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INQUIRY INTO THE CITY OF PERTH

PUBLIC HEARING - DAY 107

THURSDAY, 12 SEPTEMBER 2019

INQUIRY PANEL:

COMMISSIONER ANTHONY (TONY) POWER

COUNSEL ASSISTING:

**MS KATE ELLSON
MR PHILIP URQUHART**

COUNSEL APPEARING:

**CAV. MARIA SARANCINI and MR MARTIN TUOHY (MR Martin MILEHAM)
MR PETER McGOWAN and MR TOBIAS BARRIE (Ms Judith McEVOY)
Mr ALAN SKINNER and MR PETER MARIOTTO (Mr Dimitrios LIMNIOS)
MS ALENA ZORIC (Mr Gary STEVENSON)
MR NICK MALONE (Mr Reece HARLEY)
MR MATTHEW CORNISH (Dr Jemma GREEN)
MR JOEL YELDON(Ms Janet DAVIDSON)
MR PETER van der ZANDEN (Ms Lisa SCAFFIDI)
MR GERALD YIN (Mr Yit-Kee YONG)
MR ALEN SINANOVIC (Ms Michelle HOWELLS)
MS PENELOPE FORD (Dr Jemma GREEN)**

HEARING COMMENCED AT 09.34 AM:

5 COMMISSIONER: I will begin with an Acknowledgment of Country. The Inquiry into the City of Perth acknowledges the traditional custodians of the land on which it is conducting this hearing, the Whadjuk people of the Noongar Nation and their Elders past, present and future. The Inquiry acknowledges and respects their continuing culture and the contribution they make, and will continue to make, to the life of this City and this region.

10 Ms Ellson, do you recall Ms McEvoy?

MS ELLSON: I do, Commissioner, yes.

15 COMMISSIONER: Thank you. Ms McEvoy, please come forward to the witness box.

MS Judith Sabina McEVOY, recalled on former oath:

20 COMMISSIONER: I will hear any applications and take appearances. Mr Tuohy.

MR TUOHY: Yes, Commissioner. I seek leave to appear instead of Ms Saraceni for this morning, please.

25 COMMISSIONER: Yes, Mr Tuohy. Thank you. Mr McGowan, you continue to appear?

MR MCGOWAN: I do, with my learned friend Mr Barrie.

30 COMMISSIONER: Thank you. Mr Mariotto, you continue to appear for Mr Limnios?

MR MARIOTTO: Thank you, Commissioner.

35 COMMISSIONER: Ms Zoric, you continue to appear for Mr Stevenson?

MS ZORIC: I do, thank you, Commissioner.

40 COMMISSIONER: Mr Malone, you continue to appear for Mr Harley?

MR MALONE: I do, thank you, Commissioner.

COMMISSIONER: Mr Cornish, you continue to appear for Dr Green?

45 MR CORNISH: Yes, thank you.

COMMISSIONER: Mr Yeldon, you continue to appear for Ms Davidson?

MR YELDON: Indeed I do, thank you, Commissioner.

5 COMMISSIONER: And Mr van der Zanden, you continue to appear for Ms Scaffidi?

MR van der ZANDEN: Yes, thank you, Commissioner.

10 COMMISSIONER: Thank you. Before you commence, Ms Ellson, there is one matter that I must raise and it arises out of some questions that I asked at the end of the proceedings yesterday. These matters appear on the transcript, as yet unedited, but on page 106. At page 106, between lines 15 and 17, Mr McGowan rose and made a submission which was intended for my assistance and unfortunately, I did not avail myself of that assistance, but Mr McGowan said:

15 *I think the two documents, one's the agenda of this meeting, this very meeting, the other is the minutes of the meeting.*

20 Of course, what Mr McGowan was referring to there are the two documents being the agenda for the Special Council Meeting of 20 January 2016, and the minutes of the Special Council Meeting of 20 January 2016. On reading the transcript, it is apparent to me now that the reason he rose was because I had mistakenly referred to the first document as the minutes of the CEO Performance Review Committee meeting on 19 January. The reason that the error was pointed out to me was
25 because I had asked Ms McEvoy, in relation to the two documents to which I referred, could she think of any reason why Option 1 was not mentioned in either of those two documents?

30 What I should of course have made clear was the two documents I was referring to, was the agenda for the Special Council Meeting on 20 January 2016, which does not mention Option 1, and the minutes of the same meeting, which of course does not mention Option 1 either. So I regret the inconvenience to all concerned and, Mr McGowan, particularly to you. I should have paid more attention to what had to say.

35 MR McGOWAN: Thank you, Commissioner.

COMMISSIONER: I had better clarify that matter now.

40 Ms McEvoy, I can of course bring up the two documents again and show you but you may well remember from yesterday - - -?---I believe you.

- - - you may well remember from yesterday - - -?---Yes, I do.

45 - - - that neither makes a reference to Option 1?---Yes.

And would it still be your answer that you cannot think of any reason why Option

1 is not mentioned in either the agenda for the Special Council Meeting on 20 January 2016, or the minutes of that meeting?---Yes, I would say that I still don't recall why it wouldn't have been there.

5 Thank you very much. Ms Ellson.

MS ELLSON: Commissioner, thank you.

10 Mrs McEvoy, did you ever see the minutes of a CEO Performance Review Committee meeting from 19 January 2016?---I possibly would have done. I don't recall it off the top of my head.

When you say you "possibly would have done", what do you mean by that?---Well, we would have all received them, I would say, all the Councillors.

15 Why?---I think they usually went to everybody.

Were any minutes from the CEO Performance Review Committee meeting at the Special Council Meeting on 20 January 2016?---I don't recall.

20 Is it usual for people who are not members of a committee to receive agenda papers for the committee?---If they are not members?

25 Yes?---Yes, you wouldn't usually receive - no, I'm sorry. As Councillors we get copies of agendas of every meeting that happens, so that probably wouldn't be unusual at that stage, and that's whether you're on that committee or you're not on the committee, you still get the copies of the agendas.

30 Madam Associate, could you bring up 9.0171, please. Do you see here, Ms McEvoy, an agenda for CEO Performance Review Committee meeting, 19 January 2016?---Right, yes.

Have you seen this document before?---I don't recall just looking at that, no.

35 9.0173. You see there a reference to minutes, page 1 of this document?---"Acting as minute taker" you say?

Have you seen this document before?---No, I don't recall that I have.

40 9.0174, please. Have you ever seen this document before?---Not that I recall, no.

9.0175, please. Have you seen this document before?---That may have been the meeting that I sat in on but I'm not totally sure of that.

45 The meeting you sat in on was on 15 January 2016, does that refresh your memory?---Okay, so this is not that meeting.

Have you ever seen this document before?---No, not that I recall.

Thank you, Madam Associate. Mr Stevenson's employment was terminated, wasn't it, Mrs McEvoy?---It was, but at his request, when he put up Option 1.

5

He wasn't given any notice before 20 January 2016 that Option 1 was being considered, was he?---I don't recall that.

10 You described his exit from the City of Perth as an execution, didn't you?---If you say so, I must have said it somewhere.

You did that because his services were terminated, didn't you?---Well, yes, yes.

15 Madam Associate, if you could bring up page 14.0138. Mrs McEvoy, do you see here an extract of WhatsApp chat 137-Team?---Yes.

Just take a moment to look at the page. Do you accept that this is a record of WhatsApp chats between yourself and the Team?---Yes. I think I saw that yesterday actually.

20

Mrs McEvoy, could I ask you to read aloud a message time stamped 1.39 pm, the third one?---One, two, three.

Just before the middle of the page, Mrs McEvoy.

25

[9.45 am]

COMMISSIONER: Which page are you looking at?

30 MS ELLSON: It's the wrong one, Commissioner, I apologise. 0139?---Yes, fourth one down, "I agree, an excellent execution. I also acknowledge how very stressful it has been for Lisa and Janet."

You accept that that's your message?---Mm hmm.

35

And you accept that you are referring to Mr Stevenson's termination on 20 January 2016?---It would have been, yes, at that stage, yes.

40 It was. The document can be taken down, please, Madam Associate. I'm going to talk to you now, Mrs McEvoy, about Mr Mileham's appointment?---Right.

45 Did you participate in the decision-making process during some presentations that were given by candidates?---Look, I don't recall it. I may have, but I definitely don't recall sitting in on the presentations. I think there was two presentation from what I can recall of it.

Did you see two presentations by candidates for the CEO position?---I can't say for

sure that I did, no.

What makes you say you think there were two?---Well, I'm pretty sure there was two people presented - were going to present, yes.

5

Madam Associate, if you could please provide the witness with a bundle of documents, 9.0672. I believe the first page is going to be 0671, ending 9.0710. I would just like you to take a moment to go through those documents, Ms McEvoy, and indicate to you if your handwriting appears on any of the pages?---No, my writing isn't it in this document.

10

Does anything in there help you to recall whether or not you attended two presentations for the candidates for the position of CEO?---Not really, having flicked through it. No, I don't - nothing jumps to my mind that I was amongst it.

15

The documents can be returned, please, Madam Associate?---I would like to also say that it's not a lack of interest in the CEO's recruitment but I had gone through when he was appointed Director of Planning and - - -

20

Ms McEvoy, you need to only say things when I ask you a question?---I beg your pardon.

Mrs McEvoy, did you attend a Council meeting on 1 September 2016 where the position or the appointment of the Chief Executive Officer was dealt with?---I would have. I didn't miss very many Council meetings over 20 years.

25

You can't recall?---I don't recall exactly, no.

Madam Associate, if you could bring up, please, 9.0791. Do you see there Council minutes 17 September 2016?---Yes, I see those.

30

Being certified?---Yes.

9.0793, please, Madam Associate?---Attendance.

35

You see there you attended?---Yes.

Do you accept that you attended the Council - - -?---I accept that, my name - - -

40

- - - meeting on 1 September 2016?---Yes, I accept that. My name's there.

Mrs McEvoy, as at 1 September 2016, were you aware of a requirement for Council to be satisfied with the provisions of a contract for a CEO before employing them?---Well, yes, but I would depend on the HR and the Governance to be assisting with that.

45

And the requirement for Council to vote on the provisions of the contract for the

CEO?---Yes.

There was a requirement for that to be done, which existed as at 1 September 2016, isn't that right?---That would be right.

5

Would be or it is?---Yes, it would be. Yes, it is.

Madam Associate, could you bring up 9.0795?---Yes, I see that.

10 You see the motion?---Yes.

That, "Council, in accordance with section 5.36 of the Local Government Act by an absolute majority accepts the CEO Recruitment Committee's recommendation to appoint the preferred candidate as detailed in Confidential Schedule 1 to the position of Chief Executive Officer for a period of five years under the contract of employment for a Chief Executive Officer.

15

?---Yes, I see that.

20 :

Subject to the completion of satisfactory reference checks, approves the CEO Recruitment Committee to negotiate the terms of the contract provisions.

25

Do you see that?---Yes, I see that.

You voted in favour of the motion?---Yes.

30 Did you consider that Mr Mileham was appointed as the preferred candidate when you voted on this motion?---Yes, I would have thought that.

You would have or you did?---I did think that but it was subject to a completion of his reference checks. So I would have thought it would have come back with that, but I don't recall.

35

You mentioned that it was subject to the reference checks. It was also subject to the terms of the contract being negotiated, wasn't it?---Well, yes it would have been subject to quite a bit included into that, yes, I would say it would.

40

It was?---It was.

And when you say "quite a bit into that", what do you mean?---Well, there would probably have to be discussions on his wages and, you know, lots of different things, whether he has a car, superannuation. There's lots of items that have got to be included in a CEO's report.

45

You mentioned that it would have come back after that. Did you have an expectation that the settled or finalised contract for the CEO would come back to Council for a vote?---Not necessarily, but I think we should have been advised as to what the outcome of his reference checks were.

5

What about the terms of the contract, Ms McEvoy?---Terms of the contract provisions, are you saying?

"Negotiate the terms of the contract provisions"?

10

COMMISSIONER: I think you need to be clearer in the question.

MS ELLSON: Yes.

15 As at 1 September 2016, Mrs McEvoy, did you have an expectation that the settled terms and provisions of the CEO's contract would come back before Council?---Looking at it there, I would say yes, it should have done but I don't recall whether it ever did come back.

20 I'm asking you whether you had an expectation that it would, on 1 September 2016 when you voted?---No, I don't recall that.

25 Do you accept that it should have come back as a complete and final contract of employment?---Maybe, but I think if we were personally advised about the system through HR, that could have been done without it having to go to a Council meeting. That's my feelings.

30 Do you agree that Council could not be satisfied with the provisions of the CEO's employment contract if they did not vote on it at a Council meeting?---You mean it should have come back and been voted on, is that what you're saying?

35 Do you agree that Council could only be satisfied of the provisions of the contract if they voted on the provisions of the contract?---Well, according to this, we obviously didn't do it, so I can't say what would have happened if it had come back.

Do you accept that you should have?---Should have done, yes.

40 COMMISSIONER: Should have done what? Ms Ellson, the questions need to be more precise.

WITNESS: Do you mean it should have come back to Council - - -

45 MS ELLSON: Mrs McEvoy, do you accept that Council should have voted on the finalised terms and provisions of the CEO's contract after 1 September 2016?---That would have been correct, I would say, yes.

So yes?---Yes.

As at 1 September 2016, Mrs McEvoy, did you believe the preferred candidate, Mr Mileham, was qualified for the position?---Yes, I did.

5

Based on what?---Well, the experience we'd had with him throughout. I mean, he'd been Acting CEO, he'd been Director of Planning, very efficient Director of Planning all through that. I was quite happy with his - with the procedure.

10 The document can be taken down, please, Madam Associate. Ms McEvoy, in March 2015, you were a member of the Planning Committee, is that right?---That's right, yes.

15 As at March 2015 were you aware of whether or not the Lord Mayor had a financial interest in the Grand Central Hotel?---Yes, I was aware.

For how long had you been aware of that?---Well, I knew that they had purchased the building years ago, so I was aware of that.

20 Madam Associate, if you could bring up page 27.2147. Mrs McEvoy, do you see here Planning Committee minutes, 10 March 2015?---Yes, I can see that.

[10.00 am]

25 27.2149, please, Madam Associate, TRIM 20720. You see here you're listed as a member in attendance?---Yes.

Do you accept that you attended the Planning Committee meeting on 10 March 2015?---Yes, I did.

30

27.2150, please. Do you see here:

A matter for which a meeting may be closed: Confidential Schedule 11, item 5, proposed principles of new Planning Scheme No 2.

35

?---Yes, I see that.

27.2151, please, Madam Associate. I'm sorry, 2152. Do you see here an officer's report from Sustainable City Development Unit?---Yes.

40

And that refers to the proposed principles?---Yes.

I will take you to some paragraphs on 27.2158, please. Could you read, please, the top portion of the page to the heading, "Financial implications", just to yourself?---Yes, I've read that.

45

And the material under the heading, "Comments"?---Yes, I see that.

There's mention there of Confidential Schedule 11, 27.2163, please, Madam Associate. You see here, Mrs McEvoy, on the right-hand of the page vertically, "Confidential Schedule 11"?---Yes.

5

And among the properties is Rosie O'Grady's, the Motor House, Grand Central Hotel and Kastellorizo, do you see that?---Yes, that's right.

10 Back to 27.2159, please, Madam Associate. Do you see here a motion seconded by you that Council do particular things in relation to properties moving through the heritage registration process?---Yes.

And the motion includes an item that:

15 *Council approves further assessment and consultation with affected landowners of those properties detailed in the attached Confidential Schedule 11 for the purposes of possible inclusions in the City Planning Scheme No 2, register of Places of Cultural Heritage Significance.*

20 Do you see that?---Yes, I see that.

Is it the case that it was for Council to determine when an assessment would progress to the consultation stage prior to the property being listed on the Heritage Register?---Not actually the Councillors, it would be worked up by the
25 Administration and then come to the Planning Committee.

And then go to Council for final approval?---It would go to Council eventually for approval, yes.

30 And Council make the decision to move the assessment and the consultation forward, is that right?---That's right, yes.

You voted in favour of the motion?---Well, it was to - - -

35 No, I wasn't asking you why you voted in favour of the motion?---Right.

I was asking you to accept that you did?---Right. Yes, I did.

40 So there was an expectation that this matter would move to Council for further consideration?---Yes.

The next Council meeting was on 17 March 2015, was it not?---It quite possibly could have been, yes. 17 March, are you talking Planning Committee?

45 Council meeting?---Council meeting, yes, that would have been right.

But you don't know?---I can't say exactly. When I see the document I might recall

it.

5 Before 17 March 2015, did you speak to Deputy Lord Mayor Limnios about the matters that the Planning Committee had dealt with on 10 March 2015?---I can't recall that. Was it email or WhatsApp or?

Speak to or communicate with in any way?---Don't recall.

10 Before 17 March 2015, did you speak to the Lord Mayor about her property being among those in the Confidential Schedule of the Planning Committee?---I wouldn't have - I don't recall having spoken to her at all about the situation. It just took its course.

15 When you say "the situation", what are you talking about?---Well, the property being listed. It's something that goes through the process, it's not something that we say, "Oh, we are going to take that one off and we are going to put that one on." It's a process. There was six of those 14 properties that weren't interested in being Heritage Listed, so it's quite emotional for people. So there is a process and it can become a long process to go through that.

20 Was it an emotional process for the Lord Mayor?---I wouldn't have said so. I don't recall that.

25 Before the Council meeting on 17 March 2015, had you spoken to anyone about the Lord Mayor's views on how the matter should proceed at Council on 17 March 2015?

MR McGOWAN: Sorry - - -

30 WITNESS: I don't recall.

MR McGOWAN: There's an objection here, Commissioner.

35 COMMISSIONER: Should I hear it in the absence of the witness?

MR McGOWAN: If you don't mind, Commissioner.

40 COMMISSIONER: Yes, of course. Ms McEvoy, I'm going to have you excused from the hearing room while I hear the objection?---Certainly.

WITNESS WITHDREW.

COMMISSIONER: Yes, Mr McGowan.

45 MR McGOWAN: Commissioner, the question was, "Had you spoken to anybody else about the Lord Mayor's views in relation to this matter before the meeting."

The Lord Mayor's views at the moment is an unestablished assumption.

COMMISSIONER: That is correct. Ms Ellson.

5 MS ELLSON: Yes, Commissioner, I see the difficulty. I can rephrase my question.

COMMISSIONER: Very well. Madam Associate, can we have Ms McEvoy back in the hearing room, please. Ms McEvoy, please resume your seat in the witness
10 box.

MS Judith Sabina McEVOY, recalled on former oath:

COMMISSIONER: Ms McEvoy, in your absence, your counsel's objection was
15 heard and it was meritorious. Your exclusion from the hearing room is no reflection on you whatsoever?---Thank you.

Ms Ellson.

