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INQUIRY INTO THE CITY OF PERTH

PUBLIC HEARING - DAY 83

THURSDAY, 8 AUGUST 2019

INQUIRY PANEL:

COMMISSIONER ANTHONY (TONY) POWER

COUNSEL ASSISTING:

MR PHILIP URQUHART

COUNSEL APPEARING:

MR CHRISTOPHER HOOD and MS BRENDA POWELL (Mr Jimmy ADAMOS)

MR ALAN SKINNER with MR PETER MARIOTTO & MR PURDY (Mr Dimitrios LIMNIOS)

MR JOEL YELDON (Ms Janet DAVIDSON)

MR PETER McGOWAN (Ms Judith McEVOY)

MR PETER van der ZANDEN (Ms Lisa SCAFFIDI)

MR EU-MIN TENG (Mr Reece HARLEY)

MR ROBERT FRENCH (Mr Robert BUTLER)

HEARING COMMENCED AT 9.05 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 COMMISSIONER: Mr Urquhart, you do call your next witness?

MR URQUHART: Yes, I do, thank you, Commissioner. That is James Adamos and Mr Adamos is already in the back of the hearing room.

15 COMMISSIONER: Thank you. Mr Adamos, please come forward and take a seat in the witness box to my left. Mr Adamos, do you wish to make an affirmation or take an oath?

20 MR ADAMOS: I will take the oath.

COMMISSIONER: Thank you, Madam Associate.

MR Jimmy ADAMOS, sworn:

25 COMMISSIONER: Thank you, Mr Adamos.

Are there any applications this morning?

30 MR van der ZANDEN: May it please you, Commissioner, I appear for Ms Scaffidi. She applies for leave in accordance with an application dated 7 August 2019. That application was premised on a misunderstanding on my part that Ms Margaret Smith would give evidence today, but Ms Scaffidi would seek to appear when Ms Smith gives evidence, whatever date that might take place. Essentially, she seeks leave to appear for those witnesses who I understand would
35 give evidence on the Adagio Complex issue.

COMMISSIONER: Yes. Mr Urquhart.

40 MR URQUHART: We advised my learned friend that as a result of Ms McEvoy's evidence yesterday, Ms Smith will now not be called. So if in fact my learned friend only wishes to be present with respect to that evidence, that won't happen, but I also note that my learned friend referred to the Adagio matter, which Mr Adamos will be questioned about. So if he wishes to remain for that, I have no
45 objection.

COMMISSIONER: Yes. Mr van der Zanden, do you wish to remain for that?

MR van der ZANDEN: Yes, I do, Commissioner.

COMMISSIONER: In that case, leave is granted. Yes, Mr Urquhart.

5 MR URQUHART: Thank you very much, Commissioner.

Mr Adamos, you are 53 years of age?---Correct.

10 Just before we go any further, as is the case with any witness in these proceedings, if you require a break for any reason, please let the Commissioner know and we will?---Okay.

You have some tertiary qualifications, is that right?---That's correct.

15 A Bachelor of Business degree?---Correct.

What university was that from?---Edith Cowan.

And when did you graduate with that degree?---In '92, I believe.

20

Am I right in saying that you've predominantly worked in the area of financial planning?---Financial services, correct.

25 As we have heard, you stated your address before you took the oath there, but you reside within the precincts of the City of Perth?---Yes, I do.

And you've resided within the City of Perth before you ran as a candidate for the City of Perth elections?---Correct.

30 I understood you ran as a candidate for the first time in 2011?---Correct.

And you were successful?---Yes.

And then you were re-elected in 2015?---Yes.

35

And you were one of the nine Councillors suspended in March of last year?---Yes.

Can you recall that during the 2015 election campaign you produced an election candidate profile?---Yes, that's correct, I did.

40

Was that placed on the City of Perth website?---That's correct.

Together with all the other candidates?---Yes.

45 And the purpose of that was to provide voters with a profile of each candidate?---That's right.

Did you describe there your vision for the City of Perth?---Yes, I did, I believe, yes.

5 In that profile you identified yourself as belonging to a particular, to use your word in the profile "team" of Councillors?---If that's what I wrote, then yes.

Do you recall in that profile stating at the end:

10 *Also, I seek your support for Lisa Scaffidi as Lord Mayor and the current team of Councillors, Rob Butler, Janet Davidson, Lily Chen as we are working as an effective team achieving and delivering for our City.*

15 Do you remember saying something like that?---Yes, I do.

So that came to a total of five Councillors and am I right in saying that was the optimal number for a team sitting on the City of Perth Council?---That was the people that I could best work with.

20 But the question was, that is the optimal number for the local Council of the City of Perth, isn't it?---The optimal number for what?

How many Councillors are there?---There are eight Councillors.

25 Yes, and the Lord Mayor?---That's right.

Totals nine?---Yes.

30 And for voting on matters, an optimal number would be five, would it not?---Yes, if you say that, yes.

35 That is the case then, isn't it? For a team to be effective, if a team wanted to either reject or accept a recommendation or a proposal, it would be better to have five than four, wouldn't it?---In the cases if - it depends on what the issues is. Not all the members in that team of five would possibly vote the same way.

The question is, five is better than four?---Yes, that's true.

40 Because then you have a majority when the vote is taken?---That's right, if it's a vote.

There's no sinister aspect to the questions, Mr Adamos. I'm just asking you - - -?---Okay, thank you.

45 Mr Adamos, are you aware of the timeframe of the Inquiry's Terms of Reference?---I did read it and I've forgotten it today, I'm sorry.

That's okay, I will remind you. It's from 1 October 2015 through to 1 March 2018?---Yes.

5 So it's two or three weeks before the October 2015 elections when you were re-elected for a second term?---Mm hmm.

And it goes through to 1 March of last year which was just a few days before the Council was suspended?---Okay.

10

Did you use the Council's dining room facilities when you were a Councillor?---Yes, I did.

Did you invite guests to dine there?---Yes, I did.

15

What did you understand were your entitlements to use the dining room?---The entitlement I understood was that I would invite ratepayers and stakeholders in the City of Perth and that was up to a specified limit, and I could use that entitlement on any occasion when the dining room was open.

20

As I understand, the dining room was open on a Friday and Saturday?---Yes, every Friday, I think it was, and I think only one Saturday a month.

Was it open at Friday lunchtimes?---Yes, it was - not every lunchtime.

25

And for one Friday every month, was it also open for dinner?---I think that's right, yes.

And then on a Saturday, was it open every Saturday?---No, only one Saturday, a month I think.

30

Was that Saturday lunch or dinner, other both?---It was a dinner, I believe.

So you say you were entitled to invite ratepayers and stakeholders of the City of Perth, is that right?---That's correct, yes.

35

How would you define a stakeholder?---A stakeholder I would define as anyone that's got any connection with the City of Perth, a current connection or a future possible connection that they plan on being involved within the City of Perth, whether it's residents looking to come in or a business that's wanting to so operate, or some way that's connected to the capital city

40

[9.15 am]

45 So was it confined to guests who had had dealings with the Council?---Not necessarily dealings. You mean past dealings?

I'm just asking you what you understood?---Okay.

Was that dealings with the Council?---Well, probably past, current and possible future dealings.

5

So past dealings with the Council?---That's correct.

So for example, guests who just simply was once - let me finish - a ratepayer of the City of Perth you could invite?---Sorry, could you ask the question again.

10

Yes. You said you could invite a guest who's had past dealings with the City or with the Council, so did that include someone who was once a ratepayer?---Yes, I would say so, yes.

15

Did you believe that you could only use the dining room if you were carrying out your civic responsibilities?---Yes. I mean, I believe I was - yes, could only use it for those responsibilities, yes.

20

The civic responsibilities, and what would you define as your civic responsibilities?---I suppose promotion of the City of Perth, just for goodwill in that role, as being a civic leader, I suppose.

So wearing your Councillor hat, is that what you're saying?---That's right.

25

You also mentioned there that you could invite a guest who would have a future possible connection with the City?---That's right.

30

Can you give us an example of what that may be?---Yes, I remember there was one occasion we were discussing about a particular large corporation that had their corporate head office just out of the City, and I remember discussing with people about, wouldn't be great if we could get that large corporation to actually move their operation into the City. So on that occasion, it would be appropriate that you would have possibly somebody from that organisation to come to dinner or come to lunch and perhaps explain the benefits of coming into the City.

35

Did you believe you were entitled to entertain your own guests for entirely personal reasons?---No, there always had to be a connection with the City of Perth.

40

There had been to a connection. What about a connection that the person was, say, a friend of the Councillor, would that be a sufficient connection - - -?---It depends - - -

45

Let me finish - to invite him or her to the dining room?---It depends how they became a friend. If they were a friend because of my previous relationship with them as a City of Perth stakeholder, because I did have a relationship with stakeholders and ratepayers and so forth and over time they did become friends, so yes.

So in those circumstances, would you invite those types of friends to the dining room?---Yes, I would.

5 Would that therefore be just for a personal reason?---No.

So did you invite them as your friends or to discuss City dealings or business with them?---It would have been about the City.

10 It would have been about the City, so - - -?---Yes. For example, I can give you - -
-

Let me finish. So on those occasions in which you invited friends on that basis, what, did you discuss City matters, did you?---Yes, I did. I can give you one clear
15 example. There's an East Perth Community Safety Group, they were a safety group around the East Perth area. Initially I never knew these people. I invited them up, we have had lunches with them or dinners with them, understand about them and what we can do to help and over time they became friends. So next time, I invite them up, I suppose on that basis, next time I had them up they would have
20 been friends - friends but still part of the East Perth Community Safety Group, but I would have invited them up for the basis of understanding more about what's going on.

