **MR HAGARTY:** Yeah, about - if you drew a straight line between the red star and the blue star, it would be on the border of the pink area - sort of right in between there.

20 **MS McDONALD:** And then you've got, obviously, the blue area with Devonshire Road depot. And then on the left in the yellow you've got Western Sydney Airport depot. And your understanding of where this - under this plan, where the new third depot was going to be constructed, was that in the yellow area?

**MR HAGARTY:** Yes.

25

**MS McDONALD:** All right. And you gave evidence earlier about that area - there was still some area that hadn't been rezoned?

30 **MR HAGARTY:** Yes. So as part of the initial set of rezonings for the airport - Aerotropolis, there are a number of, I guess, zones or regions that had been rezoned and ones that hadn't, and one - effectively, the land west of Northern Road hadn't been rezoned, and that was a general area where we thought it would be appropriate for a - for that airport depot (a) due to its location, and (b) the fact that it hadn't been rezoned meant it - you could probably pick up a reasonable sized parcel  
35 of land that would be suitable for a depot.

**MS McDONALD:** All right. With Devonshire Road - we've heard evidence that there's been identified some contamination in that property.

40 **MR HAGARTY:** Yes. My understanding is that -

**COMMISSIONER:** Hang on. Hang on. Hang on. Hang on.

**MS McDONALD:** I'm -

45

**COMMISSIONER:** Are we potentially - sorry to cut you off, Mr Hagarty, but there -

**MR HAGARTY:** Yep.

**COMMISSIONER:** Depending how detailed the answer gets, we might be -

5

**MR EMMETT:** I think that's right.

**COMMISSIONER:** My ears just -

10

**MR EMMETT:** Could the live stream be - I'm sorry to do this.

**COMMISSIONER:** No, no.

**MR EMMETT:** Could the live stream be cut and could we confirm the position?

15

**COMMISSIONER:** Yes. Operator, could we cut the live stream and take it back as far as we can, the cut, so that what - that exchange doesn't go out publicly. And once that happens - I think we're safe so far, from my memory, Mr Emmett, but it just depends on what happens next.

20

**MR EMMETT:** I think that's right. And I don't know how far my learned friend's -

**COMMISSIONER:** No, no, no. Nor do I. And I suspect that the detail wasn't the import of the question, but lest it fall out, I thought better to be safe.

25

**MS McDONALD:** Thank you.

**COMMISSIONER:** I'm sorry, Mr Hagarty, something - some evidence about this was taken in private. I just want to make sure that we don't inadvertently -

30

**MR HAGARTY:** All good. This is the reason for the delay in the live stream?

**COMMISSIONER:** Yes, this is what happens from time to time. I understand it's a rather abrupt cutting for those who are watching, but -

35

**MR HAGARTY:** Yes.

**COMMISSIONER:** - it does happen from time to time. All right. Do you want to ask these questions in private and then we can see whether it's - can -

40

**MS McDONALD:** Yes.

**COMMISSIONER:** - be published. All right. Pursuant to section - and no problem with those who are in the room remaining? All right. Pursuant to section 12B of the Royal Commissions Act, I direct that this part of the hearing take place in private, and I further direct that the transcript of this part of the hearing not be

45

published otherwise than in accordance with the usual direction, and those who are in the room - those who are in the room can remain in the room? No one's -

5 **MS McDONALD:** Yes. I'm sorry, I was just identifying somebody I didn't know, but -

**COMMISSIONER:** Yes. All right. I've made those directions. Thank you. I'm sorry. We're still - in private, Mr Operator? All right. We can proceed.

10 **MS McDONALD:** All right. Thank you. Mr Hagarty, the Devonshire Road depot, we've - the inquiry has heard some evidence about contamination at that depot. Was that a matter that had been raised when you were on Council?

15 **MR HAGARTY:** Yeah. So it had been identified that it was - I can't remember if it still is, but it was the site of a RFS station - or a fire service station, and they had carried out testing in the past and there was traces of PFAS. Yep.

20 **MS McDONALD:** When you were on Council, was it raised as to whether that would lead to any inhibition or problem with the use of Devonshire Road?

**MR HAGARTY:** Potentially. But from my recollection, it was still very early days in regards to PFAS and, you know - I guess understanding the long-term effects of PFAS contamination and that kind of thing. So it was - it was still an unknown, but it was a potential risk at the site.

25 **MS McDONALD:** That's the end of the evidence on that topic.

**COMMISSIONER:** All right. We can return to open session. Yes, Ms McDonald.

30 **MS McDONALD:** Mr Hagarty, can I take you back to the map on page 10, which had the pink section, the blue section and then the yellow section.

**MR HAGARTY:** Yes.

35 **MS McDONALD:** The location of 600 Cowpasture Road - given the strategy set out in this report, what is your view on whether it satisfied the proposal in the report of a location ultimately of a third depot in the western area of the Local Government Area?

40 **MR HAGARTY:** Well, that was one of my primary concerns about potentially buying this site - was that it didn't. It was on the border of the blue and pink zones. It was also on Cowpasture Road, and one of the major constraints with the Rose Street depot was the fact that it was on the fringe of the suburb of Liverpool and that traffic congestion was a major issue in terms of quickly deploying Council vehicles to  
45 attend to their duties. So that would have also been a major constraint for Cowpasture Road; it's heavily congested in the morning and afternoon peak. And one of the ideas about first moving to the Devonshire Road depot and then the depot out

near the airport was that they'd be going against the traffic and they'd be able to, you know, get in and out and do what they had to do without being stuck in, I guess, the daily - the daily grind.

- 5 **MS McDONALD:** Now, after the extraordinary meeting of 9 August, there was then the normal council meeting on 31 August 2022?

**MR HAGARTY:** Yes.

- 10 **MS McDONALD:** And at that meeting, there was a motion - an urgent motion to increase the due diligence amount from 50,000 to 135,000?

**MR HAGARTY:** Yes.

- 15 **MS McDONALD:** Excuse me for a minute. Would you bring up document INQ.001.001.0981, at page 61, please. And it can be live streamed. So you can see there:

- 20 "Motion of urgency. Funding of consultancy costs, due diligence for potential depot site."

**MR HAGARTY:** Yes.

- 25 **MS McDONALD:** And then, just looking at this very quickly, it refers back to 9 August and the part of the resolution that spoke of due diligence up to \$50,000.

**MR HAGARTY:** Yes.

- 30 **MS McDONALD:** And then the next paragraph:

"In seeking to appoint the necessary consultants to undertake a due diligence process, it's become evident that costs will exceed the previously approved amount."

- 35 **MR HAGARTY:** Yes.

**MS McDONALD:** And then in the next paragraph, "Given estimated costs", they're now seeking Council approval to increase it to \$135,000?

- 40 **MR HAGARTY:** Yes.

**MS McDONALD:** And, again, in the next paragraph:

"The additional funds to be funded from an unrestricted reserve/general funds."

- 45 **MR HAGARTY:** Yes.



**MS McDONALD:** And then if we go down towards the bottom of the page, we've got the motion was moved by Councillor Macnaught, seconded Councillor Ammoun. And you've got the motion there, and then on being put to the meeting, the motion was declared carried.

5

**MR HAGARTY:** Yes.

**MS McDONALD:** There's no breakdown on - well, I'm sorry, I'll start again. It doesn't state that it was carried unanimously.

10

**MR HAGARTY:** No.

**MS McDONALD:** But the minutes also don't record, "So these people voted in favour, these councillors voted against." What is your recollection? Did you vote in favour of it?

15

**MR HAGARTY:** I voted against it for a number of reasons. One was we were given about two or three hours' notice that this urgency motion was coming to us. I thought \$50,000 was a reasonable amount of money to, as I gave evidence before, to, quote  
20 unquote, kick the tyres. It had almost tripled with very little notice and I had concerns about - where did the \$50,000 figure come from and now why is it \$135,000? So I had some serious questions about the robustness of the process to date and I thought we had spent enough ratepayers' money on this.

**MS McDONALD:** All right. Do you recall - were you the only person - or, sorry, I'll start again. Were you the only councillor who voted against it?

25

**MR HAGARTY:** From memory, myself, Councillor Green, Councillor Kaliyanda, Councillor Harle and possibly Councillor Karnib voted against it. So six/five.

30

**MS McDONALD:** Your comment that you only had two to three hours' notice - this was a normally scheduled council meeting?

**MR HAGARTY:** Yes.

35

**MS McDONALD:** You received the usual agenda items with relevant reports?

**MR HAGARTY:** Yes.

**MS McDONALD:** When you say that you were given two to three hours' notice, who gave you the notice?

40

**MR HAGARTY:** From memory, an email was sent around that this urgency motion would be put to Council.

45

**MS McDONALD:** Do you remember who the email came from?

**MR HAGARTY:** No, but I would assume it came from Councillor Macnaught, given she's the one that moved this motion.

5 **MS McDONALD:** And in conjunction with the proposed - sorry, in conjunction with the motion, was any other report or confidential report provided to you - or any information before the meeting provided to you to explain why the due diligence cost had increased so much?

10 **MR HAGARTY:** Not from my recollection.

**MS McDONALD:** Now, at the - when we come to September 2022, in addition to the usual council meeting towards the end of the month, was there another extraordinary meeting held on 15 September 2022?

15 **MR HAGARTY:** Yes.

**MS McDONALD:** Would document INQ.001.001.0983 be brought up. If we move to page 3 - this was the motion that was being debated. You can see it's got three paragraphs. The first one is writing to legislative agencies for an investigation into the leaking of confidential information, which is now being displayed on a mobile digital billboard that is authorised by the United Services Union:

20 "The information relates to current negotiations that Council has entered into regarding the purchase of a new depot."

25 **MR HAGARTY:** Yes.

**MS McDONALD:**

30 "Inform Office of Local Government and the Minister."

And then finally, a note that the purchase of the new depot is to improve the quality of basic and core services of Council to the community.

35 ".. and that this breach of confidentiality has a potentially negative effect on the community as they will be most disadvantaged if a council and improved depot services is not approved."

40 And then right down the bottom, the motion was carried and the councillors unanimously for this item.

**MR HAGARTY:** Yes.

45 **MS McDONALD:** Okay.

**MR HAGARTY:** It's all good. It's the bit of equipment - the duct tape needs replacement.

**MS McDONALD:** All right.

**COMMISSIONER:** All right. We'll attend to that.

5

**MS McDONALD:** We'll proceed. I note on page 2 of the minutes, under Declarations of Interest, you declared a non-pecuniary less than significant interest as you were a member of the United Services Union?

10 **MR HAGARTY:** That's correct. Yep.

**MS McDONALD:** If we go back to page 3, you can see from the first paragraph there is a reference to a mobile digital billboard that was displaying something that's authorised by the United Services Union, and the information relates to current negotiations that Council has entered into regarding the purchase of a new depot.

15

**MR HAGARTY:** Yep.

**MS McDONALD:** Can you recall what occurred that gave rise to this extraordinary meeting?

20

**MR HAGARTY:** Yeah. So Mayor Mannoun and Councillors Ammoun and Goodman felt it appropriate to have an extraordinary meeting of Council at significant cost of - to staff and - and the Council because the United Services Union had a truck with a digital billboard on the back that was - that had made reference to 600 Cowpasture Road, amongst other things.

25

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

**MR HAGARTY:** Amongst other things. It had a whole series of - you know, of things displayed on there.

30

**MS McDONALD:** And when you say made reference to 600 Cowpasture Road, made reference to the potential purchase by Council?

35

**MR HAGARTY:** Yes.

**MS McDONALD:** And the resolution was passed?

**MR HAGARTY:** Yes.

40

**MS McDONALD:** To your knowledge, were relevant legislative agencies contacted?

**MR HAGARTY:** Yeah, to my understanding, either - it would have been - the acting CEO at the time, I think, wrote a series of letters to the Minister and the OLG, I think.

45

**MS McDONALD:** To your knowledge, did an investigation occur?

**MR HAGARTY:** I - I would assume so. I don't know. Yep.

5 **MS McDONALD:** You weren't interviewed for any -

**MR HAGARTY:** No.

10 **MS McDONALD:** Excuse me for a minute. Now, I'll just take you to one last document before leaving this subtopic. Could INQ.046.001.0001 be brought up. Yes, please. And can you see this is an article from The Daily Telegraph?

**MR HAGARTY:** Yes.

15 **MS McDONALD:** With the heading Liverpool Council Calls For Investigation Into Alleged Leaking of Info to United Services Union.

**MR HAGARTY:** Yes.

20 **MS McDONALD:** All right. If you go to page 2, there appears to be - is it a truck with a billboard?

**MR HAGARTY:** Yes.

25 **MS McDONALD:** Is that the particular -

**MR HAGARTY:** Yeah, that looks like the truck in question.

30 **MS McDONALD:** But what it's depicting doesn't appear to be the reference to Cowpasture Road.

**MR HAGARTY:** No, it had a - it had a - it was digital, so it had a rotating bunch of images.

35 **MS McDONALD:** Messages or something.

**MR HAGARTY:** Yeah. Yep. Yep. And one of them was, yeah, a reference to - I can't remember if it had exactly said 600 Cowpasture Road, but it was clear that

40 it was - it was a reference to what was going underway, in terms of doing due diligence at that site.

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

45 **COMMISSIONER:** Yes. We'll take a short break, Mr Hagarty, and we'll resume at noon. So if you wouldn't mind being back just a couple of minutes before that, I'd be grateful. Feel free to stretch your legs in the meantime.

**<THE HEARING ADJOURNED AT 11.46 AM**

**<THE HEARING RESUMED AT 12.11 PM**

5

**MR EMMETT:** Commissioner, can I return to a matter that arose before the short adjournment, and that is - my instructions are, in relation to the Devonshire Road site, the - that site has been remediated in respect of what used to be contamination, so that - the orders that you made previously can be lifted - can be vacated. That's all in the - I'm instructed that that is in the public domain, the fact of that remediation.

10

**COMMISSIONER:** Okay. So that covers what we heard earlier today. But does that go back to some orders I made earlier in the -

15

**MR EMMETT:** It's possible. Could we go back -

**COMMISSIONER:** Of course you can. Yes.

20

**MR EMMETT:** - and look at - find out what orders were made, whether anything that you've made orders about in the past -

**COMMISSIONER:** Yes.

25

**MR EMMETT:** - ought to be revisited. We'll get on to that. But in terms of this morning, the orders that you made this morning ought to be vacated.

**COMMISSIONER:** And the transcript can be published in the usual way?

30

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

**COMMISSIONER:** All right. Thank you, Mr Emmett. I'm grateful for that indication. I vacate the orders I made earlier today in relation - pursuant to section 12B of the Royal Commissions Act such that the transcript of what was the private part of the proceedings can be published in the usual way.

35

**MR EMMETT:** May it please.

**COMMISSIONER:** Thank you, Mr Emmett. Yes, Ms McDonald.

40

**MS McDONALD:** Excuse me. Immediately before the break I had taken you to an extraordinary council meeting on 15 September 2022.

**MR HAGARTY:** Yes.

45

**MS McDONALD:** Now, the due diligence into the purchase of the property continued. Would document LCC.004.010.0047 be brought up.

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

5 **MS McDONALD:** Yes, please. And can we go towards the bottom of the first page. This email is dated 19 October 2022. It's from a George Hampouris and it's to a number of people. Third line down, can you see "LCC Councillors"?

**MR HAGARTY:** Yes.

10 **MS McDONALD:** I take it if an email was sent to that, it included you?

**MR HAGARTY:** Yes.

15 **MS McDONALD:** And can you see that there's - it's referring to the ARIC meeting that's going to be held on 21 October.

**MR HAGARTY:** Yes.

**MS McDONALD:** And Mr Hampouris talks about two late papers.

20 **MR HAGARTY:** Yes.

**MS McDONALD:** If we go across to page 2, you'll see there's the potential site acquisition for the proposed depot:

25 "This item can be found in the link below. In addition, to complement this item, please see attached."

And I'm referring you to the second dot point:

30 "A risk and due diligence analysis undertaken."