20 MS ELLSON: Commissioner.

Ms McEvoy, before the Council meeting on 17 March 2015, were you aware of what the Lord Mayor's views were in relation to her property moving through the registration process?---No, I wasn't aware. As I said, it's a process that keeps
25 going. It's not something that you say, "Don't do it."

Madam Associate, if you could bring up 27.0501, please, TRIM 17167.

COMMISSIONER: Thank you.
30

MS ELLSON: Do you see here some Council minutes, Ms McEvoy, 17 March 2015?---Yes, I see that.

27.0502, item 83/15, do you see that, "Proposed principles of new City Planning Scheme"?---Yes, item 41, yes.
35

It's an item cast in similar terms to that which the Planning Committee dealt with on 10 March 2015?---Right, yes.

40 27.0507. You see here an officer's report from the Sustainable City Development Unit?---Yes.

27.0512, please, Madam Associate. Under the heading, "New Planning Policy", if you could read that, please?---I see that, yes.
45

27.0513, please, Madam Associate. Just read through the material there, Ms McEvoy, up to the item, "Financial implications"?---Yes, I've read that.

It seems to be in the same terms as the Planning Committee meeting report?---Mm hmm.

5 Or the report before the Planning Committee on 10 March 2015, isn't that right?---Yes.

Under the heading "Comments", Ms McEvoy, could you take a look at that, please?---Yes, I see that.

10

So far nothing has changed between 10 March 2015 to 17 March 2015?---Not that I can see, no.

15 27.0514, please, Madam Associate. If you could just read the material from the top of the page, Ms McEvoy?---Yes.

To the end of the point 2 under the "Planning Committee recommendation"?---Right.

20 Have you finished doing that?---Yes, I've finished that.

It doesn't appear that anything's changed between 10 March 2015 and 17 March 2015?---No, it doesn't appear.

25 With respect to the way in which it was proposed to move the items on Schedule 11 through the process?---Yes.

Does it?---No, it doesn't.

30 There was a motion moved by Deputy Lord Mayor Limnios, seconded by yourself, do you see that?---Yes, so that obviously came back to the Planning Committee.

You seconded a motion to refer consideration of the report back to the Planning Committee, do you accept that?---I accept that.

35

You, on the Planning Committee, had moved the matter forward to Council though, hadn't you?---Right.

40 So why send it back, Ms McEvoy?---Well, it probably needed more discussion. As I say, these items just don't automatically go to Council. They are not automatically done. They need some refinement sometimes. It was never a suggestion that it wasn't going to be listed on our Municipal Inventory. That was never an issue.

45 [10.15 am]

You're talking about 17 March 2015?---Whatever, I'm talking about the whole thing.

Mrs McEvoy, you can't assert that it was never the case that it was never going to be listed, can you?---I do. Once the process started, to me it was never, ever not going to be put on the Municipal Inventory.

5 The process needed to be completed in the formal way for that to occur, didn't it?---Mm hmm.

You need to say a word?---Yes.

10 And that required input from a number of people, didn't it?---It would have, yes.

It did, didn't it?---Yes.

15 So you can't say that it was always going to be listed because you don't know what was going to happen with the property from one - - -

MR McGOWAN: Sorry, Commissioner.

20 COMMISSIONER: Yes.

MR McGOWAN: Perhaps I could approach my learned friend?

COMMISSIONER: That might be easier, Mr McGowan. Thank you,

25 Mr McGowan.

MS ELLSON: I'm grateful to my friend, Commissioner - my learned friend, I should say.

30 Mrs McEvoy, you can't speak on the part of everyone involved in the process to list the property, can you?---No.

So you can't say that it would never be listed - sorry, you can't say that - - -

35 COMMISSIONER: Ms McEvoy expressed her answer as a double negative so you need to bear that in mind and - - -

WITNESS: I know what you mean.

40 COMMISSIONER: Maybe drop the double negatives.

MS ELLSON: Can you say, Mrs McEvoy, given the process that needed to be followed, that the property was always going to be listed?---I would say yes, it was going to be listed because, you know, you had professional people that come in

45 and assess, whether they be for the owners, whether they are the Council, they are professionals that do this job.

Is it correct to think then that in your opinion, you would decide the matter based on the materials before you?---Yes.

5 Did you have a reason - I withdraw the question. As at 17 March 2015, so looking back at these minutes?---Yes, we are going back a bit there, yes.

Can you tell me why you voted to send the matter back to the Planning Committee?---I don't recall at this stage but it may have been for further consultation with the property owners. As I say, I can't recall at this stage.

10 27.0515 might assist you, Mrs McEvoy?---Okay.

Did you see at the top of the page a reason?---Right, okay. So that was the motion that was put up.

15 Did you vote to return the matter to Planning Committee so that further consultation could occur with the people affected or potentially affected by the registration process?---Yes, it would have been, that would have been the reason.

20 At the time you voted to return the matter back to the Planning Committee, did you give any consideration at all to the Lord Mayor being an affected or potentially affected person?---Look, I don't agree with that. No, I didn't. I knew the gentleman that owned Kastellorizo and I knew other people, so that wasn't the only one that I knew of.

25 The document can be taken down, please, Madam Associate. Ms McEvoy, do you recall attending a Council meeting on 1 November 2016 where the Grand Central Hotel was raised as an item?---I would have been there, yes.

30 You don't remember specifically?---No, I don't remember specifically.

27.1193, please, Madam Associate. Do you see here some Council minutes, 1 November 2016?---Yes, Council minutes.

35 TRIM 19699. 27.1194, please, Madam Associate. At the very bottom of the page, "Proposed entry of Grand Central Hotel"?---Yes.

Madam Associate, 27.1197. Do you see here you're among those listed as being present?---Yes.

40 You accept that you attended the Council meeting on 1 November 2016?---Yes, I did.

And at the bottom of the page, the Lord Mayor's an apology?---Yes.

45 Ms McEvoy, did you record what happened at this meeting on your telephone?---This old chestnut. I definitely did not record it, no.

You definitely didn't?---No. I mean - - -

5 And if someone accused you of doing that, you would leap up straightaway and say so, wouldn't you?---What's that?

If someone accused you of doing that, you'd leap up straightaway and say, "Definitely not"?---Can I just explain something? I was always - - -

10 You need to answer the question, Mrs McEvoy?---Yes, I would. Did I not jump up? What did I do?

You would object very strenuously to someone saying that about you, wouldn't you?---Yes.

15 Straight off-the-cuff?---Mm hmm.

A word, you need to speak?---Sorry.

20 Straight off-the-cuff you'd object, wouldn't you?---Yes.

In the strongest terms possible?---Yes.

25 Madam Associate, if you could please play an audio file. 27.3627.
(Audio file played to the court.)

30 MS ELLSON: There's a minute here, Commissioner, where there's silence, and the recording continues.

COMMISSIONER: All right.

(Audio file played to the court.

35 COMMISSIONER: Before anyone says anything, is there a written transcript of this?

MS ELLSON: Not yet, Commissioner.

40 COMMISSIONER: Does that mean one is being prepared?

MS ELLSON: I've asked for that to occur, yes.

COMMISSIONER: When is that expected to be ready?

45 MS ELLSON: I can't say, Commissioner.

COMMISSIONER: Maybe Mr Parkinson can find out for you. The transcript needs to show who was speaking at what times. The other question I have for you, Ms Ellson, is do you propose to identify for Ms McEvoy, in fairness to her, what it was that she was listening to there?

5

MS ELLSON: Yes.

COMMISSIONER: Please do.

10 MS ELLSON: Ms McEvoy, the recording you heard was an extract from the recording of the Council meeting addressing item number 9?---Yes.

On 1 November 2016. Do you have a memory of the exchange - - -

15 COMMISSIONER: Before you go any further, I've been given a note by my Associate which I understand to mean that there is now a written transcript of this.

MS ELLSON: In which case, Commissioner, would it be convenient to have a short adjournment while that is obtained and provided to the people at the Bar table?

20

COMMISSIONER: Not only convenient, fair. Thank you. I will adjourn for a short time. We will resume when everyone's had a chance to look at that.

25

WITNESS WITHDREW

(Short adjournment).

HEARING RECOMMENCED AT 10.58 AM.

30

MS Judith Sabina McEVOY, recalled on former oath:

COMMISSIONER: Before you start. Mr Yin?

35 MR YIN: Commissioner, I seek leave to continue representing Mr Yong during this evidence.

COMMISSIONER: Yes, of course. How could I miss you with that tie, Mr Yin.

40 MR YIN: Thank you, sir.

COMMISSIONER: Before Ms Ellson resumes, has everyone had an opportunity to review the extract of the proceedings about which Ms McEvoy is now to be questioned? If anyone has not, then they might want to rise now.

45

MR McGOWAN: I assume Ms McEvoy's been given a copy?

COMMISSIONER: I assume that as well.

MR YIN: I only just arrived but I desperately don't want to hold up proceedings.
I will read it as we go.

5

COMMISSIONER: Thank you, Mr Yin.

MS ELLSON: I understand Ms McEvoy has not yet had the opportunity,
Commissioner?---It's not going to be much different to the - - -

10

COMMISSIONER: Ms McEvoy, I might speed things up. I will help
you?---Thank you very much, I would appreciate that.

Would you turn to page 5?---Page 5, yes

15

[11.00 am]

And I would like you to read to yourself what appears on pages 5 and 6?---Yes.

20

Please, and just take your time?---Yes, I recall the incident, so - - -

I will just record for the transcript that what everyone at the Bar table now has, and
what Ms McEvoy also has, and has had an opportunity to read pages 4 and 5
of?---Yes.

25

Is an extract of a recording of the ordinary meeting of Council of the City of Perth
on 1 November 2016 which, again for the transcript, has the TRIM number 24618.
Mr McGowan, I will just check with you first, are you comfortable for the
examination to proceed at this point now that your client has had an opportunity to
look at pages 4 and 5.

30

MR McGOWAN: 5 and 6, I think, Commissioner.

COMMISSIONER: 5 and 6, I'm sorry.

35

MR McGOWAN: Yes, Commissioner.

COMMISSIONER: Thank you. Ms Ellson.

40

MS ELLSON: Commissioner.

Ms McEvoy, can you direct your attention, please, to line 31 of page 5 which is
around the middle of the page?---31 - they are not numbered very well, are they?

45

You will see a line numbered 30 on page 5?---30, yes.

Just underneath that?---Mm hmm.

There are some words attributed to you:

5 *Councillor Harley, I can go online and read it all on that so why would I want to do that.*

Do you see that?---That's me speaking.

10 You accept that it is?---Absolutely.

And you accept those were your words?---Yes.

15 It wasn't an outright denial, was it, what you said?---Well, it was just a ridiculous statement, what he made, so - - -

You didn't make that clear by saying what you said about "going online and reading it all on that so why would I want to do that" though, did you?---No, I didn't. I didn't say that. He was so persistent about it. I mean, he was just standing and going - paranoia going on.

20 I'm just going to ask you a next question, Ms McEvoy?---Mm hmm.

Underneath line 35, you will see another line attributed to you?---Yes.

25 :

I could send it to the press too.

30 Do you see that?---Yes, I see that.

Do you accept you said, "I could send it to the press too"?---I was - that question was to Harley who sent a few things to the press.

35 It wasn't an outright denial that you were recording the meeting, was it?---Well, I wasn't recording the meeting.

It's not an outright denial saying, "I could send it to the press too", is it?---No, it's not.

40 Some others speak?---Mm hmm.

And you speak again on the following page, Ms McEvoy, underneath - -
-?---What, page 6?

45 Page 6, line 10, up the top?---Yes.

Line 11, do you see some words attributed to you?---At 10, Councillor McEvoy,

Councillor Harley.

:

5 *Councillor Harley believes I'm taping it for the Lord Mayor when she's overseas, which is a bit stupid.*

Do you see that?---Exactly.

10 Do you accept that you said that?---Well, I did, obviously. It's here in the screen so I did say it.

It's not an outright denial that you weren't recording the meeting, is it?---No, it's not.

15 So, so far you've spoken three times and haven't denied outright that you've been recording the meeting, isn't that right?---You could say that.

You accept that?---I accept that, yes.

20 At line 30, Councillor McEvoy, do you see there:

Okay. All right. I wasn't recording anything. I think all Councillors, every Councillor here would have a thing on the table.

25 Do you accept you said that?---Yes.

So it wasn't until the fourth time that you spoke that you denied that you were recording the item, do you accept that?---Well, I accept that, yes.

30 Is that because you were recording the item?---No, I was not recording the item.

Had the Lord Mayor asked you to record what happened in the meeting on - -
-?---No, she did not.

35 - - - on 1 November 2016?---No, she did not. She can go online and read it the next - within 24 hours.

You've answered my question, Mrs McEvoy?---Okay. Thank you.

40 Did you have your phone in a drawer and were you recording the meeting, Mrs McEvoy, on your phone?---No, I didn't. No, I did not. My phone was on the bench in the Council Chamber, which I've always been very vocal about
Councillors - some of the Councillors had three phones and I've always been very
45 vocal about the phones being on the bench and I had a horrible feeling that my phone wasn't turned down and I had it on the desk. Now, I can demonstrate to you what I've got to do because mine's got a cover. I've got to take that off, I've got to

open the phone, I've got to take the sound down - - -

Mrs McEvoy, you've strayed away from my question?---Well, that's the answer.
Yes, okay.

5

It's possible to record things on your telephone, wasn't it, as at 1 November 2016?---Could have been quite possible, yes.

10 You just need to press a button on the phone, isn't that right, just one?---I don't know. I don't use it, so I wouldn't know. I think there's a little section in there that's got a whole lot of things in it.

Mrs McEvoy, you were recording the meeting for the Lord Mayor on 1 November 2016, weren't you?---No, I wasn't.

15

You were recording the item regarding the Grand Central Hotel for the Lord Mayor on 1 November 2016, weren't you?---Not unless you've got proof of it. Have you got something to show me that I was?

20 It's not an answer to my question, Mrs McEvoy?---I'm saying no, I wasn't.

COMMISSIONER: Ms McEvoy?---Yes.

25 Do you recall where Councillor Harley was sitting in relation to you?---Yes, he sits to my right. I sat on the end and he sat to my right with his three phones.

So do you remember at this meeting how far away he was from you?---There was quite a little bit of difference between - there was four Councillors on that side so there was quite a distance between us.

30

I'm just trying to understand what distance he was from you to your right?---I think he would be too far away to see what I was doing with my phone.

35 That may be your view but I need to know what the distance was, please, if you can tell me. You're probably like me, you probably think in feet and inches?---In feet and inches, yes.

That's all right. How many feet to your right?---Two feet.

40 Two feet?---Just off the top of my head. I would have to get a measuring tape to make it correct.

45 You don't need to do that for me. Can you tell me whether there was anything between you and him that might have obstructed his view?---Not really. We would have had our papers on the desk, microphone, that was about all.

Thank you.

MS ELLSON: You mentioned you had your telephone next to you on the table. Was it on top of things or was it underneath them?---I don't know, it would have been - - -

5

It was or it would have been?---Top left-hand side, but there was - - -

In full view?---Yes.

10 Is that where you usually put the phone?---No. If it was on the desk, that's where it would be, yes.

Was it on the desk?---Yes.

15 You've indicated that it was?---Yes, it was.

Is that where you usually put it?---Yes, but as I said, I'd been having an argument about, as Councillors we shouldn't have all these phones on the desk, because they sometimes bizzed, and especially in the committee room.

20

That doesn't relate to my question, Mrs McEvoy. I just ask you to wait for the next one?---Right.

25 Ms McEvoy, did you obtain permission from either the CEO or the Manager of Governance to record the meeting?---No, I didn't.

On 1 November 2016?---No, I didn't, and I didn't record it.

30 You're aware that if you did record it without the permission of the CEO you would be in breach of the Standing Orders?---Yes, I can read that in the script.

You accept that?---Yes.

Commissioner, might the transcript be marked JM1, and collected?

35

COMMISSIONER: Yes. I will mark it JSM1.

#EXHIBIT JSM1 - Transcript of extract of audio recording of Council meeting on 1 November 2016.

40

MR McGOWAN: Sorry, Commissioner, for the sake of clarification, I appreciate it's an extract from the transcript but is the extract that's been identified at pages 5 and 6 the section being identified.

45

COMMISSIONER: As I understand it, Mr McGowan, the TRIM number which I read out earlier relates to the extract beginning with the front sheet, then a page

number 1 as a second page, going through to page number 7. So whilst I agree that pages 5 and 6 are the critical pages, the remainder gives context.

MR McGOWAN: Thank you, Commissioner.

COMMISSIONER: Thank you. Mr van der Zanden, do you have an objection?

MR van der ZANDEN: I have something to say in relation to the transcript, if I might now?

COMMISSIONER: In the absence of the witness?

MR van der ZANDEN: No.

COMMISSIONER: Very well. Yes.

MR van der ZANDEN: There's two points. One is just on the front page there's a reference to the Lord Mayor presiding, which is clearly an error, and on page 5 the transcript doesn't record that, as I understand, there was this gap - the meeting went offline for a period and so I think those two things, or perhaps if I've spoken on the transcript, so - - -

COMMISSIONER: I will hear from Ms Ellson on both matters

MR van der ZANDEN: Yes.

COMMISSIONER: Thank you for raising them, Mr van der Zanden. Yes, Ms Ellson. What do you say about the first of those matters?

MS ELLSON: Commissioner, I accept that the Lord Mayor was not presiding at the meeting and that it was in fact the Deputy Lord Mayor, Mr Limnios.

COMMISSIONER: Do you know that from looking at the minutes, because this is an extract?

MS ELLSON: The Deputy Lord Mayor is the person speaking. It's not apparent from the transcript.

COMMISSIONER: Yes. That, I think, is Mr van der Zanden's point. The only way of knowing whether the Lord Mayor was in fact presiding at the meeting and might have absented herself for this part of the meeting, if that is the case - - -

MR McGOWAN: Sorry, Commissioner, could I assist?

COMMISSIONER: Yes.

MR McGOWAN: At page 27.1197, which is the extract of the minutes of 1

November, under item 39416, the Lord Mayor is an apology, that is for the whole meeting.

COMMISSIONER: For the whole meeting?

5

MR McGOWAN: Yes.

COMMISSIONER: That clarifies it then.

10 MS ELLSON: I'm on the same page 27.1197, the minutes referable to the meeting on 1 November 2016 and the Deputy Lord Mayor is indicated as presiding.

15 COMMISSIONER: That clarifies it then. I just didn't want to proceed on the assumption that the Lord Mayor was not presiding based on an extract of a recording.

MS ELLSON: Yes, Commissioner.

20 COMMISSIONER: Mr Malone.

MR MALONE: Commissioner, I rise, just whilst we are completing with this document.

25 COMMISSIONER: Yes.

30 MR MALONE: At about line 17 on page 5 it records Councillor Yong as saying, "Excuse me, Deputy Lord Mayor." From the recording we heard earlier, I believe that should be a reference to Councillor Harley. Just as a matter of completeness, I rise.