I see, but surely a phone call would establish that, wouldn't it?---Having 10 people
25 around a table or nine people around a table, it's a better discussion to get people's views than trying to have a one-on-one phone call with nine separate individuals.

What about those occasions where you would have those sorts of people to dinner but there was a few empty seats because there was only, say, five or six people, on
30 those occasions did you invite friends or relatives to fill the empty seats?---No. Sometimes I've had smaller tables, larger tables.

Are you saying no, you never, in those circumstances, just invited friends of yours?---No, I didn't.

35 Or relatives?---No. The only relatives I've ever had is possibly my wife or if I was inviting guests that had children, I might invite my children as well.

So you are saying then you did not invite relatives to use the dining room, apart
40 from your wife, or your children?---That's correct.

Are you sure about that?---Yes, I am.

When I say using the dining room, I'm talking about using the City to reimburse
45 you for meals, okay?---Yes.

Be it in the dining room or elsewhere?---Yes.

You never did that?---Sorry, what was the question?

5 You never had relatives dining out with you, be it in the dining room or elsewhere, at the City's expense, relatives apart from your immediate family?---I did. Probably over the time of the seven years I did.

I thought your evidence a moment ago was that you didn't?---I forgot about it.

10 So there were occasions in that seven years where you did invite people beyond your immediate family, i.e. relatives?---That's right, yes.

15 What was the basis for that?---There was no basis. I suppose I invited them over the period of - over the seven years I may have had them half a dozen times.

So there are occasions then when they had no connection to the City apart from the fact that they were related to you?---That's true but on some occasions if I did have them, I would have them to, I suppose, help me entertain with another group that did have a connection with the City.

20 Why would you need that?---It's just sometimes, it makes it easier to have discussions around the table with more people involved.

25 So you would invite relatives?---On occasions, yes.

Would you also invite your friends too? I want you to think more carefully now about your evidence, Mr Adamos, in light of the fact that you've now remembered, on closer questioning, that you did have relatives apart from your immediate family, dining in the dining room. I want you to think carefully now about whether you also had personal friends as guests in the dining room?---As I said earlier, the personal friends I will have had would have been through connections with the City.

35 So do you maintain that?---Yes.

You do, do you?---Yes.

40 Was there not a convention or unwritten agreement amongst Councillors that on Saturday night, the Council dining room could be used to entertain friends and relatives?---I don't remember there being an unwritten rule or convention about that, no.

45 But was that not the case?---I don't think so. I don't remember. I always thought that the rules that applied to the dining room were the same rules that applied whether it's a Friday night, a Saturday night or a Friday lunch.

I want you to think carefully about this because we have heard evidence from your

own fellow Councillors about that rule at the time that you were a Councillor?---Mm hmm.

5 These are, or at least one member from your own team that you identified in your election profile. So I'm going to ask you again?---That may be their opinion, but it's not mine.

10 Did you notice fellow Councillors at the dining room on a Saturday night entertaining just friends of theirs?---I don't know. Sometimes - I wouldn't know who the Councillors are entertaining. I don't know who was sitting at the table. From time to time I would see that they might have some family members but I wouldn't know if they were - who else they were entertaining.

15 So you didn't go and speak to members from your team about who they were dining with?---No.

Either at the time or afterwards?---No.

20 "Who were they? Were they stakeholders of the City or friends of yours"?---No. I don't think it's my position to be asking those questions.

Just as a friend?---No.

25 Why wouldn't it have been your position?---It's not my position to be asking them that question, just like they - no, I don't think so.

Did you ever abuse your entitlements to use the dining room or the allowance that was allowed for you to use the dining room?---I don't think I did, no.

30 You've already admitted that there were occasions there where you invited extended members of the family?---That's true.

So that was an abuse, was it not?---Yes, if you - - -

35 I'll say misuse, a misuse of what you're entitled to use the dining room for?---If you want to put it in those terms, there was a misuse.

40 I'm asking you whether you agree in your terms that it was a misuse?---It probably was a misuse on those occasions.

45 Mr Adamos, it was definitely a misuse and I can take you to the Council Policy if need be but you know it was a definite misuse, didn't you? You need to answer. You're nodding your head but you need to answer for the transcript?---It was obviously a misuse and I made the mistake of misusing the policy at that time.

Why did you make that mistake?---I'm not sure, I just did.

I'm asking you to think as to why you made the mistake?---I can't think at the time, it's just it was the wrong thing for me to do.

And you were never pulled up for it, were you?---No.

5

Is that because the policy could be breached by Councillors and there would be no penalty imposed or they weren't told they could not do that? Is that why these mistakes were made by you?---Well, I don't know. Nobody ever raised it with me. I suppose if they did raise it, I might have learned from it.

10

So no-one raised it with you in the seven years that you were a Councillor?---Not that I remember, no.

In which time you entertained hundreds of guests, didn't you?---Yes.

15

How many times did you use the Council dining room on a Saturday night?---I don't remember. Seven years is a long time to be a Councillor, I don't remember.

Once a month, on average?---Possibly.

20

So maybe every time it was open on a Saturday evening, bearing in mind it was only open once a month?---Yes. I wouldn't have been there every Saturday.

But a lot of the Saturdays?---Not that I remember. I actually don't remember how many times I went.

25

More than 20? That means more than three times a year on average?---Possibly, yes.

30

Getting back to my initial question there about this rule that existed, you never heard of it. I'm not saying that you necessarily followed that unwritten rule, but you have not heard of this convention that Councillors had that Saturday night was pretty much a free-for-all when it came to guests?---I hadn't heard that at all, no.

35

Are you saying that all the times you used the dining room on a Saturday night, you did not ever invite friends of yours whose only connection to the City was that fact, that they were a friend of yours?---Sorry, I misunderstood your question.

There's no misunderstanding. Their only connection to the City was that they were a friend of yours; that's it, that's their connection to the City?---No

40

[9.30 am]

I'm saying to you, are you saying you can't recall occasions on a Saturday night in which you entertained those sorts of people at the City's expense?---If I entertained friends, they were friends because of relationships I've acquired through the City of Perth as stakeholders.

45

So therefore, you're inviting them as your friend rather than the fact that they were stakeholders, is that right?---No.

5 Did you take the view that provided there was at least one person at your dining room table that could be described as a stakeholder, that therefore you could invite other people apart from your immediate family to join the table?---No, that wasn't the view I took.

10 I thought I was just only trying to confirm what your previous evidence was because you had earlier said that yes, there were circumstances in which you - - -?---Sorry, I forgot, yes, you're right.

Now I want to ask if you can remember now if that policy that you had, whether it
15 extended to people beyond your relatives and included your friends?---Sorry, I'm getting confused. If the policy went beyond my relatives - - -

Your own policy?---Yes.

20 Your own view of what you were entitled to. You've told us that there were occasions when, to make up numbers or to have more in the group, that you would invite your relatives?---Yes.

To come along and eat with you and stakeholders?---Yes.

25 Now I'm just asking you, now we have had time to explore this a little bit further, to ask you were there those such occasions when you also invited friends to fill up the table, particularly your more garrulous friends who might be entertaining?---No.

30 No?---No, not that I remember.

So you might have?---No.

35 So no times you sought reimbursement from the Council if all you were doing was entertaining your relatives beyond your immediate family? All you were entertaining was your wife and extended family members, are you saying there is no time on which you ever did that?---There was occasions when I did.

40 Tell us about those?---Over the seven years, it would have been half a dozen times.

Right. So there were occasions when the only guests you had was your wife and relatives?---That's right.

45 I'm just wondering why it is that I have to go into the detail and ask you more direct questions about that before you remember?---Sorry, I'm just finding that it's the way you're asking some of the questions, I'm getting confused about. So I

apologise if I haven't got the answers straight up.

5 Mr Adamos, please, if you ever think my questions are confusing, please let me know, but I really did think - I don't think my questions were very confusing when I was asking you about relatives. All right, so there's at least half a dozen occasions in which you dined with, say, your wife and extended family members at the City's expense?---That's right.

10 You weren't entitled to do that, were you?---No, you're right, I wasn't.

So why did you do it?---It was a poor judgment on my part.

15 Or did you do it because you knew you could get away with it?---No, I didn't. It was poor judgment on my part but at the same time if it was the wrong thing to do, if somebody pulled me up on it, it would have stopped the practice.

Yes, because nobody pulled you up, you just continued to do it, didn't you?---Yes, that's right.

20 Even though you knew it was contrary to Council Policy?---I guess that's right.

Not guess, it is right, isn't it?---Yes.

25 And Council Policy is actually drafted by who?---Well, it's endorsed by the Councillors.

It's actually endorsed by the Council?---Yes.

30 So my question to you, Mr Adamos is, what's the point of having a policy that's been endorsed by the very people who then breach that policy? What's the point of having a policy? It's not a rhetorical question, I'm actually asking you to answer it. What's the point of having a policy?---There's no point if that's what's going to happen.

35 Yes, so the policy was just ignored, wasn't it, by you and your fellow Councillors?---On occasions, yes.

40 As I reminded you earlier, and I will again, the Inquiry's Terms of Reference cover 29 months, from 1 October 2015 to 1 March of 2018. Your own expenditure in the dining room over that 29 months came to \$20,514.61. I can show you the records for that. Do you accept that sounds about right?---I don't know if that's correct, but if you're telling me that's what the numbers are in the City of Perth - - -

45 Yes?---If that's the numbers that have been quoted by the City of Perth, then I accept that's right.

The number of guests you had over that time were 275?---Right.