**MR HAGARTY:** Yes.

35 **MS McDONALD:** Would document LCC.004.010.0051 be brought up, please.

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

**MS McDONALD:** I was about to say yes, but -

40 **COMMISSIONER:** That was the loudest stage whisper we've heard so far.

45 **MR EMMETT:** Commissioner, my request is that it not be live streamed until I have final instructions in relation to it. I don't - my client may not make an application in relation to it. It was - at the time, it was commercially sensitive. It may not be now; I need to confirm those instructions.

**COMMISSIONER:** All right.

**MR EMMETT:** In the meantime, could the commission proceed without disclosing its contents publicly?

5 **COMMISSIONER:** Yes. Does that mean we need to do -

**MS McDONALD:** I'm going to be taking Mr Hagarty to certain entries in this.

10 **COMMISSIONER:** All right. Why don't I just - look, I'm just - we'll just - sorry.

**MR EMMETT:** Well -

**COMMISSIONER:** Were you going to say something?

15 **MR EMMETT:** Yes. Well, it just occurred to me that even - maybe a five-minute adjournment may suffice to get those instructions.

**COMMISSIONER:** Look, I think I'll just go into private. I just want to keep things moving.

20 **MR EMMETT:** May it please.

**COMMISSIONER:** And if we can release the transcript we'll release the transcript. Pursuant to section 12B of the Royal Commissions Act, I direct that the next passage  
25 of the hearing be - evidence be taken in private. I direct that the transcript not be published otherwise than in accordance with the usual order. And I'll just wait until I get the nod. And at some convenient time before the end of the day, if you can let me know or those instructing you know can let the team know -

30 **MR EMMETT:** Yes.

**COMMISSIONER:** - we'll deal with it in chambers.

**MR EMMETT:** Yes, we will.

**<THE HEARING ADJOURNED TO PRIVATE SESSION AT 12.17 PM – ON 28 AUGUST 2025 THE COMMISSIONER VACATED ORDERS THAT THIS PORTION OF THE TRANSCRIPT IS SUBJECT TO 12B OF THE *ROYAL COMMISSIONS ACT 1923*.**

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**COMMISSIONER:** Thank you. Yes, Ms McDonald.

**MS McDONALD:** You can see this document's headed Confidential Due Diligence and Risk Table, 600 Cowpasture Road.

10

**MR HAGARTY:** Yes.

**MS McDONALD:** If we can just scroll very quickly through the document, you can see the type of issues being raised.

15

**MR HAGARTY:** Yes.

**MS McDONALD:** And it finishes on page 4, at that point?

20

**MR HAGARTY:** Yep.

**MS McDONALD:** Is that the document that you received via that email from Mr Hampouris on 19 October?

25

**MR HAGARTY:** I believe so.

**MS McDONALD:** Could we go back to the first page. And the third entry:

"Conflict of interest."

30

**MR HAGARTY:** Mm-hmm.

**MS McDONALD:** And, sorry, before taking you to certain entries, what was your understanding of the person who prepared this?

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**MR HAGARTY:** Sorry, can you -

**MS McDONALD:** What was your understanding of who prepared this document?

40

**MR HAGARTY:** So my understanding is that this would have come from George Hampouris' team and that it was essentially a risk register.

**MS McDONALD:** The third entry, which is "Conflict of interest":

45

[REDACTED BY ORDER OF THE COMMISSIONER DATED 28 AUGUST 2025]



**MR HAGARTY:** Yes.

5 **MS McDONALD:** Throughout - and I'm jumping ahead - ultimately, the Council passed a resolution to purchase the property?

**MR HAGARTY:** It did.

10 **MR EMMETT:** Commissioner, I do need to rise to interrupt. I now understand the concern.

**COMMISSIONER:** Yes.

15 **MR EMMETT:** And I do need to take the point, even in private session - only this far. The certain is that that - what my learned friend just read discloses the substance of legal advice. I wouldn't - I don't have instructions to waive any privilege in that legal advice.

20 **COMMISSIONER:** Okay. What would you ask me to do? We're in private.

**MR EMMETT:** My learned friend says it's pretty innocuous. The fact is it does appear to disclose the substance of -

25 **COMMISSIONER:** No, I'm not being critical. But -

**MR EMMETT:** - legal advice. In the first instance, what I need to do is assert my - so that it's clear on the record - is asserts my -

30 **COMMISSIONER:** Yes.

**MR EMMETT:** Assert my client's interest in it.

**COMMISSIONER:** Yes.

35 **MR EMMETT:** We may need to propose a redacted version that can replace this one.

**COMMISSIONER:** All right.

40 **MR EMMETT:** Because, as you know, even in private, legal professional privilege is not something that this inquiry can traverse upon.

45 **COMMISSIONER:** No. That's right. I don't have the power to compel an answer in the face of a claim for privilege. But is there anything more you need me to do, given that this document has been produced and now referred to?

**MR EMMETT:** And given we are in private session and that's happened, the answer is no.

**COMMISSIONER:** All right. But I understand why you rise to your feet.

5

**MR EMMETT:** Thank you.

**COMMISSIONER:** And your assertion of privilege is noted. Ms McDonald.

10 **MS McDONALD:** Looking at that entry, you can see the first sentence just states:

"Legal advice sought on potential or perceived conflict of interest."

So I'm just focusing on that sentence for the minute.

15

**MR HAGARTY:** Yes.

20 **MS McDONALD:** At any time during the whole process of - leading to Council resolving to purchase the property, did the mayor, Ned Mannoun, declare any conflict of interest other than that initial conflict of interest which had to do with his children attending a tutoring place nearby?

**MR HAGARTY:** To the best of my recollection, no.

25 **COMMISSIONER:** Did anybody else?

**MR HAGARTY:** Well, I declared a conflict in relation to being a member of the USU, which was sort of -

30 **COMMISSIONER:** Slightly different issue.

**MR HAGARTY:** Slightly different, but -

**COMMISSIONER:** Yes.

35

**MR HAGARTY:** - I don't recall anyone else raising conflicts of interest.

**COMMISSIONER:** Thank you.

40 **MR HAGARTY:** And if they had, they would have been detailed in the minutes.

**COMMISSIONER:** Yes.

45 **MS McDONALD:** All right. And just identifying other risks - if we move down, we've got:

"Owners asking price, seeking above market valuation."

**MR HAGARTY:** Mm-hmm.

**MS McDONALD:** Then:

5

"Council making offer above market value."

**MR HAGARTY:** Yep.

10 **MS McDONALD:** And to your knowledge, two independent valuations, as stated there, were obtained?

**MR HAGARTY:** Yes.

15 **MS McDONALD:** Then you've got:

"Wash bay not fit for purpose. Existing wash bay suitable for buses, not suitable for potential Council use. New wash bay would need to be provided."

20 **MR HAGARTY:** Yes.

**MS McDONALD:** Then if we go across the page, the entry "Planning approvals". Now, in this one it refers to:

25 "A resource recovery facility is not permitted on the site."

And then:

30 "Identified is likely to become permitted under proposed planning reforms. Mattress collecting/sorting facility would be permissible, subject to a DA. DA would be required with associated timeframe. If issues with proposed use, a planning proposal could be required, rezoning the site to a depot site."

35 Just looking at that summary, do you recall at - during any discussions amongst the councillors or at a council meeting, this issue about, "Well, what are we going to use it for?" And within the various planning documents, is it a permitted use.

40 **MR HAGARTY:** Yeah. So in previous evidence I gave, I believe Lina Kakish was there from the Planning department, and part of the reason for that was - given the existing zoning, what could be done there, what couldn't be done there, what could be done there with consent. And then throughout the process - initially it was pitched as, you know, a mechanical workshop and a wash bay. By the time it came to Council for that final decision - and I think November - it had then somehow become identified as a location for a waste and resource recovery centre. So it seemed to shift  
45 over time.

And then obviously a waste and resource recovery centre is a more intensive use and there would - there would - it was identified that potentially some of those new uses weren't allowed under the old zoning, but we knew that the State Government was pushing through reforms to, essentially, collapse what was three types of industrial zoning down to two, and that with those reforms it could have become - it may have become permitted with a development application.

10 **MS McDONALD:** All right. Your evidence there that it started off being identified as a property for a depot/wash bay and mechanical workshop - is that fair to say?

**MR HAGARTY:** Yeah. And as per those initial messages from the mayor, the given impetus at the beginning was that this would be, you know, a potential, yeah, mechanical workshop and wash bay.

15 **MS McDONALD:** And then you said - and it seems to be picked up in this entry, where it's talking about a resource recovery facility is not permitted on the site but identified as likely to become permitted, and then there's a reference to mattress collecting and sorting facility. Those uses, do they come under that second use that you just identified of waste recovery resource?

20 **MR HAGARTY:** They do. And again, I spoke earlier about, you know, alarm bells being raised, but my perception at the time was effectively, you know, there was a push to acquire this site and to find a - to find a use to justify the purchase of this site, which I - I didn't think was appropriate.

25 **MS McDONALD:** From a councillor's perspective, the change from, if I say depot to waste recovery resource centre - you've spoken about you could identify that change when we come to the November council meeting, but was there any discussion amongst the councillors or any briefing session to the councillors about this proposed change in the use of the property?

30 **MR HAGARTY:** Not to my recollection. It seemed to change over time. Or it did change over time. It started off as a, you know, sort of mechanic workshop/wash bay, and then within the space of, what, August to November - four months, five  
35 months - what came to us in November was primarily for a waste and resource recovery centre, and what was being suggested in some of the briefings was that the Croc would be based there, which raised further questions because my understanding was that the Croc was purchased through a grant through the EPA and it was to be based at Rose Street, and there was a DA in - to do it at Rose Street, so we were - my  
40 perception over this very short period was that the goalposts were constantly being shifted. But what wasn't being shifted was the need to purchase this site.

**MS McDONALD:** All right. And if you look at the next entry, you can see:  
45 "Mattress shredding facility not permissible."

And there's a reference to the grant funding that requires to be in place by the end of 2023 and:

"Proceed with DA for Rose Street, with relocation subject to planning approval."

5

**MR HAGARTY:** Correct.

**MS McDONALD:** Then you've got, if you keep on moving down that page:

10 "Political risk of commitment to fund from annual increase to household domestic waste levy."

**MR HAGARTY:** Yep.

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

20 "Funding sources. Identified funding from domestic waste levy reserve and an annual increase in domestic waste levy to households for the life of the loan to fund the acquisition borrowings. If Council was to change borrowing access from domestic waste levy, it would have budget impact and could impact on delivery of Council services."

25 **MR HAGARTY:** Yeah. So this was where - again, I spoke about the shifting goalposts. Council had had a series of charges that it could levy through rates that over time the State Government had basically banned. The one, sort of - the one levy that councils can still, I guess, put up and down relatively easy is the domestic waste levy. And the perception I got at the time was the reason that we were talking about moving the Croc there and making it a waste and resource recovery centre was that it justified - it would then justify an increase in the domestic waste levy, which would  
30 then be able to, I guess, fund the purchase of the site. It was as if we were working backwards, so to speak.

35 It was - well, I won't use the term I'm thinking of, but, you know, it was all backwards. You know, rather than identifying a strategic need and going through a process, it was as if, "We're purchasing this site. How do we justify it?" You know, "We don't have enough funds for it. We can put up the domestic waste levy. In order to justify the domestic waste levy, let's put the waste and resource" - like, it was - it just seemed the wrong way around.

40 **MS McDONALD:** All right.

**COMMISSIONER:** These are all concerns with process and procedure that you're raising?

45 **MR HAGARTY:** Yes.

**COMMISSIONER:** And that's what I think you - correct me if I'm wrong, but I think you used the phrase "alarm bells" earlier.

**MR HAGARTY:** Alarm - yes.

5

**COMMISSIONER:** These are alarm bells about, "Are we doing this in the right way from a process and procedure point of view?"

**MR HAGARTY:** Yeah.

10

**COMMISSIONER:** Yes.

**MR HAGARTY:** I - before or since, I've never been involved in a process like this where - again, it was initiated through a WhatsApp message. There was a site visit a couple of days later. There was an urgency meeting several days after that, and throughout the whole process - as I said, the - you know, the goalposts were changing. The justification for the site was changing. And we may get to this, but the other thing that, sort of, raised my alarm bells was the sense of secrecy over the whole thing.

20

**MS McDONALD:** We'll return to that subsequently. If we go to the next page. "Other risks." For example, flood risk is identified.

**MR HAGARTY:** Yes.

25

**MS McDONALD:**

"Site access is not fit for purpose."

**MR HAGARTY:** Yeah. So on that one, that was identified earlier on by the Planning team that you would need to put in a pretty significant deceleration lane. So it was on - as I said before, Cowpasture Road, very congested, you know, road. Gets - you know, basically becomes a car park in the morning and afternoon. And that in order for trucks to be coming in and out there needed to be - there definitely needed to be a deceleration lane, and they were also talking about an additional new access north of the site, onto what is Airfield Drive, which comes off about, I don't know, 20 metres further up the road, into - can't remember the zoning, but it may have been environmentally sensitive land.

35

**COMMISSIONER:** For my benefit, what's a deceleration lane, in practice? Like -

**MR HAGARTY:** So it's like a little shoulder lane.

**COMMISSIONER:** Okay.

45

**MR HAGARTY:** Yep.

**MS McDONALD:** And you can also see on that page, for example, "Current tenancy lease doesn't align" with their own site use objectives. There were existing tenants with leases?

5 **MR HAGARTY:** Yeah, the site was partially leased. There was a tutoring company in the - in the offices. There was a food truck that did a pretty good Philly cheesesteak, and there was a - like, a horse transport company in some of the bays.

10 **MS McDONALD:** You just mentioned a tutoring company. Could that be the reason why the mayor raised his children going to a tutor in the area?

**MR HAGARTY:** I don't believe so, because in the wording of the -

15 **COMMISSIONER:** I think it said "near", didn't it?

**MR HAGARTY:** "Near". It didn't say at the site. So I took it to mean it was somewhere else.

20 **MS McDONALD:** Okay. And, look, right down the bottom we've got an entry:  
"Alternative suitable. Lack of suitably zoned industrial land."

Across the page:

25 "Council would need to acquire a potential of 3.2 hectare site for comprehensive depot and construct improvements. Potential cost escalations in industrial land values and construction costs. High risk if Council seeks to acquire, as could require compulsory acquisition."

30 You gave evidence before the break that, consistent with the report, the new depot was going to be in that yellow section on the, kind of - the west of the Local Government Area.

35 **MR HAGARTY:** Correct.

**MS McDONALD:** To your knowledge, was there any investigation about whether there were any sites available or up for sale in that area?

40 **MR HAGARTY:** I know in - in the debates we had about it over the, you know, two, three, four times it came to Council, that was certainly something I raised, which was (a) is there existing land that Council owns that could be used for this purpose? And to my mind, the answer was yes because we were already operating the mattress recycling - or the intention was to operate the mattress recycling facility out of Rose Street, and I know that Council had some other parcels of lands that it  
45 had look in at some point for potentially using them for - you know, for a depot or other uses.

So I found this risk to be a false binary, so to speak. It's making the argument that if you didn't buy this site you'd have to buy another site, yet there was no need to buy another site in this part of the LGA. The strategy all along was to purchase a site much further out, where land was cheaper.

5

**MS McDONALD:** Excuse me for a minute. Now, this leads to the council meeting of 16 November 2022. Would you please bring up INQ.001.001.0993.

**COMMISSIONER:** Can we return to public session?

10

**MS McDONALD:** Yes. Yes.

**COMMISSIONER:** All right. We'll return to public. Mr Emmett, while that's happening, even if the content of that document is no longer of a concern to your client, I expect the passage about which we had the exchange earlier might be. Could I ask that, if the document doesn't pose you a concern, at least your side propose some redactions that deal with that issue?

15

**MR EMMETT:** Yes. Can I indicate apart from that redaction, from what I've heard, I anticipate the other concerns would not warrant the orders.