COMMISSIONER: Yes, thank you. Let's hang on a moment. Let's just deal with them one at a time. I will have that checked, Mr Malone. Thank you for raising it.

35 MR MALONE: Thank you.

COMMISSIONER: This is part of the problem that you get when you get a document at the last minute. We will have that checked and if it's not correct we will have the transcript corrected.

40

[11.15 am]

MR MALONE: Thank you.

45 COMMISSIONER: Mr van der Zanden, you're on your feet again.

MR van der ZANDEN: Yes, I am.

COMMISSIONER: I'm conscious we haven't got to your second point yet

5 MR van der ZANDEN: Yes. This might be a quicker point. Just further to what Mr Malone said, there may be one other matter that should be checked in relation to this draft transcript and that is on page 6, at line 14 there's a reference to the Deputy Lord Mayor and my recollection was that was Mr Mileham. I may be wrong but perhaps that could be checked.

10 COMMISSIONER: That will be checked but I suspect you are right on that one

MR van der ZANDEN: Yes, thank you.

15 COMMISSIONER: Certainly, when I was listening to the audio recording, it did sound more like Mr Mileham to me than the Deputy Lord Mayor

MR van der ZANDEN: Yes.

20 COMMISSIONER: Again, this is part of the problem when you get something like this at the last minute

MR van der ZANDEN: Yes.

25 COMMISSIONER: Mr Yeldon.

MR YELDON: Can I suggest that it doesn't need to be checked, it's obvious from the passage.

30 COMMISSIONER: Yes.

MR YELDON: You get the drift?

35 COMMISSIONER: I take that point as well, Mr Yeldon but you know what, it will be checked.

MR van der ZANDEN: Thank you.

40 COMMISSIONER: Your second point, Mr van der Zanden, I don't think Ms Ellson's responded to that yet.

MS ELLSON: No, there doesn't appear to be any reference to the moment of silence after the Deputy Lord Mayor asked for an adjournment, Commissioner. Perhaps as other things are being checked and corrected, that can be inserted into the extract.

45 COMMISSIONER: This is what I'm going to do: the whole point of calling for this transcript to be made available to everyone at this point in time, earlier than

perhaps desirable now that I reflect on it, was so that the witness would not be examined merely on the basis of her recollection of an audio recording. Fairness, it seemed to me, dictated that she have at least the opportunity to look at what was said, in writing. As it transpires, the attempt to be fair to her by producing a written record of what was said on the audio recording has resulted in the identification of a number of errors, and I'm grateful to all counsel for raising those matters for my attention, including Mr McGowan's point about what the official minutes of the meeting show.

So what will happen now is that the Inquiry will review this draft transcript of what occurred at that meeting against the audio recording, bearing in mind the submissions of various counsel at the Bar table, and will amend the transcript as necessary, to better reflect what was said on the audio recording. When that has happened, a copy of the transcript will then be provided to all Council who are present at the Bar table now, so they have an opportunity to consider its accuracy. If there are any further inaccuracies, I will expect those counsel to notify the solicitor assisting the Inquiry with their comments.

I turn to you, Mr McGowan. Is that a satisfactory process?

MR McGOWAN: Yes, it is, thank you, Commissioner.

COMMISSIONER: Thank you. Ms Ellson, is that satisfactory from your point of view?

MS ELLSON: Yes, Commissioner, absolutely.

COMMISSIONER: Thank you. On that basis, Ms Ellson, would you like to resume your questioning?

MS ELLSON: I understand you've marked the document JSM1, Commissioner?

COMMISSIONER: I have.

MS ELLSON: The document can be returned, please.

MR McGOWAN: Do we have to return them, Commissioner? They are all being called for.

COMMISSIONER: Sorry?

MR McGOWAN: Do they need to be returned? I've made some use of them.

COMMISSIONER: If you've made some notes on it, you may keep your copy.

MR McGOWAN: Yes, I wouldn't mind, Commissioner.

COMMISSIONER: Thank you, and if anyone else wants to keep their copy to do a comparison about the next version that will be issued, I certainly have no difficulty with that. I would, however, ask counsel to exercise the appropriate amount of discretion in relation to the publication and circulation of this document. Ms Ellson, are you ready to resume?

MS ELLSON: I am, Commissioner, yes. Thank you.

COMMISSIONER: Please do.

MS ELLSON: Ms McEvoy, do you recall the Code of Conduct being amended in June 2017 to insert provisions relating to bullying?---Yes, I do recall a little bit about that.

What do you remember?---My recollection is sort of after the 2015 election, or well into, there started to be bullying, not myself necessarily, but for the staff and the Directors. What was happening, some of the Councillors were doing strange things, like putting up notices of motion. They weren't going through the proper source to get things up to Council, so it caused quite a bit of angst through the place and that's what I saw - noticed, because I was gone by 17, but in that period of time there was a little bit of extra bullying at that stage.

You mentioned that you observed that some Councillors were not going through the proper source?---Yes.

How does that relate to bullying, Ms McEvoy?---When I say they are not, there was a particular source that you went through. If you wanted to, say, put a park in the middle of St Georges Terrace, you took it to your particular committee room. That was worked up by the Administration. It was costed, which was a very important part of it, and it was then worked up and brought back to Council, but what was happening in that time was that a few of the particular Councillors were bringing them up as notices of motion. That's not illegal, it's not illegal to do it but it's not the way you do it and it puts a lot of pressure on the Administration when they get something lobbed on them at a Council meeting and it's not been worked up and there's no costings done. So that's an example of what was happening.

You mentioned that was being done by a few of the members?---M'mm.

Who were they?---Mainly Green - Councillor Green was going a bit full-on there, Limnios, Harley.

Can you provide any examples of bullying by any Councillors leading up to June 2017?---I can give you one example, yes.

Please?---Green bullying me. I actually made a point at the start of the investigation when I put all my devices in, I actually printed off these emails and gave them to the investigator, but I don't know where they have gone to. Into the

ether, I think but yes, she started, particularly - she was blaming myself and my daughter for interfering in her Wikileaks page, Wikipedia page and it was somebody using a user name called "Cockshat" which is something that I would never use anyway, and I had never even looked at her site, and nor had my daughter, and she kept on about this and even her husband was on Facebook talking about it and naming my daughter and myself. So I found that quite bullying. She was quite bullying - I would distinctly call her a classic keyboard warrior because she kept emailing everybody, she'd email, she'd want to meet there, she'd want to meet there. When she first got on, at the night that she was elected, I sat with her and talked to her, "Congratulations", and you know, "Looking forward to having you on board" but that soon quickly disappeared into the ether too because she just - - -

Isn't that because your team excluded her?---No, this was before the team excluded her.

But the team did?---God, we had to. There was no other option. She just - the emails were just coming and coming. You ask why people don't reply to her. Why would you reply when you're getting bombarded.

I'm not asking you to speculate about things like that Mrs McEvoy. I'm trying to figure out how not going through the proper source with respect to the Administration is bullying. It's not, is it?---Well, I would call it slightly bullying because they are taking away the actual process and they are putting them up and it's putting the Administration in a difficult position.

It's a procedural matter, isn't it?---All right.

It's not a matter - it's a procedural matter, isn't it?---Yes. They can do it quite legally but it's just the wrong way to do it.

Mr Mileham made efforts to centralise the communications in the context where this was happening, didn't he?---Yes.

Did you have contact with the CEO Inbox?---Yes, I did, because - - -

Did you use it?---Yes, I did use it.

What was your experience with it?---Because I used to go to perhaps one of the Directors on certain things, like dirty pavements, I would send an email. So that did come back into the CEO Inbox. The only problem I had with - it worked quite well but it just took - it may have taken, say, three days to come to fruition on being able to get what we wanted done.

Three days?---I don't know.

Did you have any difficulties with the time that it took for your CEO Inbox

communications to be responded to?---No, not that I recall, no.

5 Mrs McEvoy, with respect to Councillor Green, it was from the very outset, just after the October election, that the team excluded her, wasn't it?---Yes, I remember that, because she was asking for a meeting, all of us individually.

10 She wanted to have coffee with you, didn't she?---Yes, she wanted to have coffee as individuals and I replied that, "Hey let's" - whatever, three or four of us - "we'll get together and do it", but she didn't want that and she refused to do that. She wanted everybody - - -

The team didn't want to meet with her individually or collectively, did it?---Not particularly, after some of the things she did.

15 And you didn't want to meet with her either, did you, for coffee at all?---No. Well, I had sort of spoken to her when she first got in.

[11.30 am]

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There was never a time when you wanted to meet up with Councillor Green, was there?---No.

COMMISSIONER: No, what?---We got it all on email so I didn't have to.

MS ELLSON: You didn't ever want to meet with Councillor Green for coffee, did you?---Not necessarily. I mean, you met in meetings and things like that, but I didn't - not privately I didn't, no.

I'd like to take you now back to some messages I showed you earlier this morning, Mrs McEvoy?---Right. Not her emails to me?

14.0139, please, Madam Associate, TRIM 13609. The third message from the top just above the middle of the page.

COMMISSIONER: Just enlarge that top half of the page, please, Madam Associate. Thank you. Just bring it up, please, Madam Associate. Thank you.

MS ELLSON: Do you see there, "I agree, an excellent execution"?---Yes.

And you've agreed that relates to the termination of Mr Stevenson's employment?---Yes, that's what you brought up to me before. Yes.

Mr Stevenson's termination was an execution in your mind, wasn't it?---Well, looking at it, I've said it there so I must have thought it, yes.

You did, didn't you?---M'mm.

And it was an execution because it wasn't mutual, isn't that right?---Probably not mutual, no.

It wasn't, was it?---He could have liked to have stayed. He kept wanting a new contract.

So his termination was an execution which wasn't mutual, you accept that?---Look, it's a WhatsApp. You put - these things, you know, it's joking.

It's not joking, Mrs McEvoy, is it? You were congratulating the other members of your team, Ms Scaffidi and Ms Davidson, for what had occurred, weren't you?---Yes, okay.

COMMISSIONER: You're being asked to say whether you agree with that or not, Ms McEvoy?---I agree. It's here in front of me so I have to agree with it, yes. I'm also trying to say, WhatsApp is chit-chat.

MS ELLSON: As an execution, Mr Stevenson's termination wasn't by consent, was it?---It was by - he drew up Option 1. That was his option, it wasn't ours.

You've called it an execution, Mrs McEvoy; an execution is not by consent, is it?---Well, that would have been after the effort anyway, so - - -

5 An execution is not by consent, is it?---No.

And Mr Stevenson's termination as an execution, was not by consent, was it?---No, but he still put up Option 1.

10 I'm not asking you about that, Mrs McEvoy?---No, I know but that's the gist of it.

Mr Stevenson's termination was all one way, wasn't it? It was all Council?---Well, if you say that, yes, probably.

15 He wanted to stay, didn't he, Ms McEvoy?---Yes.

But Mr Stevenson had no choice about leaving, did he?---No, I think he got the vibe that he wasn't going to get a new contract.

20 He had no choice because his employment was terminated without notice, isn't that right?---Let me think about that. I keep saying, he put the option to us, we didn't put the option to him. So - - -

On 20 January 2016, Mr Stevenson's employment was terminated?---Yes.

25 You've described it as an execution?---Mm hmm.

He had no choice in his execution, did he?---Well, not at the end of the day, no. We accepted that option that he put up.

30 You never expected the message to be seen by anyone other than the group, did you, Mrs McEvoy?---Not necessarily, but of course, Mr Limnios fell out with the group and he's kept them, obviously.

35 Ms McEvoy, from time to time, did you tell members of your group or your team in WhatsApp to delete their messages?---I would have done, yes. I mean, I always deleted mine because they take up so much storage and they slow your phone down, so the less you've got on it the better. Even with my daughter, I'm on with her, I delete it every night.

40 You say you would have asked members of your team to delete their messages, did you?---Must have, yes.

45 It wasn't because they take up so much data, was it?---I don't know what you're getting at.

Did you ask members of your team to delete their WhatsApp messages so no-one

else could find them?---Well, no, that wouldn't necessarily be the reason, unless there had been a conversation that had been going on at the time and you - yes.

5 Was it important for members of the team to delete the WhatsApp messages?---I think it's important for everybody to delete their messages at some time.

It was especially important for the team, wasn't it, Ms McEvoy?---What do you mean? Why do you mean? It's amongst the team.

10 Was it important for the team to delete their messages?---I would find it important, yes.

15 It was important so there were no records kept of the messages, isn't that right?---Not necessarily.

14.0145, not on the screen, Madam Associate. I have a redacted version in a hard copy?---A lot of black lines.

20 Ms McEvoy, do you see a message, 9.18 am?---Yes.

On page 14.0145?---Yes, I see that.

25 TRIM 13609?---Mm hmm, "Please make sure you all delete chats. Fresh start - important."

Do you accept that's a WhatsApp message from you to your team?---Yes.

30 COMMISSIONER: You didn't read that out right, Ms McEvoy. It reads, "Please make sure you ALL delete our chats - start fresh", not "fresh start" - "start fresh! Important!!!" That's what it says, isn't it?---I'm sorry, yes. I didn't read it fully.

35 Yes, Ms Ellson.

MS ELLSON: Ms McEvoy, in your mind it was very important for all members of the team to delete their WhatsApp messages, wasn't it, in January 2016?---Well, what's that particular date that you're trying to say we deleted it?

40 Ms McEvoy, I'll go backwards with you?---Yes.

Do you recognise a message you sent on 22 January 2016 at 9.18 am?---Yes.

45 In it you say:

Please make sure you ALL delete our chats - start fresh! Important!!!

?---Right, yes.

You accept that's a message you sent on 22 January 2016?---I accept that.

5 To other members of your team?---Yes.

You were giving them very firm to delete all their WhatsApp messages?---Mm hmm.

10 And you wanted to make sure all of the members of the team had deleted their WhatsApp messages, didn't you?---Well, I'm saying all of them, yes.

You accept that?---Yes.

15 You were trying to make sure that all members of the team deleted their WhatsApp messages, you accept that?---Mm hmm, I accept that, yes.

And you emphasise with your team that that was important?---Yes.

20 And that was important so no-one could find the messages, wasn't it, Mrs McEvoy?---It may have been the course, yes.

It was, wasn't it?---I'm not sure whether Limnios was in then or not, so - - -

25 COMMISSIONER: But that's not the question you've been asked?---No.

Ask the question again, Ms Ellson.

30 MS ELLSON: You wanted to make sure all members of your team had deleted the messages, Mrs McEvoy, so no-one could find them, isn't that right?---Yes.

And you did that two days after Mr Stevenson's termination, isn't that right? You sent this message two days after Mr Stevenson's termination?---I don't look at that and say it was two days after his resignation, so you - - -

35 Mr Stevenson didn't resign, his employment was terminated, you've accepted that. You accept that that was done at 20 January 2016 at the Special Council Meeting that you took you to?---Right, yes.

40 And you've sent this message on 22 January 2016, haven't you?---Yes.

And the message to all team members was sent?---Yes.

And it was sent to all team members so the messages would be deleted?---Yes.

45 By all of the team members, from 22 January 2016 backwards in time, isn't that right?---Yes, that's right.

And that was very important, wasn't it?---I can't remember. I can't even remember why it was, but yes.

5 You've said, "Important!!!"?---I've said that, yes.

It was important because of what had been written about Mr Stevenson in particular, wasn't it?---About what was written on the WhatsApp?

10 Yes?---I have no idea.

You didn't want to anyone to find out that you've referred to Mr Stevenson's termination as "an excellent execution", did you?---I possibly could have been concerned about that, yes.

15 You were, weren't you?---I didn't remember even doing it until it was brought up today so yes, it's a bit embarrassing.

20 It's not just embarrassing, Mrs McEvoy, it was wrong, wasn't it, to refer to Mr Stevenson's termination as "an excellent execution"?---Yes.

It's not conduct becoming of a Councillor, is it?---No, it isn't.

25 To refer to Mr Stevenson's termination as "an excellent execution", was it?---No, it wasn't but it wasn't expected to be out in the public arena.

And that's because you expected everyone in the team or all in the team to delete the messages?---That would have been possible, yes.

30 You expected all of the members to delete the messages - - -?---Except this one here.

You expected all of the members in the team to delete their messages because you'd given them the instruction to do that, isn't that right?---Yes.

35 COMMISSIONER: Ms McEvoy?---Sorry.

40 Was one of the reasons why you sent this WhatsApp message on 22 January to all members of the team to delete their messages because you did not want anyone to see that you had regarded the way in which Mr Stevenson's employment came to an end as an execution?---Yes, that would have been exactly - looking at it from today, I would have been - I'm most embarrassed about it now.

45 And was it your wish at the time that you issued that WhatsApp message for everyone to delete their WhatsApp messages, that you wanted people to think instead of Mr Stevenson's termination of employment as consensual, by agreement in other words?---I think you're reading a lot into that.

Am I? Tell me?---Looking at that, I feel embarrassed about what was said.

I will put it to you differently, then?---I beg your pardon?

5

Let me put it to you differently?---Yes.

[11.45 am]

10 Do you think that somebody looking at the WhatsApp message sent two days earlier about Mr Stevenson's termination of employment being described as "an excellent execution" might suggest to someone reading that, that it was not by agreement?---Yes, I agree with that, yes.

15 So I come back to my question: was one of the reasons why you asked for all WhatsApp messages to be deleted, including that one two days earlier, that you didn't want to create an impression that Mr Stevenson's termination of employment was not by agreement?---No, I don't think that's what it's meaning. I don't think that is what it's meaning. I can't recall the "Make sure you all delete our chats -
20 fresh start! Important!!!", I really don't remember what that particular saying meant but as I'm saying, I am embarrassed about the execution part of it and I don't ever remember doing that, but I've done it. There's nothing I can do to take it away, it's there.

25 Ms Ellson.

MS ELLSON: Ms McEvoy, was it a fresh start, or did you ask them to start fresh because you had a new CEO?---Was that about that time, was it? No, I think that's irrelevant to what that is. No, I don't agree that's why it would be.

30

You did want to create the impression that Mr Stevenson's termination was by consent, isn't that right?---Yes.

35 And that is why you asked everyone to delete these messages, to delete their WhatsApp messages, didn't you?---Well, I don't agree with that, no. Other messages which relate to that, I hadn't seen. I'm not sure, but I can't say looking at that and making that decision.

40 Starting fresh or "start fresh" was a reference to clearing away the conversations on 20 January 2016, wasn't it?---That would have been right, yes.

45 And those conversations included the conversations concerning the nature or the descriptions members of the team had given to Mr Stevenson's termination, isn't that right?---Yes - in what way do you mean? I don't understand what you mean.

It's obvious, isn't it, Mrs McEvoy, that if no-one could read the messages from the team, outside the team, that no-one would know what the team really thought

about what happened to Mr Stevenson, isn't that right?---I think everybody had a fair idea.