How many of those guests were guests that you were not entitled to invite? I know you can't give a precise number but let's have a percentage or if you can give a general number, that would be fine?---So the dates of the Inquiry were from the middle of 15 to?

It works out at nearly 10 guests a month, on average?---In total?

Yes, at an average of just over \$700 a month?---As I said before, over the seven years - - -

I'm just concentrating on these 29 months?---I'm just trying to work in my mind what the maths is. So over the seven years, if I did it an average seven times in seven years, then there would be once per annum, then over that period of time it would be one and a half times for the whole period. So it would be 15 people.

15 people over those 29 months?---15, 20 people perhaps. I'm just trying to extrapolate what the numbers were over - - -

Might it be more than that?---It may have been, it may not have been, I don't know.

Whatever the number, say at 15, it's 15 people too many, isn't it?---Yes, you're right.

And on average of \$70 a head, what we have got, \$1,000 that's been incurred by the City that it should never have incurred?---That's true.

The Inquiry has all the information regarding Councillors' use of the dining room. There's a huge discrepancy. Some Councillors have hardly used the dining room at all, in fact, one has not used the dining room over that 29 months?---Mm hmm.

There were five others who used the dining room and racked up bills like yours, in excess of \$20,000 in dining room expenses in those 29 months?---Mm hmm.

So who were the other Councillors that you saw frequent the dining room as much as you did from October 2015 to March of 2018, and bearing in mind that Councillor Butler had lost the 2015 election, so don't include him. Who were the others?---Pretty much every Councillor was there. The only one that I know - - -

I've just told you that one did not?---Yes, I know. The only person I know that didn't was Judy McEvoy. She's the only Councillor that wouldn't have used the dining room.

Yes, you've ticked that box. You've got that right, yes?---Whereas the others, I saw up there from time to time.

Who were they? Who do you think the other four were and I will give you a clue, they were all part of your team, and that's a pretty big clue?---If you're saying it's part of that team, it would have to Lily Chen.

5 Yes?---Possibly the Lord Mayor.

No, actually not. You're wrong about that?---Rob Butler.

10 I just said exclude him, but yes, he was a frequent dining room eater, wasn't he?---Janet Davidson.

Janet Davidson, yes?---They were the only people in that campaign that I referred to.

15 Councillor Yong?---I don't think he was in that campaign.

No, but he became a member - he was a member of your team, was he not? You saw him use the dining room a lot?---Yes, I saw him use the dining room.

20 As much as you?---I don't know.

We know, he had a very similar bill to yours?---Okay.

25 And can you think who the fifth member of this group of five might be. He was sort of in and out of your team, if it gives you a clue?---It's probably Councillor Linnios then.

30 Yes. So between the five of you over that 29 month period, you entertained approximately 1,500 guests, all right?---Right.

35 And I can think of three Councillors who, the number of guests that they have invited over that similar period, you could count - I was going to say on one hand but we will make it two hands. Harley, Green and McEvoy, less than 10 guests, certainly nowhere near 1,500?---Sure.

It's an awful lot of entertaining by you five, isn't it?---Some people would entertain more than others.

40 So of those other four, how many of those did you know were not adhering to the policy regarding their guests?---As I said before, I don't know who they had on their tables.

45 So you're saying that it was your understanding that they - I was going to say, broadly defined the policy as much as you did but I don't think that's really accurate, it's really ignored the policy. Those other four ignored the policy, didn't they, from time to time?---I guess everyone ignored the policy from time to time.

Three didn't?---Well, maybe - - -

In respect to our Terms of Reference?---Maybe not during the Terms of Reference, but they did.

5

Pretty much everyone did? You're nodding, you have to answer for the transcript?---Yes, everybody did.

So who were they?---It would have been - - -

10

Other than the four we have named and yourself, who else?---Well - - -

Yes, Councillor Butler's one?---Possibly, yes.

15

Definitely yes?---Yes.

Councillor Butler told us about the unwritten rule of the free-for-all on a Saturday night?---Okay. That was his view on it, that was his opinion.

20

So who were the others?---Councillor Harley had his buck's party there.

Are you sure about that?---I'm positive about it.

Why was that?---Because - - -

25

Were you invited?---Sorry?

Were you invited?---No, but I heard about it.

30

You heard about it, from who?---From other Councillors. I can't remember at the time who told me but I heard about it.

You weren't there?---No, I wasn't.

35

So who was there?---I don't know.

Who told you about it?---I actually don't remember who told me but I remember at the time that's what I heard.

40

Think about it, who told you?---I can't remember. I actually can't remember who told me.

Were you surprised to hear that?---Yes, probably was surprised.

45

What did you do about it?---Nothing.

Why?---I just didn't.

If this actually happened - if it happened - that is a gross abuse of what use a Councillor could make of the dining room, isn't it?---That's true, it is.

5 Surely there must have been an outcry amongst you Councillors about this. So what happened?---Nothing.

Nothing?---M'mm.

10 Did you actually ask Councillor Harley if this was correct?---No, I didn't. I should have.

Of course you should have but why didn't you?---I didn't. I don't know why I didn't.

15

[9.45 am]

20 You didn't do that because the Council dining room was just regarded as, it could be used whenever and for whatever a Councillor wanted to use it for, isn't it as simple as that?---No, it's not.

You see, if you kicked up a fuss about it, then you would be made to strictly follow the Council Policy, wouldn't you?---I guess so, yes.

25 So that's the reason why I'm saying why you or this unknown Councillor who raised it with you, or Councillors, didn't do anything about it?---M'mm.

Isn't that the reason?---Probably.

30 Not probably, but that's my explanation for why you didn't do anything; can you offer another?---No, I can't.

So is my explanation the correct one?---I guess it is.

35 It is, isn't it?---I can't offer any other explanation.

Yes, so it is the explanation then, isn't it?---I guess so.

40 It is so, isn't it? I'm going to press you on this because it is so. It is so, isn't it?---So you're saying - your point is that there was an unwritten rule?

No, the point is that you and other Councillors had heard there was this alleged fundamental breach of the Council Policy regarding the use of the dining room and you did nothing about it?---That's true, we did nothing about it.

45

And the reason why you did nothing about it is because if you raised a stink, then the Council Policy would be more strictly enforced?---I didn't see it that way but -

--

5 Tell me how you saw it? Tell me why you and the other Councillors who said this to you, did not follow this up and make sure that this report of roting of the Council dining room did not happen?---We didn't follow it up.

I know that, I want to know - - -?---And I know that I should have followed it up, and I didn't.

10 I know you should have and I know you didn't and I'm saying to you, my explanation for that, bearing in mind I wasn't at this buck's party, I've never been to the dining room, I've never been a Councillor, no Councillor was talking to me immediately after this had happened, but that is the only logical explanation as to why you and your fellow unnamed Councillors did nothing about it?---I don't
15 know why I didn't raise it.

And I'm giving you an explanation as to why and you've agreed that's a logical explanation, isn't it?---I guess so.

20 You keep on saying, "I guess so" but I'm inviting you to put forward an alternative explanation as to why you didn't do that and you can't, can you?---Probably the reason - I'm trying to think about what would have happened at the time - - -

25 You're trying to think of a reason now, are you?---I'm not trying to think of a reason. I'm trying to think about what was going through my mind at the time. Honestly, I don't remember why I didn't raise it and I should have raised it. It was an oversight on my part.

30 Not just your part but these other Councillors who were telling you about it?---True.

35 But it was a deliberate oversight, wasn't it, because you wanted to keep on using the dining room - you wanted to continue misusing the dining room?---That wouldn't have been the reason. It would have been so we don't get into another argument with Reece Harley.

Really?---Yes.

40 But wouldn't there be an argument with the ratepayers of the City of Perth if they were to find this out?---I guess so.

But really, it didn't interest you or other Councillors who were misusing the dining room to raise a stink about this, that's the bottom line, isn't it?---I guess so. Yes.

45 It is so, yes. Do you remember what the Council Policy said about the use of the dining room?---I don't remember exactly, no.

Do you agree with me that it didn't extend to the situations in which you invited your friends and extended family?---Yes, I do.

5 Madam Associate, if we could have a look, please, at 18.0083. There are a couple of policies, Mr Adamos, that are relevant to this matter. TRIM number 19262, sir.

COMMISSIONER: Thank you.

10 MR URQUHART: This is the more general one but I will take you to it first?---Excuse me, sir, I can't read that.

You need to have a look at the screen in front of you, once it's turned on by Madam Associate. There we go?---Okay.

15 We weren't expecting you to read it from way over there because I can't either. So this is Council Policy 10.8. It's, "Office accommodation, Elected Members" is the title. I just want to draw your attention to the first sentence in the second paragraph under, "Policy statement" which reads:

20 *The reception suite, Council chambers and committee rooms and dining room are not to be used for other than official functions.*

Do you see that?---Yes.

25 I'm right in saying, aren't I, that you wouldn't invite relatives and friends into the reception suite if it wasn't an official function?---That's correct.

You wouldn't do it for Council chambers either, would you?---No.

30 Or the committee rooms?---No, I wouldn't.

But you did it for the dining room?---I never read this policy in connection with the dining room.