20

**COMMISSIONER:** All right.

**MR EMMETT:** So at least - there could at least be a partial lifting, if not a total lifting.

25

**COMMISSIONER:** Yes. Yes. So if you'd -

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

30

**COMMISSIONER:** - propose a redaction about that issue, that'd be most helpful. Thank you.

**MS McDONALD:** And also that part of the -

35

**COMMISSIONER:** The document itself.

**MS McDONALD:** And the transcript as well.

**COMMISSIONER:** Yes. Yes.

40

**MS McDONALD:** Right. 16 November 2022 -

**COMMISSIONER:** Sorry, we're not quite there yet.

45

**MS McDONALD:** Sorry.



**<THE PRIVATE SESSION CONCLUDED AT 12.38 PM**

**<THE HEARING RESUMED AT 12.38 PM**

**COMMISSIONER:** Thank you. Yes. We're back in public session. And yes,  
Ms McDonald.

5

**MS McDONALD:** You can see minutes of the ordinary meeting held on 16  
November 2022?

**MR HAGARTY:** Yes.

10

**MS McDONALD:** If we can go through to page 51, please. This is part of the confidential - or it's a confidential motion, Council move to closed session.

5 **MR HAGARTY:** Yes.

**MS McDONALD:** You can see there, if we move down the page - I'm sorry, I should have gone back up to the subject. Sorry. You can see there the subject is:

10 "Opportunity to purchase a site for a waste and resource recovery centre."

**MR HAGARTY:** Yes.

15 **MS McDONALD:** So the previous descriptions in other documents of a depot, it's now changed to "waste and resource recovery centre"?

**MR HAGARTY:** Yes.

20 **MS McDONALD:** And then if we move down to the resolution, you can see:

"Purchase the property."

25 The intended use of the property is related to discharge of its domestic waste management function, and agrees that the purchase is financed by charges collected for that purpose. And then you can see \$5 million is coming from the current domestic waste management reserve. Approving borrowing of funds up to 32.7 million, and then an increase in the annual domestic waste management levy by an amount to fully service the loan.

30 **MR HAGARTY:** Yes.

**MS McDONALD:** Notes that an updated long-term financial plan is to be submitted to the Council on 14 December. And then a reference to seeking the loan from New South Wales Treasury Corporation concurrently with commercial banks.

35

**MR HAGARTY:** Yes.

**MS McDONALD:** And then if we continue, there's further resolutions about authorities and delegations. And then in 14:

40

"Keeps confidential this report."

And if you keep on going:

45 "Anticipated settlement will be by the end of March 2023."

And then we've got:

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

But underneath, it's got the division.

5

**MR HAGARTY:** Yes.

**MS McDONALD:** And you voted against it.

10 **MR HAGARTY:** Yes.

**MS McDONALD:** Why did you vote against it?

15 **MR HAGARTY:** For the reasons I've outlined earlier and what, sort of, came to be in this motion - that we started off as potentially spending \$25 million to purchase a site for a mechanic workshop and a wash bay. Where we ended up was purchasing a site for a waste and resource recovery centre, raising rates through the domestic waste levy, borrowing more money and going further into debt, and - you know, they were the main concerns for me.

20

And then overall, just the process. The fact that this had just come from a WhatsApp message and within the space of a few months we were off and running, going into more debt, raising rates. And then the other - the other major concern I had was that at no point were we allowed to inform the public of this. This was ratepayers' money - significant amount of ratepayers' money being expended on this, and at no point had we undertaken community consultation and told them what we were doing.

25

**MS McDONALD:** And there was a confidential report provided to the Council. If document LCC.004.005.1703 -

30

**COMMISSIONER:** Whilst that comes up, what did you have in mind by "community consultation" in this context? That is, the context of a council looking to purchase a property.

35 **MR HAGARTY:** So, yeah, you could - Council has a site called Liverpool Listens, and whenever - examples given before was Civic Place - when we're upgrading a park, when we were - most things - when a policy went out, it was, you know, "Here's something Council is considering. Give us your feedback." And given that it would have a significant impact on the people around that area, not to mention every ratepayer by putting their rates up, I think it was more than reasonable that it go out to community consultation and the people of Liverpool have their say on whether they thought this was a good idea or not.

40

**COMMISSIONER:** How do you balance that against the commercial sensitivities of - if one went out to consultation and said, "Council is looking at spending X on a property in the context of a commercial negotiation," on one view that might not be such a good idea. There needs to be a balance struck, do you agree?

45

5 **MR HAGARTY:** There needs to be a balance struck. But at no point - well, there was a reference made that, you know, there was a - I think there was an offer made for \$24.5 million - made for that property, but in my experience, especially when it comes to this property, it was effectively a - I guess a stranded asset.

10 So the - it previously operated as a bus depot. The company that operated that bus depot lost the contract about five or six years earlier. Another depot was built about three or four kilometres down the road, and it - it seemingly - its only, sort of, seeming use was as a bus depot. And, you know, I lived around the corner from there and I used to drive past there most days and I'd seen a series of signs out the front saying, you know, it was for lease or potentially for sale, and it just struck me that it had a very specific purpose, and I couldn't see what - who would buy it and for what purpose.

15 So you could - you could balance it there, that, you know - I'm not sure, sort of, what commercial advantage we would be, I guess, ruining there by going - we could do it in a way that didn't disclose the site. "Do you think Council should raise domestic waste levy?" "Do you think Council should buy a new depot?"

20 **COMMISSIONER:** Well, that - my question probably wasn't clear. Is it more general level rather than this in particular.

25 **MR HAGARTY:** Specifically that site, yes.

**COMMISSIONER:** But that's the sort of -

**MR HAGARTY:** Yes.

30 **COMMISSIONER:** - thing you're talking about.

**MR HAGARTY:** Yep.

35 **COMMISSIONER:** And another way to do that would be through publication of draft strategic plans from time to time as they're updated by the Council?

**MR HAGARTY:** Yes. Yes. So - yes.

40 **MS McDONALD:** That is not the document. I'm terribly sorry. Sorry, can you keep on going, down to page 7. There it is. Yes. This was the confidential report presented to Council?

**MR HAGARTY:** Yes.

45 **MS McDONALD:** And if you go down the page, you can see under the Executive Summary they identified the site as a former bus depot.

**MR HAGARTY:** Yes.

5 **MS McDONALD:** For a waste and resource recovery centre. And then you've got - it was advised that there was - an offer of 24.5 had been received. Owners wanted 25 million. And then the various due diligence of the two independent valuations. And then:

10 "A conditional offer of 24.75 million was made and has been accepted by the owner, subject to suitable contract terms being agreed and finalised."

**MR HAGARTY:** Yes.

15 **MS McDONALD:** And is it your understanding that that's ultimately what the property sold for?

**MR HAGARTY:** Yes. There were two valuations, and Council resolved to go for the higher end of the higher valuation.

20 **MS McDONALD:** Would you go through to page 15, please. They're the details of the vendor, Oliveri Transport Services Proprietary Limited.

**MR HAGARTY:** The owner.

25 **MS McDONALD:** Yes.

**MR HAGARTY:** Yep.

30 **MS McDONALD:** Did you know the Oliveris? Or that particular family of the Oliveris?

**MR HAGARTY:** I know of them. They - they operated the bus service. As I said, I lived, you know, not far from there and had spent a significant amount of my time catching buses run by the Oliveris.

35 **MS McDONALD:** And this Oliveri family, to your knowledge, was there a Frank Oliveri as part of the bus Oliveri family?

40 **MR HAGARTY:** There is a Frank Oliveri, but I - I've never been able to conclusively establish whether he was related to this Oliveri family.

**MS McDONALD:** All right. There's - at one stage within Liverpool was there, I think, a Frank Oliveri who was, like, the mayor?

45 **MR HAGARTY:** Sorry. Yes. Yes. So there's - there's quite a few Frank and - there's a few Oliveris with the same name.

**MS McDONALD:** All right.

**MR HAGARTY:** Yes.

**MS McDONALD:** And that Frank Oliveri was associated with the bus - buses?

5

**MR HAGARTY:** Yes. Yes.

**COMMISSIONER:** Sorry, the Frank Oliveri that was previously a councillor?

10

**MS McDONALD:** And mayor.

**COMMISSIONER:** And mayor.

**MS McDONALD:** Was associated with Oliveri Transport Services?

15

**MR HAGARTY:** Yes.

**COMMISSIONER:** Is that your understanding.

20

**MR HAGARTY:** Yes.

**MS McDONALD:** And in addition, you've referred to another Frank Oliveri.

**MR HAGARTY:** Yes.

25

**MS McDONALD:** And is he known through real estate?

**MR HAGARTY:** Yeah, he was on Fairfield Council, and he's - I think he's now in the real estate business. Or he is in the real estate business.

30

**MS McDONALD:** And when he was on Fairfield Council, did he represented a particular party?

**MR HAGARTY:** He was a member of the Liberal Party.

35

**MS McDONALD:** And do you recall when he was on Fairfield Council?

**MR HAGARTY:** I think up until 2016. And I don't know, but throughout most of the 2000s and up until 2016.

40

**MS McDONALD:** To about 2016?

**MR HAGARTY:** Yep.

45

**MS McDONALD:** All right.

**MR HAGARTY:** Could have been 2012, but, again - yeah, it was before my time on Liverpool Council.

5 **MS McDONALD:** All right. And one aspect that I didn't close off in the lead-up to - no, no. Sorry. In May 2023, 9 May, the probity report was produced. Do you recall that Councillor Kaliyanda's amendment to the motion was for some kind of probity officer to be appointed?

10 **MR HAGARTY:** Yes.

**MS McDONALD:** And that led to O'Connor Marsden being appointed?

**MR HAGARTY:** Yes.

15 **MS McDONALD:** And they produced a report in May 2023.

**MR HAGARTY:** I - I don't recall the -

20 **MS McDONALD:** All right.

**MR HAGARTY:** - date it was produced, but yes.

**MS McDONALD:** Can you bring up LCC.004.01 -

25 **MR EMMETT:** Can I rise to my feet -

**COMMISSIONER:** Yes.

30 **MR EMMETT:** - before it comes up, to say I'm told there - a privilege claim should be made - well, the same - on the same basis, we anticipate a privilege claim in relation to it. So before this horse bolts, I should rise to my feet.

**COMMISSIONER:** Yes.

35 **MR EMMETT:** Even so far as this - people within this room are concerned.

**MS McDONALD:** Could you excuse me for a minute.

40 **MR EMMETT:** Can I just ask this: Could page 3 of this document not be live streamed or not be referred to? And I anticipate a claim will be made over that.

**COMMISSIONER:** Yes.

45 **MR EMMETT:** The balance of the document there's no difficulty with. And noting the time, it may be that we can - we can then resolve -

**COMMISSIONER:** All right.



**MR EMMETT:** - everything in - should page 3 be necessary in - should any part of page 3 be necessary, hopefully we can address that at 2 o'clock.

5 **COMMISSIONER:** Okay, Ms McDonald's heard that. Are you going to page 3?

**MS McDONALD:** No, I wasn't.

10 **COMMISSIONER:** All right. So -

**MR EMMETT:** I'm grateful.

**COMMISSIONER:** - just when we're scrolling through the document, Madam Operator, we will go to the pinpoint rather than do the usual scroll-through on the screen, so that Mr Emmett's claim can be not inadvertently trampled on.

**MS McDONALD:** Excuse me for a minute.

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

**MS McDONALD:** Sorry. I think we're about to bring up the first page, which is LCC.004.014.2581. And I'll just show you the first page. You can see it's "O'Connor Marsden & Associates"?

25 **MR HAGARTY:** Yes.

**MS McDONALD:** You can see the date, 9 May 2023?

30 **MR HAGARTY:** Yes.

**MS McDONALD:** And then:

"Probity report. Purchase of 600 Cowpasture Road, Len Waters Estate."

35 **MR HAGARTY:** Yes.

**MS McDONALD:**

40 "O'Connor Marsden engaged to provide probity services."

Purpose is to:

45 "Provide Council with a retrospective probity review of the negotiations and due diligence activities associated with the purchase of 600 Cowpasture Road."

Then it says:

5 "This probity report covers the period from 24 August 2022, the date of OCM's engagement to the date of this report, and is based solely on the review of records provided by Council as identified in this report. In providing this report, OCM wasn't attending any meetings or provided oversight of the due diligence and negotiation activities for the proposed purchase of the site."

**MR HAGARTY:** Yeah. So from the date of the urgency motion to increase the due diligence amount.

10 **MS McDONALD:** And we've seen - there's been some evidence in respect of other projects that occasionally a probity officer is brought in quite early and, kind of, attends meetings and is an inherent part of -

15 **MR HAGARTY:** Yes.

**MS McDONALD:** - the process.

**<THE HEARING ADJOURNED TO PRIVATE SESSION AT 12.56 PM – ON  
28 AUGUST 2025 THE COMMISSIONER VACATED ORDERS THAT THIS  
PORTION OF THE TRANSCRIPT IS SUBJECT TO 12B OF THE *ROYAL  
COMMISSIONS ACT 1923***

**MS McDONALD:** Here, as outlined in those paragraphs, it seems O'connor Marsden was a more limited role, in that they were reviewing documents and other information that was provided to them.

**MR HAGARTY:** Correct.

**MS McDONALD:** Now, I want to go to page 5, please.

**COMMISSIONER:** Straight ahead. There we go. Thank you, Madam Operator.

**MS McDONALD:** If we can go right - this is under a heading - a section headed Work Performed. And if we can go down to page - paragraph 7:

"OCM has not been made aware of any interests or associations which have been disclosed by individuals involved in the negotiations for the purchase of the site. It was confirmed from review of council minutes that no conflicts were disclosed by any councillors in relation to any parties involved in the negotiations."

Sorry, if we go to the next page. And then there's:

".. the one non-pecuniary interest disclosed by a councillor."

And you can see the reference there, that was -

**MR HAGARTY:** That was me.

**MS McDONALD:** That's a reference to you.

**MR HAGARTY:** Correct.

**MS McDONALD:** All right. And then the summary is that the report finds that:

"With reference to our services, scope and methodology, no material breaches of probity have been identified in relation to the purchase."

**MR HAGARTY:** Yes.

**COMMISSIONER:** Sorry, just for my benefit, this was May 2023, this report was produced?

**MS McDONALD:** Yes.

**COMMISSIONER:** And the council resolution to actually proceed with the purchase was November 2022?

5 **MS McDONALD:** Yes. Yes. And if we could then go to document LCC.004.005.1662.

**COMMISSIONER:** Whilst that's coming up, Mr Hagarty, was that probity report given back to Council? Or is that where you're going next?

10 **MS McDONALD:** I'm just - I'm going to why it's that date.

**COMMISSIONER:** I see. All right. You'd seen it before?

15 **MR HAGARTY:** Yes.

**COMMISSIONER:** And it was reported to Council at some future meeting?

**MR HAGARTY:** Yes.

20 **MS McDONALD:** You may not have seen - I'm sorry. Yes, you can. This is the contract for the sale and purchase of the land. You can see there the vendor or the seller being Oliveri Transport Services?

25 **MR HAGARTY:** Yes.

**MS McDONALD:** 600 Cowpasture Road.

**MR HAGARTY:** Yep.

30 **MS McDONALD:** Vendor's agent, Colliers International.

**MR HAGARTY:** Yes.

35 **MS McDONALD:** And date for completion was four months after the contract date. And so if you move down the page, you can see contract date was 12 May 2023.

**MR HAGARTY:** Yes.

40 **MS McDONALD:** And then the price was, as you've identified, just above that, the twenty-four thousand seven hundred and fifty thousand dollars.

**MR HAGARTY:** 24 million.

45 **MS McDONALD:** Sorry, 24 million.

**MR HAGARTY:** 750,000.

**MS McDONALD:** Was a bargain. Should have bought it. Sorry. So - sorry.

5 **MR EMMETT:** I do need - so - and this may be somebody else's interests, which is why - there is a special condition, I gather, in this clause that the - as to - that the terms of the contract be confidential. I don't know how broad that is.