5 No-one outside the team?---Whether it be the team or not the team, I think that everybody had come to the same conclusion. I don't think there was anybody that was immensely happy with Gary Stevenson as CEO.

If the messages weren't there, no-one could read them again, isn't that right?---No.

10 No-one outside the team could read them, could they?---No.

No-one inside the team could read them, could they?---Once they are deleted, they are deleted, yes.

15 If no-one outside the team could read the WhatsApp messages, Mrs McEvoy, they could not know what members of the team thought about Mr Stevenson's termination on 20 January 2016, could they?---I can't answer that. That's not up to me to make that decision.

20 And the public would never know that Gary Stevenson's termination was an execution, would they?---No.

The document can be returned, Commissioner.

25 COMMISSIONER: Thank you, Madam Associate. Yes, Ms Ellson.

MS ELLSON: That completes my questions for Mrs McEvoy, Commissioner.

COMMISSIONER: Thank you. I will hear applications. Mr van der Zanden.
30

MR van der ZANDEN: Yes, I have an application, Commissioner.

COMMISSIONER: Very well. In that case, Ms McEvoy, I'm going to ask you to leave the hearing room so I can hear the applications in your absence?---Right. Do
35 I come back?

You will come back, yes. Thank you.

WITNESS WITHDREW.

40 COMMISSIONER: Yes, Mr van der Zanden.

MR van der ZANDEN: Thank you, Commissioner. I seek leave to examine the witness as to the weaknesses of Mr Stevenson and then to put to her - - -

45 COMMISSIONER: As to the what of Mr Stevenson?

MR van der ZANDEN: The weaknesses.

COMMISSIONER: Weaknesses, thank you. Yes.

5 MR van der ZANDEN: And then to put to the witness the survey she completed in July 2015. This is the one prepared by Mrs Davidson, and to see if that refreshes her memory.

10 COMMISSIONER: Yes. You don't need to tell me how they might advance the purposes of the Inquiry, Mr van der Zanden, I understand what you are driving at. Ms Ellson, how do you wish to respond?

MS ELLSON: I don't take objection, Commissioner.

15 COMMISSIONER: You object?

MS ELLSON: No, Commissioner.

20 COMMISSIONER: You don't?

MS ELLSON: No.

COMMISSIONER: Very well. Thank you. In that case, Mr van der Zanden, you have leave to examine on both topics

25 MR van der ZANDEN: Thank you.

COMMISSIONER: Mr Yeldon.

30 MR YELDON: I do have an application.

COMMISSIONER: Yes.

35 MR YELDON: Would it be okay if Mr McGowan went first so I don't tread on his toes?

COMMISSIONER: Perhaps you can indicate what it is you want to examine on, then it might help Mr McGowan.

40 MR YELDON: Yes. The witness referred to Option 1, did say she thought it was mutual, was never taken to the terms of what Option 1 was.

COMMISSIONER: Yes.

45 MR YELDON: It's the point I developed with my own client yesterday about whether or not in its proper contractual perspective the dealings that were precipitated by Mr Stevenson by his proposal of the options, ever were terminated

by him before the Council decided to act on and accept one of those options. In my submission, it would be proper to put to the witness whether she is aware of whether Mr Stevenson ever revoked his offer of Option 1 prior to the Council acting.

5

Various things have been suggested by Counsel Assisting, that it was a termination, but there is a competing factual strata which I propose to develop with the witness.

10 COMMISSIONER: Yes. Is there anything else?

MR YELDON: No.

COMMISSIONER: Thank you, Mr Yeldon. Ms Ellson, how do you respond?

15

MS ELLSON: I take issue with my friend's application, Commissioner. As I understand my friend, he's asking the witness to be taken to Mr Stevenson's 16 page document. She was taken to that document and indicated that she had never seen it before. There's no evidence to suggest that the witness was ever provided with Mr Stevenson's submission and in there, the terms of Option 1.

20

COMMISSIONER: Yes, thank you. Mr Yeldon, on this occasion, I'm going to give you an opportunity to respond to that.

25 MR YELDON: Thank you. There is evidence, there is a diary note of her attending a meeting on 15 January.

COMMISSIONER: Whose diary note?

30 MR YELDON: I believe it's Mr Limnios', and Ms McEvoy is there and she's the odd one out because she's not a member of the CEO Performance Committee. It's the Lord Mayor, the Deputy Lord Mayor, Janet Davidson and Ms McEvoy. The witness was shown, it is true, the first page of the 16 page opus of Mr Stevenson and wasn't taken to the Option 1/Option 2 page. Option 1 and Option 2 is where
35 Mr Stevenson proposes options in the, "Where to from here". She wasn't taken to the, "Where to from here" page, she was only shown the front page of the document, as I recall. The witness plainly knows about Option 1 but it was never explored in any detail with her.

40 COMMISSIONER: How does this bear on your client's interests?

MR YELDON: My client was the Chair of the CEO Performance Committee. There is an undercurrent that the Council were told on 20 January that Mr Stevenson's departure was mutual. That was what was put to Ms Green and
45 Mr Harley, as I recall, having sat here, that various members who weren't on the CEO Performance Committee were told that it was a mutual departure.

COMMISSIONER: Yes, thank you, Mr Yeldon. Mr McGowan, is this an area you intend to make an application in respect of?

MR MCGOWAN: No, Commissioner.

5

COMMISSIONER: Very well. Mr Yeldon, I've heard and considered carefully your application and I don't have the view that the connection is sufficient for you to have leave to examine.

10 MR YELDON: Thank you, Commissioner.

COMMISSIONER: Thank you. Mr Cornish, do you have an application?

MR CORNISH: No, I don't, thank you, Commissioner.

15

COMMISSIONER: Thank you, Mr Cornish. Mr Malone, do you have an application?

MR MALONE: No, I don't, Commissioner.

20

COMMISSIONER: Thank you. Ms Zoric, do you have an application?

MS ZORIC: No, I don't, Commissioner.

25 COMMISSIONER: Thank you. Mr Mariotto, do you have an application?

MR MARIOTTO: No, I have no application, Commissioner.

COMMISSIONER: Mr Yin, do you have an application?

30

MR YIN: No, sir.

COMMISSIONER: Thank you. Mr Tuohy, do you have an application?

35 MR TUOHY: Commissioner, just in respect of one question that was put to the witness concerning the WhatsApp message and the words, "Start fresh" or, "Start afresh".

COMMISSIONER: Yes.

40

MR TUOHY: I believe the question as put by the Counsel Assisting the Inquiry was that "start fresh because you already had a new CEO", the inference being that there were already arrangements in place for the replacement for Gary Stevenson. I believe the response given by the witness was, "No. Was that about that time?

45 No, don't agree." My query here is whether or not that means - - -

COMMISSIONER: Is it a query or is it an application?

MR TUOHY: I beg your pardon?

COMMISSIONER: Is it an application or a query?

MR TUOHY: My application is whether or not we need to explore whether or not there was a suggestion that a replacement for Gary Stevenson had already been arranged at that time.

COMMISSIONER: Is that what you are applying to explore?

MR TUOHY: Yes, Commissioner.

COMMISSIONER: I will hear from Ms Ellson on that. Thank you very much, Mr Tuohy. Ms Ellson.

MS ELLSON: Commissioner, in my submission, the application Mr Tuohy makes is not one which bears directly on the interests of his client and is not something that will assist the Inquiry, given the witness' answer to the question already given.

[12 noon]

COMMISSIONER: Thank you, Ms Ellson. Mr Tuohy, it's really the latter part of that objection to your application that resonates with me. The answer that was given gives that part of the evidence a very limited usefulness.

MR TUOHY: Yes.

COMMISSIONER: Whilst I appreciate that your client has an interest in the matter, the evidence that has been led, in my view, is very unlikely to harm that interest.

MR TUOHY: Thank you.

COMMISSIONER: Very unlikely, so I refuse your application. Mr McGowan, do you have an application?

MR MCGOWAN: I don't, Commissioner, other than to support the approach taken by Mr van der Zanden which I think you've indicated tentatively is acceptable to you, and I'm happy that he should do that, but otherwise, no.

COMMISSIONER: Thank you very much, Mr McGowan. Madam Associate, would you please have Ms McEvoy brought back into the hearing room.

Ms McEvoy, please resume your seat in the witness box. Thank you.

MS Judith Sabina McEVOY, recalled on former oath:

COMMISSIONER: Ms McEvoy, in your absence, there were three applications to examine you?---Right.

5

I have granted leave to Mr van der Zanden, who appears for Ms Scaffidi?---Right.

To ask you some questions. I refused the other applications and just so it is clear, your exclusion from the hearing room a moment ago is no reflection on you whatsoever?---I understand.

10

Mr van der Zanden, are you ready to proceed?

MR van der ZANDEN: Yes, I am, thank you, Commissioner.

15

COMMISSIONER: Please do.

EXAMINATION BY MR van der ZANDEN

20 Ms McEvoy, do you remember yesterday you were asked by Counsel Assisting what you had observed were the strengths of Mr Stevenson?---Yes.

What I want to talk to you about is, or ask you about I should say, what you observed were Mr Stevenson's weaknesses?---Okay, I can start on that.

25

Please?---Mr Stevenson started off all right. He came in - the big thing that he promised us was this reform of the City which ended up to be an absolute disaster. I mean - probably 196 people were sacked or made redundant from the City. It was devastating. The staff were always - were becoming so upset because nobody knew who was going to be next. So that was the first thing that was happening, was his reform.

30

On that point?---Yes.

35 Can you say in what respect was his involvement - did you consider his involvement reflected a weakness on his part?---On the reform?

Yes, in relation to that?---Right. What I believed, when he first came, that was what he said he was going to do, his reform of the City. I would say - look, it probably happened also after he had gone but it was what he put in place and what was executed for a start when he was there and then it flowed on down the whole system.

40

So what did he put in place?---I can't even remember that. Well, that was the main one that I remember, he was going to get rid of all the Directors, get rid of the staff. He didn't really get on with the Directors, so they were all changed and that was - to my eyes, that was his major reform of the City. I mean, he probably did a

45

lot more but that's what I recall of that area. The other area that concerned me personally was the Heirisson Island issue. That just went on. I mean, we had had this in the City before and probably a month was too long for it to go on with. At this stage, it was going for three months. It was unbelievable and I was getting
5 extremely agitated and I did send quite a few emails to him about it. He didn't - - -

Can I just stop you. Can you recall when this occurred?---I'm not good on dates, no. If you put something to me I'll remember but I don't.

10 If you could just perhaps explain, or say what you mean when you're referring to the Heirisson Island?---Heirisson Island became a sort of a squatters camp on a couple of occasions. As I say, the twice before he was there, we actually managed it and got it fixed within a month but this time, it was like going on over three months and it was becoming a laughing stock. Everybody that went across The
15 Causeway could see the debacle that was there. So I did have a lot of messages but he kept telling me that he was from Queensland and he knew how to handle it. So in the end I went back and I said, "Well, you might be from Queensland but it's not being handled properly." Then he had a sort of - he sat down and had a smoking session with the Brophos and a few of the people that were there and that
20 wasn't going to work. So yes, those were the sort of things that he sort of went off and he didn't try to talk to us about what was going on. As I've said, I felt that he would rather have had no Councillors and no Lord Mayor and just run the place on his own, that was my feeling.

25 If I can come back to that. So are you able to say what you considered he should have done in respect of the Heirisson Island incident that he didn't do?---He should have got - - -

30 MS ELLSON: I object, Commissioner. This is outside the questioning my friend sought leave to question the witness on.

COMMISSIONER: Why do you say that?

35 MS ELLSON: This goes beyond the weaknesses of Mr Stevenson, into conduct that the witness has indicated she hasn't seen.

40 COMMISSIONER: To the extent that Ms McEvoy is speaking about matters that she has heard secondhand, and that is obvious to me, I will give that evidence an appropriate weight, but what Mr van der Zanden is doing, as I understand it, and he will tell me if I am wrong, is he is having the witness give examples of Mr Stevenson's performance as a CEO and from that, he will develop, as I understand it, what Ms McEvoy regards as his weaknesses as a CEO. Am I right, Mr van der Zanden?

45 MR van der ZANDEN: Yes, you are, Commissioner.

COMMISSIONER: Thank you. In that case, I will let you continue.

MR van der ZANDEN: Thank you.

Ms McEvoy, I was asking you, can you say what it is that you considered
5 Mr Stevenson should have done that he didn't do in relation to the Heirisson
Island?---Okay. It always has to be managed by the police. Our rangers on their
own can't do any removals, so it has to be - but it just wasn't all coordinated and
put together so that it was done. I think the smoking day, he might have been
10 calling the rangers to start doing something on that day, but it just - there was no
coordination there.

Is it correct to say you considered he didn't properly manage - - -

COMMISSIONER: I think it's a poor idea to be leading the witness on these sorts
15 of matters, Mr van der Zanden, because I will give the evidence that comes from a
leading question less weight.

MR van der ZANDEN: Yes. I accept that, Commissioner.

20 Can you give any examples of what you considered he was doing that he shouldn't
have been doing in relation to the Heirisson Island incident?---He shouldn't have
been negotiating for a start. It was a matter of - it's got to be acted on because if
you just keep talking, it just - it goes on and on, as it did. It went on for over three
months. So, you know, that was one and I had a lot of emails backwards and
25 forwards to him about that. I think in one email I said, "If you're worrying about
the press getting on to it "what had to happen. You know, tomorrow's paper is the
next day's fish and chip paper, or something that to that effect."

Thank you. Any other weaknesses that you can talk to?---All I can say is he wasn't
30 a capital city Lord Mayor. In a shire some one, that's fine and he was very good -
he was a true bureaucrat. I've spent many times in Parliament House in Canberra
and he would fit in there beautifully. He was a true bureaucrat. He had no skills
of communicating with people, especially with us, and he had no - - -

35 When you say "us"?---Well, as Councillors, and he didn't have the skills for the
stakeholders. As stakeholders, they have got to be nurtured and they have got to
be - there was nothing there. If we had - like, as a capital city, we do a lot of -
what's the word - overseas VIPs type things, so we have delegations from overseas.

40 Yes?---He never - he just sent the Directors. He wasn't interested in doing it, so
that's what I say by not a capital city Lord Mayor.

Anything else?---I can't think of at the moment, no. My brain's a bit frazzled at the
moment.

45 Commissioner, I would now seek to have the witness refresh her memory using the
document, her response to Ms Davidson's questionnaire.

COMMISSIONER: You're moving to topic 2?

MR van der ZANDEN: Yes, it is.

COMMISSIONER: Do you want to bring the document up?

MR van der ZANDEN: Yes, please. Madam Associate, I believe it is - I think it's a bundle, 14.0809 to 0817.

COMMISSIONER: Is this the one you're thinking of?

MR van der ZANDEN: If you could bear with me for a moment.

COMMISSIONER: Yes, of course

MR van der ZANDEN: I believe it is. I will check with the witness.

Ms McEvoy?---Yes.

Is this your handwriting on this document?---Yes, it is.

Do you recognise this as the document you were taken to yesterday by Counsel Assisting?---Yes, that would have been. I remember seeing it before.

And do you recognise it as your response to Mrs Davidson's questionnaire?---Yes.

In July 2015 regarding Mr Stevenson and your comments or views in relation to him?---Yes.

Could I ask you read that document, please, and just let the associate know after you've read each page?---Okay. "Could not fault CEO's" - - -

Sorry, just to yourself?---Just to myself, righto. Yes.

So you've read the first page?---Yes.

Madam Associate, could I have the next page brought up, please. 0811 - sorry, you've brought it up. You're ahead of me. Ms McEvoy, could you read that page, please?---Yes

[12.15 pm]

And the next page, Madam Associate?---That's very good so far.

The next page, if you've completed that?---Yes.

The next page, please, Madam Associate?---That's what I just said.

Madam Associate, before you go to the next page, if you could go back to 08 - sorry, you are there. Having read that page, Ms McEvoy?---Yes.

5

COMMISSIONER: For the transcript, 0813

MR van der ZANDEN: Thank you, Commissioner.

10 Does that refresh your memory? Is there anything else you wish to add or you can say in relation to your views on Mr Stevenson's weaknesses?---No, I think I've said it all. I think I've given him credit for where he did do well and that was particularly in the Local Government reform. He thoroughly enjoyed that and did that well but as I say, in the skills section, I have a real problem.

15

Madam Associate, could you go to the next page? Thank you. Ms McEvoy, could you read this page now on the screen?---Yes.

20 Having read that page, is there anything else?---No, but it all fits in with what I've been saying, I think.

Thank you. The next page, please, Madam Associate. If you could read that page too, please?---My writing's terrible.

25 Looks fine to me?---Yes. I've read that.

Having read that, is there anything else?---No, except there was one little thing on the first two days he was there he kept calling me Judy and I had to sort of explain to him that I was a Councillor and I did a title and he needed to really address us as Councillors, not our first names. Just a little thing he didn't know about obviously.

30

Having read that, there's nothing else that you recall on this page?---Not really, but I probably will when I go home.

35 That's fine. I'm just after your recollection now?---Yes.

The next page, please, Madam Associate. Could you read that, please, Ms McEvoy?---Yes, what I've already said.

40 Thank you. The next page, please, Madam Associate?---Yes. Only three words, yes. Yes (indistinct).

Anything further?---Not that I - no.

45 There was one last thing, you mentioned earlier when I was questioning you about Mr Stevenson and as I understand it, your evidence was, it was your view that he would prefer if there wasn't Councillors?---Yes. I got a very distinct feeling about

that.

What did you observe that made you say that?---It was just that he - he wasn't very cohesive with us, but he sort of was like he wanted to do it on his own. He didn't
5 want that interference. That's my feeling. I mean, other people mightn't have that feeling but that's how I felt about him, there just wasn't that cohesiveness.

How did that - what did that lead to? What events are you sort of referring to or what - - -?---I mean, it just wasn't satisfactory. It wasn't workable the way it was,
10 it wasn't workable. Okay, I heard people talking about him being - what are they calling him - very experienced - doesn't matter, but that's what I'm hearing but you've got to look at it from our side of the fence as well. We were Elected Members, we have got to be incorporated in things. So he just wasn't incorporating everybody in it, that was the true fact of the matter.

15 Sorry, I'm going to test you here, but can you recall any examples of that, of your particular complaint in this regard?---No, I don't. I was very surprised when I found out that two and a half years into his contract, that he was then pushing for another five year contract. That really did surprise me. I thought he would have perhaps seen out his five year one and that would have been it.

But in respect to his - as I understand it, his interactions with you - - -?---Wasn't good.