35 But you did it for the dining room?---I did. I didn't realise this was part of this policy.

40 This is the policy that's been in effect, and we can see right at the bottom, and this is in very small writing but hopefully you can still see it there on your screen, this is the policy that was in effect as of 28 April of 1998. Can you see that, so 13 years before you were elected?---Yes, I can see that.

The next policy deals more precisely with the dining room. Madam Associate, this is now 18.0085. TRIM number, sir, 19263.

45

COMMISSIONER: Thank you.

MR URQUHART: This is Council Policy 10.12 and it concerns, "Provision of hospitality", do you see that?---Mm hmm.

5 "Policy objective", "This policy" - incidentally, I can take you to this page, it's on the third page of that document, but these precise provisions had been in place since 22 February 2011, so that was the year that you were elected, so eight months before?---Mm hmm.

10 So this was the version that existed throughout the entire time that you were a Councillor?---Mm hmm.

"Policy objective":

15 *This policy determines the nature and extent of catering services for civic functions and official meetings.*

Do you remember this policy?---Yes, I do.

20 It talks about, in the first paragraph under, "Policy statement":

Because Perth is the capital city, it has unique civic responsibility to receive and host visiting dignitaries, significant business partners and corporations, community organisations and residents and ratepayers of the City.

25

Do you see that?---Yes.

The next sentence here:

30 *The Council shall maintain a limited hospitality facility available to Elected Members to assist them to meet their unique civic responsibilities on the following basis.*

35 So it was a limited hospitality facility?---Mm hmm.

Do you see that?---Yes.

40 Then it sets out a number of conditions. It talks about, for example there at 1.2 - first it gives the times and we have already been through that. 1.2 talks about maximum of 10 guests, including members' spouses are permitted the dining room. So I haven't taken issue with you, Mr Adamos, in inviting your wife to the dining room because the Council Policy allowed that?---Mm hmm.

45 Then 1.3:

A guest book identifying the main guest of honour at each function is to be maintained.

Did you ever fill in a guest book or make sure the guest book was filled in identifying the main guest of honour at all your dinners that you had over the years?---No, I didn't.

5

Not once?---No.

Why not?---I saw the guest book there but to be honest at the time I didn't think we needed to do it for the dining room. I didn't think we had to for Council dinners. I thought it was only more of a ceremonial kind of guest book for after Council meetings.

10

Of course, that suited Councillors, didn't it, that you didn't have to identify a guest of honour because if you weren't complying with the Council Policy, then there would be no record of who the guests were?---That's not why I did it. I didn't sign the book because I didn't think we had to sign it.

15

Do you agree with me, that it suited Councillors because you didn't have to identify a guest of honour?---That's what you're saying but that's not what - that didn't suit me. I didn't know about the book.

20

That's why I asked did it suit Councillors rather than it suited you, Mr Adamos. I was asking generally?---Then I'm a Councillor, so that puts me as part of that group.

25

Okay, but it would suit you, wouldn't you, if you were using the dining room in circumstances in which the Council Policy wasn't being adhered to?---If I had to fill the book in, I would have filled the book in.

30

Did you did have to fill the book in because it says:

A guest book identifying the main guest of honour at each function is to be maintained.

35

?---Mm hmm.

So you did have to, so why didn't you?---I honestly didn't think I had to for the Council dinners. As I said, I thought it was more of a ceremonial book that had to be filled in after Council meetings.

40

Once again, that suited the Councillors who misused the dining room, didn't it, if the guest book wasn't filled in?---If you draw that analogy, yes, it suited them.

Then it talks about mobile phones and the like. I just want to go over now to the next page, Madam Associate, 18.0086 and 1.9. Were you aware of this provision?---Yes.

45

:

5 *Elected Members may use restaurants within the City of Perth area for hospitality purposes on Fridays or for Saturday dinners if there are insufficient numbers to meet the minimum catering requirement for the City of Perth dining room, being 10 people, or where the dining room is fully booked.*

10 Do I understand that correctly, that if the dining room was unavailable on a Saturday night, then a Councillor could entertain his or her guests at another restaurant within the City of Perth, is that right?---That's right.

 And be reimbursed by the City?---That's right.

15 For those costs?---Yes.

 Really? Is that right? Was there some sort of limit placed on the bill?---No. The only limits were that you had to supply the names of your guests to the Finance area so they can pay it.

20 How many times did you use that provision?---I don't remember.

 Approximately?---Two or three times, perhaps.

25 Two or three times?---Perhaps.

 I'm going to suggest to you it was a lot more often than that?---Okay.

30 Would you like to reconsider?---I honestly don't remember how many times I went out to a City restaurant.

 When did you first use it and then claim the cost of the meal from the City?---When did I first use it?

35 Yes?---I don't remember.

 Was it towards the end of your term or at the beginning or in the middle?---I honestly do not remember when I first used that category, I suppose.

40 What times can you remember using it?---I did use it, I just don't remember when I used it.

 Who were your guests?---I can't remember but I did supply those names to the Finance area.

45 You can't remember your guests?---I supplied those names to the Finance area so you would have that information. I don't know.

Let's see if you can remember?---I'm sorry, I don't remember.

5 Such a reimbursement in those circumstances has to be confined to where the meal is related to the City in some way, shouldn't it?---That's right.

Or you're carrying out your civic responsibilities, isn't that right?---That's right.

10 Did you misuse this particular provision when you entertained these guests that you can't remember on a Saturday night somewhere other than the dining room?---I don't think so

[10.00 am]

15 You don't think so? Might have you done?---No, I don't think I did. Unless you can provide me with the names, I don't think I did.

20 Can you remember a single guest that you took out to a City of Perth restaurant on a Saturday night in which the City reimbursed you for the bill? I will give you a clue, your wife would be one, wouldn't she?---That's right.

So your wife, and who else?---I honestly don't remember.

25 What's your wife's maiden name?---Monastra.

Does that help you, jog your memory?---Yes.

30 Have you ever entertained extended family members or friends at a restaurant on a Saturday night when the Council dining room wasn't open due to insufficient numbers?---Yes.

Who are those extended family members or friends?---You fact that you asked me about my wife's maiden name would probably mean I invited her parents.

35 Her parents?---Yes.

Friends?---Sorry, friends on top of that?

40 Yes, any time that you invited friends?---No.

45 You're right, Mr Adamos, about the records that we have so I'm giving you the opportunity of seeing if you can provide us with the names of friends that you wined and dined at the City's expense on a Saturday night at a City of Perth restaurant?---I don't know. Unless you can jog my memory, I don't remember the others.

Your wife's parents, they didn't fall within the Council Policy, did they?---They

were - my wife's mother was part of an Italian group that was doing some work at Gloucester Park for an Italian event.

When was that?---I don't remember but they had the Italian Day.

5

Was that years and years ago?---I don't remember, I don't.

Try to think now?---I don't remember.

10 So she was part of an Italian group of ladies who organised something at Gloucester Park?---Sorry, if that's what you're asking. Yes, I think she was president or committee member of the Italian (indistinct) Club and as part of that, they were hosting events in the City.

15 I just want you to give me a year?---I'm just trying to think of the years it was down at Gloucester Park. I can't remember when.

So that's it? Is that the connection?---That's the connection, yes.

20 It's a very, very weak connection, isn't it?---M'mm, say so.

It clearly doesn't fall within the Council Policy rules, does it?---That's right.

25 I think you've told us that in the 29 month period - I know you weren't clear but you reckon somewhere between 15 and 20 friends or relatives that you entertained at the expense of the City?---Yes.

That you should not have?---That's right.

30 So that works out at, one every two months if we take 15?---Possibly, yes.

35 This Inquiry's got records to show that within the space of less than four weeks, you entertained a total of four relatives and friends, it would seem, so just within the space of four weeks. Might it be that there are more than that number of 15 or 20 that you've identified because you've already used up four in a four week period and we are talking about 29 months?---That was an average I've worked out based over the seven years I've been there, so - - -

40 It might be a lot more, might it not?---It may be or it may not be, I don't know.

You see, a body such as the Inquiry investigating this, it's not easy to do because you did not - you've already told us that you did not identify a guest of honour in the guest book, yes?---That's right, I didn't.

45 But did you always provide the names of your guests to the City?---I only had to do it - I understood I only had to do it when I was going out to - when I was using this one, 1.9.

So you never did it when you actually wined and dined guests in the dining room?---No.

5 You see, the City didn't have any record of who you were inviting as a guest to the dining room, if that was the case, did it?---True.

Very hard to monitor then, isn't it?---Yes.

10 Because if in fact they were to ask a Councillor, "Look, that party of 10 that you had that incurred the \$1,000 bill last Saturday night, who were those guests" and a Councillor could just simply saying, "They were ratepayers" and then the City would just to accept that, wouldn't they?---Yes.

15 So this system that the City had wasn't very accountable for the ratepayers of the City, was it?---No, it wasn't.

But it was a system that greatly benefitted those Councillors who did not want to follow the Council Policy, didn't it?---It seems that way, yes.

20 It is that way, isn't it?---Yes.

It benefitted you, didn't it?---Yes.

25 Do you remember going to The Point Bar & Grill on Saturday, 28 January 2017?---Yes, I did.

Who did you go there with, apart from your wife?---I think we went with Michael Sutherland.

30 Michael and Michelle Sutherland?---That's right.

Were your guests?---M'mm.

35 And he's a good friend of yours, isn't he?---He was a friend, he's also a politician.

Yes, but you were inviting him out this night as your friend, weren't you?---No, I was inviting him as a stakeholder of the City.