**COMMISSIONER:** Okay. Well, the price has been mentioned -

10 **MR EMMETT:** Many times, so it -

**COMMISSIONER:** - many times since now, so we're -

15 **MR EMMETT:** So it's -

**COMMISSIONER:** So far so good, I hope. Are we going into this any deeper than this, Ms McDonald?

20 **MS McDONALD:** I think there's a particular clause I was going to raise.

**COMMISSIONER:** I see.

25 **MR EMMETT:** Just have to keep scrolling. Sorry. Commissioner, in fairness, I do need to ask that the - apply for the live stream to be cut as far back as it can, and I'll articulate the basis. May well be that the appropriate decision is to release it all, but I do need to make that application.

30 **COMMISSIONER:** All right. Yes. Take it back as far as we can. That has been done.

**MR EMMETT:** I'm grateful. If I can articulate it - and, Commissioner, if you have the - in this room, I see no difficulty with this.

35 **COMMISSIONER:** All right.

**MR EMMETT:** If I take the - I note the time. I can deal with this now or at 2 o'clock, whenever is more convenient.

40 **COMMISSIONER:** Let's deal with it now so we can keep things moving.

**MR EMMETT:** Page 31.

**COMMISSIONER:** 31?

45 **MR EMMETT:** Yes. It's condition 57. Now, as you say, the sale price appears to be in the public domain, so it's hard to see how that could be confidential.

**COMMISSIONER:** Yes.

**MR EMMETT:** The balance of it - it is a confidentiality that the vendor has an interest in as well.

5

**COMMISSIONER:** Yes.

**MR EMMETT:** And so that's why I say it's not - it's not simply something that I can address on behalf of the Council and say, well, as far as the Council is concerned, it may have been confidential but the public - this public inquiry overrides that confidentiality. The concern I have is that there's the interest of a third party who hasn't been heard in relation to it.

**COMMISSIONER:** All right. I'm prepared to deal with it in a practical way, but whilst I might not have the power to abrogate legal professional privilege and the like, can I not compel an answer that might be a matter of commercial confidence?

**MR EMMETT:** Yes, you can. And so this is not a question of power. This is a question of procedural fairness -

20

**COMMISSIONER:** Fairness.

**MR EMMETT:** - to that counterparty that has an interest in it.

**COMMISSIONER:** And can that question of fairness be dealt with by dealing with this in private in the short-term?

**MR EMMETT:** Yes.

**COMMISSIONER:** How deep into the terms are we going, Ms McDonald?

**MS McDONALD:** Well, I wanted to raise that because Mr Hagarty has already raised his concern about the secrecy with this purchase.

**COMMISSIONER:** All right. How long do you think you'll need to deal with this particular issue?

**MS McDONALD:** I'll probably - in concluding this part, probably be about another 10 minutes.

40

**COMMISSIONER:** All right. Why don't we - if it's not inconvenient to anyone who may have scheduled their lives around a 1 o'clock adjournment, we proceed to finish this issue in private rather than come back and go back into private and the like - unless that poses anyone any particular difficulty, I think we'll close this issue off. And then, to the extent this needs to be dealt - returned to in some other way, we can address Mr Emmett's concern, which I think is a valid one.

45

5 All right. I haven't done this, but from the moment we cut the live stream, I direct that this part of the hearing be - pursuant to section 12B of the Royal Commissions Act, be considered to have been and continue in private, and the transcript not be published otherwise than in accordance with the usual direction. And we'll proceed until we've finished this topic - this issue.

**MS McDONALD:** Mr Hagarty, do you recall, after the November council meeting, where there was - the resolution to purchase the property was passed by majority?

10 **MR HAGARTY:** Yes.

**MS McDONALD:** Do you recall around - excuse me for a minute - in some time in May 2023 receiving an email from the CEO, John Ajaka, about the sale?

15 **MR HAGARTY:** Yes. We received an email saying that contracts had been exchanged and that the details of the purchase were still confidential.

20 **MS McDONALD:** I'll just take you to - if can I bring up an email from Mr Ajaka dated - sorry, LCC.004.014.2580. Now, this appears to be not the email that you've just referred to, but you can see the subject is 600 Cowpasture Road, Hoxton Park.

**MR HAGARTY:** Yep.

25 **MS McDONALD:** And primarily this is about the probity report.

**MR HAGARTY:** Yes.

**MS McDONALD:** But can you see, towards the bottom of that email:

30 "Accordingly, I advise that an exchange of the binding contract for sale is currently planned for Thursday 11 May."

**MR HAGARTY:** Yes.

35 **MS McDONALD:** And I'd taken you to the first page of the contract for sale, which was dated 12 May -

**MR HAGARTY:** Yes.

40 **MS McDONALD:** - 2023. The email that you received from Mr Ajaka about confidentiality, did that postdate the proposed exchange of emails - not emails, sorry - contract of sale earmarked for 11 May but actually occurred on 12 May?

45 **MR HAGARTY:** From - from memory, yeah, there was an email from Mr Ajaka saying that contracts had been exchanged, so that - I can't remember the exact dates, but let's assume contracts were exchanged on the 11th. And, you know, we probably got an email either on the 11th or the 12th from Mr Ajaka saying contracts had been

exchanged and reminding councillors that there was still, you know, confidentiality over the whole thing.

5 **MS McDONALD:** All right. Was the confidentiality - the source of the confidentiality, was it identified as a term in the contract for sale?

10 **MR HAGARTY:** Yeah, I think there was a - there was a reference made - yes, there was a term in the contract saying, you know - basically copy/pasted into the email, saying, as per the - as per the - you know, the contract, here's a condition around confidentiality.

15 **MS McDONALD:** All right. In your experience as a councillor, where there is, for example, a proposed purchase of property or land by the Council, it generally is kept confidential for a period of time?

**MR HAGARTY:** Correct.

**MS McDONALD:** And I think you gave some evidence about that earlier.

20 **MR HAGARTY:** Yes.

**MS McDONALD:** In your experience, where the contract had been completed - so money paid over, title in the property now vested in the Council - had you come across any ongoing confidentiality requirements that prevented you informing the public about the purchase of the property?

30 **MR HAGARTY:** No. And when I got that email, it's fair to say I was extremely unhappy. And I - either later that day or the next day I sent an email to Mr Ajaka expressing my displeasure, and I think Mr Ajaka called me the day after and we - in the morning and we had a - what can best be described as a very heated phone conversation, and I guess the crux of my issue there was that, you know, as per a - as per a condition in the contract of sale, this is being kept confidential, and my argument to him was, well, we negotiated that contract. We could have negotiated that clause out. You know, we've effectively rolled over - or, who knows, we may have put it in to keep this confidential. And I had been raising since the - you know, very early in the process that there was a need to engage residents and ratepayers on this process.

40 **MS McDONALD:** During these conversations with Mr Ajaka, did he raise with you why it was included or why the Council agreed to the inclusion of that confidentiality term?

45 **MR HAGARTY:** Not to my recollection. You know, the - I think the - from his point of view, you know, I was - I was being - I think his view was that I was being unreasonable, and he - you know, he gave words to the effect that, you know, he's had - he was, sort of, sick of me or he'd had enough of me, you know, sort of doing



this kind of thing. And I think that was a reference to the fact that I can be very persistent and tenacious and -

5 **MS McDONALD:** But what I'm interested in is, at any time, was a justification put forward for that confidentiality term?

**MR HAGARTY:** Not that I can - not that I can recall, but there may have been. As I said, it was a very heated conversation and at multiple points in that conversation we were screaming at each other.

10 **MS McDONALD:** Ultimately - so that all occurs around May 2023. Is it the case that in about October 2023 the purchase was finally acknowledged by the Council?

**MR HAGARTY:** Yeah. So from May to October, I know a number of councillors, including myself, were trying to get this disclosed to the public so that we could actually alert residents and ratepayers to the fact that we had just spent upwards of, you know, 36, 37 million dollars purchasing a site that had no strategic alignment, would put up rates, et cetera. And I think it may have been Councillor Harle, but a councillor had put questions with notice in the October meeting, saying, you know, where are we at with the purchase of 600 Cowpasture Road, and that was - it was put in - you know, there were answers given in the public part of the Council document. So that - to my knowledge, that was the first time at which that whole thing was made public.

25 **MS McDONALD:** And that was when the purchase of that particular property was revealed?

**MR HAGARTY:** Yes.

30 **COMMISSIONER:** Whilst we're in private, can I just get this into my mind.

**MS McDONALD:** Yes.

35 **COMMISSIONER:** Resolutions to commence - the resolutions to the - commence the due diligence process, did that identify the property or was it expressed in a general way?

**MS McDONALD:** My recollection is it was in a general way.

40 **COMMISSIONER:** I see. And -

**MS McDONALD:** Something like "purchase of a new depot".

45 **COMMISSIONER:** And the same for the resolution to purchase - was it general rather than, "We're purchasing 600" -

**MR HAGARTY:** Yeah, no specific address was -

**COMMISSIONER:** All right.

**MR HAGARTY:** Yep.

5

**MS McDONALD:** "Due diligence", for example - sorry.

**MR HAGARTY:** Yeah, yeah.

10 **MS McDONALD:** "Due diligence for potential depot site."

**COMMISSIONER:** All right. And in answer to one of counsel assisting's questions, you said that - leaving aside particular descriptions or otherwise, but Mr Ajaka was frustrated with you and said something about you doing this all the time or - did I hear you correctly?

**MR HAGARTY:** Yeah. So tensions between Mr Ajaka and myself had been building because there was this issue and there were a number of other issues where I felt Council wasn't acting appropriately or the mayor wasn't acting appropriately, and every - you know, almost every time it happened, you know, it sort of fell on my shoulders to be the one that sent the email or raised the concern. And I was, you know, very persistent about that, and I think this was the straw that broke the camel's back, and he effectively snapped at me. And as I said, we had a very heated phone call where we, you know, for the most part screamed at each other for several minutes.

**COMMISSIONER:** All right. And was there - your concerns about adherence to process and procedure?

30 **MR HAGARTY:** Yeah. So one example was Council was considering a planning proposal for a site on the Georges River on the Wednesday. On the Monday there was a site visit. And while at the site visit, the mayor decided he would live stream from his Facebook post about - speaking in a positive manner about the proposal. And again, I found that inappropriate, given it was coming to Council in two days. So there had been a couple of examples of that. There had been other issues in meetings where either the mayor or other councillors hadn't been acting appropriately, and every time it happened I either fired an email off to the CEO or to the OLG. And to my frustration, the - you know, when I - the process was that when I sent it to the OLG, they would send it straight to Mr Ajaka because the process was - the code of conduct process was in the first instance it has to be looked at by the CEO.

**COMMISSIONER:** What about - so there are a couple of examples of councillor interactions and councillor conduct. What about the adherence to process and procedure by the Council organisation itself? Did you have any concerns about that?

5 **MR HAGARTY:** Yeah, and that was part of it. And I can't remember the exact wording of the email, but the email that sparked this conversation was my frustration with the fact that Council wasn't adhering to what I believe was an appropriate process - to go out to the community and undertake community consultation about whether they wanted their rates to go up, whether people wanted a waste and resource recovery across the road from where they lived, and whether Council should go further into debt to purchase the site.

10 **COMMISSIONER:** Any other examples of the Council organisation - adhering to processes and procedures that you can recall?

15 **MR HAGARTY:** Not that I can recall, but if you were to go through council documents, almost every month there was a question with notice or a notice of motion from myself or one of the other councillors, raising concerns.

**COMMISSIONER:** That was how you would raise concerns of that kind? Was to -

**MR HAGARTY:** Yes.

20 **COMMISSIONER:** Question with notice.

**MR HAGARTY:** Yep. Either - you know, sometimes through an email, to get some initial answers, and then we'd put up a question with notice or a notice of motion, to make sure it was documented and minuted in a council meeting.

25 **COMMISSIONER:** And was there ever an explanation given to you that you can recall about why it took from May to - you say September? September or October.

30 **MR HAGARTY:** October.

**COMMISSIONER:** October, was it?

**MR HAGARTY:** October, yeah.

35 **COMMISSIONER:** October for the Council to be able to acknowledge this purchase.

**MR HAGARTY:** No.

40 **COMMISSIONER:** Publicly?

**MR HAGARTY:** No.

45 **MS McDONALD:** And it was only acknowledged through utilisation of notices on motion?

**MR HAGARTY:** Yes. So, sort of, you know, using - using the process to fish it out, so to speak.

**COMMISSIONER:** All right. Does that conclude that topic?

5

**MS McDONALD:** Yes.

**COMMISSIONER:** All right. Should we come back slightly earlier than the hour or do you need the hour? Counsel always needs the hour, I know. Just wondering how we're going for time.

10

**MS McDONALD:** Sorry, could we come back at five past?

**COMMISSIONER:** Yes. All right.

15

**MS McDONALD:** Thank you.

**COMMISSIONER:** I'm sorry it's a bit stop-start, Mr Hagarty, but there's a number of interests at play that I need to balance from time to time, and you - unfortunately, in your evidence a few have come up this morning. So I apologise for that. We'll come back - we will take lunch now.

20

**MR HAGARTY:** Yep.

**COMMISSIONER:** And we'll resume at five past 2. Thank you.

25

**<THE HEARING ADJOURNED AT 1.18 PM**

**<THE HEARING RESUMED IN PRIVATE SESSION AT 2.14 PM**

30

**MS McDONALD:** Commissioner, there's a document we located over the lunch break which is relevant to the evidence given immediately before we took the lunch break. Could we continue in the closed session? Just to show Mr Hagarty this email. And as soon as we've done that, we can move back to open session.

35

**COMMISSIONER:** Yes. We're still in private, Operator? Yes.

**MS McDONALD:** Would you bring up OLG.001.001.1789, please. Mr Hagarty, if you have a look at that document, can you see it's an email from John Ajaka on 15 May to LCC Councillors, "Re 600 Cowpasture Road."

40

**MR HAGARTY:** Yes.

**MS McDONALD:** And if you look at the substance of the email, contracts have been exchanged, there's going to be settlement by a certain date, and then:

45

"Please note that the contract prevents Council from disclosing the sale price of the contract or its commercial terms except in a limited set of circumstances."

**MR HAGARTY:** Yes.

5

**MS McDONALD:** And then it sets out that clause 57.

**MR HAGARTY:** Yes.

10 **MS McDONALD:** And when you gave evidence before the lunch break about some email from Mr Ajaka alerting you and other councillors to clause 57 of the contract, is this the email that you were referring to?

**MR HAGARTY:** Yeah, this is the email.

15

**MS McDONALD:** All right.

**COMMISSIONER:** We can return to public?

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

**COMMISSIONER:** Yes. Thank you. Operator, we'll return to public session.

**MS McDONALD:** Excuse me for a minute.

25

**<THE PRIVATE SESSION CONCLUDED AT 2.16 PM**

**<THE HEARING RESUMED AT 2.16 PM**

**COMMISSIONER:** Yes, we've returned to public session.

5 **MS McDONALD:** Now, Mr Hagarty, I want to turn to a different topic, and the topic is proposals or announcements concerning Hammondville Pool, which might also be known as Moorebank Pool.

**MR HAGARTY:** Yes.

10

**MS McDONALD:** Can you just assist me, to begin with - I want to bring up an aerial shot, which is contained in INQ.035.001.0001. And it's page 17. And this can be live streamed. This might not work on the screen, but we'll see how it appears.

15

**MR HAGARTY:** Sure.

**MS McDONALD:** INQ.035.001.0001. Apparently it's MFI11.

**COMMISSIONER:** Big map. Which page, Ms McDonald?

20

**MS McDONALD:** Page 17.

**COMMISSIONER:** I can just hand Mr Hagarty a copy.

25

**MS McDONALD:** Yes, I've got - I think I should have a spare copy.

**COMMISSIONER:** Yes, I'll hand -

**MS McDONALD:** No, no, no, I've -

**COMMISSIONER:** You've got one?

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

**COMMISSIONER:** There it is.

10 **MS McDONALD:** Terrific.

**COMMISSIONER:** Would you like a larger copy, Mr Hagarty? As you would have seen, we have some, so we can give that to you.

15 **MS McDONALD:** Are you okay with that?

