



PUBLIC INQUIRY INTO LIVERPOOL CITY COUNCIL

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

**PUBLIC HEARING
SYDNEY**

**THURSDAY, 04 SEPTEMBER 2025
AT 10.18 AM**

DAY 27

APPEARANCES

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

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<THE HEARING COMMENCED AT 10.18 AM

COMMISSIONER: Yes.

5 **MS McDONALD:** Commissioner, I think we're ready for our first witness.

COMMISSIONER: Yes.

10 **MS McDONALD:** So I call Dr Betty Green.

COMMISSIONER: Councillor, would you like to take an oath or an affirmation?

DR GREEN: Oath, please.

15 **<BETTY GREEN, SWORN**

COMMISSIONER: Yes.

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

DR GREEN: Betty Fay Green.

MS McDONALD: You're currently a councillor on Liverpool City Council?

25 **DR GREEN:** Yes, I am.

MS McDONALD: You have - you've been referred to throughout the inquiry as Dr Betty Green. You have a PhD?

30 **DR GREEN:** Yes, I do.

MS McDONALD: Your work experience leading up to being first elected a councillor, broadly what area was that in?

35 **DR GREEN:** I was employed in the community-based women's health sector. Domestic violence was very much a part of my work. So counselling, direct service provision, community development, health promotion. Previously I had also trained as a nurse, so I did a lot of women's health education as well.

40 **MS McDONALD:** When did you achieve your PhD, roughly?

DR GREEN: I know I graduated in 2022.

45 **MS McDONALD:** And are you still working within the community women's health sector?

DR GREEN: Not in the women's health sector. I still hold a chair at a women's refuge, which I have been chair since 2014.

5 **MS McDONALD:** Now, when you were first elected to council, that was in the December 2021 election?

DR GREEN: That's correct.

10 **MS McDONALD:** And you were elected as part of a ticket of potential councillors representing the Australian Labor Party?

DR GREEN: Yes, in South Ward.

15 **MS McDONALD:** You stood again for election as a councillor in the elections last September?

DR GREEN: Yes, I did.

20 **MS McDONALD:** And in addition, did you stand for the directly elected mayoral position?

DR GREEN: Yes, I did.

25 **MS McDONALD:** And still you were part of a Labor Party ticket?

DR GREEN: Yes.

30 **MS McDONALD:** Could you just excuse me. Now, when you were elected in December 2021 - we had some dates yesterday, and this is from the top of my head - I think the councillor results were declared on about 23 December 2021?

DR GREEN: Yes. That would be about right.

35 **MS McDONALD:** So just before Christmas?

DR GREEN: Yes.

40 **MS McDONALD:** January, when you look at what the actual governing body of Council is doing, it's usually a quiet month? There's no council meetings, for example?

DR GREEN: No.

45 **MS McDONALD:** Also, I think - again, this is off the top of my head - it was around 23 January you took your oath of office as a councillor?

DR GREEN: Yes.

MS McDONALD: And then that led to - I think it was the first council meeting on 2 February?

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

MS McDONALD: Now - sorry, I'll correct one of those dates. It was 27 January where the councillors took their oaths of office. A couple of years ago. Now, can I just ask you, leading up to your first council meeting, which was 2 February of that
10 year, did you attend any induction?

DR GREEN: Yes. We had two full days down at the Casula Powerhouse.

MS McDONALD: Do you remember what topics were covered during the
15 induction?

DR GREEN: The community strategic plan, introduction of some of the directors. One other day was the code of conduct and the code of meeting practice.

20 **MS McDONALD:** And at that time, the CEO of the Council was Dr Eddie Jackson?

DR GREEN: That's correct.

MS McDONALD: Before your election in December, had you had many dealings
25 with Dr Jackson?

DR GREEN: I had not met him until when - with the taking the oath, and then again very brief conversations at the induction.

30 **MS McDONALD:** In the lead-up to the meeting of 2 February 2022, did you have any knowledge that you may be considering at that meeting the termination of Dr Jackson's employment?

DR GREEN: Not that I can recollect.
35

MS McDONALD: Excuse me for a minute. Excuse me for a minute. I'll bring up the minutes of the meeting held on 2 February 2022. Would you bring up, please, INQ.001.001.0953. And it can be live streamed. That's the first page, Dr Green, of the minutes of that meeting. I want to take you through to page 55. But just before
40 we go there, you can see that there were a number of other notices of motion, other reports, et cetera, that were dealt with before we get to a particular mayoral minute dealing with Dr Jackson.

COMMISSIONER: We might just scroll down on the screen so the councillor can
45 see the order of - these are the minutes, so -

MS McDONALD: Yes, I haven't - but is that your recollection?

DR GREEN: Yes. Actually I was on live stream, as I had contracted COVID -

MS McDONALD: Okay.

5

DR GREEN: - the first time. First meeting, then COVID.

MS McDONALD: And if we just very, kind of, quickly stream through, you can see lots of other work being done.

10

COMMISSIONER: Then to 55?

MS McDONALD: 55, please. And if I can tell you this topic and an associated matter were the final matters dealt with at that meeting. So you've got this mayoral minute, which is designated Mayor 05. And then if we jump to page 56, you'll see Mayor 06, another mayoral minute, dealing with the appointment of an acting CEO. And then that continues on page 57. And then on page 58, meeting being closed at 11.06 pm. So this matter would appear to have arisen at the end of the meeting?

20 **DR GREEN:** It did.

MS McDONALD: Can we go back to 55, please. And you can see this mayoral minute, it's entitled - or the subject is "Personnel matter", but in the substance of the mayoral minute, after acknowledging the contributions and capabilities of the CEO, paragraph 3:

25

"Terminate his contract from 11 February 2022 under section 10.3.5 of the employment contract."

30 That probably should be "clause". Your understanding of that provision in the contract is where you - the Council can terminate the employment without cause?

DR GREEN: I probably at that time - being first meeting and first councillor - was not aware of that particular condition. I do recall, in speaking against it, saying that I had nothing before me to indicate as to why. I didn't quite understand.

35

MS McDONALD: Why there was a need to terminate Dr Jackson's employment?

DR GREEN: Why I was being asked to when I didn't have anything to say why.

40

MS McDONALD: All right. And just if we can see the bottom of the page, the motion - there are - you can see the people who voted in favour of the motion. And voting against, your name is the first name?

45 **DR GREEN:** Yes.

5 **MS McDONALD:** Now, I asked you previously whether you had any knowledge that this mayoral minute was going to be raised at the meeting seeking the termination of the CEO's employment and you said no. When this minute was - and, sorry, this actual - the minute with the resolution - during the meeting, is it at this point, for the first time, it's either put on the screen and you receive notification of it?

DR GREEN: I think, from my recollection, there'd been a rumour that that may occur but, as I say, I'm at home. I don't know. And then the mayoral minute came up.

10 **MS McDONALD:** Now, do you often take a note or a file note of meetings or events that have occurred where you're there as - in your role as a councillor?

DR GREEN: Not as an ongoing practice.

15 **MS McDONALD:** Does it depend on what the event is?

DR GREEN: Might depend on what it was or maybe how I was - I may have been feeling at the end of a meeting or an interchange.

20 **MS McDONALD:** Right. After this meeting, in particular the mayoral minute to terminate the CEO's employment, did you make a note about it?

25 **DR GREEN:** I didn't make a note, but I was aware at the time I found it all a bit shocking.

MS McDONALD: All right. Could document INQ.004.001.0002 be brought up.

ASSOCIATE: Do you want that document (indistinct)?

30 **MS McDONALD:** Yes, please. You're looking at that document?

DR GREEN: Yep. I'm not sure whether that is actually mine.

35 **MS McDONALD:** All right. Okay. Have a read of it - just another look at it. Is it -

DR GREEN: It's a fair reflection of the - particularly the process.

MS McDONALD: Could I just take you through steps?

40 **DR GREEN:** Sorry.

MS McDONALD: Looking at the document, were you the author of the document?

45 **DR GREEN:** I don't believe I was.

MS McDONALD: Has somebody - has this been provided to you subsequently?

DR GREEN: No.

5 **MS McDONALD:** All right. Having a look at the document, you can see that it sets out an account of what happened at that part of the meeting dealing with the mayoral minute. Reading it - I think you just said, reading it, it's a fair recollection - or it accords with your recollection of what occurred at the meeting?

10 **DR GREEN:** I remember receiving the papers via photograph and being told that they had to be deleted at the conclusion of the meeting.

MS McDONALD: And when you say the papers, they were the actual mayoral minute or the actual resolution?

15 **DR GREEN:** I don't - I can't recall exactly what the papers were, but I do - I do recall receiving the photograph and then being requested that I had to delete them at the conclusion of the meeting.

20 **MS McDONALD:** If that can be brought down. You voted against the motion. Why did you vote against it?

DR GREEN: My recollection is that it felt shocking and how could I - how could I vote to terminate somebody that I didn't - I didn't really know, I hadn't work with. Yes, it's -

25 **MS McDONALD:** All right. I want to take you then - jumping around to another termination of a chief executive officer. If you can just excuse me for a minute. Now, this was dealing with the termination of employment of Mr Ajaka. You'll recall that in April of last year, at the April meeting of the Council, there was a resolution that he go on leave for a period to allow an investigation to be undertaken about a certain meeting or incident that involved primarily him and the mayor?

30

DR GREEN: Yes.

35 **MS McDONALD:** Were you - and to your knowledge, an outside organisation called Weir were engaged to conduct the investigation?

DR GREEN: Yes, as I understand it.

40 **MS McDONALD:** You weren't interviewed as part of that investigation?

DR GREEN: No, I was not.

45 **MS McDONALD:** Then we come to May - meeting held on 29 May. Excuse me for a minute. If we could bring up the minutes of that meeting, INQ.001.001.1105. Page - yes, page 51. Sorry. Just to establish, you can see on the first page these are the minutes?

DR GREEN: Yep.

5 **MS McDONALD:** And if we go through to page 51. Yes, please. Now, this is a mayoral minute. Subject, "Staffing matter". And you can see the recommendation there that, subject to a different clause of the employment contract, the Council terminate the employment of John Ajaka as CEO without notice and with immediate effect, and that Mr Breton continues as the acting chief executive officer?

10 **DR GREEN:** Yes.

MS McDONALD: Now, looking at the minute, under Council Decision, the motion was declared carried and it records who voted and who voted against it, and you voted against it?

15 **DR GREEN:** Yes, I did.

MS McDONALD: And then immediately underneath that, there's a motion of dissent moved by Councillor Kaliyanda but seconded by you?