40 A what, sorry?---A stakeholder of the City.

A stakeholder of the City, really?---He was connected to the City. He was a Freeman from the City of Perth, he was the Speaker of the House. I invited him on that basis.

45 Would have you invited him out on a Saturday night to The Point Bar & Grill if you weren't a friend of his or if he wasn't a friend of yours?---I possibly - yes, I

would have because I invited other people that may not be friends.

Why would you invite him if he wasn't a friend?---To discuss what's going on with issues of the City.

5

I'm sorry? So if you did not know him from a bar of soap you would still invite him out to The Point Bar & Grill for dinner?---I often invited people - - -

I'm just talking about Mr Sutherland in this case, would have you?---I don't understand the point of your question. Can you ask it again?

10

You're saying you invited him because he was a stakeholder. I'm putting to you fairly and squarely that you invited him as a friend, a friend first who just happened to have a connection, albeit not a very good one, to the City?---He's the Speaker of the House, that was the connection. We spoke about - - -

15

My question to you though - the question's not going to go away - the primary reason you invited him was because he and his wife were friends of you and your wife?---That wasn't the predominant reason but, you now - - -

20

It was, wasn't it?---It's part of the reason.

It was the main reason, wasn't it?---Not necessarily.

Why do you say "not necessarily", it either was or it wasn't?---As I said before, I've made friends from my connections through the City of Perth so meeting up with people more than once, does that count that next time I have them out for dinner, I'm counting them out as friend or I'm still counting them out as a connection? That's a difficult thing to - - -

30

You can have the Sutherlands around for as many dinners as you like - - -
-?---Exactly, but what you're saying - - -

Let me finish - if you are entertaining them as friends, you can do that as many times as you like and you can pay for as many bills as you like?---Mm hmm.

35

The question here is whether the ratepayers of the City should be paying a bill for you and your wife and Mr and Mrs Sutherland to wine and dine at The Point Bar & Grill, and are you saying to me that the ratepayers should have footed that bill?---I wasn't inviting him as a friend, I was inviting him as a connection to the City of Perth that I had made and he happened to have been a friend. That's the connection. The connection was through the City of Perth.

40

That wasn't the question and I would just like you to answer the question?---And on that basis, then the City should be paying for that bill.

45

The City should be paying for it?---On that basis of what I just described.

I am thinking though that you discussed very little about your civic responsibilities as a Councillor at that meal, would I be right?---No.

5 Bearing in mind the alcohol that was consumed?---No.

So all you did was talk about City business?---Yes, we would have spoken predominantly about City business.

10 Mr Adamos, bear it in mind that at the time you believed you were perfectly entitled to misuse the Council Policy, but if we - good, the Council Policy is still up there. Would you like to point out to me where in the Council Policy it entitles you to wine and dine a friend of yours and his wife?---It doesn't say that there.

15 Because it doesn't fall within the definition of the policy, does it?---No, it doesn't.

So you should not have done this. You could have taken him to The Point Bar & Grill, but if you were going to pick up the tab, you should have done that personally, shouldn't have you?---I took him on the basis of being able to discuss
20 City business with him.

I think we have established that you've said that and you maintain that and that's fine but you've now said it doesn't fall within the provisions of the Council Policy. So that being the case, you logically ought to have footed the bill, which you did
25 but then you sought the reimbursement from the City. So what you should not have done is, yes, foot the bill but not seeking reimbursement from the City, isn't that right?---No. I didn't take him there as a friend, I took him there as somebody that's connected to the City.

30 So you are now maintaining it does fall within the Council Policy; can you show me where?---It falls within 1.9 but it doesn't make reference to your friends.

But before you get to 1.9, you've got to be able to justify it on page 85. So we will go to that if we can, Madam Associate. 1.9 is only when the dining room's closed
35 or unavailable?---I would have taken him based on that policy statement.

But where?---"WA capital city government", so on and so on "responsibility is to receive and host visiting dignitaries, significant business partners, corporations, community organisations and residents and ratepayers of the City."
40

Yes?---In that paragraph is what I base it on.

[10.15 am]

45 Where? What is he?---He's a dignitary.

He's not a visiting dignitary, he's come from Mt Lawley?---He's a dignitary.

But he's not a visiting dignitary, is he?---He's been a Speaker of the House.

He's not a visiting dignitary, is he?---He may not be a visiting dignitary.

5

Okay, so rule that out. "Significant business partners and corporations ", he's not that, is he?---No, he's not."

He's not a community organisation, is he, or a member of?---No.

10

So that leaves "residents and ratepayers". He's not a resident or a ratepayer of the City, is he?---I don't know if he's a ratepayer of the City his wife may be a ratepayer of the City.

15 Did you check?---No, I didn't check.

So you're clutching at straws, are you, now?---I would have treated him as a dignitary. The fact he wasn't visiting, I missed that word.

20 It's an important word, isn't it?---You're highlighting that now, yes.

I'm not highlighting it, it's in the policy. It's in the policy?---M'mm.

25 A visiting dignitary surely would mean someone coming a bit further than Mt Lawley, would you agree?---M'mm.

30 And the reason why it's been placed like that is to limit the number of people who could be described as dignitaries because otherwise you would be allowed to do what you did on this particular night. So this is a limitation imposed by the Council, it would seem, to stop Councillors from inviting their friends who just happen to be dignitaries, would you agree with that?---When you look at the word "visiting", I missed that point and yes, I would be wrong in inviting him.

35 So therefore you should not have billed the City for this very expensive night out at The Point Bar & Grill, should have you?---I advised the City of that name so if they considered it wouldn't fit in this, they should have knocked it back.

40 No. Mr Adamos, that might well be the case but really, you should never have made the claim in the first place, should have you?---But I've made claims on other items before and - - -

45 The question is, you should never have made the claim in the first place, should have you?---If I've made a mistake in doing that, I did, I shouldn't have made the claim based on this "visiting" - the word "visiting".

Based on the policy drafted by the Council?---I missed the word "visiting" in the policy.

And it was a miss that inconvenienced you, didn't it?---Sorry, say that again, please?

5 It was a miss by you or an overlooking of that word that suited you because that meant you could then claim for the costs of this meal, yes, in your view?---I didn't do this on purpose to miss that word.

Mr Adamos, you did it entirely on purpose?---I didn't.

10 You agreed to foot the bill for this meal. When it came round you said, "I will take this", didn't you?---Yes, I did.

Because you knew that that you would be claiming it as a reimbursement?---I knew that but there was no guarantee I would get it paid as a reimbursement.

15 Given the fact that the policy had been breached for all the time that you had been a Councillor, you expected to be paid, didn't you?---I thought I would be paid but if I didn't - if I wasn't paid, I wouldn't have known. There's no guarantee I would be paid.

20 If you weren't paid, you would have kicked up a huge fuss, wouldn't have you?---I would have asked the question why.

25 Yes?---And if they referred me to this document and said, "He wasn't a visiting dignitary", I would have copped it on the chin and thought, fine.

Well, they didn't have to refer you to the policy because you should have been adhering to it?---I missed that word, I'm sorry.

30 MR McGOWAN: Commissioner, as you know, my client has a medical condition. Perhaps it's - - -

COMMISSIONER: I understand. There's no need to raise this now. I've read the letter.

35 MR McGOWAN: Okay.

COMMISSIONER: Please continue, Mr Urquhart.

40 MR URQUHART: Thank you, sir.

Are you right to continue, Mr Adamos?---I would like a short break, if that's possible, but if it's not, then it's fine.

45 COMMISSIONER: If we break at 10.30, would that be convenient for you, Mr Adamos?---Yes, that would be fine.

Thank you. Please continue.

MR URQUHART: Thank you, sir.

5 So have we now established that you weren't conducting any official business on this Saturday night?---No, we haven't. I was conducting official business.

You still maintain that?---Yes. I was speaking to Michael Sutherland about issues going on in the City of Perth.

10

He was just asking you how work was going?---No.

And that's what you spoke about it?---I don't remember the exact discussions we had at that time. I don't even remember what the date was.

15

If we could have a look at 1775, please, Madam Associate. Any idea what this bill came to?---No, I can't remember.

This is an incomplete receipt, can you see that?---Yes.

20

So we had some cocktails, didn't we, some beers, some gin?---Mm hmm.

And this was the receipt that you provided and I think it went a bit further down than that because the total there for all of that food and drink only comes to \$286,

25

but we can see there that the receipt that you've provided is \$410 - maybe not. What happened there, Mr Adamos?---I don't know. I can see a staple there, unless the invoice was folded under or something. It looks like it might have been.

I think we might have got to the end of the items that cost anything, because we are down to, "Miscellaneous", two altogether, it's 0.00?---I don't know.

30

What's happened here, because if the bill was \$286, why would you have paid \$410?---I don't know.

It looks like we have pretty much covered a substantial meal, haven't we? If we go to the top. You had a pot of olives, sirloin steak, lamb cutlets, summer vegetables, creamy polenta, one quinoa, that's six items for \$107. Then someone's had the sweet potato pizza and some sort of mixed item, so there seems to be four mains there with entree, doesn't it, and then three of you have had sweets for \$36, do you see that?---Yes.

35

40

Then you've had a coffee and then we have gone on to the drinks, the cocktails, the beer, the water, the soda and the gin?---I don't know.

45 Was there any wine drunk as well?---I don't remember.

If so, I hope no-one was driving. Was wine being drunk?---I honestly don't

remember and I don't know why, as you say, that bill is adding up to less than the \$410.