**MR HAGARTY:** Yes.

20 **MS McDONALD:** Now, we've had some evidence about Moorebank Sports Club and the sale of two lots of land to the club.

**MR HAGARTY:** Yes.

25 **MS McDONALD:** I want to focus on something different, to begin with - the question of pools within this particular area.

**MR HAGARTY:** Mm-hmm.

**MS McDONALD:** At the moment, there is an aquatic centre?

30 **MR HAGARTY:** Yes. Just on the far left of the map, in the middle there.

**MS McDONALD:** And if you go to the far left, where you've got Holsworthy Aquatic Centre -

35 **MR HAGARTY:** Yes.

**MS McDONALD:** That's what you're referring to?

40 **MR HAGARTY:** That's - yes.

**MS McDONALD:** But at the moment, if you go from the aquatic centre, you get to Heathcote Road. And then across Heathcote Road there is that kind of sport area, open area.

45 **MR HAGARTY:** Yep.

**MS McDONALD:** Which is a combination of cricket grounds, ovals, soccer clubs, soccer fields, et cetera.

**MR HAGARTY:** Yep.

5

**MS McDONALD:** And also on - kind of on Heathcote Road, or just slightly away from it, is the Moorebank Sports Club.

**MR HAGARTY:** Yes.

10

**MS McDONALD:** Okay. If we - that can be put down for the minute.

**COMMISSIONER:** What's down the bottom right-hand corner of that image, Mr Hagarty? Do you know what -

15

**MR HAGARTY:** Where all that construction work's taking place or -

**COMMISSIONER:** Yes. I just wondered whether you knew what it was, that's all.

20

**MR HAGARTY:** No, not sure what that is.

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

**MR HAGARTY:** Yep.

25

**MS McDONALD:** Excuse me for a minute. Do you recall around February 2022 a report was provided to the Council, written by Warren Green Consulting, concerning Liverpool Aquatic and Leisure Centre Provision, Implementation and Priority Plan?

30

**MR HAGARTY:** Yes.

**MS McDONALD:** Would document INQ.001.001.1113, at page 27, be brought up. And that can be live streamed. Page 27. So that's the front page.

35

**MR HAGARTY:** Yep.

**MS McDONALD:** And then if we can go through to page 30, under Executive Summary, the first section I want to take you to has the heading Existing Aquatic and Leisure Facility Provision.

40

**MR HAGARTY:** Yes.

**MS McDONALD:** And there's a reference to the four major aquatic and leisure facilities, and there are four listed there, the first one being the Holsworthy Aquatic Centre.

45



**MR HAGARTY:** Yes.

**MS McDONALD:** Which I've just - you've identified on the map.

5 **MR HAGARTY:** Yes.

**MS McDONALD:** Then there's a reference underneath that to the Aquatic and Leisure Centre Strategy. Do you see that?

10 **MR HAGARTY:** Yep.

**MS McDONALD:** If we go down to the bottom of the page, under the dot point "Holsworthy Aquatic Centre Feasibility Study", you've got:

15 "Short-term, prepare a dilapidation report and probable cost to upgrade. Undertake minor accessibility works. Conduct a feasibility study of alternative sites in the east."

**MR HAGARTY:** Yes.

20 **MS McDONALD:**

"Investigate funding options and potential development partners and include dialog with current operators."

25 Then you will see:

"Longer term, prepare and design a management plan for an alternative site. Negotiate with potential partners to provide a capital contribution to a redevelopment of the existing facility with potential health and fitness and/or indoor sport  
30 activities."

**MR HAGARTY:** Yes.

**MS McDONALD:** And if you jump across to page 31, under the heading Direction  
35 Based on Current Council Planning -

**MR HAGARTY:** Yes.

**MS McDONALD:** - you can see there there's an identification of facilities are  
40 ageing and underutilised assets:

"In response to this, Council has progressed development of three Masterplans for the city, being Woodward Place (Whitlam Leisure Centre), Carnes Hill stage 2 and the Miller Social Infrastructure Masterplan (Michael Clarke Aquatic Leisure  
45 Centre)."

**MR HAGARTY:** Yes.

5 **MS McDONALD:** And each of these Masterplans has been adopted by Council and distributed for community consultation. And then if you jump - then in the next paragraph they're talking about two contribution plans for the Austral and North Leppington area and the Aerotropolis precinct.

**MR HAGARTY:** Yes.

10 **MS McDONALD:** And then if you go to page 33, under Key Recommendations, in respect of Holsworthy, they say:

"It is noted that while a review is ongoing there may be the potential for a sale of the centre and this should be further explored."

15 **MR HAGARTY:** Yes.

**MS McDONALD:** And then across on the page 34 - this is under Undertake Feasibility Studies. You've got (d):

20 "Based on projected population growth in the areas of Holsworthy and Hammondville, a detailed feasibility study should also be undertaken to ensure there is appropriate aquatic and leisure provision for the community."

25 And it's got a medium priority.

**MR HAGARTY:** Yes.

30 **MS McDONALD:** And then if we jump to page 91, right down the bottom - again, it's dealing with Holsworthy Aquatic Centre. Projected strong population growth, demand for aquatic and leisure, provision for areas of Holsworthy and Hammondville. Then:

35 "Council is recommended to consider a future delivery model, with facilities to include a program pool, lap pool."

Et cetera.

**MR HAGARTY:** Mm-hmm.

40 **MS McDONALD:** And then if you go across the page:

"Again, while a review of options is ongoing there may be the potential for sale of the centre."

45 And then:

"The revenue from a sale could be then allocated towards other community assets."

And then:

5 "A feasibility study is recommended to inform faculty components and community needs and demand."

**MR HAGARTY:** Yes.

10 **MS McDONALD:** Now, from those extracts of this report that I've taken you to - sorry, there was something else. What is earmarked is that you've got an aquatic centre at Holsworthy. The projection of population growth means that it may not be able to cater for the growing population. The suggestion is you look for some kind of replacement, and what it's suggesting is a feasibility study to look at what options there are for that Holsworthy area and aquatic centre.

15

**MR HAGARTY:** Yes.

**MS McDONALD:** Now, that report was considered at the council meeting of 27 April 2022?

20

**MR HAGARTY:** Yes.

**MS McDONALD:** And if we can bring up LCC.014.002.0778. Yes. And you can see this is the community and culture report.

25

**MR HAGARTY:** Yep.

**MS McDONALD:** Aquatic and Leisure Centre provision.

30 **MR HAGARTY:** Yep.

**MS McDONALD:** And if you turn to page 2, you've got the recommendation, receives and notes the report by Warren Green consultancy. Adopts the guiding principles contained in the Warren Green report for the development of future aquatic centres, and direct the acting CEO, et cetera, to develop an implementation plan for the aquatic centre development based on those recommendations.

35

**MR HAGARTY:** Yes.

40 **MS McDONALD:** Now - and just to give some more context in respect of that, at the Council meeting of 2 February 2022 - and if you can bring up the minutes of the ordinary meeting, LCC.005.002.1619. And that can be live streamed. 2 February 2022. How about we try INQ - yes, INQ.001.001.0953. Thank you. Can you see that's the minutes of the ordinary meeting held on 2 February?

45

**MR HAGARTY:** Yep.

**MS McDONALD:** And if we go through to page 28 - I think this is under the heading of the - the 100-day plan that the mayor, Mr Mannoun, went to the community with.

5 **MR HAGARTY:** The 100-day plan, yes.

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

10 "Start the process for a development application to be prepared for the following swimming pool projects."

And (b) we've got a swimming pool to replace the Holsworthy swimming pool.

15 **MR HAGARTY:** Yes.

**MS McDONALD:** And in April, you've got a consideration of the Warren Green consultancy report, which is saying in respect of Holsworthy there should be a feasibility study, et cetera, undertaken.

20 **MR HAGARTY:** Yes.

**MS McDONALD:** To your knowledge, was a feasibility study undertaken?

25 **MR HAGARTY:** I can't recall.

**MS McDONALD:** Now, are you also aware around July 2022 the State Government invited applications for grants under a scheme known as the WestInvest Community Project?

30 **MR HAGARTY:** Yes.

**MS McDONALD:** And did you know that one of the applications was for a Moorebank aquatic centre?

35 **MR HAGARTY:** Yes. From memory, we had a couple of workshops. And it may have come to a council - for endorsement by Council which projects we would put forward. Yep.

40 **MS McDONALD:** But ultimately, that application for a grant was rejected?

**MR HAGARTY:** Yeah. Correct.

45 **MS McDONALD:** Now, if we jump to March 2023, you've got the election for State Government occurring.

**MR HAGARTY:** Yes.

**MS McDONALD:** During that time, was there some announcement by Mr Mannoun about a pool either at Hammondville or Holsworthy?

5 **MR HAGARTY:** Yeah. So on or about 17 March the mayor made an announcement with the Liberal candidate for Holsworthy, Tina Ayyad, who happens to be his wife, which included Council committing 20 - I think it was 20, 28 million dollars towards a pool in the area. I think at Hammondville.

10 **MS McDONALD:** Could document INQ.011.001.0003 be brought up.

**ASSOCIATE:** (Indistinct).

15 **MS McDONALD:** Yes, please. Now, I think this is the Liberal Party announcement about it?

**MR HAGARTY:** Yes, this looks like a media release from the Liberal Party.

20 **MS McDONALD:** And which refers to a 21.8 million commitment from the Perottet Liberal Government?

**MR HAGARTY:** Yes.

25 **MS McDONALD:** And then if you go to, if we can bring up INQ.011.001.0005, this is from the Sydney Morning Herald. You can see the headline:

"Liberal Party couple promised to build a new pool."

**MR HAGARTY:** Yes.

30 **MS McDONALD:** :

"Then the questions started."

35 . You can see there, if we can move it a bit:

"A liberal mayor who backed his wife's bid to become a party candidate in south-west Sydney has promised his Council and the coalition would jointly fund a \$50 million sports facility despite the commitment not being put to councillors."

40 Then you can see in the next paragraph:

45 "Liverpool mayor Ned Mannoun joined his wife and liberal candidate for Holsworthy, Tina Ayyad last week to commit \$28 million in Council's funds for a state-of-the-art precinct in the electorate if the coalition is returned to government next Saturday."

**MR HAGARTY:** Yes.

5 **MS McDONALD:** What I want to turn is the promise of a commitment of \$28 million of funds in council funds to build this pool. Did you know about this proposal before it was made on, I think, 17 March and then appeared in the Sydney Morning Herald on the 18th?

**MR HAGARTY:** No.

10 **MS McDONALD:** The various - I've taken you to the Green Consulting report, which identified the need for an upgrade to the old Holsworthy pool and then eventually some kind of replacement.

**MR HAGARTY:** Yep.

15 **MS McDONALD:** But the suggestion for a feasibility study and for it to be further looked at - to your knowledge, had that groundwork of a feasibility study been undertaken by 18 March?

20 **MR HAGARTY:** Not to my knowledge, no.

**MS McDONALD:** To your knowledge, had any other councillors been informed before 17 March of this proposal to commit \$28 million in council funds?

25 **MR HAGARTY:** No. And I think there's a reference in this article where the journalist puts the question to Liberal councillor Mazhar Hadid, who knew nothing about it either.

**MS McDONALD:** If you go to page 2, you can see the entry that:

30 "Mannoun's funding pledge has been called into question by fellow Liverpool councillors, who say no such figure has been discussed or assessed by Council."

And a reference to the Liberal deputy mayor Mazhar Hadid, who said:

35 "The first I'm hearing of it."

**MR HAGARTY:** Yes.

40 **MS McDONALD:** And the 28 million, does that mean in the current budget that the Council was operating under there was no provision or no reference to that?

**MR HAGARTY:** No. So at no point had the Council resolved to allocate any money for the construction of a pool at Hammondville Council, let alone \$28 million.

45 **MS McDONALD:** And by March 18, the councillors are going under - or proceeding - I'm sorry, I'll start that question again. By mid-March 2023, work is being done on the budget for the next year?

**MR HAGARTY:** Yeah. Well, yes, there would have - work would have been starting on the budget, yep, by that time.

5 **MS McDONALD:** And at times there's briefings, consultation with the councillors?

**MR HAGARTY:** Yeah. At the very least there's a quarterly budget review. So every three months.

10 **MS McDONALD:** And at any point up until March 18 had anything been raised about identification of funding and where the funding would come from for 28 million to contribute to a pool at Holsworthy?

15 **MR HAGARTY:** Well, I'll refer to my previous answer, that there was no resolution of Council committing \$28 million to a pool at Holsworthy or Hammondville.

**MS McDONALD:** I just want to ask you some questions on a different topic, which is broadly appointment and then termination of CEOs.

20 **MR HAGARTY:** Yep.

**MS McDONALD:** And what I wish to focus on is, really, procedures that are adopted when that issue arises within Council.

25 **MR HAGARTY:** Yes.

**MS McDONALD:** All right. Now, when you were a councillor from 2016, one of the CEOs of Council at that time was Eddie Jackson?

30 **MR HAGARTY:** Yes.

**MS McDONALD:** And Eddie Jackson remained as the CEO for the election in 2021 and up until, I think, the first council meeting in February 2022?

35 **MR HAGARTY:** Yes.

**MS McDONALD:** I don't - before the inquiry there are documents which are Dr Jackson's performance review for 2021.

40 **MR HAGARTY:** Yes.

**MS McDONALD:** You sat on the review committee?

45 **MR HAGARTY:** I did.

**MS McDONALD:** And I can take you to them if you wish, but, basically, Dr Jackson received an average rating of - over three performance review sections, of 8.3 out of 10.

5 **MR HAGARTY:** Yeah. I remember it was a pretty good performance review.

**MS McDONALD:** There was a report noting positive feedback about him and acknowledgement that the organisation was responding well under his leadership?

10 **MR HAGARTY:** Yes.

**MS McDONALD:** And the Council recommended a performance-based increase to his package of about two per cent?

15 **MR HAGARTY:** Yes.

**MS McDONALD:** And your experience with Dr Jackson during that period he was CEO, what was your view of him?

20 **MR HAGARTY:** Well, as part of the performance review - I thought he was doing very well. Staff were responding well. Eddie had a very good strategic brain and - in both his application for the role and at the performance reviews, he had set out very clear, you know, strategic pillars and things he wanted to achieve and - and that's what we were assessing him on, and he was making significant progress in that  
25 regard.

**MS McDONALD:** Now, can I take you to the council meeting of February 2022. Just excuse me for a minute. Excuse me for a minute. Could document  
30 INQ.001.001.0953 be brought up. These are the minutes of the ordinary meeting held on 2 February 2022?

**MR HAGARTY:** Yep.

35 **MS McDONALD:** And if you go through to page 55, can you see there's a mayoral minute?

**MR HAGARTY:** Yes.

40 **MS McDONALD:** Where there's an acknowledgement of the contributions, capabilities of the CEO, and then notes:

"The current CEO's contract will expire on 30 November 2025."

And then:

45

"Terminate the CEO's contract from 11 February 2022."



**MR HAGARTY:** Yes.

**MS McDONALD:** And then:

- 5 "Direct the mayor to enter into direct negotiation with the CEO to formally agree on a deed of settlement amount."

**MR HAGARTY:** Yes.

- 10 **MS McDONALD:** Now, you can see from the top of that page that is a mayoral minute?

**MR HAGARTY:** Yes.

- 15 **MS McDONALD:** And there is evidence before the inquiry of a mayoral minute doesn't have to - it's not like a notice of motion being included in the agenda. It is a resolution that can be introduced, in a sense, on the floor of the council.

**MR HAGARTY:** Yes.

- 20 **MS McDONALD:** Did you have any notification that this motion concerning the termination of Dr Jackson's contract was going to arise?

- 25 **MR HAGARTY:** There had been rumours of it, and from my recollection - I might have had a phone call discussion with the mayor at the time about whether we - you know, he was, I guess, sounding out whether I'd be in favour of - of terminating Eddie. So there'd been a lot of discussion in the lead-up to it, but formal notice via this mayoral minute was, you know, pretty - pretty late in the piece - you know, just prior to the meeting.

- 30 **MS McDONALD:** Did you move into a closed session?