20 **DR GREEN:** Yes.

MS McDONALD: And that was that:

25 "A decision should not be made until the current investigation findings are available."

And that:

30 "The mayor should not be using a casting vote for this matter."

And if we can go over to the next page, page 52. It records the vote for the dissent, and that includes you and obviously Councillor Kaliyanda. Then the vote against, and that motion was declared lost?

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

MS McDONALD: And then if we can jump back to the bottom of page 51. The first part of the motion of dissent:

40 "A decision should not be made until the current investigation findings are available."

45 Is that a reference to your understanding that the Weir group or company were undertaking an investigation which had not finally reported by then?

DR GREEN: Yes. That's correct.

MS McDONALD: Did you know that there was an interim report provided about one or two days before this meeting by the Weir Group?

DR GREEN: Not that I am aware of.

5

MS McDONALD: So the basis of this was, "We've engaged an outside organisation who are conducting an investigation. Let's wait to see what they see" - "say", sorry.

DR GREEN: Yes. Yes.

10

MS McDONALD: And then the second aspect of it:

"The mayor should not be using a casting vote for this matter."

15

Why did you move the motion of dissent with that recommendation in it?

DR GREEN: I think, from our perspective, the mayor was a party to the initial conflict between himself and Mr Ajaka and therefore, you know, should not have used a casting vote for the vote to terminate be successful.

20

MS McDONALD: So because he appeared to be integrally involved in the factual matters -

DR GREEN: Yes.

25

MS McDONALD: - which were forming the basis of the resolution -

DR GREEN: Correct.

30

MS McDONALD: - to terminate him. Excuse me for a minute. This debate is held in a closed session of Council?

DR GREEN: Yes. Yes, it was.

35

MS McDONALD: If - could we bring up, please, OLG.001.001.1061.

ASSOCIATE: Do you want this document on live stream?

40

MS McDONALD: Yes, please. I'll just take you through so you can remember the document as a whole, but it's headed Mayoral Minute. The first section is moving into the closed session. It then refers to the 24 April resolution, which I briefly mentioned to you.

DR GREEN: Yes.

45

MS McDONALD: Which, in substance, was that Mr Ajaka go on leave while the investigation takes place.

DR GREEN: Yes.

MS McDONALD: And then if - sorry, if we can - yes. If we can stop there:

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"Upon consideration as a whole, it's appropriate that Mr Ajaka be dismissed. His contract of employment enables that to occur for various reasons."

10 And if we go to the next page, it's - the Council writes to Mr Ajaka, informing him of the Council's decision and issues him with the attached letter. And then you can see on page 3 it commences with attachment A, a proposed letter being sent to Mr Ajaka entitled Termination of Contract?

DR GREEN: Yes.

15

MS McDONALD: Now, that - the documents that I've just taken you to - so that mayoral minute and this attachment, is it your recollection that these documents were provided in some way to the councillors at this meeting in the closed session?

20 **DR GREEN:** I believe so.

MS McDONALD: All right. The letter, if you have a look - if we can move a little bit down that document, you can see it's got:

25 "Council has given consideration to several instances of unsatisfactory conduct on your part."

And then there are several dot points, which look at conduct after the meeting of 16 April. So you can see a dot point:

30

"On 22 April, you met with representatives of the USU."

They - the USU made certain allegations. And if we then go to page 4, at the top, you know:

35

"You failed to correct misstatements that were made on a radio program."

Et cetera.

40 **DR GREEN:** Yes.

MS McDONALD: Now, the various matters raised in this letter which seek to justify the termination of Mr Ajaka's employment, were you given notice of those before the meeting or is the first time you saw the basis of terminating his contract with cause - so summarily dismissed - was when you received this?

45

DR GREEN: My recollection is we saw them on the day of that - of the meeting, not before.

MS McDONALD: Not before?

5

DR GREEN: No before.

MS McDONALD: So when you're sitting there in the chamber in closed session, and you get this?

10

DR GREEN: Yes.

COMMISSIONER: Were you aware that the issue might come up before the meeting started?

15

DR GREEN: I think we were aware that the issue would come up, following the timeline that - because there were three meetings within - that led to - there were two previous ones to this meeting. So there were three - there were three meetings.

20 **MS McDONALD:** Sorry, can I just clarify, council meetings or -

DR GREEN: Confidential. It gets a bit blurry because it was a very traumatic time as well. I mean - I mean, we - I think it was clear that we were moving towards termination, but we did not - we did not know what the reasons would be given, no.

25

COMMISSIONER: All right. So I appreciate it was - things were - you just said lots of things were happening, but your recollection today is you had an idea that this issue might come up during the meeting on 29 May before the meeting started. Have I understood you correctly? And if you don't remember one way or the other, just say so. It's okay.

30

DR GREEN: It's difficult to remember, I guess, those kind of finer details.

COMMISSIONER: Yes.

35

DR GREEN: Because it was a - it was a very stressful time.

COMMISSIONER: But around this time - that is, through April or through May - you were aware that the -

40

DR GREEN: Yes.

COMMISSIONER: - issue of the then CEO's employment was live -

45 **DR GREEN:** Yes.

COMMISSIONER: - if I can put it that way?

DR GREEN: Yes.

5 **MS McDONALD:** To your knowledge, have those various allegations been put to Mr Ajaka and Mr Ajaka accorded an opportunity to respond?

DR GREEN: My understanding was no.

10 **MS McDONALD:** You voted against the motion?

DR GREEN: I did.

MS McDONALD: Why did you vote against it?

15 **DR GREEN:** At that point I don't think we had still received the Weir report. It was a pretty robust meeting, as those allegations were put to us on - on the floor. I - so I think the whole process just didn't - it wasn't about - the process didn't afford natural justice or due process to Mr Ajaka.

20 **MS McDONALD:** All right. Excuse me for a minute. As part of the agenda book for that meeting, had you also proposed a notice of motion dealing more broadly with the turnover of chief executive officers at Liverpool City Council?

25 **DR GREEN:** Yes, I did.

MS McDONALD: Would document INQ.001.001.1083 be brought up, please. Yes, please. You can see that's the agenda booklet of 29 May?

30 **DR GREEN:** Yes.

MS McDONALD: And if we can go through to page 488. And can you see there there's notice of motion number 1:

35 "Addressing contributory factors to high turnover of CEO."

And then under Background:

40 "Recognising that strong and stable operational leadership is an important factor in ensuring that Council continues to deliver high-level service to the community, I propose the following motion."

DR GREEN: Yes.

45 **MS McDONALD:** And if we can just look at the motion very quickly, you're looking at engaging an external party to conduct an investigation into the turnover of the position of CEO from 2008.

DR GREEN: Yes.

5 **MS McDONALD:** Then within paragraph 2, what the investigation should include within its terms of reference. And number 1 is looking at a comparison with other councils. 2, any underlying or common facts which have caused turnover in the CEO position. And then (c), any recommendations to address issues identified, whether it's recruitment, management and termination process -

10 **DR GREEN:** Yes.

MS McDONALD: - relating to the CEO. And then you've got some time - suggested time limitations. If we move to page 489, you've got the acting chief executive officer's comments, which include that - they're more, kind of, facilitative. You've got a panel of investigators. Once terms of reference are provided, we can then work
15 out a price, et cetera. And then again, as I said, primarily facilitative but with - the acting chief executive officer then provides some indication of the financial implications, so that it might cost 10,000 to 25,000 dollars, which would be funded from the general fund. And just as a matter of procedure, is it your understanding that when you lodge or file a notice of motion within the requisite time and it's
20 included in the agenda and it's going to involve some spending of money, that the CEO, through - obviously using the staff, looks at, well, what's the cost -

DR GREEN: Yes.

25 **MS McDONALD:** Potential cost and where's the money going to come from.

DR GREEN: Yes.

MS McDONALD: All right. And then if we can then turn to the minutes, which is
30 INQ.001.001.1105, and page 44. These are the minutes. If you go through to page 45, at the top. It contains at least paragraphs 1 and 2 of your motion, but then it has:

"Defer administration of this item until Office of Local Government concludes the current investigation and findings are presented to Council."

35 And that motion was actually carried?

DR GREEN: Yes.

40 **MS McDONALD:** The reference to the Office of Local Government concluding its current investigation, is that the investigation that we've referred to in the inquiry as the 430?

DR GREEN: That's correct.
45

MS McDONALD: All right. And putting to one side the status of that investigation, I assume this hasn't moved on or been proceeded with?

DR GREEN: No.

5 **MS McDONALD:** All right. Excuse me. Could you just excuse me. And just to close off a matter that I asked you about - if I can bring up the code of meeting practice which was in existence at the time -

DR GREEN: Yes.

10 **MS McDONALD:** INQ.001.001.1136. And it can be live streamed. Can we go to 3.12. It's on page 5. Got that up there?

DR GREEN: Yes.

15 **MS McDONALD:** You can see there it says:

20 "Notice of motion for expenditure of funds on works and/or services other than those already provided for in the Council's current adopted operational plan must identify the source of the funding for the expenditure that's subject of the notice of motion. If the notice of motion doesn't do that, the CEO must either prepare a report on the availability of funds for implementing the motion, if adopted, for inclusion in the business papers or by written notice sent to all councillors with the business paper defer the consideration of the matter by Council pending preparation of such a report."

25 **DR GREEN:** Yes.

MS McDONALD: And just as a matter of procedure, the agenda that I took you to previously, where you had your proposed notice of motion -

30 **DR GREEN:** Yes.

MS McDONALD: - and then the acting chief executive officer's comment with the financial implications, is it your understanding that that was the acting chief executive officer satisfying the requirements of 3.12 in -

DR GREEN: Yes, (a).

40 **MS McDONALD:** Yes. In the code of meeting practice in existence at that time.

DR GREEN: Yes, I would agree with that.

MS McDONALD: Right. Okay.

45 **COMMISSIONER:** The deferral of that item from the minutes seem to have been an amendment to your original proposed motion, but was that something that you agreed to in putting the motion forward, that it should be deferred for the reasons -

DR GREEN: It was deferred - that amendment was placed as - after the debate on the floor.

5 **COMMISSIONER:** Yes.

DR GREEN: Yes.

10 **COMMISSIONER:** And it was an amendment you agreed with?

DR GREEN: Yes. Yes. It made sense.

15 **MS McDONALD:** Now, also after the meeting in May, did you and two other councillors, being Councillor Harle and Councillor Kaliyanda, send a letter to the Minister?

DR GREEN: Yes, we did.

20 **MS McDONALD:** Would OLG.001.001.1468 be brought up, please. Could you just excuse me.