5 Did you leave a substantial tip?---No, I don't think I did.

Do you know the proprietor of the point bar and grill?---No.

Did you use the restaurant as an ATM that night?---Sorry?

10 Did you use the restaurant as a de facto ATM that night?---No.

You didn't get paid out in cash for the balance of the bill?---No.

15 That's why I'm just enquiring carefully of you, Mr Adamos, as to what was consumed that night. I accept that the bill - we don't have all the bill there but we have reached a point in the bill where it would seem to have covered everything, would you agree with that?---It seems that way.

20 Yes, but we are still short by, and I've added the sums up, \$124?---Right.

It might be a very expensive bottle of wine or two - - -?---It may have been.

25 - - - not quite so expensive bottles of wine or three not so expensive bottles of wine, but were people driving that night?---I can't remember whether we drove or not. I think I did, I can't remember.

You would have been careful not to be over the limit, yes?---Yes.

30 Do you know how the Sutherlands got there?---I don't know.

35 Am I right in saying when you presented that to the City, you just took a photocopy of the account and your receipt?---From memory, we used to give the receipts to our Resource Officer, who was like a PA and you would give them to her and then she would put the paperwork together and I'd sign it and off it would go.

Would you get the originals back?---No.

40 So they should be somewhere with the City of Perth?---Should be, yes.

I'm grateful to my instructing solicitor here. Mr Adamos, we have here at the top, "Unfinalised account", do you see that?---Yes.

45 So this might have been one bill that was paid and was there another bill incurred?---I don't know. The fact that there's the image of a staple, possibly there was another bill behind it.

Yes, because I'm making absolutely no accusations whatsoever, I just wanted to work out how we got to that amount of \$410?---I don't know.

5 So it might have to be a case of seeing if we can find what's attached to that bill, if you said that you provided the original to the City?---I did. I don't know why that came about.

10 Thank you. I can take you through the records but I can say to you that the City actually had to ask you for the names of your guests?---Right.

Do you recall that?---Yes, if that's what happened.

15 If we just look at 1776 before the break, thank you, Madam Associate. I can show you the claim that you made?---Okay.

For reimbursements, and that was on 9th of - anyway, it doesn't really matter. You made the claim some time in February or March - it would have to be February because you see there on 15 February 2017, you've got an email from Cecelia Firth?---Yes.

20

:

25 *Hi Councillor, thanks for the receipt. Sorry to ask but you could provide the names of your guests as I believe it is now a requirement. Thank you.*

?---Mm hmm.

30 Was it your understanding that it wasn't a requirement before then?---I don't remember.

Right?---I don't know if this is the first time I've ever claimed it or the third time I've ever claimed it. I just remember that I always had to provide the names of guests when I went out to a City restaurant.

35

I'm going to suggest to you that you were fully aware by this stage that had you to provide names?---Right.

40 Was there any reason why you didn't provide the names on this occasion?---Well, I did.

But not to start with when you submitted the receipt?---I must have forgotten. I just submitted the receipt. I gave it to the Council Resource Officer. She filled in the paperwork, submitted it and then it came back to her asking for the names.

45

[10.30 am]

And you provided her with the names the same day?---Yes.

:

5 *Sure, no problems. Myself, Helen Adamos, Michael Sutherland and Michelle Sutherland, regards.*

?---M'mm.

10 I could take you to other documents which establish that you were reimbursed that sum of money but I gather you accept that, do you?---Yes.

Thank you. It's now 10.30, sir. That might be an appropriate time.

15 COMMISSIONER: Thank you. I will adjourn for 15 minutes until 10.45.

WITNESS WITHDREW

(Short adjournment)

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HEARING RECOMMENCED AT 10.52 AM

MR Jimmy ADAMOS, recalled on former oath:

5 COMMISSIONER: Yes, Mr Urquhart.

MR URQUHART: Thank you, Commissioner.

10 Mr Adamos, I want to ask you some questions now about Saturday, 25 February 2017, so four weeks after The Point Bar & Grill dinner that you had reimbursed?---Mm hmm.

Do you remember going to the C Restaurant with your wife's parents?---I remember going to C Restaurant, yes.

15

Yes, the revolving restaurant not far from here?---Yes.

Do you remember doing that?---Yes, I do.

20 Once again, because the dining room was what?---Was probably not available.

Probably not available?---Mm hmm.

25 You couldn't then go out to dinner with your in-laws some other times?---I don't think they were at that event. I can't remember, but I don't think they were at that event.

What event?---If you're talking about the C Restaurant.

30 Who do you think - firstly I will ask you, how many times did you dine at the C Restaurant because the dining room was closed?---I think twice over the time, over the years.

35 So who did you think you went to the C Restaurant with?---One was with ratepayers.

Ratepayers from where?---From East Perth.

From East Perth?---Yes.

40

Whereabouts in East Perth? Not Bennett Road, was it?---Bennett Road?

Yes, were they from Bennett Road?---No, I don't think so.

45 Or to be more precise - sorry, not Bennett Road, my apologies, 90 Terrace Road?---No.

Sure? They weren't from the Adagio Apartments?---No.

Was that another occasion, was it?---No.

5 You've never entertained guests at the City's expense who were from the Adagio Apartments?---They were up at the City of Perth in the dining room.

We will get to that in due course. I'm just trying to work out who these ratepayers were that you took to the C Restaurant. So they were from East Perth?---Yes.

10

Why was it that you were entertaining those ratepayers?---I can't remember. I can't remember. I don't even know exactly what the date was either.

15 Was it official business or were they ratepayers who were just friends?---They were always ratepayers - they would have been ratepayers first.

20 Just on the subject matter of ratepayers who were friends though in East Perth, you would have a number of friends who are ratepayers in East Perth, wouldn't you?---Yes, they have subsequently become friends, people I've met more than once and I would classify that as a friend.

So neighbours of yours, for example, that you've become friendly with?---Yes.

25 So you've taken them to the dining room, haven't you?---Yes, I would have done that.

And you've taken them to the dining room because they are friends of yours who just happen to be ratepayers?---No, one was the group - as I say - - -

30

No I'm just staying there with your neighbours?---M'mm.

35 So the time that you entertained your neighbours at the dining room who have become your friends, you are taking them to the dining room because they are friends - - -?---No.

- - - who are ratepayers, or alternatively, ratepayers who are friends?---Yes, I'm taking them as ratepayers first and foremost.

40 I'm thinking, Mr Adamos, you just don't wander the streets in East Perth knocking on doors and inviting random people that happen to be ratepayers to come to the dining room for a free meal, would I be right in saying that?---Yes, you're right, I don't do that.

45 So therefore, these neighbours that you've taken to the dining room are people you've come to know over a period of time, yes?---Yes.

And who you would describe as your friends?---I would describe them as friends over a period of time, yes.

5 So therefore you've invited them to the dining room as your friends?---No, I've invited them as ratepayers.

I see. You've only ever invited ratepayers who are not associated with a group, that you've only invited ratepayers just simply on the basis they are ratepayers because they are friends of yours to the dining room, isn't that right?---No, I
10 wouldn't say that they are friends. These are people that I know. I'm not going to invite total strangers to the dining room, I'm going to invite ratepayers, people that I know, I've met or I actually like. Why would I invite anyone who's not that?

15 The neighbours that you've invited to the dining room are your friends, yes?---They are ratepayers first and foremost and they are friends.

The question was, the ratepayers who are neighbours - neighbours that you have invited are friends, so the answer to that is yes, okay? Right. Those neighbours, I'm sure there's one or two neighbours that you don't get on with, would that be
20 right?---That would be right.

You've never invited them to the dining room?---No.

25 Because the difference being is not because - yes, there's a similarity they are all ratepayers but there are ratepayers who are friends of yours, ratepayers who are not. So the neighbours that you invite, for example, to the dining room are those neighbours who are friends of yours?---They are people that I like.

30 Yes, who are friends of yours?---They are not friends, they are people that I'm happy to spend the night with.

35 So you want to change your evidence from just a minute ago when you have described them as friends. What's the difference between a friend and people that you like?---Friends would be someone that you would see on a regular basis, you confide a lot in. These are - - -

40 You see on a regular basis such as neighbours? People who you like you see on a regular basis, such as neighbours, yes?---Yes, neighbours but they are more neighbours than they are friends. I'm not going to confide my whole life into my next door neighbour but I might like them as a person, so I would invite them up to Council House for dinner.

45 That's right, that's the point I was trying to get. So you invite them as friends, as well as the fact that they are ratepayers?---You put it that way, yes.

And I'm thinking you don't really discuss much official business with them, do you?---We always discuss the City.

But there's the primary purpose for the dinner to discuss official business?---It's always to discuss the City.

5 It's not the primary reason for it, is it?---The role of a Councillor - - -

No, the question is, it's not the primary reason, is it?---Yes, it is

[11.00 am]

10

Really? You're saying you invite your neighbours around to the dining room for a dinner to talk about official business?---Yes.

Predominantly?---Yes.

15

That sounds fanciful in the extreme, Mr Adamos, with all due respect. You don't think it is?---No.

And you think that falls within the Council Policy?---Inviting ratepayers up to - - -

20

Do you agree with me that it falls within the Council Policy?---That I'm inviting ratepayers up, yes.

No, ratepayers in these circumstances who are neighbours of yours who you are friends with?---Yes, because they are ratepayers.

25

So the C Restaurant, you've gone there with ratepayers from East Perth and the purpose of that was what? Let's start with, they were all friends of yours, weren't they?---They were ratepayers.