25 In a way that you say reflected a weakness on his part?---Well I would say, yes. I mean, I'm not backward in coming forward and I say what I mean but you'd send something to him and then he would come back with these long emails that were meaningless. Like, you could have just said, "Thanks very much", or he'd go, "Noted", so it was either the one or the other. To me, it was just like, go away and
30 leave me alone. That was the sort of attitude I got. He wasn't my most fondest person. You know what they used to do, you know I was saying about people being put off, it was just awful. Okay, there may have had to have been some of them, but I followed monthly In the Desk of the CEO and In the Desk of the CEO they had comings and goings and that's where I collated all my figures of who had gone and I thought it was a pretty sad thing to do. Comings and goings.

35 Sorry, what do you mean, Ms McEvoy?---The CEO put out a magazine every month and that was - - -

40 Was it something about the - comings I understand to mean people commencing employment?---Yes.

45 And the goings?---Yes, the comings and the goings. So in the time that 190-odd were sacked or were put off or whatever they were, there was nearly 300 people that were put on and it sort of doesn't make a lot of sense. Now they are talking about getting rid of half the staff of the City. So it was quite strange in the fact that they got rid of so many and then they put more on.

That's all I have for examination, Commissioner.

5 COMMISSIONER: Thank you, Mr van der Zanden. Ms Ellson, do you have any questions arising out of that?

MS ELLSON: I do, Commissioner, yes.

10 WITNESS: I've opened up a Pandora's box, haven't I?

COMMISSIONER: Very well. Please proceed when you're ready.

15 MS ELLSON: Ms McEvoy, it's important for the CEO of the City of Perth to remain independent from Council, wasn't it?---Yes, I agree with that.

And he was good at doing that, wasn't he?---Very good at doing that, yes.

20 And it's important that Council didn't interfere in the day to day operations of the Administration, isn't it?---Yes, but you still like to be kept in touch.

Yes, and he did keep you in touch when it was appropriate for him, didn't he?---When it was appropriate for him, yes.

25 And as the CEO, he was responsible for making that judgment, wasn't he?---Mm hmm.

COMMISSIONER: Is that yes?

30 MS ELLSON: You need to say a word?---Yes. Sorry, yes. I'm getting to stage where I'm sort of - - -

COMMISSIONER: Are you getting a bit tired, Ms McEvoy? We won't be much longer?---Won't it? Okay.

35 MS ELLSON: With respect to Heirisson Island, Ms McEvoy, he did work with the WA Police throughout that process, didn't he?---Yes.

40 And in fact, by 14 January 2016, he and the police had worked together to ensure that the fence compound from where the Skyworks would operate, was cleared of people, hadn't they?---Yes. At that stage - can I say something now?

One moment. I need to ask you a question?---Okay.

45 And that was something that happened without incident, wasn't it?---Yes.

And that occurring was part of the ongoing management of the Heirisson Island problem, wasn't it?---Yes.

Mr Stevenson never got the chance to fully complete his work with the police in Heirisson Island because he was sacked before the Skyworks, isn't that right?---Yes.

5

Nothing further, Commissioner.

COMMISSIONER: Mr van der Zanden, yes.

10 MR van der ZANDEN: The witness was going to clarify an answer and I understood that Counsel Assisting might come back to that, but she hasn't.

COMMISSIONER: So are you raising an objection?

15 MR van der ZANDEN: Yes, I am. If the witness - - -

COMMISSIONER: That's all right. I will just hear from Ms Ellson on that. Ms Ellson.

20 MS ELLSON: I didn't understand the witness to be wanting to clarify something. I understood the witness wanted to say something about that.

COMMISSIONER: Yes, that's my understanding as well.

25 MS ELLSON: The question had been answered, Commissioner, in my submission.

COMMISSIONER: Yes, that's right too. Mr van der Zanden, do you want to press the point?

30

MR van der ZANDEN: It's hard to know what we don't know without - it sounded to me like the witness wanted to clarify.

35 COMMISSIONER: Mr van der Zanden, as you know, there's a set of Practice Directions which governs the procedure in this Inquiry and from time to time, as you also know, witnesses wish to say things but they may or may not advance the purposes of the Inquiry, which of course is what I must be governed by. I don't know whether Ms McEvoy wants to say something which will advance the purposes of this Inquiry.

40

Ms McEvoy - - -?---If I can - - -

Without saying it - - -?---Sorry.

45 Without telling me what you want to say?---Okay.

Can you give me the topic?---It was the tail end of the Heirisson Island.

You've been asked a number of questions about that by Mr van der Zanden and you've been asked a number of questions about that by Ms Ellson?---Yes. It's just a quick one.

5

It may be a quick one but it may not be an appropriate one, Ms McEvoy?---Right.

Ms Ellson, I must say, I am keen not to prevent witnesses who appear before this Inquiry from saying something which might be relevant to the work of the Inquiry and even though this falls, strictly speaking, outside of the procedure which has been set for this Inquiry, I'm nonetheless inclined, unless you have a strong objection, to hear from Ms McEvoy.

10

MS ELLSON: No, Commissioner.

15

COMMISSIONER: Ms McEvoy?---Did you say no? That's fine, yes. It wasn't important, honestly.

Ms McEvoy, what do you want to say?---No.

20

I'm asking you, what do you want to say?---All I was going to add to that situation about Mr Stevenson was the fact that Skyworks was coming up and all the crackers - whatever you call them.

The fireworks?---For all the fireworks were being billeted, put on a barge and it was right there at Heirisson Island, so it became a real issue to get Heirisson Island evacuated so that this could happen and I think at one stage they were thinking of taking all the fireworks to another area, which would have been bad. That's all I wanted to say, thank you.

30

All right?---It's not very important.

No, it's fine. Thank you, Ms McEvoy. Ms Ellson, anything arising out of that?

35 MS ELLSON: No, Commissioner.

COMMISSIONER: Are there any housekeeping matters in any counsel before I excuse Ms McEvoy? Ms McEvoy, I'm going to shortly adjourn the Inquiry so that the arrangements can be made for the next witness. Before that happens, I excuse you from further attendance today?---Thank you.

40

And I want to thank you for your assistance to the Inquiry?---Thank you very much, Commissioner.

45 I will adjourn now.

(Short adjournment).

HEARING RECOMMENCED AT 12.44 PM.

COMMISSIONER: Mr Urquhart, I will have you call the next witness.

5 MR URQUHART: Yes, Commissioner.

COMMISSIONER: I will then have the witness sworn and then I will hear applications and take appearances.

10 MR URQUHART: Thank you, Commissioner. Ms Scaffidi is going to be recalled now and Ms Scaffidi is in the back of the hearing room. Thank you.

COMMISSIONER: Thank you, Mr Urquhart. Ms Scaffidi, would you please come forward and take a seat in the witness box: Ms Scaffidi, if I remember
15 rightly, you took an oath last time?

MS SCAFFIDI: Yes.

COMMISSIONER: I will have you re-sworn. Madam Associate

20 **MS Lisa-Michelle SCAFFIDI, sworn: .**

COMMISSIONER: Mr Sinanovic.

25 MR SINANOVIC: Yes, Commissioner. I appear on behalf of Michelle Howells. I believe you granted leave for me to appear on Tuesday.

COMMISSIONER: I did, thank you.

30 MR SINANOVIC: Thank you.

COMMISSIONER: Mr Yin.

MR YIN: If it please you, Commissioner, I seek leave to appear for Mr Yong
35 during the evidence of Ms Scaffidi.

COMMISSIONER: Thank you. Is there any objection, Mr Urquhart?

MR URQUHART: No objection to either of those two applications, or indeed,
40 any of the others that are going to be made by eight or nine others.

COMMISSIONER: Thank you. It's very efficient of you, Mr Urquhart.
Ms Saraceni.

45 MS SARACENI: I continue to appear on behalf of Mr Mileham and the applications have already been made, sir.

COMMISSIONER: Yes, thank you. Mr van der Zanden.

MR van der ZANDEN: May it please you, Commissioner, for Ms Scaffidi.

5 COMMISSIONER: Thank you. Mr Mariotto.

MR MARIOTTO: If it please the Commissioner, I seek leave to appear on behalf of Mr Limnios.

10 COMMISSIONER: Thank you. Yes, Ms Zoric.

MS ZORIC: May it please you, Commissioner, I seek leave to appear for Gary Stevenson.

15 COMMISSIONER: Thank you, Ms Zoric. Mr Malone.

MR MALONE: May it please you, Commissioner, I seek leave to appear on behalf of Mr Harley.

20 COMMISSIONER: Thank you. Ms Ford.

MS FORD: May it please you, Commissioner, I seek leave to appear on behalf of Dr Green.

25 COMMISSIONER: Thank you. Mr Yeldon.

MR YELDON: Yes, by your leave, I propose to continue to act for Ms Davidson, Commissioner.

30 COMMISSIONER: Thank you. Mr Barrie.

MR BARRIE: Commissioner, I seek leave to appear on behalf of the Ms McEvoy.

35 COMMISSIONER: I'm going to adopt the same efficient procedure that Mr Urquhart's adopted and I grant leave to those who require it. Mr Urquhart.

MR URQUHART: Thank you, Commissioner.

40 Ms Scaffidi, you were questioned on a number of topics some time ago now, the two and a half weeks and I know you were asked a lot of questions about Mr Stevenson and his termination but I would just like to go through a few more of those areas with you. Okay?---Yes.

45 I want to ask you particularly about the occasion when the CEO Performance Review Committee members met with Mr Stevenson on the morning of 20 January 2016?---Yes.

Can you place yourself there?---Yes.

This was before the Special Council Meeting at 9.30 am?---Right.

5

And it seems to be the case that it was, looking at the evidence on the previous occasion, on 28 August, I think it was, you agreed that you offered Mr Stevenson a Deed of Settlement at that meeting?---Yes.

10 Ms Ellson then questioned you about this meeting and this was on 28 August of this year and I'm just going to read from the transcript. For the purposes of the transcript, this is at page 9 of the transcript on 28 August 2019.

COMMISSIONER: Thank you.

15

MR URQUHART: Ms Scaffidi, Ms Ellson asked you this just above line 40:

What did you say to Mr Stevenson?

20 So this is that meeting that I've referred you to?---Right.

:

25

I don't recall my opening statement to Mr Stevenson but I do recall within the conversation saying that there was acceptance for Option 1 and that it was difficult for everybody and not a very nice situation to occur. I also thanked him for his work on Local Government reform, as I believed he had worked on that issue well, but we did - I spoke of concerns about a couple of other issues and my recollection of one of those issues was the poor handling of the decampments at Heirisson Island, and that's really all I remember.

30

So do you remember giving that evidence?---Yes.

35

Is that still the extent of your memory regarding what you said at that meeting?---Well, others were talking. Yes.

I'm just interested what you were saying?---Yes.

40

The decampment at Heirisson Island, was that regarding an issue with some people camping on that island and bearing in mind the close proximity to the Australia Day fireworks celebrations, that they needed to be moved on? Does that jog your memory?---No.

45

So let's see if we can explore this a bit further. There had been an ongoing issue?---Yes.

For a number of years with people living on Heirisson Island?---No.

5 No? Back in 2012 wasn't there a violent confrontation with police and squatters which had them removed?---So 2012, yes, there was camping on Heirisson Island, yes.

And this was the same issue that had now arisen and had arisen for a number of months as of January of 2016?---Yes.

10 The relevance of the Australia Day celebrations on the river was, and correct me if I'm wrong, but the area where the fireworks were to be launched from was either at or very near Heirisson Island, does that sound about right to your recollection?---I don't know. It's an operational matter.

15 Yes, I know, but I'm just asking you whether you can recall that or not?---I don't recall it.

20 But wasn't that the issue that had existed for several months? The fact is, there's people squatting on Heirisson Island, that is the area where these fireworks are going to be launched or detonated, those people have to be moved from the area?---I don't agree with the conflation.

25 All right. We might come back to that. So that's 20 January. I want to show you a WhatsApp message you sent to Mr Limnios on 10 January of 2016 regarding this Heirisson Island issue?---Mm hmm.

Madam Associate, if we can put this particular page up on the screen, and it's 14.1594, TRIM number, sir, 20594.

30 COMMISSIONER: Thank you.

WITNESS: So do I read the whole thing?

35 MR URQUHART: Just hold on a moment. I'm going to direct you to a particular one. That's the one that you have sent at the very bottom?---Okay.

10 January 2016, 8.18.48 am - when I say you, I'm just assuming that's the case because it's your - - -?---Yes, number.

40 Your number. So it reads:

FYI. I have sent you an email to do with the Aboriginal issue on Heirisson Island.

45 This is an email to - - -?---Sorry, who's this to?

I'm about to say that. This is an email to Mr Limnios?---Right.

Don't worry, Ms Scaffidi, I will put it all in context for you:

5 *As you would know, Gary is taking this further than he should. We
require is the -*

And the word there is "camping" but I've got a feeling that that should read
"decamping of the fireworks exclusion zone", do you see that?---Yes.

10 :

15 *He should not be liaising with the Aboriginals and suggesting
commercial arrangements and your employment for any. We have
never asked him to liaise like this, and so he's doing this without
Council -*

And we go to the next page, thank you, Madam Associate, 1595:

20 *- without Council approval on. I have touched on this issue with Judy
previously and she is very upset about it, as am I. I'm going to copy
you into an email shortly to Gary and I would appreciate it if you could
come back in strong support of what I'm saying. If you have any
different thoughts, please let me know ASAP before I send the email, L.*

25 So we just need to go back to 1594, thank you, Madam Associate. Do you agree
with me now, and I've given you the opportunity of refreshing your memory, that
the issue as of 10 January, 16 days before the fireworks display, is the decamping
of, it would seem, people who were squatting on Heirisson Island?---Yes.

30 And you also make a comment about what, as I regard, you think was
inappropriate for Mr Stevenson to be liaising with the Aboriginals without Council
approval, is that right?---Yes.

35 Would you agree with me, this is quite a sensitive issue?---Yes.

All options needed to be considered?---Were options?

All options needed to be considered?---Sorry, were or all?

40 All options needed to be considered as to how to resolve this matter?---I can only
answer yes or no, so yes. If you're asking me for an explanation, I can give one.

45 The last thing anyone would want would be a violent confrontation between police
and the campers?---Yes, correct.

So if negotiations could be conducted without that occurring, that would clearly be
the preferred course of action, would it not?---In view of the negotiations that were

proposed, no.

No? So what, you believed that the police should be sent in?---No.

5 As of 10 January. No? So it would be best, would it not, as of this stage, 10 January, for the matter to be resolved without sending in the police and all the violence that could potentially ensue with the media in attendance, you'd agree with that, wouldn't you?---On the face of it, yes, but there was more to it.

10 With respect to how this matter was going to be resolved so close to Australia Day, because if the police were sent in with the batons and the dogs and with cameras rolling, it would be a very poor look, wouldn't it, on the City?---Of course.

15 Yet it appears that you took the view that the negotiations that he was having with these people, as of 10 January, was not appropriate; is that a fair thing to say or not?---No.

No?

20 *He should not be liaising with the Aboriginals and suggesting commercial arrangements and your employment for any. We have never asked him to liaise like this and he's doing this without Council approval.*

25 So was that the issue that you had, that he was doing this without Council approval?---I don't recall.

Is that your answer?---That's my answer.

30 But it would appear though, given what you've written there, that that was your issue?---I have a vague recollection.

But the question is though, reading that, that would be the issue for you, yes?---Well, no.

35

I will read the sentence out again:

We have never asked him to liaise like this and he's doing this without Council approval on.

40

?---Because my recollection is that the commercial arrangement he was suggesting was a very long-term implication that would have involved State Government and the City with an indigenous facility on the island that was going to appease the Aboriginals.

45

Isn't that what negotiations are all about, reaching a settlement that's appropriate for both parties?---But it's not appropriate for the CEO to be liaising at that point

on things that would be costing - look, I will just say no to my answer.

And your issue was because he hadn't conferred with Council about this?---My issue was that he had - yes, correct.

5

[1.00 pm]

Do you remember if you sent that email on to Mr Stevenson?---No, I don't recall.

10 It's nearly 1 o'clock, I should be able to finish at least this part, very quickly.

COMMISSIONER: Whenever it's convenient.

MR URQUHART: Yes.

15

10 January was a Sunday?---Right.

The next Thursday was 14 January?---Mm hmm.

20 Mr Stevenson sent you a couple of emails on that day. I want to show you one that I don't think you've seen yet. Madam Associate, this one is now going to be 14.2109, TRIM number, sir, 24276.

COMMISSIONER: Thank you.

25

MR URQUHART: So it's sent to you at 3 pm on Thursday, 14 January and he's also included Mr Linnios and Ms Davidson:

30

Good afternoon all. FYI, have just returned from Heirisson Island, having conducted an exercise with WA Police assistance to decamp the campers in the fenced compound from where Skyworks pyrotechnics will operate. The compound has just been secured with 24/7 security presence and campers removed. The exercise was without incident, other than verbal protest from Greg Martin, Herbert Bropho and others. Bella Bropho has alleged that we breached Indigenous Heritage Law in not obtaining a section 18 approval from the Department of Indigenous Affairs. However, we have written exemption from that department. This was a relatively low key exercise with very few people present and no media, regards, Gary Stevenson.

35

40

So that was very good news, wasn't it?---It was information.

It was very good news, wasn't it?---Very good news? Is what you're saying?

45 Yes?---No.

You don't agree with it? Do you agree that it was good news?---Sorry.

It was good news for you?---Well, I don't accept that it was good or bad. It was news, it was information received.

5 The matter had been resolved without any confrontation and with the fireworks being able to go ahead as planned; that's good news, isn't it?---Was the full Heirisson Island decampment resolved at that point? I don't recall.

10 But this was good news, wasn't it? Let me ask you, if you can't answer that, it certainly wasn't bad news, was it?---It was news.

It wasn't bad news, was it?---Well, it was bad news for the indigenous.

15 I'm talking about for the City? For the City it was good news, wasn't it?---Well, it was going to let the Skyworks go ahead for 16, so yes.

26th, not the 16th, 26 January?---2016.

20 Sorry, yes. So we have established there that there was at least good news with respect to what was proposed for 26 January, yes?---Happy.

It's one of the biggest events the City of Perth has, is it not, the Skyworks?---Yes, it is.

25 Thank you, Ms Scaffidi for that. That can be taken down now, Madam Associate, thank you. It might be an appropriate time for lunch, sir.

COMMISSIONER: Would a 2.15 resumption suit?

30 MR URQUHART: It would suit me, thank you, sir, yes.

COMMISSIONER: Thank you. I will adjourn the Inquiry until 2.15 this afternoon.

35 **WITNESS WITHDREW**

(Luncheon Adjournment)

40

45

HEARING RECOMMENCED AT 2.16 PM

MS Lisa-Michelle SCAFFIDI, recalled on former oath:

5 COMMISSIONER: Mr Skinner, in place of Mr Mariotto?

MR SKINNER: If I may, sir.

COMMISSIONER: Yes, of course.

10

MR SKINNER: I do seek leave. Thank you, sir.