**MR HAGARTY:** Yes.

- 35 **MS McDONALD:** Can you recall - I'm sorry, withdraw that. From the resolution or the decision, it would appear that Dr Jackson's contract is being terminated without cause?

- 40 **MR HAGARTY:** That - that would - yeah, from what's put forward there, yes.

**MS McDONALD:** Which is permissible under the contract, but it brings with it a payment of about 38 weeks?

**MR HAGARTY:** Yes.

- 45 **MS McDONALD:** When you moved into closed session, can you recall - was there any discussion as to why the mayor was moving to terminate his contract?

5 **MR HAGARTY:** Look, I think the only justification that was really given was around - you know, that there was potentially - perhaps there was a comment around it's important that, you know, the mayor and the CEO have a good relationship and the mayor was - was elected with a mandate. But there wasn't - there wasn't anything performance-related that I remember.

10 **MS McDONALD:** All right. And if we go to the bottom of the page - hope nobody comes through the ceiling.

**COMMISSIONER:** It's a beautiful building, Mr Hagarty, but it does have its quirks.

**MR HAGARTY:** Possum or two.

15 **MS McDONALD:** You can see it was not - the motion was not a unanimous resolution.

20 **MR HAGARTY:** No. No. I think you can see there the Labor councillors and Councillor Harle voted against it, and the Liberal councillors and Councillor Rhodes voted for it. I note that Councillor Rhodes was on the performance panel that gave the CEO a glowing review just a couple of months earlier.

25 **MS McDONALD:** Okay. And there's a period when Dr Jackson was the CEO - that was a period where Mr Mannoun wasn't on Council?

**MR HAGARTY:** Correct.

30 **MS McDONALD:** And even some of the councillors who voted in favour of the resolution, they were new councillors, in that they weren't councillors during the previous period when Dr Jackson was CEO?

35 **MR HAGARTY:** Correct. Councillors Ammoun, Goodman and Macnaught had never worked with Dr Jackson, and Mayor Mannoun had only worked with Dr Jackson in his capacity as, I think, a manager and potentially a director in the previous term when he was on Council.

**MS McDONALD:** Okay.

40 **COMMISSIONER:** I know it was some time ago, but do you recall whether there was any discussion in that meeting about Dr Jackson's performance in the role? Or was it more around the working dynamic or relationship between the mayor and the CEO/general manager?

45 **MR HAGARTY:** Yeah, look, as you said, it was a while ago, but from memory it was more around the dynamic. And, look, I think there might have been some, in my opinion, flimsy - you know, flimsy sort of reasons around performance and - you know, perhaps he wasn't, you know, in the mind of some of the councillors making

an argument for that - some of his - you know, some of the areas that the mayor wanted to concentrate on - that perhaps Eddie wasn't particularly strong in those areas, which at the time I didn't - I didn't buy.

5 **COMMISSIONER:** And don't take this as a criticism because it's not, but just the way you expressed yourself there, do I understand that your recollection isn't particularly detailed of those conversations?

10 **MR HAGARTY:** No, it was - well, again, it was - what are we talking? Three -

**COMMISSIONER:** Some time ago.

15 **MR HAGARTY:** Three - yeah, you know, nearly four years ago. And it was - to be fair, it was a pretty stressful thing to come into - the first council meeting of a term and have to sack a CEO that I thought was doing a good job, and by all reflections on his performance was doing a good job. Yep.

20 **MS McDONALD:** Can I then move to the next CEO. Excuse me for a minute. Drawing your attention to December 2022, it was at a December council meeting - I think it was an extraordinary council meeting at which John Ajaka was appointed CEO.

25 **MR HAGARTY:** I remember it was December. I can't remember whether it was an extraordinary meeting or not, but if that's - yep.

**MS McDONALD:** All right. In the lead-up to that appointment, were you on any of the selection panel - or selection group who were looking at the applications and forming a shortlist and things like that?

30 **MR HAGARTY:** No.

35 **MS McDONALD:** Now, would you bring up OLG.001.001.1643, please. Maybe if we go down to the bottom email, dated 5 December. You can see the extraordinary council meeting, Tuesday, 6 December, and then a notification of an extraordinary council meeting on the 6th, commencing at 2.30, where the item to be considered is appointment of acting chief executive officer and then selection of chief executive officer.

40 **MR HAGARTY:** Yes.

**MS McDONALD:** And then your response is towards the top, where you've got, "We have been" - you send an email back to a number of people, including all councillors, saying:

45 "We've been without a CEO now for 10 months and we're now being asked to select a CEO with 24 hours' notice, if that. It's one of the important functions that council undertakes. We are less than a day out from the meeting. I do not consider this ample

opportunity to make a considered and measured decision on who will lead an organisation that looks after 220,000 people, et cetera. When will we receive details about the candidates? This is highly irregular, poor practice and more reminiscent of a dating show rather than a responsible governing body."

5

So by the 5th - that is, the day before - you've received notification first thing in the morning but you still haven't got details about any of the candidates?

10 **MR HAGARTY:** No. All we received was that email, and I think there was a proper, regular council meeting coming up the Wednesday after. So again, as we saw with the process with 600 Cowpasture Road, we get these seemingly unnecessary extraordinary council meetings where we're being asked to make really important decisions with an unnecessarily short timeframe.

15 **MS McDONALD:** And then if you would bring up OLG.001.001.0238. And that can be live streamed.

**COMMISSIONER:** All right. Well, just don't - just show it in the room and not on the live stream for the moment.

20

**MS McDONALD:** Would you just excuse me.

**MR EMMETT:** Commissioner, I'll get instructions. We don't think that - working out whether it's the Council that's made this application. We don't think it was. So  
25 we're just working out who has made that application.

**COMMISSIONER:** I don't know whether this helps or adds to further confusion, but according to my list I'd made this direction on 11 July, which I think was part of a protective tranche that I did at the Council's request prior to the hearing.

30

**MR EMMETT:** Yes.

**COMMISSIONER:** But that might not be quite right. So -

35 **MR EMMETT:** Commissioner, would you pardon me for a moment?

**COMMISSIONER:** Of course. I don't think I've made any at the request of anyone else.

40 **MR EMMETT:** Commissioner, the concern was around personal information about the applicants. So it may be that that could be dealt with by a redacted version.

**COMMISSIONER:** It's not being shown on the live stream, so why don't we - which part do you want to go to? And we'll see whether -  
45

**MS McDONALD:** I'll just - I think the problem is - what it does is it contains details of who the candidates are. There may be some addresses.

**COMMISSIONER:** I see.

**MS McDONALD:** Which I don't think have been redacted.

5

**COMMISSIONER:** Can we just deal with it on the screen in the room -

**MS McDONALD:** Yes.

10

**COMMISSIONER:** - rather than pushing it to the live stream, Mr Emmett?

**MR EMMETT:** Yes.

**COMMISSIONER:** All right. Let's do that.

15

**MS McDONALD:** All right.

**COMMISSIONER:** And we might come back to what is to happen with the document as a whole later.

20

**MS McDONALD:** All right. Mr Hagarty, you see there an email from Lauren Myers?

**MR HAGARTY:** Yes.

25

**MS McDONALD:** Was Ms Myers, at this time, the executive assistant to the mayor?

**MR HAGARTY:** Yes.

30

**MS McDONALD:** And you'll see in the body of the email that she includes a confidential memo from Mayor Mannoun and a confidential report mayoral minute on selection of the chief executive officer.

35

**MR HAGARTY:** Yes.

**MS McDONALD:** And if you go through to page 7, right down the bottom, they set out the shortlist, which included seven candidates.

40

**MR HAGARTY:** Yes.

**MS McDONALD:** And then ultimately, if you go to page 19, on the final three - maybe down - no, page 19. Yes. Can you just see there the reference to, in a sense, the three finalists, Jason Breton, [REDACTED BY ORDER OF THE COMMISSIONER DATED 26 AUGUST 2025], and John Ajaka?

45

**MR HAGARTY:** Yep.

**MS McDONALD:** And if we can then bring up OLG.001.001.1676. This can be live streamed. You can see at the top this is from Lauren Myers to other persons within the Council. And if we go down a little bit further, you can see:

5

"Please note I've spoken with Councillor Hagarty this morning, following his email. Confirmed that all the information required by councillors is being provided by them today. He was satisfied with our discussion. If he has any further concerns he will raise them directly with the mayor, and the mayor has also advised that he will respond to Councillor Hagarty's concerns."

10

**MR HAGARTY:** Yep.

**MS McDONALD:** Did you receive anything from the mayor?

15

**MR HAGARTY:** To be fair, I can't remember.

**<THE HEARING ADJOURNED TO PRIVATE SESSION AT 3.06 PM – ON  
28 AUGUST 2025 THE COMMISSIONER VACATED ORDERS THAT THIS  
PORTION OF THE TRANSCRIPT IS SUBJECT TO 12B OF *THE ROYAL*  
COMMISSIONS ACT 1923.**

**MS McDONALD:** Okay. Now - excuse me. Would INQ.001.001.0995 be brought up. Now, these are the minutes of the extraordinary meeting held on 6 December. And if you go through to page 4, you move to a closed session.

**MR HAGARTY:** Yes.

**MS McDONALD:** There is the recommendation. And if you continue - sorry, can you just excuse me. And in closed session, there was a discussion about the various candidates?

**MR HAGARTY:** Yeah. Each of the candidates gave - I think it was a 10-minute - five or 10-minute presentation. I can't recall exactly. They were then asked questions, and then Council sort of deliberated on its decision of who to - who to appoint.

**MS McDONALD:** And ultimately was it decided, to your knowledge, that Mr Ajaka would be appointed?

**MR HAGARTY:** Yes. I - I left the Council chamber, but in my absence, Council resolved to appoint John Ajaka.

**MS McDONALD:** That's why I said to your knowledge. If we go to page 5, right down the bottom, under Resumption of Meeting, we've got:

"Councillor Hagarty and Councillor Kaliyanda retired from the meeting."

**MR HAGARTY:** Yes.

**MS McDONALD:** And then on the next page:

"Recommendation be adopted. Councillors voted unanimously for the motion."

Noting you that you and Councillor Kaliyanda had retired from the meeting.

**MR HAGARTY:** Yes.

**MS McDONALD:** Why did you retire from the meeting?

**MR HAGARTY:** I wasn't comfortable with the process and I wasn't comfortable with the decision. So as per the email that I sent the day before, we had gone 10 months without a CEO. I had put up multiple questions with notices in that period as

to what was happening with the recruitment of the CEO. We had an item come to Council about appointment of a recruitment agent. That was then rejected. Then another - and another motion came a few months later to appoint Blackadder. I had reservations about Blackadder. We are then effectively given 24 hours' notice. We  
5 don't know who the candidates are. I then discovered that the three candidates have links to either the Labor Party, Mr Mannoun or both. So I was -

**MS McDONALD:** Sorry, links to -

10 **MR HAGARTY:** To Mr Mannoun, the Liberal - sorry, the Liberal Party or both. All three candidates had links to the mayor and/or the Liberal Party and I wasn't going to be party to a process and a decision that I don't feel was made - was appropriate. Sorry, can I continue?

15 **MS McDONALD:** Yes. Yes.

**MR HAGARTY:** Yep. Sorry. And just - each of them - each of those candidates were asked a series of questions. I asked a series of questions around impartiality and conflicts of interest, which they each, you know, answered, and I wasn't satisfied  
20 that - that those - that the answers they had given were appropriate. And it was clear that the decision was going towards Mr Ajaka, and I think a question was put to him, possibly by Councillor Kaliyanda, about whether he would resign his membership of the Liberal Party, and I think he said he wouldn't.

25 **MS McDONALD:** That was Mr Ajaka?

**MR HAGARTY:** Mr Ajaka. In which case I felt that he was inherently conflicted, and I wasn't be comfortable being party to a decision to appoint any three of them, but especially Mr Ajaka.

30 **[REDACTED BY ORDER OF THE COMMISSIONER DATED 28 AUGUST 2025]**

35 **MS McDONALD:** And the other person was Mr Breton?

**MR HAGARTY:** Yes.

40 **MS McDONALD:** Had you received some information or material which allowed you to be concerned that possibly he had a link with the Liberal Party?

**MR HAGARTY:** Yes. My understanding was that at some point he may have been employed or had done work for a Liberal Minister, and also he ran as an independent  
45 candidate at the election in 2021, and it was clear to me or my - my perception was that he was essentially running -



**MS McDONALD:** All right. Okay. So if -

5 **MR EMMETT:** Could I, I'm sorry to - well, I'm not sorry, I need to do this. Could I ask that the live stream be cut, just to be clear, and - because you need to rule on this.

**COMMISSIONER:** Okay. All right. Yes.

10 **MR EMMETT:** And you may have ruled on it. I don't think - we don't think you have. I understand that all of what Mr Hagarty -

**COMMISSIONER:** Let's just cut the stream first, and then we'll -

15 **MR EMMETT:** Sorry.

**COMMISSIONER:** That's all right. Then we'll deal with it. Yes, take it back as far as you can.

20 **MR EMMETT:** None of this, obviously, is criticism of Mr Hagarty.

**COMMISSIONER:** Yes.

25 **MR EMMETT:** But I apprehend that that evidence was what occurred in a closed session of Council. Now, that is undoubtedly something that - it's open to you to open up and examine, but it's not something that should be done lightly.

**COMMISSIONER:** How do I deal with this topic if it's not done in open -

30 **MR EMMETT:** Well, that's the thing. So - and that's why I say I - it is - one may readily understand why, Commissioner, you may decide that no order needs to be made or that any order should be lifted. All I wish to say in the very short term is, given - I think this is the first time we've gone into the detail of what happened in a closed session - I'm raising it for - I'm raising it - trying to get instructions in a hurry about it, and I don't have those instructions on a firm basis. The reason why,  
35 Commissioner, this is something you - this is an appropriate matter for you to inquire into is clear.

**COMMISSIONER:** Yes.

40 **MR EMMETT:** So - and the reason why you may form the view that even though it's in a closed session it should happen in public - there are entirely understandable reasons for that, so I'm not seeking to be heard against any of that. It's something that should be done on a considered basis. That's the -

45 **COMMISSIONER:** Thank you.

**MS McDONALD:** I think that the difficulty is that this matter is in the past.

**COMMISSIONER:** Yes.

5 **MS McDONALD:** There are issues that come within the terms of reference which are looking at appointments, procedures, et cetera. Now, I did ask about - because Mr Hagarty gave evidence about Mr Breton, I just wanted to explore if he had some kind of basis for that.

**COMMISSIONER:** Yes.

10

**MS McDONALD:** And he's given an answer. Whether or not that is factually correct is a matter to be determined subsequently.

15 **COMMISSIONER:** Mr Hagarty's evidence (indistinct) perception at the time. That's the basis, as I understood his -

20 **MS McDONALD:** Yes. Which then feeds into what we are interested in, given his concerns. And at least Mr Ajaka is quite open that - he's given evidence that he remained a - I think to this day he's still a member of the Liberal Party. How that affects procedures and, I suppose, avoiding an apprehension of favouritism or bringing in political allies to important roles within Council, I think it's important that it be live streamed.

25 **MR EMMETT:** Can I say this: There is force in all of that. My application is not to do it yet until I've had an opportunity to take full instructions on it. There is real force in what my learned friend says and I can't take it further than I have at the moment, but those considerations, I - we would have to accept, and they may well outweigh any considerations in favour of confidentiality.

30 **COMMISSIONER:** So what are you asking me to do in the meantime?

35 **MR EMMETT:** To receive this evidence in a closed session for the time being and make an interim order, at least until 10 am tomorrow morning, at which point the - if I could put it this way - the persuasive burden will be on my client, if any order is sought, to satisfy you that the order should go beyond 10 am tomorrow morning.

40 **COMMISSIONER:** All right. Anyone else wish to be heard on that? In the interests of keeping things moving, I'll do that. But as I think you've acknowledged in what you've said to me, Mr Emmett, there would have to be very good reason as to why this wouldn't be made public at 10.01 tomorrow.