COMMISSIONER: Better take it down off the screen.

25 **MS McDONALD:** Could you just excuse me, Commissioner.

COMMISSIONER: Yes. According to my list, I did it as - the order was made as part of a bulk direction on 10 July, but I can't identify from my list the reason.

30 **MS McDONALD:** Our side suspects it might be an error.

COMMISSIONER: All right.

35 **MS McDONALD:** But I think junior counsel is popping out to check. Maybe if we can just proceed with it - with this document not being live streamed.

COMMISSIONER: Yes. Or if you need to go to the detail we can come back to it. I don't want to take you off course.

40 **MS McDONALD:** All right.

COMMISSIONER: Whatever's most convenient.

45 **MS McDONALD:** I did want to go to a bit of the detail. Can I park it and I'll come back, hopefully -

COMMISSIONER: Yes. Yes. And you can do it in more fulsome terms.

MS McDONALD: Yes. Excuse me for a minute. Dr Green, I'm moving to a different topic now, which is broadly the conduct of council meetings.

DR GREEN: Right.

5

MS McDONALD: And some of these the inquiry has already heard evidence about, so I might just try and shortcut it if I can. But if I have abbreviated it in such a way that you need more detail, I can take you to documents and potentially videos, et cetera.

10

DR GREEN: Okay.

MS McDONALD: The first one I want to ask you about is the June - do this first - the June 2024 budget meeting.

15

DR GREEN: Right.

MS McDONALD: And - sorry, the council meeting in June 2024 where you consider the budget for the next financial year.

20

DR GREEN: Yes.

MS McDONALD: When the agenda item which was CFD2, the adoption of basically the budget, was to be debated on the floor, do you recall that the mayor stood up and, it would appear, had a piece of paper and started reading out amendments that he wanted to press?

25

DR GREEN: Yes. I do recall that.

MS McDONALD: I might just play a very short part of it. The inquiry has watched the - the, kind of, substantial part. But if we can bring up the video, INQ.00 - sorry. INQ.011.001.0007. It can be live streamed. And if we can move first to about the 34 - and if you just take it from me that this is where the budget resolution is raised and it's the start of debate.

35

DR GREEN: Yes.

(Video played)

MS McDONALD: Now, can I just pause it there. Unless you need to see it, that is - you could see that the mayor - and I think I might have said that he stood up. That was incorrect. But you can see that within the papers in front of him he's got a piece of paper and he's now reading out these couple of changes?

40

DR GREEN: Yes.

45

MS McDONALD: And again, without playing it all because it goes for a little period of time, do you recall that there were a number of changes?

DR GREEN: Yes, there were.

5

MS McDONALD: And if we maybe can jump to about the 47th minute.

(Video played)

10 **MS McDONALD:** All right. If we can pause there. I think at that point one of the other councillors then adds to the list. And again, I'm not going to play it all, but our analysis of that part of the meeting is the issue that you raised, really, was never returned to -

15 **DR GREEN:** No.

MS McDONALD: - in the meeting.

DR GREEN: No.

20

MS McDONALD: And from what you said, this list of additional items, there wasn't any email or any notification that the mayor was going to basically seek to amend the budget to include those?

25 **DR GREEN:** No, there wasn't.

MS McDONALD: And your point - I won't go over it - you articulated it in that video - is (a), "I want notice because I want to do the right thing by the community," but also you said, "I'd be assisted by something from the chief financial officer about the impact, if any, on the rest of the budget for this new expenditure."

30

DR GREEN: Yes.

MS McDONALD: As I said, it doesn't seem to have been addressed at the meeting. Has it been subsequently addressed?

35

DR GREEN: The issues that I raised?

MS McDONALD: Yes. Of moving through a mayoral minute, additional expenditure in that way without notice.

40

DR GREEN: Not necessarily. There may be some this particular term where there has - there has been notice of a - a mayoral minute going to be moved, but not in the last term, no. Not - to the best of my recollection.

45

MS McDONALD: Okay. You said that there has been an item being moved via a mayoral minute that you were given notice about?

DR GREEN: I think there's been a couple in this term. I can't remember exactly which ones, but ones where we have had prior notice.

5 **MS McDONALD:** And the prior notice, was that through an email or something like that shortly before the meeting?

DR GREEN: I think more in conversation.

10 **MS McDONALD:** Would you excuse me. Excuse me. Commissioner, I understand that the non-publication order made on the previous document was a precautionary measure. It wasn't sought by the Council. But our submission would be that it could be revoked.

15 **COMMISSIONER:** Did I make at the request of counsel assisting, as a precaution?

MS McDONALD: Yes.

COMMISSIONER: Okay. I take it no one else wants to be heard on that. Could you
20 just remind me of the doc ID?

MS McDONALD: It was OLG.001.001.1468.

COMMISSIONER: All right. The direction I made on 10 July 2025, pursuant to
25 section 12B of the Royal Commissions Act, that that document, being OLG.001.001.1468, not be published is revoked.

MS McDONALD: Dr Green, I've finished with the - I think it was the 29th of - or
30 the June 2024 meeting. Now I'm going to jump back to that letter that you, Councillor Harle and Councillor Kaliyanda signed. If that can be brought up, please.

ASSOCIATE: Do you want that on the live stream?

MS McDONALD: Yes, please. Now, if I can jump to the third paragraph, where
35 there's a reference to - well, where you state:

"Over the last three ordinary meetings of Council it's become increasingly clear that decision-making processes have broken down and are quite dysfunctional."

40 Then in the next paragraph, there's an assertion that:

"The mayor and a group of councillors are voting as a binding caucus, which is in contravention."

45 Can I just pause there. Can you recall what the basis of that assertion was?

5 **DR GREEN:** I think, from memory, that - it seemed to be a - the same bloc all the time, irregardless - as I said, some of these discussions were quite robust in the - in the confidential section, but I guess that was the general feeling of the three of us that signed the document, that - and concerns about, as I said, due process and natural justice was not being served.

10 **MS McDONALD:** Okay. So with the first one, from your perspective, it appears to be your observation of voting patterns in respect of certain matters and that - as it expresses it, "we believe" - it appears to be an inference that you may be drawing from those voting patterns?

DR GREEN: And I think those - from my recollection, the three ordinary meetings that are indicated there are the three in relation to the termination of Mr Ajaka.

15 **MS McDONALD:** All right. Then the second - sorry, if we can move down the page. You've got a reference to:

20 "Conflicts of interest are not being dealt with in a manner that reflects general conduct and fairness provisions of the code."

And then a reference to the 26 June meeting of the Council, where there was:

25 "Mayor and some councillors voted against an urgency motion proposed to source legal and financial advice to better inform all councillors in relation to the termination of the CEO's contract."

Which, as we've seen, was in the mayoral minute of - considered on 29 May. And then you say:

30 "This decision denied a significant number of councillors with advice to assist in making decisions that potentially expose Council and councillors to legal, financial and reputational risk, advice we consider essential to discharging our obligations to our community."

35 One of the matters you're raising there is that potentially because of the way Mr Ajaka's contract was terminated it may lead to Mr Ajaka seeking legal redress in a relevant court?

40 **DR GREEN:** Yes.

MS McDONALD: Which may mean that the Council will be up for its own legal fees if he succeeds - other payments?

45 **DR GREEN:** An unknown.

MS McDONALD: Yes. I can understand that, but it's - the beginning of the paragraph raises conflicts of interest. The point that you were making in the

consideration of that motion which appears to have failed with conflict of interest, what were you referring to?

5 **DR GREEN:** From memory?

MS McDONALD: Yes.

10 **DR GREEN:** It may well have been with the mayor in his - the conflict of interest that - our perceived - our percept that conflict of interest - the issue was between the mayor and Mr Ajaka, if the mayor participated in the vote and used a casting vote, so I -

MS McDONALD: You've given evidence about that.

15 **DR GREEN:** Yes. So I - I mean, my assumption is that that section is related to that.

MS McDONALD: And then in the letter you expand on that in - have we got that up there - the next paragraph, where you say:

20 "On a number of occasions, councillors have highlighted the inappropriateness of the mayor not only voting in but exercising his casting vote on an issue where he is named as an aggrieved party."

25 **DR GREEN:** Mm-hmm.

MS McDONALD: All right. And then if we go to the next page. You say at the top:

30 "In the last three months, during the standing down and subsequent termination of the CEO's contract, we do not feel that community interest has been placed at the heart of this, nor the CEO afforded due process."

DR GREEN: Correct.

35 **MS McDONALD:** All right. Okay. I'll just now move to a different topic. If you can just excuse me for a minute. Excuse me. All right. Different meeting and a different topic. To provide some context, can we bring up the minutes of the 30 August 2023 meeting, which is INQ.001.001.1039.

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

MS McDONALD: Yes, please. And if we can go to page 11, please. Yes. This - you can see from the minutes this was a mayoral minute, which has got a subject of "The introduction of a project control committee"?

45 **DR GREEN:** Yes.

MS McDONALD: And you can see it's - the actual - you've got a background at the beginning of it which appears to be looking at the 7.11 developer contributions?

DR GREEN: Yes.

5

MS McDONALD: And delays in the investment of those contributions. If we can go down that page, we've got the recommendation that a project control committee is established to provide oversight and guidance, et cetera. Do you see that?

10 **DR GREEN:** Yes, I do.

MS McDONALD: And then if we go across to page 12, the motion continues. But I want to take you to - Councillor Hagarty raised a point of order.

15 **DR GREEN:** Yes.

MS McDONALD: And there he says:

20 "Due to the complexity of the motion and the time given to consider it, the motion breaches the spirit of mayoral minutes."

DR GREEN: Yes.

25 **MS McDONALD:** The mayor ruled that the point of order is not upheld. Councillor Hagarty then moved a motion of dissent; that was lost. And then if we go across to page 13, you can see that the motion - the motion's put as it originally was, and at page 14 it's carried.

DR GREEN: Yes.

30

MS McDONALD: Now, the point of order raised by Councillor Hagarty that it was - it was complex and that time should be given to consider it and it breaches the spirit of mayoral minutes, did you share Councillor Hagarty's concerns?

35 **DR GREEN:** Yes, I did.

MS McDONALD: With this particular mayoral minute and the introduction of a project control committee, had you been given notice before the mayoral minute was presented to you in the council meeting?

40

DR GREEN: I don't believe so.

45 **MS McDONALD:** I then want to take you to the meeting of 13 December 2023. INQ.001.001.1056. Yes, please. And if we can go through to page 6. Down towards the bottom of the page, can you see, "Motion of urgency"?

DR GREEN: Yes.