COMMISSIONER: Thank you. Mr Urquhart.

15

MR URQUHART: Thank you very much, Mr Commissioner.

Ms Scaffidi, I want to just go back now to some WhatsApp messages that you sent on 10 January of 2016?---Mm hmm.

20

I've already shown you one which you sent to Mr Limnios regarding the Heirisson Island matter, but it's the same date, 10 January and you sent a number of messages to Mr Limnios and this one was just after your message describing Mr Stevenson as a snake?---Mm hmm.

25

So this is 14.1596, thank you, Madam Associate. The TRIM number, sir, 20594.

COMMISSIONER: Thank you.

30

MR URQUHART: We are just going to pay attention, Ms Scaffidi, to what's at the top there?---Okay.

So 10 January 2016, 12.15.44 pm, again a message sent from your phone?---Mm hmm. Okay, "He should do what we say, not what he thinks."

35

Yes:

He should do what we say, not what he thinks.

That's in relation to Mr Stevenson?---Mm hmm.

40

Did you regard that as an important attribute of a CEO?---No.

No? Or a necessary attribute?---No.

45

So when you say, "He should do what we say, not what he thinks", that would suggest that in your view he wasn't compliant - - -?---No.

- - - enough with the wishes of Council. No?---No.

5 Well, what you were meaning then when you sent that message through to Mr Limnios?---As you can see further down, my meaning is quite clear. He was not informing the Elected Members of the processes that he was going through.

No, you've lost me there a bit. Those other messages you're referring to, Janet and Judy, and saying, "Update the EMs"?---Sorry, where are you looking?

10 I'm looking to the messages that you're referring to. I just want to know what you meant by the message you sent eight minutes before those, "He should do what we say, not what he thinks." That message speaks for itself, doesn't it, Ms Scaffidi?---No.

15 No? So - - -?---The context - - -

- - - what did you mean by that then?---Am I allowed to expand?

20 If you just want to wait for my question before you start speaking, that's all. So just wait until I've finished the complete question and then we will hear from you?---Okay.

25 I tried to put it in context for you, that this message you sent at the top there was just 28 seconds after you sent the message, "He is a snake"?---Right.

Then you followed up with, "He should do what we say, not what he thinks." Is that what you wanted him to do?---Are you finished and I now reply? So you wish me to expand now?

30 What did you mean by that message, that's all. That's the question and you disagree with me that it means what it says, so you tell me and the Commissioner what it means?---I will.

35 Good. Let's hear it then?---So there was a lot of discussion between Elected Members and the CEO expressing our concerns at the handling of Heirisson Island issues, not just the fireworks related decampment because that's actually not where most of the camps were. Most of the camps were on another part of the island.

40 I'm going to stop you there and remind you that the message regarding Heirisson Island was four hour earlier, okay?---Should I continue with my answer?

Yes, but do you want to maintain that this is what you were referring to, the Heirisson Island matter?---Yes.

45 Okay?---My recollection is, there was great concern with Elected Members and in particular, Councillor McEvoy, myself, Councillor Limnios was one, Councillor Davidson. Gary was liaising with the indigenous Aboriginal people, assuring them

that he wanted to work with them, Herbert Bropho and others.

5 Okay. I'm just going to stop you there. We will need to put all this into context now because with all due respect to you, Ms Scaffidi, what you're saying is a bit difficult to place in context. That's fine. We will go back to 14.1594, thank you, Madam Associate. There we go, this is an email we went through before lunch, at the bottom there?---Yes, I remember.

10 Good. So we go now to 14.1595 and we see the continuation of your message, bearing in mind this was sent at 8.18 am?---Right.

You have sent something else through at 10.39.13 am?---Sorry, is that on this page?

15 Yes. We are going to go through it one by one?---Right.

10.39.13?---Can I just have a moment to read it?

20 There's nothing there?---Okay. I haven't looked at it.

Then we get a message from Mr Limnios at 10.40.27, the next one down:

Clear as to your thoughts and agree.

25 ?---Okay.

30 And then you send a response very quickly, 17 seconds later, "Okay, good. Thanks for replying promptly." 10.42.11 am, Mr Limnios gives a thumbs up. That seems to be the end of the conversation regarding Heirisson Island. Then we go to 12.12.24 pm, there's nothing there. You don't know what sort of message you sent there?---Sorry, where am I looking now?

35 I'm doing them in order as they appear. 12.12.24 pm, after the thumbs up from Mr Limnios?---Okay.

There's nothing there?---What does that mean?

40 I'm going to ask you that. Had you deleted whatever you sent through?---No, I don't believe so - I don't recall.

It may well be the copy of the email you eventually sent through to Mr Stevenson; could that be a logical inference to draw?

45 MR van der ZANDEN: Objection, perhaps this could be heard in the witness' absence.

MR URQUHART: It doesn't matter, we will move on.

Then after that, at 12.15.03 pm, we get another - this time, another thumbs up from Mr Limnios and an okay sign, okay?---Mm hmm.

5 So that's at 12.15.

MR SKINNER: That is not an okay sign.

MR URQUHART: This?---It is.

10

It is.

MR SKINNER: I don't know what it is.

15 MR URQUHART: The witness has just agreed.

MR SKINNER: I'm happy to discuss it with you directly.

COMMISSIONER: Sorry, would you mind not conferring across the Bar table.

20

MR SKINNER: I don't believe an emoji - - -

COMMISSIONER: Mr Skinner, just wait for a moment. Let's have some order in these proceedings. You object to Mr Urquhart's description of the second emoji symbol, do you?

25

MR SKINNER: What I object to is him giving evidence in relation to what that means.

30 COMMISSIONER: His description of the second emoji symbol.

MR SKINNER: Correct, he can't do it.

COMMISSIONER: If it's of any consequence to you at all, Mr Skinner, I have no idea what that sign means.

35

MR SKINNER: Neither do I, sir.

COMMISSIONER: Okay. Continue, Mr Urquhart.

40

MR URQUHART: Thankfully, sir, the witness and I have got an agreement at least on that, that is an emoji for okay.

COMMISSIONER: Let's move to the next one.

45

MR URQUHART: That's it, thank you, Ms Scaffidi. Then the very bottom one now is 12.15.16 pm. Your message there is:

Trying to strike us one at a time now. He is a snake.

5 What was that all about?---I don't recall.

No, because it doesn't seem to be anything to do with the Heirisson Island issue now, does it?---I can't get the context from what I'm seeing here, no.

10 So then we go over the page now to 14.1596 and I come back to the message you sent to Mr Limnios 28 seconds after that one, "He should do what we say, not what he thinks." So in light of all that, it does not appear that you're talking about Heirisson Island now, does it?---I am there.

15 But hold on, in that sense, why then can't you tell us what you were talking about when you say, "Trying to strike us one at a time now. He is a snake"?---So you've gone back to that question?

20 Yes, and if you don't know what that was all about?---I don't know what that was about but I can answer for, "He should do what we say, not what he thinks."

Because, is this something that you've cast your mind back now and thought this must be it, or you've got a firm recollection of it?---I have a vision, recollection.

25 Nevertheless, insofar as the Heirisson Island matter was concerned, you wanted him to do what you say "we say", that is the Councillors?---Councillors.

30 "Rather than what he thinks", is that a fair assessment then?---Just to repeat so I get it right, I did feel he was not considerate of the Council's view on decampment issues.

Right. Nevertheless though, this is an issue you had with him on a wider area, did you not, that he had a habit of not doing what Council said but rather, what he thought?---I don't entirely agree with that.

35 Do you agree with it partly though?---Partly, yes.

So Heirisson Island wasn't the only matter?---No.

40 There were others?---Yes.

So you had an issue with him not being compliant?---No.

With the Council. No, you disagree with that?---Vehemently.

45 Vehemently. But there were issues with him doing things that you and the Council didn't agree with?---No.

No?---Because - - -

5 I thought we established that with Heirisson Island and I thought you agreed with me just a moment ago that there were other issues in which that happened?---If I'm allowed to expand, I can explain

[2.30 pm]

10 Am I right in the summary of your evidence just a moment ago?---Not entirely because I'm not allowed to expand.

I'm just asking you whether I was right in what you said in your evidence a moment ago?---No.

15 Am I right in saying though that if Mr Stevenson did as you and the Council said should be done, even though he disagreed with that personally, am I right in saying the relationship you had with him would be better?---No.

20 You wouldn't even - - -?---I'm not buying that either.

You wouldn't even agree with that?---No.

25 You wouldn't even agree with me that if in fact he had conferred with Council - - -?---Now you're getting closer.

- - - as to the Heirisson Island - - -?---Now you're getting closer.

Ms Scaffidi, thank you for your commentary?---Sorry.

30 On my questioning but I did ask you very politely a few minutes ago - - -?---Apologies.

- - - to let me finish my question.

35 COMMISSIONER: I'm going to stop this right now. Just take a seat, Mr Urquhart. Ms Scaffidi?---Yes.

40 I don't know how many times I have to say this to you but apparently more than two or three times. There is a process to be followed. It is a fair process, it is a proper process?---I agree.

I'm not looking for your agreement, I'm telling you what the process is, so I suggest you remain silent and listen carefully?---Mm hmm.

45 The process is that counsel will ask you questions. Sometimes those questions will require a yes or no answer, sometimes they will not and when they do not, you will have an opportunity to expand. So the suggestion in some of your answers that

you do not have that opportunity to expand is unfortunate and it is wrong. At the conclusion of Counsel Assisting's questions, your counsel, who is very able and he has demonstrated this many times in the course of the last few weeks, will have an opportunity to make an application to ask you questions, to develop those matters, some of which are matters that you have indicated to the Inquiry you wish to expand on. That application will be dealt with on its merits, that is, it will be considered on the basis that if there are matters that can be led from you which will advance the purposes of this Inquiry, and that is what this proceeding is about, then he will be given leave to ask you those questions and you can answer them in an appropriate way, but this is not the time or place for you to run the proceedings as you see fit. I'm not going to say this to you again. I am sure that at the next available opportunity, your counsel will explain the effect of what I am saying to you. Am I right, Mr van der Zanden?

MR van der ZANDEN: Yes, Commissioner.

COMMISSIONER: Thank you. So let's start now on the proper basis on which these proceedings are to be conducted. Do you understand what I've said to you?---I do.

Mr Urquhart.

MR URQUHART: Thank you, sir.

Am I right in saying then, Ms Scaffidi, that the relationship you had with Mr Stevenson would have been a better one if he did what Council asked him to do rather than going off on a frolic of his own?---No.

So what you're saying there is, "He should do what we say, not what he thinks", you are referring to, you maintain, to Heirisson Island and you've also said, have you not, there are other occasions, similar to Heirisson Island where he did not do what you said but rather what he thought?---No.

No, that wasn't your evidence, now 10 minutes ago? No, that wasn't your evidence?---No.

We go on now to those others on that page. Mr Limnios says, "I get it", so it seems that he got it, what your message was, and then you've sent another one about a minute and a half later:

Yes, he's spoken to as I've kept on his case but each time I've said update the EMs. Janet and Judy are not calling him. I think there's nothing more to be said but as Janet said, hear the messages.

So you're saying there that there's a communication problem between yourself or the Councillors and Mr Stevenson, is that right?---No, I'm not saying that.

Then at 1.10.36 pm?---Yes.

5 *"Said" I think that should be "send" - "See", rather "See his reply and justification." Was that a correct clarification of that typo, "Said"? If you don't know, you don't know. Just stay with that for the moment, just those five words?---I think it should be "see".*

So we don't know what his reply and justification was, do we?---We don't know.

10 *Do you have a recollection?---No, not at this point.*

You've quoted:

15 *We need a game changer which I have been advocating for several months.*

That would suggest that you're quoting what his reply was to you, would that be fair to say?---I don't recall, until I see it.

20 *What would be one way of interpreting that, wouldn't it? Wouldn't it?---Yes.*

Then you continued:

25 *I have been advocating. It's not up to him to advocate. That's the point he doesn't get.*

Do you see that?---Yes, I see it.

30 *So whatever topic's being spoken about here, it would seem that it's your view the CEO shouldn't be advocating a position independent from Council?---No.*

No?---I don't accept that.

35 *"It's not up to him to advocate", what did you mean by that?---I don't recall the context of that right now when I read that solo message.*

40 *But isn't that your position, that it's not up to a CEO to advocate on a City matter, it's up to Council?---On political matters, not always one or the other, it could be jointly.*

45 *But it would seem from your message here that you're firmly of the view that whatever was being discussed here, it wasn't up to him to advocate, would you at least agree with that?---No, I don't want to because I don't recall it strongly enough.*

But the words speak for themselves, do they not?---I don't recall.

The words speak for themselves insofar as your view was concerned regarding this particular subject matter, it was not up to Mr Stevenson to advocate. That must surely be the case, Ms Scaffidi?---My view was, and our view for, correction, but no, I don't - I'm not going to accept that.

5

You're not going to accept that?---No.

You're not going to accept that the words speak for themselves, and bearing in mind, they are your words?---I'm not accepting it because I don't understand the context of this at the moment.

10

Ms Scaffidi, all I'm saying to you is that with the subject matter of whatever you're talking about, you were of the view that it wasn't up to Mr Stevenson to advocate, that's the only interpretation that can be made of what that message says, isn't it?---No, it's not the only interpretation and I don't recall, given that it's back to 2016.

15

So when you say that's not the interpretation that can be given, what other interpretation is there?---Mr Stevenson was a highly non-communicative person.

20

Are you answering the question?---Well, it was an open question.

I'm just asking you to give another explanation to the explanation that the words mean what they say?---I don't have - - -

25

You don't agree with me that you weren't saying it's not up to him to advocate, whatever this subject matter was. I would just like to ask you what it was you were trying to say when you said, "It's not up to him to advocate"; what other interpretation is there?---Can I expand? Can I answer now?

30

But you're starting to talk about him being non-communicative, that's not relevant to this matter because apparently he's being communicative because he's advocating a point of view. You don't know what the subject matter is about?---I don't recall it. I'm looking at it now, I have a recollection but I don't know - well, not very clear but I have a vague recollection.

35

"It's not up to him to advocate"?---Sorry, I can't hear you when you - - -

"It's not up to him to advocate", you're saying that the plain meaning of that is not what you meant, is that right?---Yes.

40

How then can you explain what you meant if you don't even know what the subject matter is?---I don't recall enough from that time.

So how can you explain that there is a different interpretation of those seven words?---Because I know - I recollect what the Councillors' views were on the Heirisson Island matter at the time.

45

So you're saying then that this is about the Heirisson Island matter, are you?---I believe so.

5 Okay. So - - -?---I don't know for sure, but I believe so.

And the point there then you're making is, it's not up to him to try to advocate a solution for the City of Perth without first getting Council approval, is that a fair summary?---No, because - - -

10

Is it not a fair summary - - -?---I think the word "approval" - - -

Is not a fair summary because I'm putting it to you?---No.

15 There's not always a hidden meaning behind my questions?---Okay.

I can assure you of that, Ms Scaffidi. I just thought this was something that wouldn't take very long?---I'm sorry.

20 Yes, so am I. I'm just trying give you a way out here?---I don't need a way out

[2.45 pm]

25 I'm actually trying to do with this as succinctly as we can in an effort to summarise what your position is regarding this matter, but you don't agree with that summary I've put to you?---And the question is?

30 That what you were conveying there is that if this was with respect to the Heirisson Island matter, you were stating, it is not up to Mr Stevenson to advocate a solution or negotiate a solution on behalf of the City, without getting approval from the Council?---I can't recall in that I would have to expand on my answer.

You don't agree with the proposition I'm putting to you?---No.

35 I'm going to move on. 14 January now, 2016. This is the same day in which you got the email from Mr Stevenson about the Heirisson Island matter. Do you remember I showed you that before lunch?---Yes.

40 It just seems a very long time ago now. Yes. Now, on 14 January, that same day, he also provided you with documents relating to what he reported to the CCC regarding gifted travel?---Yes.

By Councillors and City of Perth employees?---Yes.

45 So you recall that, don't you?---I recall there was an envelope on my desk.

As I understand the evidence you've already given in relation to what happened in

the days after 14 January - I hope I'm right but if I'm not, I'm sure you will tell me - as I understand your evidence, you're saying it was purely coincidental that the very next day the CEO Performance Review Committee held a meeting that decided Mr Stevenson's position as CEO should be terminated, is that right?---We decided to accept Option 1.

Yes, the question I'm asking, as I understand your evidence, it was purely coincidental that that was the day after you got this second email from 14 January?---Purely coincidental.

Right. With respect to those days between 14 January and 20 January 2016, had there been a degree of paranoia amongst at least one Councillor in your team?---I don't understand the question.

No? So you don't agree that a Councillor, one in particular, was exhibiting unwarranted displays - he was exhibiting paranoia, that's the best word for it?---I don't recall.

We will have a look at some WhatsApp messages. Just on the subject matter of these WhatsApp messages, when did you find out that the Inquiry had access to these messages?---When did I find out?

Yes?---I don't recall when I found out.

A couple of weeks ago?---Sorry?

A couple of weeks ago?---I just presumed that they would. James had always mentioned them. He had been - sorry, am I allowed to answer?

I'm not cutting you off or anything. I'm just looking at you. By all means, go ahead?---For a couple of years James Limnios had indicated to me that he had these WhatsApp messages and he intended to use them.

And he wasn't supposed to have kept them, was he?---Doesn't worry me.

Are you sure about that?---I beg your pardon?

Are you sure about that, it didn't worry you?---You know, it is what it is.

Weren't these messages supposed to be wiped regularly by all members of the team?---Well, I don't know about that, but I mean, these messages chew up a lot of data and the memory clocks up a lot in your phone with WhatsApp and I use WhatsApp with a lot of overseas people and friends and it does chew up a lot of memory and it slows down the phone.

And you also wouldn't want people outside of the team knowing the contents of these messages, would you?---No, wouldn't worry.

It wouldn't worry you? Seriously, it wouldn't worry you? It wouldn't worry you that you referred to the CEO as a snake?---Well, you know - - -

5 Would that worry you or not, Ms Scaffidi?---No.

Wouldn't worry you?---No.

10 Wouldn't worry you that you refer to the termination process of Mr Stevenson "like slaying Satan", that didn't worry you if that got out in the public domain?---No.

You would only be human to be worried about that, surely because you've already agreed it's conduct unbecoming of a Lord Mayor?---Do you wish me to answer?

15 So you would be worried about conduct unbecoming of the Lord Mayor being put in the public domain, surely?---Lord Mayors are human.

That's not answering the question though, Ms Scaffidi?---Sorry.

20 Would you like to answer the question now?---The question being? I'm sorry.

Ms Scaffidi, do you know - - -?---The conduct.

25 I've really asked witnesses over and over again that I don't want to repeat questions all the time, I just want witnesses to answer them the first time around?---I understand.

Do you want me to repeat the question again?---Yes, because often you cover your mouth when you're talking.