**MR EMMETT:** We accept that. We accept that entirely, Commissioner.

45 **COMMISSIONER:** All right. Well, we'll say in - pursuant to section 12B of the Royal Commissions Act, I direct that this next passage of the hearing be - take place in private. The transcript of this part of the hearing not be published before 10.30 am tomorrow. In the absence of any order continuing that direction, the transcript of this

passage of the hearing commencing at 3.18 pm can be published. And those who are in the room can remain in the room?

**MR EMMETT:** Yes.

5

**COMMISSIONER:** Yes, Ms McDonald.

**MS McDONALD:** Again, what I'm interested in is primarily procedures.

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

**MS McDONALD:** Your concern was - and maybe if we can focus on Mr Ajaka. Mr Ajaka been a Member of Parliament, a prominent member of the Liberal Party.

15 **MR HAGARTY:** Yep.

**MS McDONALD:** And now he was applying for this position of CEO of the Council, and you asked questions during the closed session which involved, "Will you hand back or cease being a member of the Liberal Party," and he said no.

20

**MR HAGARTY:** I believe it was Councillor Kaliyanda who asked the specific question about his Liberal Party membership, but I did ask questions about, I guess - you know, carrying out your duties impartially and conflicts of interest and - and the like. Yep.

25

**MS McDONALD:** The responses that he gave to your questions about conflict of interest and maintaining impartiality, did he give you a response as to how he would manage that?

30 **MR HAGARTY:** Look, I think he gave a - he did give an answer. He gave a - I think it was a reasonable answer. And to be fair to Mr Ajaka, I think he did make a genuine attempt to - to be impartial while he was CEO of Council. However - however, despite those answers, I still wasn't comfortable appointing someone who was a well-known member of the Liberal Party and associate of  
35 Mr Mannoun being appointed to the role of CEO.

**MS McDONALD:** And I'm putting this hypothetically, as - a candidate for the CEO may have many skills and be suited for that role but has had an involvement in politics in the past and an involvement with a particular party, and that could arise if  
40 it was a Labor - somebody involved with the Labor Party. Do you have any view that - and I'm just thinking off the top of my head - for example, if you are going to be appointed the CEO, that you should sever connection with any political party?

**MR HAGARTY:** Yes.

45

**MS McDONALD:** Anything else? In a sense, like, a procedural matter?

**MR HAGARTY:** Look, I think as a bare minimum you should resign your membership to whatever particular party that is. Where appropriate, you know, declare conflicts of interest. But in the case of Mr Ajaka, he remained a member of the Liberal Party. But on top of that, he'd had a long - like, a long personal  
5 association with the mayor. So from - from memory, he appeared at a fundraiser on - for Mr Mannoun. I recall him turning up at pre-poll for a number of elections to assist either Mr Mannoun or Liberal candidates in the area. So, you know, it wasn't just he was a member of the Liberal Party. It was he was a member of the Liberal Party, he refused to resign and had had a long association with the mayor.

10

**COMMISSIONER:** Through the party?

**MR HAGARTY:** Through the party.

15 **COMMISSIONER:** Is that your understanding?

**MR HAGARTY:** Yes. Through the party.

20 **COMMISSIONER:** So all of those things obviously went into your consideration whether, on this motion, to select the next CEO. But from a process point of view, what would you like to have seen done differently, if I could put it that way?

**MR HAGARTY:** Well, certainly given a lot more notice than 24 hours. Being given a lot more time than less than 24 hours to go over the candidates and their CVs and  
25 their responses. And in terms of process, I just found it very hard to believe that - from memory, I think there was an extraordinary number of applications - 70, 80 applications. And looking at that shortlist of seven, that in the end we ended up with three people who had, you know, associations with either the mayor and/or the Liberal Party, I just - I just found the whole thing very extraordinary.

30

**COMMISSIONER:** I suppose what I'm drawing a distinction with is not so much the ultimate outcome how - even down to the three that were put before Council, but as - the process as a whole adopted by the Council from the time when Dr Jackson's employment was terminated -

35

**MR HAGARTY:** Okay.

**COMMISSIONER:** - to where are we, December -

40 **MR HAGARTY:** Yep.

**COMMISSIONER:** I understood you to have some concerns with the process along the way.

45 **MR HAGARTY:** Yes.

**COMMISSIONER:** Just leaving - I understand your evidence about the outcome.

**MR HAGARTY:** Sure, sure.

5 **COMMISSIONER:** But I'm interested in any insight you might have as to how the process for the selection of a CEO might be improved, going forward, to perhaps address some of the perception issues that you've raised and make it better for councillors in general.

10 **MR HAGARTY:** I understand. So, again, I think regular - regular updates to the entire elected body about where we're at in the process and the expected timelines. And, you know, we didn't - we didn't - from memory, you know, we didn't get any of that, and that's why I continued to put up questions with notice about where are we at with the recruitment of the CEO a number of times over that period.

15 If there was a report every month or every second month to the Council going - you know, from the outset, "Here's the timeline. We think it's going to take three months. You know, applications are open and closed here. We're going to shortlist, we're going to interview, we're going to bring it to Council." If there was, you know, like - like any usual process, if there a - I guess a - for want of a better  
20 description - of a project timeline and how we were tracking to that and that was regularly given to the elected body, then I would have been comfortable that the - you know, if the process was on track, and if it wasn't on track why it wasn't. But that level of detail just wasn't provided.

25 **COMMISSIONER:** So, of course, you could have - this is not a criticism at all, but you could speak to your colleagues who were on the panel or the committee to get those informally. But what you're talking about is something more formal coming back to Council at council meetings as the process continues?

30 **MR HAGARTY:** Correct.

**COMMISSIONER:** And from what you've told me, I don't - you're not seeking to suggest much by way of detail, rather than updates as to, "Okay. Well, we're now at the stage of applications have closed. We've got 200. We're in the process of  
35 shortlisting."

**MR HAGARTY:** Yes.

40 **COMMISSIONER:** "Okay. We've got a shortlist. That'll be considered, and three are going to be nominated to come to Council," and the like, as that process goes on. Have I understood you correctly?

**MR HAGARTY:** Yeah. I think the usual process is, you know, three to six months. This took 10. You know, if there was a report that came to Council one or two  
45 months into the process, going, "We've been overwhelmed with 70 to 80 applications. That's more than we expected. Therefore, the process might take one or two months to vet those." Then, okay, I know where we're at and I know why there's

a delay. I should expect, you know, two months from now to find out that we've shortlisted candidates and interviews will be taking place over the next month. But none of that was provided. You know, that level of detail wasn't provided.

5 **MS McDONALD:** Can I just move to some other topics. You've given evidence about the mayoral minute.

**MR HAGARTY:** Yes.

10 **MS McDONALD:** That led to - I think it was Mr - sorry, before I leave that, in 2024, when Mr Ajaka was - employment was eventually terminated, you'd left the Council?

**MR HAGARTY:** Yeah, I had resigned in December '23.

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**MS McDONALD:** December '23.

**MR HAGARTY:** Yep.

20 **MS McDONALD:** Okay. Yes. Can we go back onto - thank you.

**COMMISSIONER:** What are we doing?

**MS McDONALD:** Going back on live.

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**COMMISSIONER:** Right. Okay. Thank you.

**<THE PRIVATE SESSION CONCLUDED AT 3.27 PM**

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**<THE HEARING RESUMED AT 3.27 PM**

**COMMISSIONER:** We've returned to public. Thank you.

35 **MS McDONALD:** Mr Hagarty, just a couple of final questions and topics. You gave evidence about the use of the mayoral minute when Dr Jackson's employment was terminated. While you were a councillor, were there times where your view was that mayoral minutes were being used in an inappropriate fashion?

40 **MR HAGARTY:** Yes. Almost every month.

**MS McDONALD:** Right, and can I just pause. There's evidence before the inquiry about mayoral minutes, and I think it's in the code of conduct - sorry, the meeting, code of meeting procedure, that basically they should be limited - and I'm just  
45 summarising - to ceremonial, congratulatory not complex -

**MR HAGARTY:** Yep.

**MS McDONALD:** - and definitely not if it involves funding or expenditure of money?

5 **MR HAGARTY:** That's right.

**MS McDONALD:** So given those very general parameters, what was your concern about mayoral minutes?

10 **MR HAGARTY:** My concern was that there'd be, almost without fail, every month there'd be a series of mayoral minutes. Some would be ceremonial in nature. There might be a condolence motion for, you know, a prominent member of the

community. But there would also be numerous mayoral minutes that dealt with complex matters that required an allocation of budget, and we would be given, you know, if we were lucky, one or two hours notice.

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Quite often we would come in and there'd be, at the beginning of the meeting there'd be copies of them on our desk. Quite often we wouldn't even get that and they'd just be dropped on us in - in open council. So we were expected to make well-informed decisions with very little notice about complex matters that could potentially have a significant impact on the budget.

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**MS McDONALD:** And reform of mayoral minutes, can you make any suggestion?

**MR HAGARTY:** Sorry, can you repeat that?

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**MS McDONALD:** You had that concern about mayoral minutes?

**MR HAGARTY:** Yes.

**MS McDONALD:** Can you make any suggestions about possible reform to mayoral minutes?

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**MR HAGARTY:** Yes. My understanding, and in speaking to other councils, where appropriate, that mayors almost always keep it to ceremonial sort of non-complex matters, and - they try and distribute them to all councillors, you know, two ordinary days before. So I think, you know, one or two ordinary days before, if mayoral minutes were sent around to councillors, I think that'd be appropriate, yep.

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**MS McDONALD:** While you were a councillor, do you have any observations about the actual conduct of Council meetings, whether they were appropriately run?

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**MR HAGARTY:** Yeah. Well, I would, sort of, yes. There's - there's post-December 2021 and there's pre-December 2021. So from 2016 to 2021 when Mayor Waller was the mayor, she was an exceptional chair, kept control of the meetings, adhered to the Code of Meeting Practice, and ensured things didn't get out of hand. Post-2021 we saw, you know, debates go on for too long. We saw people, you know - and I'm probably guilty of this but, you know, questions across the chamber rather than through the chair. Abuse of mayoral minutes. Abuse of presentation to councillors. You know, the moving around of the agenda, you know, and again council meetings going way into the night. And I think there was - staff even raised concerns around workplace health and safety given how late into the night we were going sometimes.

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**MS McDONALD:** The code of conduct complaints, do you have any observations about their use while you were a councillor?

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**MR HAGARTY:** While I was on Council, I think we, for the most part, when I was on Council during that first term, we had an internal ombudsman and I think



they - they acted as an appropriate person that sort of dealt with those in the initial instance. And it meant that in a lot of cases they could be resolved then and there, rather engaging an external investigator. I know that sort of post - post me being on Council there's been quite a few code of conducts. But generally there weren't too  
5 many. You know, there were a couple of code of conducts on me and I'd put a couple of code of conducts on, but they were of a reasonable, what I deemed to be a reasonable amount and for reasonable circumstances. And more often than not they were solved, sort of, with a chat to both parties and maybe a verbal or written apology.

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**MS McDONALD:** And those examples you've just given that was facilitated by the internal ombudsman?

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**MR HAGARTY:** In - in the first instance, or by the CEO.

**MS McDONALD:** And a topic of councillors or mayors receiving independent professional advice -

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**MR HAGARTY:** Yeah, this is -

**MS McDONALD:** - what do you mean by that?

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**MR HAGARTY:** This is an interest - so in the dying stages of the 2016 to 2021 term, Councillor Ayyad put up a motion about councillors, to the effect of the Council reimbursing councillors for their own independent legal advice. And then I believe that was voted down. And then in the term after that, when Mayor Mannoun was the mayor, he put up an almost identical motion along the same lines. And my understanding was I think that was passed. And then myself, Councillor Green and Councillor Kaliyanda may have put in a rescission motion to that effect. But my  
30 understanding was that what would - you know, for any matter that came before Council, what was being proposed, was a councillor could potentially get their lawyer to give them advice on all those. So it didn't seem appropriate, and we always had access to legal counsel. And, you know, no offence to anyone in the room but, you know, if - if all councillors had access to legal advice and lawyers, I'd struggle to  
35 see how we would - I struggle to see how that would result in better decision-making.

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

**COMMISSIONER:** You're not objecting to that bit, Mr Emmett.

**MS McDONALD:** The rescission motion that you and the other councillors put forward, did that - was that carried?

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**MR HAGARTY:** I don't - I don't think it was. I can't - I can't recall. I don't think it was.

**MS McDONALD:** Can you just excuse me. Yes, no further questions.

**COMMISSIONER:** Councillor Hagarty, could you just remind me, when was your first term?

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**MR HAGARTY:** 2016 to 2021.

**COMMISSIONER:** All right. And turning your mind back as best you can, do you remember the type of training that you received as a new councillor?

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**MR HAGARTY:** Yes. So Council provided us with a very big, maybe one or two very big folders with a bunch of, you know, documents and policies. There was also - there was a bunch of sessions on, you know, getting your head around Council and particular directorates and Liverpool in general. And the Office of Local Government provided training. I think it was called Hit the Ground Running, so a series of online training sessions which were voluntary. And then councillors have got, effectively, you know, a skills and education budget. So in my first term, I did a - I did a couple of courses through Local Government New South Wales. One was - I think one was just a sort of one-day training. Another one was like in consultation with the Australian Institute of Company Directors. It was basically a modified version of their three-day course that was, sort of, tweaked to, you know, be more appropriate for councils. So I undertook that training.

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**COMMISSIONER:** That was one that you selected yourself through the use of the budget available -

**MR HAGARTY:** Yes.

**COMMISSIONER:** - to you to do that?

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**MR HAGARTY:** Yes.

**COMMISSIONER:** Just focusing on the training delivered or given to you by the Council and the OLG, did that go into the nature of your role as an elected councillor?

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**MR HAGARTY:** Yeah, that was made very, very clear, you know, your role under the Act, and your role under the Act. You know, probably the primary documents that you'd want to get your head across were the Code of Conduct, the Code of Meeting Practice and, from memory, I can't remember if we did it in 2016 but certainly in the 2021 term, there was external - externals that came in and spoke to us about, you know, the role of the OLG and potentially even the role of ICAC and your obligations under that. So, yes.

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**COMMISSIONER:** And you did it again in 2021?

**MR HAGARTY:** Yes.

**COMMISSIONER:** What about throughout your terms, the 2016 and the 2021 term, was any, other than training that you identified yourself through the budget that you've mentioned, was there any ongoing training delivered to you?

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**MR HAGARTY:** I know Local Government New South Wales in about 2018 or 2019 launched a, sort of, skills assessment program where - I can't remember exactly how, how it worked but, you know, you'd sort of go on do a questionnaire and it would tell you sort of where perhaps you could concentrate on, you know, how confident you felt in a certain area and how to upskill on that. And Local Government New South Wales were always sending through dates as to when they were running certain courses. So it was always out there and it was always made clear to us that we had an annual, sort of, training budget. And I, as best I could, sort of, availed myself of that budget not just to do courses but also to get books. I remember getting some textbooks on planning and urban design. So that was available as well.

**COMMISSIONER:** Dealing with the first type of training, that is at the commencement of the new term, did you feel as though that gave you a solid understanding of your role as a councillor and all of the things you needed to, as it says, hit the ground running?

**MR HAGARTY:** As best it could. Like, you get - there are so many policies and procedures that, you know, you do get overwhelmed. We were lucky in that, you know, Mayor Waller had - at that point had been a very experienced councillor, as had, you know, some of the others who weren't even from the Labor Party, Peter Harle, Mazhar Hadid, you know, they sort of acted in a mentor -

**COMMISSIONER:** And they're from your colleagues as well?

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**MR HAGARTY:** Yeah, and, you know, they acted in a mentor capacity to, sort of, check in and say, "It's overwhelming, isn't it? How is it all going? You know, these are - in my experience, you know, concentrate - you know, concentrate on these policies first and then get yourself across these ones." So, yeah, yep.

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**COMMISSIONER:** And do you think there could be any improvements to that process, particularly thinking back to your first term, that could have helped you find your feet?