MS McDONALD: And it refers to you requesting the mayor to consider a motion of urgency in relation to:

5 "The independent third-party advice into legal stages of the project control committee."

DR GREEN: Yes.

10 **MS McDONALD:** I want to play you the part of the council meeting which deals with this issue. It goes for about 20 minutes.

COMMISSIONER: Okay. Well, let's have a break before we do that.

15 **MS McDONALD:** All right.

COMMISSIONER: Councillor, we're going to take the mid-morning break for about 20 minutes. We'll resume at 10 to 12.

20 **DR GREEN:** Yes.

COMMISSIONER: So if you wouldn't mind being back here just before that, I'd be most grateful.

25 **DR GREEN:** Not at all, Commissioner.

COMMISSIONER: Thank you.

<THE HEARING ADJOURNED AT 11.29 AM

30

<THE HEARING RESUMED AT 11.57 AM

MS McDONALD: Dr Green, what I will now do is play an extract from the council meeting of 13 December. I will play it through and at its conclusion ask you some questions.

35

DR GREEN: Right.

MS McDONALD: Excuse me. INQ.069.001.0002. This is the video.
40 INQ.069.001.0002. Could you just excuse me. Sorry?

ASSOCIATE: (Indistinct).

MS McDONALD: Yes, meeting. I'm sorry. Could you just read out what it is?
45

ASSOCIATE: INQ.011.001.0004.

MS McDONALD: All right. I'm -

COMMISSIONER: We'll go with that one.

5 **MS McDONALD:** Yes. Sorry about that. And you can see there it's - if we can move forward to about the 22-minute point.

ASSOCIATE: (Indistinct) on the live stream?

10 **MS McDONALD:** Yes, please.

(Video played)

15 **MS McDONALD:** I think we can stop it now. If we can just go back to INQ.001.001.1056. Page 7. You can see that, I think, after that discussion at the meeting, if we go a little bit down on that page, under Council Decision, your resolution was changed from:

20 "To seek legal advice from the general counsel."

DR GREEN: Yes.

MS McDONALD: But it's still seeking that advice about the legality and legitimacy of the project committee -

25 **DR GREEN:** Yes.

MS McDONALD: - et cetera. And then the rest of your original recommendation seems to have been included.

30 **DR GREEN:** Yes.

MS McDONALD: And ultimately, that was put to the motion - to the meeting, sorry, and was carried?

35 **DR GREEN:** Yes.

40 **MS McDONALD:** Right. And can I just clarify - at the commencement it was described as an urgent motion. Does that mean that you hadn't given notice of it? Or, in a sense, you were moving it at the council meeting?

45 **DR GREEN:** I was moving it at the council meeting. I had spoken to the CEO - in expressing my concerns, and the advice was to prepare it as an urgency motion so that - because the next meeting wasn't until February, so the - whatever legal advice was required would be received before the beginning of that meeting.

5 **MS McDONALD:** Right. I just want to ask you some questions about the way that the meeting was conducted, considering your urgency motion. Different people spoke. So, for example, the CEO, the general counsel and also Ms Macnaught. But from watching the extract of the video, the main people speaking were you and the mayor?

DR GREEN: Correct.

10 **MS McDONALD:** The tone of some of the comments made by the mayor during the discussion, do you have any observation to make about his tone?

15 **DR GREEN:** I felt at the time - my recollection, I felt at the time - when it was reframed as that I was implying that the Council had done something illegal, that that reframe wasn't - it wasn't - it wasn't reflective of what I had put - that I wasn't talking about Council. I was talking about the committee and that - my concerns.

20 **MS McDONALD:** All right. But you're pointing to the assertions that you are implying the Council has acted outside of the Act and that he also said that you should be mindful of some of the basic reading that we should all do of the Act?

DR GREEN: Yes.

25 **MS McDONALD:** And also commented that section 377 makes it blatantly clear what councillors' roles - role is, and concern that councillors haven't grasped that.

DR GREEN: Yes.

30 **MS McDONALD:** Do you have any observation to make about those particular comments that the mayor made?

DR GREEN: I think on the day, I recollect, I just - I took it as a bit of a barb.

35 **MS McDONALD:** His involvement in the debate - he was the Chair at that point. Do you have any comment about his involvement while still being the Chair?

DR GREEN: I guess - I mean, I - I understood clearly the issues of Austral, for example. Whether that conversation should have been part of the debate? Probably not.

40 **MS McDONALD:** Well, that really moved to an issue of substance, which - your motion was looking more at, in a sense, a procedural or a facilitative matter -

DR GREEN: Yes.

45 **MS McDONALD:** - where you wanted clarification of whether you could participate in some way in this committee next year.

DR GREEN: Yes. My central concern in attending the two committee meetings that - and I'm sure there were just the two - it felt operational, and I was not comfortable in being involved in what I felt and at the time believed were operational matters.

5

MS McDONALD: I now want to take you to another council meeting of 7 February 2024. If we could bring up the council agenda, being INQ.001.001.1057. Yes, please. You can see that's the front page of the agenda.

10 **DR GREEN:** Yes.

MS McDONALD: And could we move through to page 49. Now, this is included in the agenda book, so it has been provided within at least the requisite time for inclusion in the agenda book.

15

DR GREEN: Yes.

MS McDONALD: And you can see that this is a motion seeking the rescission of a previous resolution dealing with the Hammondville Precinct which was considered by the Council on 13 December 2023.

20

DR GREEN: Yes.

MS McDONALD: And we can see there that the notice of motion of rescission was submitted by yourself, Councillor Kaliyanda and Councillor Harle.

25

DR GREEN: Correct.

MS McDONALD: And then if we just look at - towards the bottom of the page, it refers to the resolution that was passed on 13 December. And in particular, in paragraph 1, the agreement to sell lots 101 and 102 to Moorebank Sports Club?

30

DR GREEN: Yes. That's correct.

MS McDONALD: And then if we go - so step number 1 is your notice of motion is to rescind that previous resolution of council?

35

DR GREEN: Yes.

MS McDONALD: And then if we go across to page 50, if the rescission motion is passed, you then indicate that there would be a following motion which, under paragraph 2, defers the proposed sale?

40

DR GREEN: Yes.

45

MS McDONALD: And then in 3, undertakes extensive community consultation and then a suggestion of how the consultation can occur.

DR GREEN: Yes.

5 **MS McDONALD:** And was it your concern, in bringing forward the notion of rescission, that in respect of the sale of those two lots to the sports club there hadn't been adequate public discussion or consultation about it?

DR GREEN: Correct.

10 **MS McDONALD:** All right. Now, this motion was debated at the meeting. I want to take you to just certain extracts. I'm not going to play it all because it is lengthy.

DR GREEN: It is.

15 **MS McDONALD:** But you can see it's NOM number 1. So if you could first bring up video INQ.069.001.0003. Now, I'm not going to play from the beginning of where the motion is first discussed, but you move it, it's seconded by Councillor Harle and then debate continues.

20 **DR GREEN:** Yes.

MS McDONALD: If we could go to about 58 minutes, say, 40 seconds. Yes, please.

(Video played)

25 **MS McDONALD:** All right. Can I pause there. Dr Green, after that particular point, there is further issues or questions being raised about - by the mayor about suburbs, et cetera, and then that continues for about another five minutes. And then if we could jump to about one hour, seven minutes and, say, 56 seconds.

30

(Video played)

MS McDONALD: Could we jump, then - is it your recollection that the mayor continues with this - raising number of people, costs, et cetera?

35

DR GREEN: Yes.

MS McDONALD: Could we go to one hour, 12 minutes and about 32 seconds.

40 (Video played)

MS McDONALD: Then could we move down to - and then there's further discussions about funding sources?

45 **DR GREEN:** Yes.

MS McDONALD: Then if we could go to one hour, 15 minutes, at about 48 seconds.

(Video played)

5

MS McDONALD: All right. If we can stop it there. The debate continues, and I'm not going to take you to all of the debate or further matters that were raised. Just with the result of your notice of motion - if we can jump back to the minutes of the ordinary meeting held on 7 February 2024. INQ.001.001.1059. If we now jump
10 through to page - I think it's 15. This just repeats your - the rescission motion and then the follow-up motion if the rescission motion was passed.

DR GREEN: Yes.

15

MS McDONALD: It then says:

"Councillors debated the proposed motion should the rescission motion be adopted, as it did not state a funding source."

20

And then it would appear that the subsequent motion was then amended?

DR GREEN: Yes.

25

MS McDONALD: And then ultimately we've got the result on the next page, page 16, right at the top. The rescission motion was declared lost.

DR GREEN: Yes.

30

MS McDONALD: And again it records who voted for it, which included yourself, and then who voted against it.

DR GREEN: Yes.

35

MS McDONALD: What I'm concentrating on is really the meeting and the meeting procedure. First thing to raise is it appears from the excerpts that we have played, ultimately, the provisions of - or the clause 3.12 of the code of meeting practice, which I took you to earlier today -

DR GREEN: Yes.

40

MS McDONALD: - which provides that the CEO should turn his mind - his or her mind - to notices of motion -

DR GREEN: Yes.

45

MS McDONALD: - and either prepare a report as to funding or, if that can't be done, defer it.

DR GREEN: Yes.

5 **MS McDONALD:** And I assume from the papers and the way that the debate continued, that had not been done with your proposed rescission and further motion?

DR GREEN: No, it had not.

10 **MS McDONALD:** And as you said, this is a February meeting. You had - do you lodge proposed notices of motion -

DR GREEN: Yes, on 22 December.

15 **MS McDONALD:** Right. So the year - towards the end of the year before.

DR GREEN: Yes.

20 **MS McDONALD:** Moving away from the content of it - again, do you have any observations of - with the excerpts that we have played, the role of the mayor in the meeting?

25 **DR GREEN:** I remember I felt - and when I rewatch it I feel the same - rather humiliated and - kind of schooled in the process, I guess, is how I would describe it. Was quite uncomfortable.

MS McDONALD: After the meeting, which - and this part of the council meeting was live streamed?

30 **DR GREEN:** Yes, it was.

MS McDONALD: You weren't in closed session or anything like that?

DR GREEN: No, we were not.

35 **MS McDONALD:** Did you have any comments made to you by any constituents?

40 **DR GREEN:** I did have comments made to me by constituents who had watched, that - was I okay, and I also had comments from some directors and staff for up to a week and a half after, was I okay.

MS McDONALD: Excuse me for a minute. Now, still with meetings, I now want to move to another meeting which occurred next year, on 20 February 2025. Not a council meeting but a CEO recruitment meeting.