30

Okay, but I think you heard the question though, didn't you, because you answered it in a non-responsive way and you didn't ask me, "Can you say that again, Mr Urquhart, I didn't hear you?" It would concern you if conduct by you that was unbecoming as a Lord Mayor, which was supposed to be dealt with privately, would be put into the public domain? It would worry you, wouldn't it?---You know it is what it is.

35

I know it is what it is but I'm asking you, it would obviously worry you, wouldn't it. So let's use the example of slaying Satan. If, before you sent that, you realised that that phrase was going to be publicised well beyond your team, you would never would have sent it, would have you?---I probably would have chosen different words.

40

You wouldn't have sent it, would have you?---I would have chosen different words.

45

So the answer to my question then is yes, you would certainly would not have sent

something like that?---Okay.

Is that right? And the same with the description of Mr Stevenson as a snake?---Yes.

5

You would never post that on Twitter, would you, for example? Would you?---I might.

Are you saying you might? You would post on Twitter - - -?---Apologies, no.

10

- - - to the public that the - - -?---No, I wouldn't.

- - - current CEO was a snake?---No, I wouldn't, but - - -

15

No. Those descriptions, and I've only used two, they were only to be for the consumption of those members who were part of your team, isn't that right?---Yes.

And so therefore, it would cause you great concern - - -?---Sorry, what?

20

It would cause you great concern if those messages were then published to the wider community, wouldn't it?---Yes.

14.1598, are we not? Sorry. That took a little while to get through but I want to go back now to this suggestion I'm saying to you that there was this unjustified suspicion of people amongst the team between 14 January and 20 January, okay? We better start on this page, 14.1598, thank you, Madam Associate. Same TRIM number as before, sir, 20594.

25

COMMISSIONER: Yes, thank you.

30

MR URQUHART: So now we are at a stage, it's 18 January. I'm not bothered about 17 January messages there, I'm interested in the ones that start halfway down that page?---Right.

35

So to put it in context, this is now four days after you've received that email from Mr Stevenson regarding the CCC matters or regarding the report he'd made to the CCC?---M'mm.

And we are more than halfway between that time frame of 14 January and 20 January when Mr Stevenson's employment is terminated, okay? We start off with Mr Limnios there sending a message on 18 January, 7.39 am:

40

Are we still needing to meet at 9.30 due to Gary comments.

Then you've responded in your own punctual way, very quickly, 40 seconds later:

Definitely meeting required. See you at my office. Make no mistake,

this is not going to be easy.

Can you remember what that meeting was all about?---18th?

5 Was that going to be a meeting with the - - -?---Committee.

Yes, the CEO management committee, wasn't it?---Yes.

10 Sorry, Mr Parkinson sent me a message I didn't really need. Sorry about that, I'm back focused with you now. So that's the CEO Performance Committee meeting?---Right.

And that's going to be yourself, Mr Limnios and Mrs Davidson, all happened to be members of your team, is that right?---Yes.

15 I don't know, there was unanimous agreement, wasn't there, amongst the three of you regarding what ultimately happened to Mr Stevenson two days later?---Right.

20 That was hardly surprising, was it, that there would be unanimous agreement amongst the three of you?---I'm happy to say yes to that, hardly surprising.

Mrs Davidson had been mentioned in that complaint or that matter that Mr Stevenson referred on to the CCC?---Right.

25 And you would have told her about that, wouldn't have you?---I would have told her about that?

Yes?---She would have known about that.

30 You would have spoken to her about that?---I don't recall speaking to her about that.

In all likelihood you would have though, wouldn't have you? If you don't want to say anything - - -?---I've answered.

35 If you don't want to answer the question - in all likelihood you would have? I hadn't heard a response, that's all, sorry. Did you say yes?---I said, I don't recall if I spoke to Councillor Davidson about it.

40 And then the follow-up question was, in all likelihood you would have though?---That's your suggestion.

I'm asking you whether you agree with that?---No, I don't agree with that.

45 You don't agree with that? That wouldn't have been of interest to yourself and Mrs Davidson?---I don't agree with that

[3.00]

Not of interest? It was of interest to you though, wasn't it, that he'd made this report?---At that point, no.

5

Asking whether the matter should be investigated?---In January, no, I already knew, so no.

10 I know, because he provided that to you on 14 January?---Yes, he provided it on the 14th.

So you knew as of 14 January that he had made a report to the CCC asking whether some travel that you had not declared should be investigated?---They were his statutory obligations to do so, yes.

15

But your view was that it was unnecessary for him to do that, wasn't it?---No.

No?---No, that's been put to me all along and I don't agree with that.

20 Why then were you so keen on getting what he had sent to the CCC?---My lawyers were keen to know.

The question I'm asking is why were you so keen, not your lawyers. Why were you so keen to find out?---Because my lawyers were suggesting I should get it.

25

But you first made the request of Mr Stevenson - - -?---Yes, I did.

Let me finish - before you got your lawyers on board, didn't you?---I can't recall if it was before I got the lawyers on board but there was a request from me, then there was a request from the lawyers.

30

So you made the request first?---Yes.

And then Mr Stevenson said no, and then you engaged lawyers to try and get the material from him?---They were already engaged.

35

Whatever, you got the lawyers to correspond with him requesting the production of this report, wasn't that right?---On their advice.

40 Isn't that right?---On their advice, yes.

We can check?---That's okay.

But my recollection is that you were the one that made the request without the involvement of your lawyers?---I'm happy to accept that.

45

Okay. So therefore it was of interest to you to find out what he had said about

your gifted travel, wasn't it? That's perfectly human?---Sorry?

You were interested in finding out what it was that he wanted the CCC to investigate?---I knew what it was, I just needed confirmation.

5

So it was of interest to you?---Yes.

Let's go back to this now, still at 1598. This is what you've said:

10 *Definitely meeting required. See you at my office. Make my mistake, this is not going to be easy.*

?---M'mm.

15 What did you mean by that?---Those conversations are never easy. People are human and there were clearly, you know, difficulties and issues to be discussed and it's - these are hard conversations to have.

20 Might it also be the case that you said that because you didn't expect Mr Stevenson to leave voluntarily?---I don't recall that.

I want you to think about it now though?---Okay.

25 "Make no mistake, this is not going to be easy." You've already told us that in all likelihood you and Mr Limnios and Mrs Davidson were going to be on the same page as to Mr Stevenson's termination, so that was going to be fairly easy, that side of things, but, "Make no mistake, this is not going to be easy." Let me ask you this first: with these communications with WhatsApp, you believing these weren't going to be disseminated to anyone else, you would speak candidly with members
30 of your team, wouldn't you?---Yes.

So this was a candid observation that you made, wasn't it?---M'mm.

35 That "this is not going to be easy", and it wasn't going to be easy because you didn't expect Mr Stevenson to leave his position as CEO voluntarily?---I'm sorry, I am a little bit deaf in the left ear and every time you turn away, I can't hear you very well.

40 All right. I'm just asking you the same question I asked three minutes ago?---Okay.

45 COMMISSIONER: In fairness though to Ms Scaffidi, she has pointed that out to me a couple of times and so when I speak to Ms Scaffidi, I try and look directly at her and speak up. So it might help.

MR URQUHART: All right. I will adjust things here at the lectern. You sent that part of the message to the other two, or at least to Mr Limnios. The purport of

that message was that you didn't expect Mr Stevenson to leave voluntarily?---I don't think we had a thought about that.

5 I'm asking you what your thoughts were as you typed that out and sent it, not we, you?---I don't recall.

10 Given the fact that it was going to be easy as far as the committee was concerned, so we have addressed that, if in fact you knew that Mr Stevenson would be prepared to leave voluntarily, then that phrase doesn't make much sense, does it?---I don't agree.

It would make more sense though if it was the case that you didn't expect Mr Stevenson to leave voluntarily?---I don't accept that.

15 You see, Ms Scaffidi, we have heard evidence just from Mrs McEvoy today, her account was that Mr Stevenson wanted to stay on, he didn't want to leave. So that was her view, but that wasn't your view?---There were two options.

20 I'm asking you, that wasn't your view?---I don't recall from just reading this now. It doesn't trigger a recollection.

25 But the thing is, "Make no mistake, this is not going to be easy", do you agree with me that it's far more easy to terminate someone's employment if they in fact want to go?---No, I don't agree. I think termination of employment is a difficult thing either way.

Would you agree with me that it's more difficult and not so easy when the person does not want to go?---I feel I've answered the question.

30 Yes, but is it easier to terminate someone's employment when they want to go or when they don't want to go? I would have thought, Ms Scaffidi, the answer to that question is very obvious?---No.

35 No, you don't agree with that?---No.

Why?---I did answer it. I think termination is a really difficult job either way. I've never terminated or been involved in a termination before.

40 All I'm saying to you is logically, it's more difficult when the person who is being terminated does not want to go, surely?---I don't accept the premise of that question.

You don't?---No.

45 Why ?---Because he had put Option 1 to us. He knew that it was one of the options.

And if he preferred Option 2?---If he preferred Option 2, he was very aware that the previous appraisals showed very strong lack of support.

5 And if he wanted Option 2, would the exercise then be easy?---Again, Option 2 was not supported by the committee and Option 2 had been discussed wider than the committee, but I don't - - -

10 Ms Scaffidi, hypothetically, because I know you do not accept this, but hypothetically, if it was evident to you that Mr Stevenson wanted Option 2, he wasn't going to get it, was he?---I don't agree with that.

So you're saying that if he asked or if it was clear to you that he wanted Option 2, the committee would have agreed with Option 2, is that what you're saying?---No.

15 So there you go. If he wanted - - -?---No, I - - -

Sorry?---Please repeat that question.

20 If he said to you, "I don't want my position terminated, I want Option 2" - - -?---He didn't.

Yes, I'm saying hypothetically. Hypothetically if he said, "I wanted Option 2", he would not have got it, would have he?---It's hypothetical and - - -

25 I know that, I just said it was hypothetical. He would not have got it, would have he, Ms Scaffidi?---I don't accept that question.

30 COMMISSIONER: Ms Scaffidi, I would like you to answer that question, please?---I don't really understand the question in that - I'm sorry, I just don't understand the way you're putting that question.

MR URQUHART: Ms Scaffidi, the question is so simple?---It's not.

35 It is so simple. You know what an hypothetical is, don't you?---I do know what an hypothetical is but - - -

40 Now we know that the committee wanted his employment terminated. We have established that, haven't we? If you're saying the committee didn't want his contract terminated, please say so. The committee wanted his contract terminated, yes?---I don't recall enough of what occurred in that meeting now, so far back.

Ms Scaffidi, did you want his contract terminated?---It wasn't what I wanted. There was - - -

45 I'm asking you, did you want his contract terminated?

MR van der ZANDEN: Objection.

COMMISSIONER: Should I hear this in the absence of Ms Scaffidi?

5 MR van der ZANDEN: No, I don't think so. Could it just be clarified at what time we are talking about now.

COMMISSIONER: Yes, that's a fair point. Mr Urquhart.

10 MR URQUHART: As of that meeting of 20 January, you wanted his contract terminated, didn't you?---I think we wanted - - -

COMMISSIONER: No, no, Ms Scaffidi?---I'm sorry.

15 Just - - -?---I'm sorry, I don't understand.

Mr Urquhart, just pause for a moment.

MR URQUHART: I am, sir. I'm taking my seat.

20 COMMISSIONER: Thank you. I understand what you want to say, Ms Scaffidi but the question is really not aimed at what you want to say. The question is asking you what you wanted, you alone, what you alone wanted on 20 January at that meeting. So do you understand what I'm getting at?---I think so.

25 All right. I'm going to ask Mr Urquhart to ask the question of you again and all I want to hear about is your wish?---Mm hmm.

Mr Urquhart.

30 MR URQUHART: Thank you, sir.

On 20 January 2016, you wanted Mr Stevenson's contract terminated, didn't you? It's either yes or no?---I don't recall exactly my feelings of that time.

35 Ms Scaffidi, I'm finding that very hard to accept?---He was - - -

All right?---Can I expand?

40 So you can't answer yes or no to that question, or you do not want to answer yes or no to that question?---I want to.

Right. Is it a yes or a no?---I will say yes.

45 Why did it take so long?---I feel frustrated that I can't expand. There's so much I would like to say.

COMMISSIONER: Just stop there?---I'm sorry.

Stop there, Mr Urquhart.

MR URQUHART: Sir, I will take my seat again.

COMMISSIONER: Ms Scaffidi, we have - - ?---I know.

I don't understand why you do that, Ms Scaffidi. As soon as I stop the proceedings to remind you how you should behave as a witness, you indicate to me, almost instantaneously, that you know that you shouldn't be doing what you're doing. I can draw a number of inferences from that. I'm not going to but what I would like you to do is to make an effort, more of an effort to do what you should be doing as a witness. Mr Urquhart.

MR URQUHART: Thank you.

So we have now established that you did want his contract terminated on 20 January and as I understand your evidence, it was the case that that was the view of the committee?---Yes.

On 20 January 2016. Good. So I now come back to that hypothetical, the hypothetical being that if Mr Stevenson said to you, the committee, that he wanted Option 2, he wasn't going to get it, was he?---I don't know.

MR YELDON: I object.

COMMISSIONER: I'm going to hear this in the absence of Ms Scaffidi, Mr Yeldon.

MR YELDON: It's just that - - -

COMMISSIONER: Just pause for a moment, Mr Yeldon.

[3.15 pm]

MR YELDON: Thank you.

COMMISSIONER: Mr Yeldon, just wait.

MR YELDON: Sorry.

COMMISSIONER: Ms Scaffidi, I will have you excluded from the hearing room, thank you?---Yes.

WITNESS WITHDREW.

COMMISSIONER: We will do this in an orderly way. Mr Yeldon, you have an

objection?

MR YELDON: Yes. I do apologise for - - -

5 COMMISSIONER: There's no need to apologise, Mr Yeldon. The only thing I was concerned about was not hearing your objection, either with you on your feet or sotto voce while Ms Scaffidi was in the room.

MR YELDON: Yes.

10

MR URQUHART: That's entirely my fault, sir, and if so, I apologise, and Mr Yeldon didn't need to.

15 COMMISSIONER: I'm not looking for an apology from anyone. I just want the proceedings to be conducted fairly and (indistinct).

MR URQUHART: Mr Yeldon's perfectly entitled to make an objection, sir.

20 COMMISSIONER: Yes, of course he is. That's why I'm hearing it. Mr Yeldon, what's the objection?

MR YELDON: The committee, the reference to the committee; it's the Council that meets on the 20th. Which committee? The committee doesn't meet on the 20th. Counsel Assisting was on the 18th, the message is, "Make no mistake, this is not going to be easy", we are on the 18th. When he was asked after the objection by Mr van der Zanden, we went to the 20th but he remained talking about the committee. So the questioning ought to be more precise.

30 COMMISSIONER: So your point is that there's a conflation of time and participants?

MR YELDON: Yes. I don't mean any criticism.

35 COMMISSIONER: No, I understand the objection.

MR YELDON: But I would like to be clear about the questions that are being asked, given we jump forward two days when we are talking about one committee.

40 COMMISSIONER: You may like to be clear, I need to be clear.

MR YELDON: Yes.

COMMISSIONER: Is there anything else, Mr Yeldon?

45 MR YELDON: That will be all for the moment, Commissioner.

COMMISSIONER: Thank you, Mr Yeldon. Just take a seat. Mr Urquhart.

MR URQUHART: Yes, sir.

COMMISSIONER: What do you want to say about that objection?

5

MR URQUHART: We were talking about 20 January because I made it quite clear following an objection from my learned friend that we need to put a timeframe on it, so I did. It's 20 January and as I understand, that's when the committee met with Mr Stevenson.

10

COMMISSIONER: I think the problem might be this, and this is, I suspect, why Mr Yeldon rose: you pressed Ms Scaffidi for an answer about her wishes on 20 January 2016, and that was in response really to what Mr van der Zanden quite rightly objected to. But then, having got that answer from her, you then added "and the committee" and that's, I think, what's caused the problem. So if we don't conflate those two, the problem should be solved. Do you agree, Mr Yeldon?

15

MR YELDON: I agree. Thank you, Commissioner.

20

COMMISSIONER: That's all right. Very well. Would you please bring Ms Scaffidi back into the room. Actually, Madam Associate, just pause there for a moment. I just want to indicate something to those of you at the Bar table. I am noticing that while Ms Scaffidi is being examined there are some comments at the Bar table being made in sufficiently loud tones that I can hear them and if I can hear them, then it may be that Ms Scaffidi can hear them as well, and some of those comments I would not have thought appropriate for the witness to be hearing while she is being examined. I'm not singling anyone out but some of you have been speaking loudly and I don't mean to each other, I mean just to yourselves, signalling your views in a number of ways; speaking is one of them.

25

30

I would appreciate it if counsel at the Bar table would perhaps not communicate their views about what they feel or what the answer should be to a witness when the witness is being examined. If I see anyone else doing it, including Counsel Assisting, I will stop them as well. So I'm going to be even-handed about this, but things need to be done properly.

35

Madam Associate, please bring Ms Scaffidi back into the room. Ms Scaffidi, please come forward and resume your seat in the witness box

40

MS Lisa-Michelle SCAFFIDI, recalled on former oath:

COMMISSIONER: Ms Scaffidi, as I have done throughout this Inquiry, I want to let you know that an objection was heard in your absence and was satisfactorily resolved, and the second thing I want to make completely plain to you is that your exclusion from the room is no reflection on you whatsoever?---I understand.

45

Mr Urquhart.

MR URQUHART: Thank you very much, Commissioner.

5 Ms Scaffidi, just backtracking for a moment. We have established from you that you wanted Mr Stevenson's contract terminated as of 20 January 2016. That was your view, and am I right in saying that as far as you understood it, that was also the views of your fellow committee members, i.e., Mr Limnios and Mrs Davidson?---Yes.

10 Thank you for that. I'm now going to come back to that hypothetical. In light of that, in light of your evidence regarding what it was that you and the other two committee members wanted, hypothetically, if Mr Stevenson said, "I want Option 2", he was not going to get that option, was he?---It's an hypothetical.

15 I know?---I find hypotheticals difficult.

Okay?---They are like what if scenarios.

20 Because you see, Ms Scaffidi, it might not necessarily be an hypothetical if in fact that is what Mr Stevenson wanted. You've disagreed with that proposition?---Yes.

So therefore I have to ask it as a hypothetical, do you see? So that's why I'm asking it as a hypothetical. He wasn't going to get that option, was he?---No.

25 If he didn't want to go voluntarily, then it was going to be a lot harder exercise than if he did want to go voluntarily, isn't that right?---I don't know what to answer to that. I don't really - I mean, it's not a yes or no question to me.

30 Really? It's not? You see, if all four of you were on the same page with respect to Option 1, that has to be a lot easier than if Mr Stevenson was on Option 2 page and the three committee members, including yourself, were on the Option 1 page; doesn't that make sense?---No.