**MR HAGARTY:** Look, I think I found - personally, I found my feet pretty quickly. It became apparent to me in that first council meeting that I was probably going to be the one leading the charge, so to speak, from my side of things. So within a very short time it was sort of sink or swim. But I think the problem with - with training is that when training is offered it's usually the people, the people who take up the training are usually the people who are, you know, diligent and enthusiastic, and the ones that probably need it aren't so. So it's, sort of, it's always a bit of a challenge. But, look, I think mandatory training, you know, it's a - it's obviously a very, very

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important role and, you know, something akin to, sort of, continuous professional development and that thing might be an order. And I think that's what the Local Government New South Wales was trying to roll out when I spoke about that skills assessment, that they were sort of moving to a - you know, again it was  
5 unenforceable but a way that, you know, each and every year that there was sort of a benchmarking that you were doing a certain amount of hours of professional development and courses and, yeah.

10 **COMMISSIONER:** By continuing professional development, do you have in mind a set of core skills that each - and understandings that each councillor should have - code of conduct, Code of Meeting Practice, statutory obligations?

**MR HAGARTY:** Yes.

15 **COMMISSIONER:** That sort of thing?

**MR HAGARTY:** Yes. And, you know, planning as good example of where, you know, there's been significant reforms in planning since, since I was first elected to Council. So that would be one of the areas where, you know, we would certainly be  
20 getting briefings on any changes to planning law. So when there was significant reforms, council staff would come in and give us briefings and potentially even the agencies themselves would give us an update on what was changing and why, and what that would mean as a councillor.

25 **COMMISSIONER:** And Code of Meeting Practice, it's not a straightforward document if I could put it neutrally.

**MR HAGARTY:** No.

30 **COMMISSIONER:** Do you think there could be more improvements as to training and support for councillors in the conduct of meetings whether from the chair or as a participant?

**MR HAGARTY:** Yeah. That was always one that I think in both 2016 and 2021 we  
35 did some role plays around moving a motion and then amending a motion and foreshadowing a motion and amendment, and there were some very complex flowcharts trying to explain that.

40 **COMMISSIONER:** Who is speaking for and who is speaking against and the like?

**MR HAGARTY:** Yes. Yes.

**COMMISSIONER:** Do you think that there could be any improvements to that document, that is the Code of Meeting Practice, to enhance and improve council  
45 meetings?

**MR HAGARTY:** I think - I know that the previous government put out a model code of practice and I think putting out model policies is a great step forward. But certainly, yes, in terms of having a model code of practice and a code, and what I experienced at Liverpool Council there's still plenty of grey area to use that, use that for political advantage. Maybe I'll put it that way.

**COMMISSIONER:** During your time on Council, you would have been involved in the strategic planning processes?

**MR HAGARTY:** Yes.

**COMMISSIONER:** Could you just describe them to me from the point of view of a councillor?

**MR HAGARTY:** Yeah. This - this one's a big, I think a big issue, in that you come on to council. You're being bombarded with all these things you need to learn. And one of the things you've got to work on is the Community Strategic Plan which is the direction of council over the, you know, the next 10 years, and you've got to do that within a certain timeframe of being elected. And one thing, I think one thing you discover is that, sort of, when you get to the end of the process you realise, you know, that that's your sort of, you know, that's your guiding light. That's the, you know, where council is driving to. And I don't know how you resolve this. But, you know, as I said, you come on, you're learning, you know, you're being bombarded with all this information, and you want to come in and make an impact and you want to effect change in all these areas, and I don't know if it's made entirely clear that is this is the primary process through which you would do that. And so, you know, you do workshops and you get a map out and you put sticky notes down and all that. But, you know, I think it could be made clearer to councillors around the - around how important the Community Strategic Plan is, and how important having a background or having some understanding of strategic planning is. You know, I was lucky enough in that in my professional space I was working in a strategy space and so I understood it. But, again, if you hadn't worked in strategy and you were thrown, not thrown in, elected to council without much knowledge, that would - that would put you at a pretty significant disadvantage.

**COMMISSIONER:** Councillors are drawn from all walks of life and -

**MR HAGARTY:** Yes.

**COMMISSIONER:** - of course, have their own jobs and family commitments to go on with apart from their role as a councillor. How could councillors be better supported to deal with that challenge, if I can put it that way? Is there anything that you didn't have that would have helped you in your role at the time you were there, do you think?

**MR HAGARTY:** I know this is an unpopular, probably an unpopular opinion, but the amount of remuneration that a regular councillor receives is not adequate to do

the job to the best of your ability. So you can do as little as you want and turn up to one council meeting a month and not read your books and flub your way through it, or you could go the other end which is closer to where I was, where you were trying to attend as many meetings as possible, get across the detail, doing professional development on the side, going to community meetings, engaging in related sort of industry networks. But, you know, at about \$30,000 a year, minus super, minus tax, given all the - all the expenses that incurs that, you know, it - it has got to be a labour of love.

10 **COMMISSIONER:** Anything else from support, training, staff supported council?

**MR HAGARTY:** Look, I think staff support was quite good. We were made well aware that there was a councillor support team, and during my entire time there the councillor support team were excellent. The executive assistants to the mayor and the - and the directors were excellent. The CEO was excellent. Well, some of the CEOs were excellent in terms of, you know, ensuring that you were being given opportunities and - and developing as a councillor. I do think in terms of broader reform we might need to have a look at the, you know, the model that they have in Queensland where councillors are effectively given bigger councils and a professional - a professional sort of salary to do that full-time. I know that works relatively well in - in Brisbane and the south-east. However there are issues further north where you've got these tiny councils with, you know, a few thousand people and people being paid a full-time salary. So pros and cons to both models but, you know - and then what we touched on earlier around do you mandate, sort of, continuous professional development. Yep.

**COMMISSIONER:** Does anyone have any questions for Mr Hagarty?

**MS GALLAGHER:** Mind if I -

**COMMISSIONER:** Yes.

**MS GALLAGHER:** Can I just take you to - if we could have up on the screen, please, document 004.014.2581.

**COMMISSIONER:** Do you have the letter prefix?

**MS GALLAGHER:** LCC.

**COMMISSIONER:** Thank you.

**MS GALLAGHER:** Beg your pardon. So -

**MR EMMETT:** Could I have -

**COMMISSIONER:** Yes.

**MR EMMETT:** - 30 seconds?

**COMMISSIONER:** Yes, you can.

5 **MR HAGARTY:** Don't go to page 3.

**COMMISSIONER:** Yes.

10 **MR EMMETT:** Could I ask the operator, without live streaming it, to turn to page 3 and could we see if there's a redaction on page 3?

**COMMISSIONER:** Okay. There is not.

15 **MR EMMETT:** No. Do you have questions about it?

**MS GALLAGHER:** I don't. I don't.

20 **MR EMMETT:** Could we move then to what page Ms Gallagher needs without going to page 3?

**COMMISSIONER:** We can do that.

**MS GALLAGHER:** Just page 1.

25 **COMMISSIONER:** All right.

30 **MS GALLAGHER:** I don't think I'll go beyond that, I hope not to. So just page 1, this probity report, see there it covers from 24 August and it's in relation, of course, to 600 Cowpasture Road?

**MR HAGARTY:** Yes.

35 **MS GALLAGHER:** Now, of course, 9 August 2022 was when Ms Kaliyanda had moved the motion that there be a probity report or be due diligence in relation to 600 Cowpasture Road, and this does touch upon that in the paragraph commencing:

"The objective of our role is to assist Council."

40 You see the last portion of the paragraph there is, including the line:

"Where the process resolved by Council in the meeting of 9 August."

Which is the meeting I've referenced in relation to -

45 **MR HAGARTY:** Yep.

**MS GALLAGHER:** - Ms Kaliyanda's motion. So the WhatsApp message we know was at the very beginning of August -

**MR HAGARTY:** Yes.

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**MS GALLAGHER:** - you got that message from the mayor. It would appear from this document - I'll go back a step. This document is dated 9 May 2023?

**MR HAGARTY:** Yes.

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**MS GALLAGHER:** Contracts were exchanged on 600 Cowpasture Road about on 12 May, it seems or thereabouts, 2023? So it was on the eve of the exchange of contracts that this probity report was completed. Do you agree?

15 **MR HAGARTY:** Yes.

**MS GALLAGHER:** And the period the report indicates in the paragraph commencing:

20 "This probity report covers the period from 24 August."

That it covers a period from 24 August 2022?

**MR HAGARTY:** Yes.

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**MS GALLAGHER:** You have concerns, is this correct, about the period - you have concerns about the period before then. That is, is this from 2 August 2022 until, I guess, the date of 24 August when the report kicks in, so to speak?

30 **MR HAGARTY:** Yes. So in that urgency meeting which was, I think, on or about 9 August, Councillor Kaliyanda raised an amendment to put, you know, to have, you know, ensure that there was a, sort of, independent sort of probity officer overseeing this. And it was my understanding that the intention of that was to cover the period leading up until that meeting and the entire period throughout. The question, you  
35 know, still hasn't been answered to me is: mayor puts a message in a WhatsApp group but prior to that what happened? Was he approached by the owners of the site? Was he approached by the real estate agent?

**MS GALLAGHER:** Mr Dalfonso, is that?

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**MR HAGARTY:** Mr Fab Dalfonso. If so, did that constitute an unsolicited proposal? So that was - that was my understanding with Councillor Kaliyanda's intention here. And that throughout, you know, throughout the process the probity officer would be there; whereas given the way this is worded, it almost appears as if  
45 prior, just prior to the exchange of the contracts a bunch of documents are given to a probity officer to have a look at and approve. It was almost a sort of, you know, my perception is it was almost tick-a-box exercise right at, sort of, you know, five



minutes to midnight before the contract sale was happening, where that wasn't my understanding of the - that wasn't, you know, the amendment that Ms Kaliyanda made.

5 **MS GALLAGHER:** On the - after you received the WhatsApp message, there was the site inspection?

**MR HAGARTY:** Yes.

10 **MS GALLAGHER:** Was that around 4 August 2022?

**MR HAGARTY:** Yes.

15 **MS GALLAGHER:** I think there's been evidence of that.

**MR HAGARTY:** Yes.

20 **MS GALLAGHER:** And do you remember whether - I think you've given sort of a roll call of who was present, if you might do that again?

**MR HAGARTY:** Yeah, so Fab Dalfonso was the vendor, vendor's agent; the mayor; I believe Councillors Harle and Macnaught - could have been other councillors there, I don't recall - and some members of staff. So the acting CEO, the acting director and potentially the director or acting director of planning.

25 **MS GALLAGHER:** Did you make any observations of who the mayor greeted as - on 4 August 2022, if anybody?

30 **MR HAGARTY:** Yeah, so when I arrived everyone was sort of, you know, everyone hadn't yet arrived. And, you know, the mayor and Mr Dalfonso were there and it was, you know, and progressively other councillors and members of staff arrived prior to taking the site tour. And it was apparent to me that Mr Dalfonso and Mayor Mannoun were, you know, were well acquainted. They knew each other, yeah.

35 **MS GALLAGHER:** Can you give some more evidence to the commission, to the Commissioner rather, as to what had you think that? What happened? What did you observe?

40 **MR HAGARTY:** Yeah, their general demeanour, it was apparent they knew each other and the, sort of, the tone and the topic of the conversation they were having. I think they were talking about mutual acquaintances and that kind of thing. So I spoke - I gave earlier evidence about alarm bells going off and for me that was, that was another alarm bell.

45 **MS GALLAGHER:** Yes, thank you. Nothing further.

**MS McDONALD:** No re-examination.

5 **COMMISSIONER:** Mr Hagarty, one thing I neglected to ask you earlier when I was taking you through some questions about training was, did you receive some training about the division between the role of a councillor and the operational arm of the Council?

**MR HAGARTY:** Yes.

10 **COMMISSIONER:** What was your understanding of that division, if can I put it that way, at the time you were a councillor?

15 **MR HAGARTY:** Yeah, that was made - it was made abundantly clear what the role of Council was, what the role of council staff was, and the process by which, you know, you would raise requests or seek to get things done, effectively. You know, it's described like an hourglass. So, you know, you've got the elected body and then there's almost a one-to-one relationship between the elected body and the CEO, and then you've got the rest of the hourglass down the bottom.

20 **COMMISSIONER:** There's a hourglass diagram in the councillor hand book you might be calling to mind, I think.

**MR HAGARTY:** Well, yes. Yes.

25 **COMMISSIONER:** Do you think - was there anything that you think could be done to assist councillors get a better understanding of that division, particularly where the point of the hourglass is; that is, whether those roles come close to intersecting? Sometimes people suggest it becomes a little bit grey at the margins. Would you agree with that?

30 **MR HAGARTY:** It can. But I think ultimately that comes down to the CEO and the culture of the organisation; that, you know, if - if you have a CEO and a, and a culture in an organisation that at the first - at the first suggestion that someone may be getting close to breaching the hourglass or crossing the hourglass that, you know, 35 it's made very, very clear, and that the consequence are pretty severe if you continue to do it, then I think that could keep things in check. Also restricting access to councillors to where they should be. I, you know, when I - in my first term I think councillors only had access to the ground floor and level 6 which is where, you know, sort of, ground floor was meeting rooms and level 6 was the mayor, 40 councillors and CEOs office. My understanding is that very shortly after the 2021 election that - this only became apparent to me later on that councillors were given access to all floors. Now, I think that -

45 **COMMISSIONER:** Staff areas you mean?

**MR HAGARTY:** Staff areas. And, again, why create potential issues or perception of issues when you don't need to. You know, just physically restrict yourself from

accidentally walking into a staff area and accidentally walking into a meeting. You know, don't create booby traps and pitfalls for yourself. Just physically restrict yourself from doing that.

5 **COMMISSIONER:** So you've pointed to some things that could be done at the organisational level through the general manager and the like. Is there anything that could be done through training or statements in the Act or anything like that to make - to assist councillors to, from day one, get a clear grasp of where their role ends and the operational side starts?

10 **MR HAGARTY:** In my experience, I think that was made abundantly clear in the training and the briefings we got. But whether - you know, whether consciously or unconsciously, you know, mayors and councillors decided to not abide by that.

15 **COMMISSIONER:** Thank you, Mr Hagarty, for your attendance and your assistance today. All witnesses, I'm asked not to release any witnesses in case there is a need to come back to you. If that happens that will be communicated to you, and as soon as you can be released from your summons that will be communicated to you and those who represent you. But I'm most grateful for your attendance and  
20 your assistance across the day and your forbearance during the occasional delay as we worked through some procedural issues.

**MR HAGARTY:** Thank you.

25 **COMMISSIONER:** But you're free to go for this afternoon. Thank you.

**MR HAGARTY:** Thank you.

<THE WITNESS WITHDREW

30 **COMMISSIONER:** Is there anything else to do this afternoon?

**MS McDONALD:** No thank you.

35 **COMMISSIONER:** No. 10 o'clock tomorrow?

**MS McDONALD:** There was just one matter I was going to raise. There is a swearing-in tomorrow morning.

40 **COMMISSIONER:** Yes. What time is that? Is it 9.15?

**MS RICHARDSON:** It's 9.15. I will be attending that, because the judge, at the bar table I worked very closely with.

45 **COMMISSIONER:** Yes, I think there'd be a number of people in the room, including myself, who wouldn't mind going to that. If we started at 10.30, would that give us enough time to finish what's on the program tomorrow?

**MS McDONALD:** We've got - we're starting Mr Breton.

**COMMISSIONER:** I see.

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**MS McDONALD:** He's set down for a number of days, so I think a 10.30 start won't pose any difficulty.

10 **COMMISSIONER:** If we need to sit - change some sitting times we can do that during the day. Is that convenient to everybody if we start at 10.30?

**MS McDONALD:** Yes. Thank you for that.

15 **COMMISSIONER:** Yes. And someone might let Mr Tynan know that he's not needed until then.

**MR EMMETT:** Yes. We'll let Mr Tynan know.

20 **COMMISSIONER:** Thank you. 10.30 tomorrow. Thank you, everybody.

**<THE HEARING ADJOURNED AT 4.02 PM**