45 **DR GREEN:** Right.

MS McDONALD: Now, you'll recall that Mr Ajaka's employment was terminated back, I think, in May the year before.

DR GREEN: Yes.

5

MS McDONALD: And Mr Breton was pointed the acting CEO.

DR GREEN: Yes.

10 **MS McDONALD:** Obviously there is a need to appoint a permanent CEO, and part of that is a recruitment process.

DR GREEN: Yes.

15 **MS McDONALD:** Now, originally, was it proposed that the recruitment panel would not consist of a selection of councillors but all of the governing body?

DR GREEN: Yes, it was.

20 **MS McDONALD:** And the meeting on 20 February, that occurred in the boardroom at the Council's chambers?

DR GREEN: Yes, it did.

25 **MS McDONALD:** And it was at the time where the recruitment panel was going to be all of you?

DR GREEN: Yes.

30 **MS McDONALD:** Right. Now, at the meeting, is it your recollection that all councillors were present except for Councillor Adjei?

DR GREEN: I don't recollect - I'm not quite sure.

35 **MS McDONALD:** Okay. And also at the beginning of this meeting there were the outside recruitment agency -

DR GREEN: Yes.

40 **MS McDONALD:** - that had been engaged by the Council, who I think was Oceans Group -

DR GREEN: Correct.

45 **MS McDONALD:** - and about two of their representatives?

DR GREEN: Yes.

MS McDONALD: And maybe also a representative of the probity adviser from Procure Group?

5 **DR GREEN:** Yes. Yes.

MS McDONALD: All right. Now, to again move through this, because this leads up to other matters -

10 **DR GREEN:** Yep.

MS McDONALD: - after that particular meeting, were you contacted by Michelle McIlvenny with a general question of how you were or how you were feeling after that meeting?

15 **DR GREEN:** Yes, I was.

MS McDONALD: If I can bring up, please, LCC.003.001.0082, please. Don't put it on the live stream for the minute. Could you just excuse me. I think my learned friend - even though in its terms it doesn't refer to a code of conduct complaint, it raises particular conduct which is subject -

COMMISSIONER: All right. And you're going to the detail?

25 **MS McDONALD:** Yes.

COMMISSIONER: All right. Can everybody who's in the room remain? Yes. All right. Pursuant to section 12B of the Royal Commissions Act, I direct that the next passage of the hearing take place in private, that those who are currently in the hearing room can remain in the hearing room. I further direct that the transcript of this private hearing not be published otherwise than in accordance with the usual direction. And we'll just wait for the operator.

<THE HEARING ADJOURNED TO PRIVATE SESSION AT 12.45 PM

<THE HEARING RESUMED AT 12.57 PM

COMMISSIONER: Yes, we're back in public. Thank you.

5 **MS McDONALD:** Councillor, moving from the meeting of 20 February, there was the ordinary council meeting that was held on 26 February?

DR GREEN: Yes.

10 **MS McDONALD:** If we can first just move to the council agenda - and I'm going to move through this very quickly. It's just to jog your memory and set the scene. Can we bring up INQ.007.001.0001, please. Yes, please. Okay. Could we go through to page 125, please. Can you just excuse me for a minute. Could you just excuse me.
15 This time, could you please bring up INQ.007.001.0003. And I'm hoping it's got a page 125. Yes. Right. Can you see this was parts of the agenda and it's dealing with the mayoral - the proposed mayoral attendance at an aerotropolis conference in May in Hong Kong?

DR GREEN: Yes, I do.

20 **MS McDONALD:** And if we just move down a little bit. And when we come to what is proposed - right. I think it's on the top of page 126. Thank you. You've got - note the invitation from the event organisers, provide a determination that the mayor can go, basically, and then nominate a council delegate to accompany Mayor
25 Mannoun to Hong Kong.

DR GREEN: Yes.

MS McDONALD: Right. Then if I can take you to the minutes. INQ.007.001.0004.
30

ASSOCIATE: Do you want this document (indistinct)?

MS McDONALD: Yes, please. And if we can go to page 23. And this is really to refresh your memory.
35

DR GREEN: Yes.

MS McDONALD: You can see there that it - that motion that I took you to, you can see that it was lost. Then immediately underneath that, there was a motion to move
40 the council into closed session. Do you see that?

DR GREEN: Yes.

MS McDONALD: It was lost. Then it records that the mayor left the chamber and Councillor Harle became the chairperson. Do you see that?
45

DR GREEN: Yes. Yes, I do.

MS McDONALD: Then you've got, down the bottom - you've now got a foreshadowed motion that was moved by Councillor Ristevski and seconded by Councillor Karnib.

5

DR GREEN: Yes.

MS McDONALD: And if we move to the next page, foreshadowed motion became the motion, and on being put to the meeting it was declared carried. Then if you continue down the page, it's noted the mayor wasn't in the chamber when it was voted on. There's a recess. And then upon continuing the meeting after the recess, there was a recission motion.

10

DR GREEN: Yes.

15

MS McDONALD: And then if we go across the page to page 25, recission motion was declared lost.

DR GREEN: Yes.

20

MS McDONALD: And then if you can note, after that, they still record that the mayor isn't in the chambers - chamber, I'm sorry. And then we've got Councillor Macnaught left the chambers. Councillor Ammoun, Councillor Harte and Councillor Adjei also left the chambers. Then a brief recess and the resumption of the meeting.

25

DR GREEN: Yes.

MS McDONALD: And you had a quorum for the meeting and it continued.

30

DR GREEN: Yes.

MS McDONALD: Is that an appropriate time?

35

COMMISSIONER: Yes. Councillor, we're going to break for lunch. We'll resume at 2 pm.

DR GREEN: Right.

40

COMMISSIONER: So if you wouldn't mind being back here just before then -

DR GREEN: Thank you, Commissioner.

COMMISSIONER: - we'll continue then. Thank you. 2 pm.

45

<THE HEARING ADJOURNED AT 1.04 PM

<THE HEARING RESUMED AT 2.07 PM

COMMISSIONER: Yes, Ms McDonald.

5 **MS McDONALD:** Dr Green, immediately before lunch I'd taken you to the meeting of 26 February.

DR GREEN: Yes.

10 **MS McDONALD:** That a report and a resolution had been put forward about the attendance of the mayor and another staff member to this conference in Hong Kong.

DR GREEN: Yes.

15 **MS McDONALD:** And then I took you to, in the minutes - that that motion was lost, there was a motion to go - move into a closed session, that was lost. There was a foreshadowed motion which I think ultimately was amended and was passed. And then other councillors leaving the meeting and the meeting resuming.

20 **MS GREEN:** Correct.

MS McDONALD: If you need to see it we do have the video and I can play it for you, but I think the rest of us have watched it on at least two occasions. What I wanted to concentrate on was where you had the motion being - that the original motion being lost and then the foreshadowed motion being put forward and then the mayor seeking for the motion - sorry, the meeting to go into closed session. And my
25 recollection is that he refers to section 10A(2)(f) of the Act.

DR GREEN: Yes.

30 **MS McDONALD:** And then I think subsequently refers to that section and describes it in terms of it concerns the security of Council, councillors and staff. The motion to move into a closed session is lost, and then the mayor stands up and leaves the meeting.

35 **DR GREEN:** Yes.

MS McDONALD: Sitting there - sorry. Going back to that meeting. You're sitting there, you're a councillor. The reference to:

40 "I move that the meeting goes into closed session."

And what was said about why, did you understand the basis of the mayor seeking to move into closed session?

45 **DR GREEN:** Not entirely, no.

MS McDONALD: All right. Had that been anything discussed - or the prospect or potential of that discussed before the meeting?

DR GREEN: Not to my recollection.

5

MS McDONALD: And your answer that you just gave was that - I think it was along the lines of - I didn't make a note, sorry - not entirely aware. What was going through your mind? What were you thinking at that time as to what was going on and why it was going on?

10

DR GREEN: I didn't quite understand what was happening. I was feeling a little overwhelmed in relation to the foreshadowed motion. I felt that that was unnecessary and the debate around that - I was emotionally caught up in what was going on at that - in that section of the meeting.

15

MS McDONALD: And when you said the foreshadowed motion wasn't necessary, was that the first version of the foreshadowed motion?

DR GREEN: Yes. Yes.

20

MS McDONALD: Because from evidence we've heard, and I think from the minutes, it would appear that the original foreshadowed motion was then subsequently amended.

25

DR GREEN: Yes.

MS McDONALD: And I think it was amended so the last part of it became, in a sense, rather bland: if any other councillor wants to attend this conference they can, but they pay for it themselves.

30

DR GREEN: Correct.

MS McDONALD: Okay. You'll recall that there's - the mayor leaves, there's further debate and discussion, and then - excuse me. After the mayor has left, a question is raised by Councillor Harte to the deputy mayor, who's now the Chair, along the lines of, "Is the reason why the mayor has stepped out relating to a WH and S issue?" And Councillor Harte relies, "And that's why we wanted to go into a confidential." And then there's further - I'm sorry. Councillor Harte asks the question. Councillor Harle replies, "That's why we wanted to go into a confidential session." Then there's further discussion, including Councillor Karnib saying:

40

"The way the foreshadowed motion would need to be amended would not require a confidential session because no one will be specifically named and 10A(2)(f) would not be engaged."

45

Do you recall that exchange?

DR GREEN: Vaguely. Vaguely.

5 **MS McDONALD:** All right. And then it gets to the point where I think the amended foreshadowed motion is voted upon. There's then a recess. The meeting resumes and there's a rescission motion put forward.

DR GREEN: Yes.

10 **MS McDONALD:** Which then is defeated.

DR GREEN: Yes.

15 **MS McDONALD:** And at that point - not at the same time, but after each other in a relatively short period, the other - the councillors who represent the Liberal Party leave the chambers.

DR GREEN: Yes.

20 **MS McDONALD:** Again, during this subsequent debate after the mayor has left, work health and safety seems to be - or is raised by Councillor Harte, and then Councillor Karnib makes his comment about, "Look, the way that the foreshadowed motion has been amended, there's no need." Did you agree with that comment by Councillor Karnib and the way that the meeting progressed?

25 **DR GREEN:** I thought at the time that the fact that it had been amended to take out any specific name - that it was a reasonable compromise.

30 **MS McDONALD:** And the reasonable compromise, I think is - you've given evidence was the bland, "Any councillor wants to go, sure. Pay for yourself."

DR GREEN: Yep.

35 **MS McDONALD:** Did you understand why - after all that occurred and then the rescission motion failed, did you understand why the other councillors then left the chamber?

DR GREEN: Not fully.