30

They were all friends of yours is the question?---They were ratepayers that I - - -

Please, Mr Adamos, were they friends - - -

35

COMMISSIONER: Mr Adamos, were they friends of yours?---They were people that became friends from the fact that I - - -

Mr Adamos, it's a very simple question: were they friends of yours?---Yes, they would be friends.

40

Mr Urquhart.

MR URQUHART: Mr Adamos, did you either hear or read my opening address just last Monday?---I did read some parts of it, yes.

45

Did you read the parts where I just implored witnesses to answer questions and not be evasive and non-responsive, did you read that part?---I think I did, yes.

Can you please adhere to that?---I'm trying but - - -

5 Can you, because it seems to be, and this is frequently what I encounter, that I ask
a question and the witness doesn't answer. They give a non-responsive or evasive
answer and I ask two, three times and they are still non-responsive and evasive.
Then, the Commissioner asks exactly the same question, sometimes the
Commissioner himself has to repeat himself like he did just then, and eventually
10 we get a responsive answer to the question. The reason why we are rescheduling
witnesses all this week is because witnesses have not been answering the question
directly and it has to be repeated over and over again. So this is why this Inquiry
this week - one of the reasons why the Inquiry this week is taking so long.
Mr Adamos, can I just simply ask you, please, just answer the questions
15 directly?---But on that point about whether they are friends - - -

It was a straightforward question, were they friends of yours, and you eventually
said yes. It might not be the answer that puts new a very good light, but if it's the
honest and truthful answer, then you have to say it?---But I am, I'm saying that
20 these people are ratepayers first and foremost.

But the question wasn't that. I'm just taking up more time. I'm moving on. So the
C Restaurant on Saturday, 25 February of 2017, you did not go to that restaurant
with ratepayers, can you recall who you went with?---No, I can't recall.

25 Where did you go for a meal when your in-laws were wined and dined at the City's
expense?---I don't remember the restaurant.

Was it the dining room?---No, because - - -

30 Have they been taken by to you the dining room?---They have been taken to the
dining room over the course of the period, yes.

How many times?---Probably once.

35 Probably once, possibly more?---Possibly but probably once, over the period, as I
said before, over seven years.

So how many times did you take them to a City of Perth restaurant when the
dining room was closed?---Once.

40 Once and once only?---Yes.

And you can't remember where the restaurant was?---I don't remember.

45 If the witness, please, Madam Associate, could be shown 18.1771. Do you
recognise that as a claim for reimbursement that you made for the month of
February 2017?---Yes.

And that's your signature there in the bottom right-hand corner?---Yes.

5 And then you've given the reason why, "Other: C Restaurant, dining room unable to open on Saturday, 25 February 2017 due to insufficient numbers", and the bill, \$486.90, do you see that?---Yes.

You say - do you see above your signature:

10 *I certify that the above expenditure was incurred on official business."*

?---Mm hmm.

15 Having dinner with your in-laws, that's not official business, is it?---I don't remember who I took that night.

20 Don't worry about the screen there, just look at me. If you were taking your in-laws out to whatever restaurant you thought you took them to, that wasn't official business, was it?---No.

Do you realise the importance when someone certifies a document?---I don't know whether that was - - -

25 Just listen to the question. You understand the importance when someone places oh signature under a sentence that reads such as that?---Yes.

"I certify that the above expenditure was incurred on official business"?---Yes, but that may have been for ratepayers, I don't know who I took that night.

30 Don't worry, I do. I will show you in a moment?---Okay.

But signing that, if this wasn't official business, you should have never made that certification, should have you?---True.

35 And much less, sought reimbursement from the City of Perth?---True.

40 Madam Associate, if we could go now to 1772, please, which is the next page. Mr Adamos, this is the receipt or the account rather, then the receipt that you attached to this claim. I just want to make sure that is correct. Would you have a look at that?---Mm hmm.

You might be assisted by the date, it being 25 February, and the amount, \$486.90 which is the exact same amount as what the claim was for reimbursement?---Yes.

45 And we can see there, it's C Restaurant in the Sky?---Mm hmm.

Level 33/44 St Georges Terrace, so it's the same restaurant?---Yes.

So this is the receipt and the account that relates to your claim for \$486.90, doesn't it?---That's right, yes.

5 We can see there was \$383 worth of food consumed and \$103.90 worth of beverages, do you see that?---Yes.

It's for four people, do you see up the top there?---Yes.

10 Table 65, "Bill: 1, Covers: 4", meaning four people. So this is, as I said, four weeks after The Point Bar & Grill meal that you had with the Sutherlands. I've already taken you to the fact that on 15 February, a Ms Firth had asked you to provide the names of the guests that you had at The Point Bar & Grill?---Mm hmm.

15 So I'm now going to show you an email from 27 February. Madam Associate, that's 1773. Because you didn't provide the names of the guests you took to the C Restaurant, see in the bottom half of that page. The TRIM number, sir, 20285.

20 COMMISSIONER: Thank you.

MR URQUHART: The TRIM number for the document we have been referring to previously is 20285.

25 COMMISSIONER: Thank you.

MR URQUHART: Do you see that? I gather now you've probably had time to see what your response has been?---Yes.

30 So Ms Firth again asking you for the names of the guests and you responded a couple of days later on 27 February 2017:

The guests were Mr and Mrs Monastra, myself and my wife, Mrs Helen Adamos. Will provide you with the original receipts. Thanks.

35 You wouldn't have given the names of different people you took to the C Restaurant, would have you, to the City?---No.

40 So it's Mr and Mrs Monastra, were they your in-laws or maybe they were a sibling of your wife, do you know?---No. It was my in-laws.

They were your in-laws, so you did take your in-laws to the C Restaurant?---Yes, I did.

45 And of course, you're perfectly entitled to do that, you are take your in-laws anywhere you want, to any restaurant not just in the City of Perth but anywhere in the metropolitan area. You can take them to Useless Loop if you want, but you're

not allowed to claim for reimbursements, can you?---No.

And you did, didn't you?--- Yes.

5 I can take you to the documents if you want, but you were reimbursed that sum of money?---Yes.

Can I ask then why you did that?---It was the wrong thing to do.

10 It's obviously the wrong thing to do but I want to know why you did it. I don't want to have to ask that question over and over again. Mr Adamos, can you please tell the Commissioner why you did that?---I don't know why I did it. I shouldn't have done it, it was the wrong thing to do.

15 My explanation as to why you did it is because you knew you could do it and get away with it and be reimbursed, isn't that why you did it?---That's right.

20 So in a four week period, you've charged the City just shy of \$900 in total for wining and dining at two restaurants within the City of Perth. Do you still maintain that you're entitled to claim the reimbursement for the meal you had with the Sutherlands?---With the Sutherlands, yes.

You still maintain that?---Yes.

25 Even though it didn't fall within the Council Policy?---The fact that I missed on a word "visiting" dignitaries, yes, based on that I suppose I shouldn't have claimed it but - - -

30 So the City shouldn't have paid you a few dollars shy of \$900, should they, back in 2017?---No.

35 Because I'm thinking, the benefit to the City having to foot those bills was absolutely zip, wasn't it?---With this one for the in-laws, yes, for Mr and Mrs Sutherland, I don't agree with that, but - - -

Who benefitted more from that meal with the Sutherlands, the City or you?---I think the City did. We had discussions about City issues.

40 Mr Adamos, really?---Yes, we discussed City issues and what's going on in the City.

Are you going to maintain the City benefitted more with it footing that bill than you did?---For sure, because - - -

45 Okay. Do you really want to give an explanation as to why you're saying that or shall we just leave it?---To try to get things done through the City, you need support of State Government on different issues. Speaking to the Speaker was

going to help that.

Of course. Meeting for a coffee, you could do that, couldn't you?---I can't claim coffees through the City of Perth.

5

Have him around for dinner at your place, you could do that, couldn't you?---Yes, I could do that

[11.15 am]

10

But you chose to take him out for an all expenses paid meal?---Because it was a City event. It was a City based - - -

So the information that you got from Mr Sutherland, how did that benefit the City? What happened?---I don't remember exactly what, this is some time ago but there were discussions around either issues about the City. That's what we would have discussed. That was our only connection.

15

You were friends?---We were friends as well.

20

So nothing really, nothing significant, by the sounds of it, the City got out of this, did it?---I think the City got the ear of a senior Member of Parliament and I think that's a good result for the City.

25

But the ear about what, though? You can't even remember?---I had plenty of meetings that I'd gone to.

Did you take notes of what arose from this dinner? Did you have a notebook with you?---No, I didn't, not at the time.

30

Nothing like that?---No.

It was all in your head, was it?---At the time, yes.

35

So you can't think of one single thing you put in place or recommended or did that arose from your discussions with Mr Sutherland that night?---Not today.

Or at the time?---I can't remember.

40

Would you be able to find out whether you actioned anything as a result of that? Can you think of anything - can you think of even just discussing with a fellow Councillor informally, "Met up with Mr Sutherland on Saturday night, jeez he's got some great ideas for the City. Let me tell you about some of them, I can't wait to bring this up at our next meeting. This is fantastic, it was money well spent"; anything like that?---Can't remember anything.

45

No, there was nothing like that, was there, Mr Adamos? Was there?---There was

benefits in me meeting with him, I just can't - - -

I'm asking you to just identify one?---I can't remember what they were.

5 I can identify one that's of benefit to you personally, because you didn't have to pay for a bill in excess of \$400?---No.