35 It doesn't make sense? Can you tell me why it doesn't make sense?---Because if that was how he felt, he should have gone in with only Option 2 to begin with as Option 1 instead of putting two options forward.

40 No, Ms Scaffidi, that's a non-responsive answer because I'm talking to you about hypotheticals again. So I know what you say the situation was but the question's not going to go away?---Okay.

So would you like to answer it? Let me guess, you would like me to repeat it again, don't you? Please listen - - -?---I am trying.

45 - - - carefully to the question. If in fact - there's two hypotheticals now - if in fact Mr Stevenson wanted Option 1, he's therefore in agreement with what the committee wants, Option 1. Whilst it's always painful to terminate someone's

employment, it's at least - that scenario is going to be a lot easier than the scenario when Mr Stevenson, again hypothetically, says, "No, I want Option 2" and the committee have said no - - -

5 MR van der ZANDEN: Objection.

COMMISSIONER: Yes, I understand what the objection is. Do you understand the objection, Mr Urquhart?

10 MR URQUHART: Sorry, sir?

COMMISSIONER: Do you understand the objection without it being articulated? It's the reference to - - -

15 MR URQUHART: I just wish I could have an answer to the first question that wasn't objected to.

COMMISSIONER: . Mr Urquhart, the objection is to the addition of the words "the committee", am I right, Mr van der Zanden?

20

MR van der ZANDEN: Two-fold.

COMMISSIONER: In that case, I will hear it in the absence of Ms Scaffidi

25 MR van der ZANDEN: Yes, thank you.

WITNESS: Do I go?

COMMISSIONER: You do, I'm sorry, Ms Scaffidi?---That's okay.

30

WITNESS WITHDREW.

COMMISSIONER: Mr van der Zanden, I apologise, I should not be anticipating your objections.

35

MR van der ZANDEN: No, you anticipated the first one which - - -

COMMISSIONER: And the fact that I anticipated only one part of it doesn't mean I'm going to rule against you on the other part, by the way

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MR van der ZANDEN: Thank you, I appreciate that. The other part of it is that, this contract that's being discussed gave the City the right to terminate. It had a right to terminate without cause and for convenience, so my friend's question seems to have implicit in it the fact that Mr Stevenson could, in some way, take issue with it. If the question's just, "Well, if you terminate someone and they don't want to go, then that's always a bit harder", but why I rose is, he just mentioned that and it seems that's not the purport of his question. It's not that it's harder

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because someone doesn't want to go, he seems to be suggesting something else and the contract doesn't work that way.

5 COMMISSIONER: Thank you, Mr van der Zanden. Mr Urquhart, are you able to respond to that?

MR URQUHART: My learned friend gives me too much credence for my knowledge of employment law and/or contract law. I'm not going there. I'm a criminal barrister. I'm just simply asking, in a non-contractual, non-employment context that one scenario would be a lot easier than the other.

COMMISSIONER: Yes.

15 MR URQUHART: That's all.

COMMISSIONER: Mr van der Zanden, if I take the answer as limited by those parameters, would there still be a difficulty?

20 MR van der ZANDEN: Yes, in my view there is because the witness needs to know - it needs to be clarified for the witness, Commissioner.

COMMISSIONER: I'm not sure I agree with that if the question is framed properly, Mr van der Zanden. If the question is asked in the right way, I don't think the witness needs to have the matter clarified for her at this stage provided the question is right.

MR van der ZANDEN: Yes, I agree with that.

30 COMMISSIONER: I'm glad you agree with me.

MR van der ZANDEN: Of course, it depends then how the question's framed.

COMMISSIONER: Of course, and then though Mr Urquhart tells me he's a criminal barrister, he's nonetheless a competent one and I'm sure he will ask the question the right way.

MR van der ZANDEN: Yes.

40 COMMISSIONER: Just ignore that. No sleight intended.

MR URQUHART: Obviously, sir. The way I asked the question first, that was appropriate so we will just work out what it was I might have said first time round. I thought I was trying to make it simpler and easier; clearly I wasn't.

45 COMMISSIONER: It's that time of the afternoon, Mr Urquhart. What I will do is, I will have Ms Scaffidi brought back in, because I don't want to leave her sitting outside the court room too long and then what I will do is, I will adjourn the

proceedings to give everyone an opportunity to just stretch their legs, clear their thoughts and we will resume. Madam Associate, please bring Ms Scaffidi back in. Ms Scaffidi, please resume your seat in the witness box.

5 **MS Lisa-Michelle SCAFFIDI, recalled on former oath:**

COMMISSIONER: Ms Scaffidi, I heard an objection in your absence and the objection was adequately addressed. Again, I say to you, your exclusion from the hearing room is no reflection on you whatsoever?---I understand.

10

While you were excluded from the hearing room, I indicated to all those present that I'm going to now take a short adjournment?---Okay.

15 So I'm going to adjourn the proceedings for 15 minutes and that will give everyone a chance the clear their minds and have a bit of a break?---Thank you.

WITNESS WITHDREW

(Short adjournment)

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HEARING RECOMMENCED AT 3.49 PM.

MS Lisa-Michelle SCAFFIDI, recalled on former oath:

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COMMISSIONER: Yes, Mr Urquhart.

MR URQUHART: Thank you very much, Commissioner.

10 Ms Scaffidi, I think we are all agreed that terminating someone's employment is always painful and difficult for all concerned?---Yes.

I think we are all agreed on that?---Yes.

15 But do you agree it would be easier to terminate Mr Stevenson's employment if he agreed to go than if he didn't want to go?---No. I mean, I see the point you're making but no, I don't agree.

Is that because of these particular circumstances?---No.

20

So you don't agree with me that it would be easier to terminate someone's employment if they agreed to go than if they didn't want to go?---I see why you say it but I think it's difficult either way, so I just - I don't think it's such a black and white question.

25

Why?---Because if hypothetically someone was happy to go, there would still be issues that they knew had caused that and in this case, there seemed to be non-acceptance of the feelings that had come out of the appraisals.

30 Yes, and? What has that got to do with this question I posed to you?---That's my answer.

You see - let's explore that then. If he agreed to go that would be an implied acceptance, would it not, that he has accepted?---My answer is that he offered

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Option 1 and Option 2. Option 1 was then accepted.

Yes, I know that?---Okay.

40 I know all that. Logically, Ms Scaffidi, it must be easier to terminate - now I'm just doing it generally, logically it must be easier to terminate someone's employment if they agreed to go than if they didn't want to go; would you agree with that as a general proposition?---General proposition.

45 You agree with, but you don't agree to it with the proposition with respect to the situation involving Mr Stevenson?---No.

And you've mentioned there, that's because he didn't accept his appraisals? I don't

know why that's relevant, so could you explain for me?---I can only speak for myself, okay, but it was clear the relationship was very damaged with all Councillors and there was many other perspectives to it in that his style, his non-communicative style, his locking himself away in the office.

5

I get all that?---Okay.

So the background hasn't change. So we get to 20 January. If he had said to you, "Okay, I agree to go. The differences we have are irreconcilable, I agree to go", that would be easier than if he didn't want to go, wouldn't it?---I - - -

10

The answer must be, yes, Ms Scaffidi, and I know you probably are thinking, "Hold on, Mr Urquhart's going to refer back to this message I sent on 18 January, 'Make no mistake, this is not going to be easy'", isn't that what you're thinking?---No, it's not actually.

15

I'm just mystified as to why you don't agree with that scenario. If the background is all the same, all exactly the same, no changes. At the meeting on 20 January, you say in this scenario, "Look, I think - the committee wants Option 1" and he says, "Yes, I've been thinking about this as well, I want Option 1 as well", that's a lot easier exercise than if he says, "No, I don't want to go"?---But he offered Option 1.

20

I know all that. I know that. I'm just saying, in this scenario, that's all I'm saying?---Okay.

25

It would be easier, wouldn't it?---I've never terminated someone like that before so it wasn't easy.

30

I know that, but it would be an easier exercise than if the person had said, "I don't want to go"; you'd agree with that, wouldn't you?---To let you move on, I'm happy - - -

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No, no, no?---If I can't expand.

40

You've expanded and you've spoken about all the problems that existed in the past and I'm saying yes, accept all of that. The background remains the same for both scenarios. So the scenario is the committee and the employee, in this case Mr Stevenson, agree as to what is to happen and a scenario when the employee disagrees with what the committee wants; surely the former scenario would be easier for all concerned than the latter?---I'm happy to say yes.

Does that mean you agree?---My recollection - - -

45

No, does that mean you agree?---No, not entirely, I don't agree. No, I just don't.

We will go back now to 14.1598, thank you, Madam Associate. I can assure

Ms Saraceni that she hasn't missed much and no doubt we will be able to catch up on the - - -

MS SARACENI: Thank you. I apologise for that.

MR URQUHART: That's fine.

COMMISSIONER: Is there's no need to apologise, Ms Saraceni. I hope you feel better.

MR URQUHART: Yes, we were a little concerned here - in fact, very concerned. Are you right? I'm mindful of the time.

MS SARACENI: No, I'm fine, thank you.

MR URQUHART: We can adjourn now for the day.

MS SARACENI: I don't need that. I'm fine now, thank you.

MR URQUHART: All right, but if we hear you cough again like you just did, we will be adjourning.

COMMISSIONER: I think what Mr Urquhart is indicating is, he was about to call the ambulance.

MS SARACENI: As opposed to giving first-aid himself, but we won't go there.

COMMISSIONER: No, let's not go there.

MR URQUHART: 14.1598. We are getting back to that. "Make no mistake, this is not going to be easy", is your text to Mr Limnios and he replies there, can you see that, "Okay"?---Yes.

And then you've sent one at 7.41.12 am. You saw his reply "re 24 hours notice"?---Yes.

There's more and we just go now to 1599, thank you, Madam Associate, "Since when was 24 hours notice a policy?" Was this in the context of Mr Stevenson requesting - - -?---I don't recall that.

- - - from you that you get 24 hours notice for the meeting?---Yes, but I don't recall the WhatsApp message.

"Since when was 24 hours notice a policy?" It would appear that Mr Stevenson is just wanting 24 hours notice for this 20 January meeting, does that sound about right?---Yes, I think I recall that now

[4.00 pm]

And your response is, "Since when was 24 hours notice a policy", can you see that?---Yes.

5

It might not be a policy but it would be a courtesy, wouldn't it, to extend 24 hours notice?---I don't recall - you know, again, I think the meeting might have been set for the Monday. I just don't recall.

10 Then Mr Limnios responds very quickly, "Yes, that shows he's listening", and then you've responded, again 30 seconds after that, "It shows he knows you mean. How is the queue." Can you help us with what you're saying there?---I don't even understand that.

15 No idea at all?---No, it doesn't make sense, "He knows you mean."

Then Mr Limnios sends another message through to you, "He's listening to your office as he's prepared" and you respond, do you mean, "You mean as in bugging you think"?---Yes.

20

And then Mr Limnios responds, "Yes"?---Yes.

Was this some banter between the two of you?---I don't recall. It looks like it now but I don't know what it was at the time.

25

"He's listening to your office as he's prepared", "You mean as in bugging you think", answer, "Yes." There's no smiley face or anything like that, or any other emoji. Did you believe your office was being bugged?---He said it to me.

30 Yes. The question is, did you believe your office was being bugged?---I hadn't thought about it.

Did you think about it after Mr Limnios sent that message through to you?---I had thought about it.

35

You had thought that Mr Stevenson was bugging your office?---No, not that he was bugging your office.

That he was what?---Accessing my emails.

40

Accessing your emails?---M'mm.

Right. So you thought he was inappropriately accessing your emails?---Yes.

45 And Mr Limnios, it would appear, thinks your office is being bugged by him?---Yes.

Is this paranoia?---No.

No? It's not an unjustified suspicion with Mr Stevenson?---It is a justified suspicion.

5

Sorry?---Justified suspicion.

It's justified suspicion that your office is being bugged?---My emails.

10 My emails were being accessed by Mr Stevenson?---Yes.

This is not something you put to him at the meeting on 20 January, was it?---I don't recall that. I don't think it was a relevant topic on that date.

15 You don't think it was relevant? You don't think it was relevant?---It wasn't a topic of conversation on that date.

You didn't think it was relevant?---It wasn't a topic of conversation on that date so it wasn't relevant on that date.

20

That a CEO - I'm assuming you're saying illegally accessing your emails?---I can't prove that but there had been many conversations I had had with Gary where he was telling me that I had not discussed with him and it occurred to me on a couple of occasions that the only way he could have known about those things was by looking at my emails and I did ask him a couple of questions like, "How do you know that" and he would go quiet.

25

So therefore, you took it seriously, Mr Limnios' suggestion that your office was bugged, did you?---I don't think I took it seriously. I probably just - I let it wash off me.

30

But if it was true, it would be very serious, wouldn't it?---I didn't give it enough thought at the time.

35 But if it was true, it would be very serious, wouldn't it?---If it was true, yes.

The next email or message rather, 7.44.15 am from you, "Okay, he offered Option 1. We are resounding" - I think we found out earlier it was "we are responding"?---Right.

40

That's the message that appears below but I'm just concentrating now on this, "He's been in the office all weekend, Sat and Dub" - I think it should be Sun - "for several hours." How did you know that?---I attend a lot of weekend events in the role and often go into the office ahead of time to finalise a speech or collect the Mayoral chain or a number of little duties like that, and I also would go into the office a number of times on weekends to do catch-up paperwork. So I would have seen his vehicle and it was very clear he was working seven days a week, often.

45

So is that something that was a credit to him, that at least he was hard-working?---No.

5 You said you would have done that but how did you know with respect to this particular weekend? Have you got a recollection or did you find out by another means?---I can't recall.

M'mm?---I can't recall.

10

You can't recall?---I can't recall that exact date.

Did you find out that information from getting someone to look at his swipe card access?---No.

15

Are you sure about that?---Yes. I do not recall ever asking for swipe card access. I would have seen his car if I had been in there.

20 If you'd been in there, but if you hadn't been in there, how then might have you found out? It would have had to have been from another source, wouldn't have it?---I just don't know how to answer that other than, I would be working on weekend - I know I shouldn't be "would". I worked on weekends a lot and his car was there and - - -

25 Logically, if you weren't working on that weekend, you would have had to have found that out from another source?---Other people might have told me but yes, I don't recall exactly for this date.

30 Were you asking around as to whether - - -?---I don't recall.

Asking other people whether Mr Stevenson was in - - -?---I don't recall.

- - - at Council House at the weekend?---I don't recall.

35 Were you keeping tabs on him?---No.

Are you sure about that?---I wasn't keeping tabs on him.

40 Not at this point in time?---May I expand the answer or just yes or no?

You weren't keeping tabs on him?---No.

45 We will look, now Madam Associate, at 1602. This is still the same morning, 18 January. Have a look at that top message that you've sent at 9.25 am?---"Janet's here. Gary in DLG", okay.

"Janet's here, Gary in DLG", Department of Local Government, is that what that

stands for?---Yes.

"All day we have just found out"; how did you find that out?---I don't recall.

5 Were you keeping tabs on him?---No, I probably called his PA.

Why?---Weren't we wanting to have a meeting with him on that day?

I'm just asking you why?---Because we were trying to meet with him.

10

You could send him an email, couldn't you?---I don't recall the timeframe enough to be able to say.

15 Mr Limnios responds to that, "Giving you and us all up...!!!" Do you see that?---Yes.

Did you accept Mr Limnios' suggestion that's what he's doing?---No. I don't even really understand the message but it's implying something but I don't necessarily accept it.

20

As I understand your evidence, you're saying Mr Stevenson's termination was by mutual agreement?---That's my view.

25 Yes, but in reality, isn't the more accurate description that he was got rid of?---No, I don't accept that.

So if it was described that "Council got rid of him", that wouldn't be accurate?---He offered Option 1 and Option 2.

30 The question is, if that description was given, that would not be accurate?---No, it's not accurate.

And it's certainly not a view you held?---We - no.

35 Are you sure about that?---I believe so, yes.

Because that would suggest that in fact his termination wasn't buy mutual agreement, wouldn't it?---My recollection of - - -

40 If someone described it as, "Council getting rid of him", that doesn't sound like a mutually agreed event, does it?---Who described that?

I'm just asking you?---Okay. No.

45 No, because it's not consistent with what you say happened, is it?---I disagree because - I disagree.

You disagree that it's not consistent with what happened?---We agreed to accept Option 1.

5 Yes, so it wasn't a case of Council getting rid of him, was it?---He offered Option 1.

I know. It wasn't a case of Council getting rid of him?---No.

10 But you see, Ms Scaffidi, it was, wasn't it?---Where?

Where? That was your view?---I'm sorry, I've lost the thread of what you're saying to me.

15 You wanted him - you wanted the City to be rid of him?---No.

To push him?---No.

You, in conjunction with Council?---The word "rid" is very unfair.

20 Is it now? Is it an unfair description to be given as to what happened to Mr Stevenson on 20 January, is it? Is it?---Is it what?

Is it an unfair description of - - -?---I think it's an unfair - - -

25 - - - what happened to Mr Stevenson on - - -?---I think it's an unfair description.

- - - 20 January 2016?---Yes.

30 Madam Associate, 14.0155, thank you.

So these are candid exchanges, you would agree with me, between yourself and your team. Have a look there at the bottom of the page what you sent on 26 January 2016, second last message?

35 MR van der ZANDEN: Could we have it higher, please?

COMMISSIONER: Yes, of course, Mr van der Zanden. Blow up the bottom half of the page, please, Madam Associate.

40 MR URQUHART: It reads, "Articles like this" - - -?---Sorry, where am I looking?

0155?---I'm sorry, I just lost the thread of the numbers. Where's 155.

45 Just wait. Madam Associate, could we have 0155 up? Excellent. Let's see here. 14.0155. Is there we go, perfect. Leave it right there, very bottom of the page there, do you see that? You've sent this on 26 January 2016. I'm going to read out

the first sentence, "Articles like this in negus monitors are naughty", that should read "media"?---I'm sorry, I'm just not where you are. "Article", okay, down the bottom.

5 Yes, there we go. You read out that next line, right where that little hand is, or was, there we go?---"It is unity that enabled us to" - - -

We will need it a bit louder than that:

10 *It is unity that enabled us to rid ourselves of GS.*

Do you see that?---Yes.

That's how you described the termination of Mr Stevenson's contract?---Right.

15 Wasn't it?---Okay.

That might be a convenient time, Commissioner.

20 COMMISSIONER: Thank you.

MR URQUHART: That can come down now, thank you, Madam Associate.

COMMISSIONER: I will adjourn the Inquiry to 10 am tomorrow morning.

25 **WITNESS WITHDREW**

**AT 4.16 PM THE MATTER WAS ADJOURNED
UNTIL FRIDAY, 13 SEPTEMBER 2019**

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