40 **MS McDONALD:** At the time?

DR GREEN: At the time, it had - because I - I'm not sure what was going on.

45 **MS McDONALD:** All right. And then, as I think I've asked you before lunch, there was still a quorum with the meeting and the meeting continued.

DR GREEN: Yes.

MS McDONALD: And just by looking at the minutes, reports, resolutions were made and business was productively conducted during the rest of the meeting.

DR GREEN: Yes.

5

MS McDONALD: Excuse me for a minute. Now - excuse me. That evening, at about 8.39 pm, did you receive an email from the mayor?

DR GREEN: Yes, I did.

10

MS McDONALD: Could you please bring up INQ.013.001.0029. This email. Yes. And you can see this email commences with:

"I write to inform you of a serious matter regarding work health and safety."

15

DR GREEN: Yes.

MS McDONALD: Then there's a reference to 20 February and the behaviour of a councillor.

20

DR GREEN: Yes.

MS McDONALD: Then a reference to lodging an incident report and to SafeWork.

25

DR GREEN: Yes.

MS McDONALD: Did you know before the meeting of the 26th that the mayor had lodged an incident report?

30

DR GREEN: No.

MS McDONALD: Or that had in some way been referred to SafeWork?

DR GREEN: No, I did not.

35

MS McDONALD: And then he says:

"This is a matter which I was going to bring up in the closed session. You voted against this very important request to go into closed session and did not allow me even to explain what the security issue was."

40

And then he then refers to a senior counsel advice circulated by the CEO at the governance meeting the day before.

45

DR GREEN: Yes.

MS McDONALD: Do you recall that dealing - and I'm just asking you broadly - as it says here:

5 "Dealing with obligations of members of the governing body under work health and safety legislation."

DR GREEN: I can't say that I - I don't have a recollection of receiving it. That doesn't mean that I didn't. I just don't recall it. I'm sorry.

10 **MS McDONALD:** Don't recall today. All right. And then he also attaches a Facebook post which isn't part of this document, where he alleges a councillor threatened him with physical harm.

DR GREEN: Yes.
15

MS McDONALD: All right. So - excuse me for a minute. Now, on 27 February, did you receive some other emails from the mayor?

DR GREEN: Yes, I did.
20

MS McDONALD: Excuse me for a minute. If you could bring up, please, INQ.008.001.0019. Just pause for a sec, please. Before a decision to live stream, the copy of the document I have doesn't have any other attachment. Could we just check - it's INQ.008.001.0019. All right. The first one. Sorry. The one that appears
25 on the first page.

COMMISSIONER: Can we bring it up in the room -

MS McDONALD: Yes.
30

COMMISSIONER: - without putting it on the stream.

MS McDONALD: That can be live streamed. And can you see that was an email that Ned Mannoun sent on the 27th, but very early in the morning?
35

DR GREEN: Yes, I do.

MS McDONALD: He refers to:
40 "The mayoral minute that was passed yesterday."

And then says:

"Please see attached social media post."
45
By a councillor.

DR GREEN: Yes.

MS McDONALD: The mayoral minute, was that a mayoral minute dealing with social media policy of the Council?

5

DR GREEN: No. I imagine that it is referring to the meeting of the 26th.

MS McDONALD: No, no, no. Sorry. He's referring to a mayoral minute that was passed "yesterday". So passed -

10

DR GREEN: I can't recall.

MS McDONALD: You can't recall? Okay.

15

DR GREEN: Sorry.

MS McDONALD: That's all right. Then it says:

"It would be appreciated if you could issue a clarifying statement in public about what actually happened."

20

And then he intends to send every post - and you can see there:

". That makes comments about me."

25

DR GREEN: Yes. Yes.

MS McDONALD: All right. And then do these emails continue in the early morning, including INQ.008.001.0002. Yes, please. And live streamed. And you can see this is at 1.04 am?

30

DR GREEN: Yes.

MS McDONALD: There is an attachment which isn't part of this document, but his comments on the post are attached. And then just to end this part, also at about 1.16 in the morning, you receive a similar email from the mayor?

35

DR GREEN: Yes.

MS McDONALD: Basically saying, "This is another post from X."

40

DR GREEN: Yes.

MS McDONALD: From the councillor.

45

DR GREEN: Yes.

MS McDONALD: Okay. Look, sorry, I think - yes. Just excuse me for a minute. Just for the transcript, that was INQ.008.001.0004. Then the statement or raising of - I think it was in the 12.59 am:

5 "I would appreciate if you could issue a clarifying statement in public about what actually happened."

Did you consider that or did you do it, or -

10 **DR GREEN:** No.

MS McDONALD: And why not?

15 **DR GREEN:** I don't recall at the time why not, just - we just didn't.

MS McDONALD: All right. Also on - I think it's on - excuse me - the 26th, there was a post by Councillor Macnaught?

20 **DR GREEN:** Yes. I recall that.

MS McDONALD: Could we bring up - hold on for a sec. Excuse me for a sec. Could document INQ.010.001.0001 be brought up, please.

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

MS McDONALD: Yes, please. I think in - page 2, and then - sorry, I think it's repeated then on page 3. She says:

30 "Last night I left the council meeting early. It became clear the environment was not safe."

Then the paragraph:

35 "It makes matters worse when those actions are supported by others who stay silent rather than fulfil their obligations under numerous pieces of legislation we are bound by. To be clear, councillors have a WHS responsibility to staff. Yesterday, those councillors voted against hearing about and discussing safety concerns even though they'd witnessed this behaviour previously. This concerned me, and that's why I left."

40 You saw that post?

DR GREEN: Yes, I did.

45 **MS McDONALD:** And did you contact the acting CEO about it?

DR GREEN: Yes, I did.

MS McDONALD: Could document LCC.003.002.0716 be brought up. And don't bring it up yet. I think there's just got to be some double-checking, but maybe if it can just be brought up in the room, please. This is your letter to Mr Breton on February 28?

5

DR GREEN: Yes, it is.

MS McDONALD: You start off by referring to the emails councillors have received from the mayor, and they were the ones that I took you to?

10

DR GREEN: Yes.

MS McDONALD: You refer to, in the body of the email, multiple incident reports that had been lodged about a particular councillor?

15

DR GREEN: Yes.

MS McDONALD: You then say:

20 "The insinuation embedded in the email that I, as a councillor and a colleague and someone with professional expertise in working with people and communities affected by abuse, trauma and violence, of not caring is, to me, offensive at best and defamatory at worst."

25 **DR GREEN:** Yes.

MS McDONALD: You then seek particular advice about matters raised by the mayor -

30 **DR GREEN:** Yes.

MS McDONALD: - in his emails?

35 **DR GREEN:** Yes.

MS McDONALD: Then you say:

40 "I take complaints of workplace safety seriously. I make no judgment as to the validity of any complaint."

And then you say:

45 "Notwithstanding, this is evident in the short life of this term of council, the tendency to regularly prosecute personal grievances on the chamber floor at constituted councillor briefings and social media."

And then you say:

"I'm increasingly concerned as to the political weaponisation of work health and safety which is reflected in the email councillors received and repeated through a social media post on Councillor Macnaught's councillor page."

5

DR GREEN: Yep.

MS McDONALD: And that was the one that I just took you to?

10 **DR GREEN:** Yes.

MS McDONALD: And then if we can go to the next page, you say:

15 "To single out particular councillors for the purpose of public shaming is itself an act of bullying. Such behaviours are not conducive to claims of a desire for councillors in this term to work cooperatively together."

And then you say:

20 "It's critical proper processes are observed. And in this instance, given the inference of councillor lack of care or concern to work health and safety, I reiterate the request of councillors on Thursday 20 February, in response to Councillor Mannoun openly raising work health and safety concerns with councillors, that a report be provided."

25 And:

"Can you please advise if, as affirmed by Councillor Mannoun, a confidential substantive report is in progress and will be provided to councillors?"

30 **DR GREEN:** Yes.

MS McDONALD: Can I just ask you about that. At some point from the meeting on the 20th up until the council meeting, was there a suggestion that there was going to be some kind of report provided about work health and safety concerns?

35

DR GREEN: Yes. The meeting of the 20th, after Councillor Ristevski had left, a further discussion occurred between councillors and the mayor, who raised the issue about WHS concerns and that a work - a safety report was in process of being prepared, and that's why I've asked for it. But -

40

MS McDONALD: All right.

DR GREEN: - up until that point we'd not been fully informed as to what those WHS issues were.

45

MS McDONALD: All right. The anticipated report -

DR GREEN: Yes.

MS McDONALD: You hadn't received it by the date of the letter, 28 February?

5 **DR GREEN:** No.

MS McDONALD: Had you ever received it?

10 **DR GREEN:** No.

MS McDONALD: And I just want to take you back to the bottom of that - of the first page, where you said:

15 "I'm increasingly concerned as to the political weaponisation of work health and safety."

What did you mean by that?

20 **DR GREEN:** I can only go by context and past experience, and workplace health and safety had also been raised in the - leading to the - up to the termination of Mr Ajaka, and - so I'm not sure, because I don't have any information - this is another example. So I don't - I don't know what's going - what's going on here.

25 **MS McDONALD:** Okay. Is it a matter of an event occurs and it then - an issue of workplace health and safety is raised, that you're not being provided with the information about how a risk or some kind of hazard has arisen - the circumstances of it and how it's being dealt with?

30 **DR GREEN:** Yes. Yes. And the context of what it is.

MS McDONALD: When you say "the context of" -

35 **DR GREEN:** Well, the context of - you know, of what the - what the workplace health and safety issue is, rather than just saying, "Workplace health and safety issue," and you don't know - and as I say, I'm only going on my previous experience with what happened with Mr Ajaka.

40 **MS McDONALD:** Can you excuse me for a minute. I'm not in closed session at the moment, am I? That just hasn't - excuse me. Commissioner, I understand that my learned friends just need to get some instructions on the matter. I did want to ask some very short questions about what occurred after Dr Green sent her letter. If we could go into closed session about that? I anticipate it will be relatively short. And because of the result, I anticipate that a non-publication order - or the transcript can subsequently be made public.

45

COMMISSIONER: Okay. So I've made a direction over the document currently on the screen. Do I need to do anything about the transcript of what's just occurred, where portions have been read?

5 **MS McDONALD:** I don't - if we turn - move into closed session now, I don't think so.

COMMISSIONER: Okay. All right. Everyone who's in the room can remain, I take it?

10

MS McDONALD: Yes.

15 **COMMISSIONER:** Pursuant to section 12B of the Royal Commissions Act, I direct that the next passage of the hearing take place in private, that those who are currently in the hearing room can remain in the hearing room, and that the transcript of the private portion of the hearing not be published otherwise than in accordance with the usual direction.

20

<THE HEARING ADJOURNED TO PRIVATE SESSION AT 2.38 PM

<THE HEARING RESUMED AT 2.48 PM

COMMISSIONER: Thank you. Yes.

5 **MS McDONALD:** Thank you.

COMMISSIONER: We've returned to public.

10 **MS McDONALD:** Could you bring up, please, INQ.070.001 - sorry, 001.0001. Yes, please.

(Video played)

15 **MS McDONALD:** And could we just bring up INQ.070.001.0002. Yes. Thank you. Now, that's the Facebook page of Liverpool City Council?

DR GREEN: Yes.

20 **MS McDONALD:** And you can see there a photograph of the mayor and four other councillors?

DR GREEN: Yep.

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

"Mayor returned to Council."

And if you press the button, you saw the video that we just watched.

30 **DR GREEN:** Sure.

MS McDONALD: In that - and just focusing on that, the councillors depicted were all representatives or members of the Liberal Party?

35 **DR GREEN:** Yep.

MS McDONALD: And you watched the video through. Was it the mayor and the other Liberal councillors who were captured or depicted in that whole video?

40 **DR GREEN:** Sure. Yes.

MS McDONALD: Is that correct?

45 **DR GREEN:** Yes.

MS McDONALD: No independent councillors were depicted?

DR GREEN: No.

COMMISSIONER: I think I saw a flash of Councillor Harle.

5 **DR GREEN:** Councillor Harle.

MS McDONALD: Councillor Harle.

10 **COMMISSIONER:** Very - at one brief moment.

MS McDONALD: All right. And also no Labor councillors?

DR GREEN: No.

15 **MS McDONALD:** All right. Excuse me for a minute. Could we go back into closed session, please, because this raises complaint.

COMMISSIONER: About what we've just seen or something else?

20 **MS McDONALD:** Yes.

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

MS McDONALD: While that's being done, could you please get onto the system LCC.006.001.0527.

30

<THE HEARING ADJOURNED TO PRIVATE SESSION AT 2.53 PM

<THE HEARING RESUMED AT 3.10 PM

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

5 **MS McDONALD:** Thank you. Dr Green, there was a matter that arose from some of the material we just looked at, but I think I can ask it in a way that it can be publicly streamed. In a document, you raised your concern about - along the lines of, "We're a new council, we're starting afresh, but I'm still concerned about the organisational culture."

10 **DR GREEN:** Yes.

MS McDONALD: And I think it's been described during this inquiry as it appears that within Liverpool City Council you had a council within a council.

15 **DR GREEN:** Yes.

MS McDONALD: And from the correspondence I took you to, was it the case that that was underlining one of your concerns with raising that particular matter with the CEO?

20 **DR GREEN:** Yes.

MS McDONALD: Since then, have you seen an improvement in how the Council is operating? Has it, kind of, moved away from - in any way from that council within a council?

DR GREEN: I think it has.

30 **MS McDONALD:** In what way has that been demonstrated?

DR GREEN: I think of the council meetings that I have attended, there's been opportunity where a mayoral minute is being tabled and we've had prior - a prior notice given. The relations between councillors, I think, has improved, and I think the acting CO - now CO - CEO has made concrete steps to ensure that all councillors are - have the same information.

MS McDONALD: Now, there are just a couple of other odds and ends that I want to ask you about. And I'll try and do it quickly and not have to take you to documentation, but if you need it please tell me. But while you've been a councillor, a resolution was put forward to purchase 600 Cowpasture Road?

DR GREEN: Yes.

45 **MS McDONALD:** That was - again summarising very quickly, there was a motion for some due diligence to be undertaken in respect of it?

DR GREEN: Yes.

MS McDONALD: And then, ultimately, a resolution came to council for that property to be purchased.

5

DR GREEN: Yes.

MS McDONALD: And you voted against it?

10 **DR GREEN:** Voted against it, yes.

MS McDONALD: Why did you vote against it?

15 **DR GREEN:** Voted against it because there - there was an agency that is already located in that area - in that building, where it makes sense that that's where they - where they are. And it was about selling a Council asset, and again not having that full conversation about -

20 **MS McDONALD:** Hold on, this is -

COMMISSIONER: I think you're at cross-purposes.

MS McDONALD: Yes. I do apologise. I think -

25 **DR GREEN:** Sorry.

COMMISSIONER: That's all right.

30 **DR GREEN:** I've not understood.

COMMISSIONER: No, that's okay.

35 **MS McDONALD:** No, it's my fault. I wasn't clear. I'm sorry. One of the matters I wanted to ask you about was the Council buying some - a property, and the property is at 600 Cowpasture Road.

DR GREEN: Sorry, I'm up in Hoxton Park Road.

40 **MS McDONALD:** No, no, no. That's - look -

DR GREEN: Sorry, I had a momentary lapse.

45 **MS McDONALD:** We went into closed session, some matters were raised. Are you - do you want to take a quick break or are you okay to -

DR GREEN: I'm re-grounded.

MS McDONALD: All right.

DR GREEN: Sorry.

5 **COMMISSIONER:** It's all right. There's no need to apologise. It's fine.

MS McDONALD: Okay. 600 Cowpasture Road.

10 **DR GREEN:** Yes. I'm there.

MS McDONALD: The Council bought it?

DR GREEN: Yes.

15 **MS McDONALD:** And originally - and again I'm shortcutting this - it was all to do with it being a depot?

DR GREEN: Yes.

20 **MS McDONALD:** And then it morphed into depot/recycling, et cetera?

DR GREEN: Yes.

25 **MS McDONALD:** When the resolution finally came to Council, saying, "Please resolve to buy this property," you voted against it?

DR GREEN: I did.

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

DR GREEN: I voted against it because based on the information from the consultant on the forward planning for Liverpool Council, it does - it talks about depots across the LGA, and the recommendation was one to be established out at Austral. And in that way, it would be an efficient way for Council to be - to service across the LGA.

35 **MS McDONALD:** And there's a map before the inquiry, but it seems that you've got Rose Street depot?

40 **DR GREEN:** Yes.

MS McDONALD: And if we're moving out west, you then have Cowpasture Road?

DR GREEN: Yes.

45 **MS McDONALD:** Then moving out west, you've got the Devonshire?

DR GREEN: Devonshire. Yes.

MS McDONALD: And then, again, the impression from the map is you've got a larger section out west?

5 **DR GREEN:** Yes.

MS McDONALD: The west of the Local Government Area -

10 **DR GREEN:** Yes.

MS McDONALD: - that doesn't seem to have a depot or recycling or anything like that?

15 **DR GREEN:** Yes.

MS McDONALD: So even though the purpose for the purchase of 600 Cowpasture Road was originally depot and then moved into, kind of, depot/recycling -

20 **DR GREEN:** Yes.

MS McDONALD: - was it your view that, consistent with reports produced to Council previously, you should have been looking at servicing that -

25 **DR GREEN:** Yes.

MS McDONALD: - further west growth area?

DR GREEN: Yes. It needed to be consistent with the accepted council document.

30 **MS McDONALD:** Now, could we bring up, please, INQ.001.001.1101. And this can be live streamed. That's the minutes of the ordinary meeting of the council held on 26 June?

35 **DR GREEN:** Yes.

MS McDONALD: Would we please go through to page 9. Now, this is the meeting that considers the budget?

40 **DR GREEN:** Yes.

MS McDONALD: And, sorry, there you've got - yes, towards the bottom, "CFD02". That's basically the motion about the budget?

45 **DR GREEN:** Yes.

MS McDONALD: Adoption of the budget?

DR GREEN: Yes.

5 **MS McDONALD:** And if we keep on going to the next page. I asked you about this earlier. You can see starting at point 5 those amendments or changes made from the floor of the council by the mayor.

DR GREEN: Yes.

10 **MS McDONALD:** And if we keep on going - and I think there might be one by Councillor Ammoun as well. But if we keep on going - keep on going. Keep on going. And you'll see that Councillor Kaliyanda had a declaration of interest as one of the properties mentioned in the budget houses the SES and that led to her - a conflict?

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

MS McDONALD: And then if you then look at the bottom, on being put to the meeting, the motion was declared carried, but you didn't - you voted against it?

20 **DR GREEN:** I did.

MS McDONALD: Why did you vote against it?

25 **DR GREEN:** As I understood it, the inclusion of particular properties - the projected surplus was predicated on the sales of those properties, and at that point didn't agree with the sale of those properties.

MS McDONALD: All right. And were those properties 3 Hoxton Park Road?

30 **DR GREEN:** And 33 Moore Street.

MS McDONALD: Moore Street. Okay. And after the budget was passed, at least a resolution came back for the sale of one of those properties. And you voted against that?

35 **DR GREEN:** Yes.

MS McDONALD: Consistently with voting against the budget being passed -

40 **DR GREEN:** Yes.

MS McDONALD: - when it was predicated on that sale?

45 **DR GREEN:** Yes.

MS McDONALD: Just another, kind of, random topic: were you on the recruitment panel for the CEO which finished in about April of this year?

DR GREEN: Yes, I was.

5 **MS McDONALD:** And in the previous recruitment panel where you decreased it - the numbers from all councillors to a select number, were you part of that as well?

DR GREEN: Yes, I was.

10 **MS McDONALD:** All right. So you've sat on two recruitment panels for the CEO?

DR GREEN: In this term, yes.

15 **MS McDONALD:** Well, there would have been one in this term and then another one in the previous term?

DR GREEN: Yes.

20 **MS McDONALD:** Okay. There's obviously a procedure whereby if you're a member of the panel and you perceive there to be some conflict of interest - whether pecuniary, non-pecuniary, et cetera - that that has to be declared?

DR GREEN: Yes.

25 **MS McDONALD:** What I wanted to ask you about - if the applicants have had some kind of prior association with a member of the recruitment panel - whether you're of the view that they should in some way declare or let known of that prior association?

30 **DR GREEN:** I believe so.

MS McDONALD: And why?

35 **DR GREEN:** I can only go on my experience in the women's health sector. Again, it's another specialised sector, so to speak. So it's - wouldn't be unusual for - either for women to apply for a job that somebody may have known at some point. And as a matter of course, that was disclosed. And I figure that the Local Government sector has some similarities, in it being a specialist sector. People move around from council to council. So I would expect, just as a practice of transparency, that if there's a conflict of interest on either side, that it would be declared and everybody on the
40 panel would know.

MS McDONALD: Yes. And you've used the word "transparency". So it doesn't - it doesn't necessitate that the person won't be appointed or anything like that?

45 **DR GREEN:** No. Not at all. Not at all.

MS McDONALD: It's, rather, being quite open -

DR GREEN: Yes.

MS McDONALD: - and - and you used the word "transparent" -

5

DR GREEN: Yes.

MS McDONALD: That we've all this prior association with - for example, with you on the panel.

10

DR GREEN: Yes. Yes.

MS McDONALD: I just wanted to ask you, again broadly, about Hammondville.

15

DR GREEN: Yes.

MS McDONALD: Again, just trying to move through it quickly, but do you recall in the lead-up to the state - last state election, around March 2023, there was a joint announcement by the mayor and his wife - who was a candidate, I think, for Holsworthy?

20

DR GREEN: Yes.

MS McDONALD: About an intention to build a swimming pool.

25

DR GREEN: Yes.

MS McDONALD: And again, putting it broadly, along the lines of if the Liberal Party is re-elected to Macquarie Street, there will be some kind of grant or money coming from them, and that Council would also contribute?

30

DR GREEN: Yes.

MS McDONALD: Before - and there was - that was obviously picked up by the press?

35

DR GREEN: Yes.

MS McDONALD: When did you become first aware of the announcement?

40

DR GREEN: On that day. I subscribe to the Sydney Morning Herald. So when it popped up, "Wow, this is interesting."

MS McDONALD: Had you - had that - had it been discussed before at council?

45

DR GREEN: No.

MS McDONALD: Had you had any idea that it was going to be announced?

DR GREEN: No.

5 **MS McDONALD:** The Hammondville Park, that also incorporates the Moorebank Sports Club?

DR GREEN: Correct.

10 **MS McDONALD:** And there has been some debate and examination at council about the future of the Hammondville Park precinct?

DR GREEN: In this term?

15 **MS McDONALD:** Yes. No, actually. Probably in the previous term.

DR GREEN: Previous term. I have no recollection of it coming up in the previous term, but I understand it had been discussed in other previous terms of council.

20 **MS McDONALD:** All right. Do you recall in 2023 that there was - there was a draft Hammondville Precinct Masterplan being developed which the Council was looking at and then going out for public consultation?

DR GREEN: That - is that the one that was five months after March?

25 **MS McDONALD:** Yes, I think so.

DR GREEN: Yep, that's the - yep. Yes.

30 **MS McDONALD:** And also at the end of December 2023 there was a determination to sell two lots of land within Hammondville to the Moorebank Sports Club?

DR GREEN: Yes.

35 **MS McDONALD:** Now, during that time, were you contacted by anybody from the Moorebank Sports Club?

DR GREEN: Yes.

40 **MS McDONALD:** Who were you contacted by?

DR GREEN: The CEO.

MS McDONALD: And what did he say to you? What did he want?
45

DR GREEN: He contacted me by phone. He was wanting me to meet with him so he could explain - I could - he could explain and I could understand the proposal from Sporties' perspective.

5 **MS McDONALD:** Did you meet with him?

DR GREEN: No. I told him that that would not be possible, that the information that I receive on the project would come from Council. He again said that it would be good for us to meet. I felt that it was - and I mentioned at the time it sounded like
10 one-on-one lobbying, which I was - it was a slippery slope. I did not want to go down that line, and respectfully declined his offer.

MS McDONALD: And did you report or discuss with anybody within Council that approach?
15

DR GREEN: Yes. I called Mr Farooq Portelli to report. I was a bit shaken at the time. It had never happened to me before. It was a bit - took me off-guard a bit. And explained to him what had happened, that I had felt that it was lobbying, and he said that he would get back to me, he would bring it up with general counsel.
20

MS McDONALD: And did he ever get back to you?

DR GREEN: No. I had a phone call from the director, Tina Bono, who said to me that - to assure me that all processes were being applied, that it was not being - there
25 was no fast-tracking, that the proposal had to go through all processes of Council.

MS McDONALD: Could you just excuse me for a minute. No further questions.

COMMISSIONER: In answer to some of counsel assisting's questions, you
30 expressed that you thought there'd been improvement in the functioning of the governing body in the current term compared to the last term. Did I understand you correctly?

DR GREEN: In terms of the - of culture?
35

COMMISSIONER: Yes.

DR GREEN: Among - well, some councillors, not all.

COMMISSIONER: Can you give me some examples of changes that you have seen
40 in the way the governing body operated from the last term to the current term that you had in mind when answering those questions?

DR GREEN: In terms of the improvement, would be -
45

COMMISSIONER: Yes.

DR GREEN: - more the - the heads up and sharing of information from if a - if a mayoral minute was coming up. Those kinds of things make a difference, because it's - was better than being taken off-guard and not having any idea what was going on.

5

COMMISSIONER: So you've seen an improvement in that space in the current term?

10 **DR GREEN:** In that space and also in the social media and how - you know, where everybody is acknowledged and all - whether it be in social media or at events, and that's been a big difference.

COMMISSIONER: And I take it you - they're positive developments, from your point of view?

15

DR GREEN: Yes.

COMMISSIONER: And I take it that you'd be keen to see them continue through the current term?

20

DR GREEN: Absolutely. Absolutely.

COMMISSIONER: And what - sorry, you go.

25 **DR GREEN:** Sorry. Commissioner, coming from the women's sector, working cooperatively and collaboratively is - that's what I've always done. So, you know, to be - you know, to have that same process in Council, of course - when we're working collaboratively for the community, that's what we're there for. So that's my desire, that - that's the goal, to get there - where we can work collaboratively and
30 cooperatively together.

COMMISSIONER: So whatever can be done to foster and continue that environment, I take it, you would support?

35 **DR GREEN:** Absolutely. Where there's trust and respect amongst all councillors.

COMMISSIONER: Yes. Thank you. Does any party seek to ask the councillor questions?

40 **MS HAMILTON-JEWELL:** Commissioner, I do have some questions, but I need to ask for an indulgence just overnight so that I can get some instructions in respect of certain matters.

COMMISSIONER: All right. Ms Richardson, do you have any questions?

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MS RICHARDSON: None at this stage. I don't have - I'm taking instructions, but I think it's unlikely.

COMMISSIONER: Thank you. Is there anything that we can do this afternoon or not? Not without -

5 **MS HAMILTON-JEWELL:** Not from my perspective, Commissioner. I do apologise. I appreciate that's an inconvenience, but there's been a number of matters that have risen today.

COMMISSIONER: Yes. All right.

10

MS McDONALD: Could I just raise one matter?

COMMISSIONER: Yes.

15 **MS McDONALD:** Sorry, Commissioner. I'm - this is on the basis that you would allow my friend's indulgence and for Dr Green to give evidence tomorrow. I'm just wondering whether it was possible she could give evidence by AVL instead of travelling all the way back in.

20 **COMMISSIONER:** I don't have a problem with that as a concept. I just don't know anything about the technology, as to whether that can be supported.

MS McDONALD: And also I haven't raised it with -

25 **COMMISSIONER:** All right.

MS McDONALD: - the doctor.

30 **COMMISSIONER:** I'll do what I did yesterday. I'll just disappear for five minutes, and then you can have those discussions with the councillor and those assisting us with the technology to see what can be accommodated.

MS McDONALD: Thank you.

35 **COMMISSIONER:** And if it makes sense to - I know it's hard without instructions, but do you have any sense of how long you think you might need?

MS HAMILTON-JEWELL: Possibly half an hour.

40 **COMMISSIONER:** All right. We can schedule that at 9.30 or 4 o'clock - I'm flexible, subject to the demands of others. All right. Okay. I'll adjourn until someone lets me know that we're ready.

<THE WITNESS WITHDREW

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<THE HEARING ADJOURNED AT 3.33 PM

<THE HEARING RESUMED AT 3.42 PM

COMMISSIONER: Yes.

5 **MS McDONALD:** Thanks, Commissioner. Dr Green will come back tomorrow morning in person.

COMMISSIONER: Okay.

10 **MS McDONALD:** She's left to catch the train home.

COMMISSIONER: Very good.

15 **MS McDONALD:** And stated that it would be more convenient at 10 o'clock instead of in the afternoon or anything like that.

COMMISSIONER: Okay.

20 **MS McDONALD:** So she'll be back here in person at 10.

COMMISSIONER: Yes.

25 **MS McDONALD:** Not binding my friend, but if it's about half an hour, then I think we'll move to Mr Harle.

COMMISSIONER: Councillor Harle, yes.

MS McDONALD: Councillor Harle. And then, of course, we've got Mr Breton.

30 **COMMISSIONER:** So we won't finish Councillor Harle tomorrow?

MS McDONALD: No.

35 **COMMISSIONER:** Okay. But we need to finish Mr Breton.

MS McDONALD: Yes.

COMMISSIONER: Is that happening at 2 o'clock, do we know?

40 **MS McDONALD:** Look, what we - at the moment it's 2, but what we were hoping was that Mr Boyle's matter may end early. So we were kind of flagging, maybe, 12 o'clock.

45 **COMMISSIONER:** All right.

MS McDONALD: But I'm uncertain - I think Mr Boyle will know whether it can be 12 o'clock tomorrow morning, once he's got the matter.

COMMISSIONER: Probably at 11.55 -

MS McDONALD: Yes.

5

COMMISSIONER: - as these things work out. All right. Well, as I've said on other occasions, if we need to adjust sitting times and breaks and things to make sure we get Mr Breton finished tomorrow - otherwise 10 am?

10 **MS McDONALD:** Yes.

COMMISSIONER: Anything else to do this afternoon?

MS McDONALD: No, thank you.

15

COMMISSIONER: Mr Parish, the document that we discussed Tuesday, the one I issued a summons for - and there was a -

MR PARISH: Yes.

20

COMMISSIONER: - I think your phrase, "hint of LPP about it", and you were -

MR PARISH: Yes.

25 **COMMISSIONER:** - considering it. Has there been any developments on that from your side?

MR PARISH: We've produced it.

30 **COMMISSIONER:** Okay. Excellent.

MR PARISH: We may, in due course, make a - there is part privilege, which we've redacted.

35 **COMMISSIONER:** Okay.

MR PARISH: And we've foreshadowed we may make a non-publication order over it.

40 **COMMISSIONER:** Yes.

MR PARISH: Application if it comes up, but it has been produced -

COMMISSIONER: No. Thank you. All right.

45

MR PARISH: - in redacted form.

COMMISSIONER: Excellent. All right. 10 am tomorrow. Thank you.

<THE HEARING ADJOURNED AT 3.44 PM