No?---No.

10 You can't think of any other benefits, other than the benefit to Mr Sutherland, to give him a free meal. Can you identify one benefit, no matter how small or insignificant to the City, as a result of this meal that the ratepayers paid for?---I think the benefit is having people in State Parliament that assist you moving forward with anything you have to get done with the City because the City doesn't
15 work in isolation, it needs to work with the State Government.

Mr Adamos, you had the ear of Mr Sutherland because you were a friend of his, didn't you? You didn't have to wine and dine him, isn't that right? That's right, isn't it?---That's how relationships start, that's how relationships work.

20 That's right, isn't it? As of 2017, you didn't have to invite him out to dinner to get his ear, you already had it, isn't that right?---Yes, but you have to maintain it. You have to continue the relationships, that's how businesses work.

25 I'm thinking the City achieved absolutely nothing out of that dinner because you were suspended in a matter of weeks later. That would be fair to say, wouldn't it?---Umm - - -

30 Wait a minute, I apologise. I've got my years mixed up, haven't I? This is 2017. Yes, a little over a year later. So there might have, but you can't think of any. My apologies. I've got lots of dates and things to remember, it can be tough. We discussed this, but I'm thinking you still can't think of any benefit apart from having the ear of someone you already had, I think, both ears of?---M'mm.

35 Elected Members were allowed an annual limit of \$13,360 for expenditure associated with travel and entitlements, is that your recollection?---I think so, yes.

With respect to the Inquiry's Terms of Reference and maybe a year or two before that, it was that amount?---Yes.

40 Does that sound about right?---It sounds about right.

It doesn't include costs associated with the use of the dining room, does it?---No.

45 But it included clothing, apparel, dry cleaning, personal presentation and incidental costs provided certain conditions were met, didn't it?---That's right, yes.

So it was provided that those costs were associated with a Councillor's attendance at Council-related functions and activities, does that sound about right?---That sounds about right.

5 And prior to 21 November 2017, there was no annual limit on how much a Councillor could spend on those things such as clothing, apparel, dry cleaning and personal presentation and incidental costs provided it related to Council functions and activities, did it?---I think that there was a limit over the whole policy. It wasn't allocated against individual items.

10 What I'm saying is, prior to 21 November, the \$13,360 covered if a Councillor wanted to travel interstate or overseas for a Council-related conference and function, and then it also included costs such as taxi fares?---That's right.

15 Even baby sitting fees if Councillors were young enough to have kids. I think one was fortunate enough to have, maybe two. Then a clothing and apparel and dry cleaning and personal presentation and those sorts of thing?---That's right.

20 Related to Council functions and activities. So it was at \$13,360. We have heard evidence and if you don't remember, that's fine, but on 21 November 2017 a policy was introduced so that the limit to clothing, apparel, dry cleaning, personal presentation and incidental costs was limited to \$3,000 per year?---Right.

25 Do you remember that?---Yes, I remember that.

But prior to that, if a Councillor wanted to, theoretically, they could not travel to any conferences or seminars or presentations, and they could spend the entire \$13,360 just on clothes, if they wanted to, provided those clothes were related to Council functions and activities?---That's right.

30 So that limit to \$3,000 per year, do you think that was a reasonable limit?---It depends how busy you are with the City of Perth.

35 So do you think it's a reasonable limit or not?---In my case, it wasn't.

It wasn't in your case?---No.

40 This limit wasn't introduced until four months before the Council was suspended?---Mm hmm.

So you think \$3,000 for clothing, apparel, dry cleaning, personal presentation and incidental costs related to the attendance at Council-related functions and activities wasn't enough?---No.

45 You thought it should be more?---Yes.

How much did you think it should be?---Not \$3,000. I don't know what number I

was thinking after but not \$3,000.

Did you vote against this reduction?---I don't remember. I think I did support it in the end.

5

Because of the decision made by the team or what?---No, because it was probably only me and one or two others that thought it should be more.

How much did you think it should be?---I don't know, I just think it should have been more. It depends on how busy you were.

10

What do you mean "how busy"?---For example, there was one period during March I was out of the house 20 nights straight and I had meetings on all through the day from 7 am. So for somebody who's doing Council business for 20 nights straight and having a number of events through the day, personal presentation would require more.

15

Personal presentation for what, though?---For clothing if there's more events to go to.

20

Have your claims for clothing, apparel and dry cleaning always been in accordance with the requirement that it be associated with Council-related functions and activities?---Yes.

You're absolutely certain of that?---Yes, I am.

25

Madam Associate, if we could have a look at 18.0079, please. TRIM number 19260, sir.

COMMISSIONER: Thank you.

30

MR URQUHART: This is another Council Policy, Mr Adamos and this one was amended on 21 November 2017 and that would be with respect to that limit on the clothing, et cetera, allowance which you thought wasn't enough, however, the definitions have always remained the same. If we just look at the bottom of the page there, this is what an authorised function is for the reimbursement of expenses:

35

An Elected Member attending or performing a role in an official capacity in the following circumstances: ordinary and Special meetings of Council, annual and special meetings of electors -

40

And over the page, thank you, Madam Associate. I don't want to read them all out but there's:

45

Meetings, briefing sessions, forums, meetings of external committees and ratepayers' associations, et cetera, civic receptions and events

conducted by the City, invited guest by a City of Perth stakeholder in their capacity as an Elected Member, or as an invited guest at a civic reception or event conducted by an adjoining Local Government.

5 So is that your understanding of what the Council-related functions and activities were?---Yes.

Is it your view that even if you wear an item of clothing to just one Council-related function or event, then you can legitimately claim the cost of that item?---Yes.

10

Even if you already had an item of clothing that you could have worn?---It depends on the item of clothing, it depends where you're going, yes.

15 So why would it depend on the item of clothing?---You often had to represent the City at different events and sometimes going to the same thing in the same clothing more than once is probably not always the right thing to do.

So something like a suit you're talking?---Yes.

20 Shoes even?---Shoes, yes.

Proper work shoes. Ties even?---Yes.

25 Business shirts, that sort of thing?---Mm hmm.

25

I can understand all that. So that would be more official functions like committee meetings and that sort of thing?---Mm hmm.

30 What about casual gear? What do you think of casual gear that you could wear to a function that falls within those definitions?---It depends.

Let me finish. If you already had that casual gear, there wouldn't be any need for you to buy new casual gear if in fact this was just going to be a one-off occasion, would you agree with that?---No, I don't know what you're referring to specifically.

35

I'm not referring specifically to anything, Mr Adamos, just speaking generally. You've identified, it depends on the situation, we have gone through suits, shoes, ties, business shirts, maybe even cufflinks, man bags even, those sorts of things, and items to take your papers in, a little folder like that you can claim for the meetings. What about sort of a one-off event in which it's a casual event and there's - you've got plenty of clothes you could wear to that, do you think you would be entitled to buy new clothes for that?---If I don't have clothes for it, then yes.

40

45 No clothes that you could possibly wear to the event, yes, you would have to, wouldn't you?---Yes, if there was something that was more appropriate.

Like a fancy dress, something like that?---Possibly, yes.

An event where you can just wear your casual clothes, you'd have casual clothes at home, wouldn't you?---Yes, I would.

5

I want to take you now, please, to 970, so that's 18.0970, thank you, Madam Associate. Very small lettering there, let me see if I can find my hard copy and we will have a look at it. Do you recognise what that is? That's a claim for reimbursements, isn't it, or at least a record of it, do you see that?---Yes.

10

I can assure you that this is a table representing reimbursements that you were seeking in July of 2016?---Mm hmm.

15 And the top one I would like to draw your attention to. We know it's yours because in the top left-hand corner there, do you see there, Cr Adamos?---Yes.

[11.30 am]

20 "Cost code. Date, 23 July 2016. Reimbursement for clothing. Supplier: Myer Perth City. LM rep", that stands for Lord Mayor representative "at WA Today Swan River Run, 24 July 2016"?---Mm hmm.

Cost, \$400, do you see that?---Yes.

25 Was this an occasion when you had to replace the Lord Mayor as an event?---Yes, I did.

And this was the, as it says, the Swan River Run on 24 July?---Mm hmm.

30 It was some sort of fun run, was it?---That's right.

Did you run in that?---No, I didn't.

35 Could have you, if you wanted to?---I guess I could have.

But you had well and truly decided that you weren't?---The purpose of me attending that was not to run in the race.

40 No, and they are not much fun either, are they? So you weren't going to run. So what were you going to do?---I was there to represent the Lord Mayor and officiate over the race.

Is that all? What were you to fire the starting gun or something?---I think that was I ended up doing and I think I gave out medals, I did a speech.

45

You didn't have to wear a suit to that, did you?---No.

Can you remember what you wore?---I remember I got the briefing sheet from the Lord Mayor's office.

5 The question is, can you remember what you wore?---Yes, I wore a track suit top, some running shoes, track suit bottom, and a top under that.

Did you get - obviously those clothes would have been in your wardrobe?---No, I bought them from Myer.

10 The question is, those type of clothes would be in your wardrobe?---Those type of clothes might be but I didn't have any running shoes.

Did you have just sneakers?---I've got some old dirty sneakers but not appropriate to wear to an event like that.

15 What do you wear casually? What shoes do you wear?---I just wear casual shoes, they are not real running shoes or exercise shoes.

20 But you weren't running?---No, but I needed to have shoes that are appropriate to that event.

Did you have a pair of pants that were appropriate for that event?---No.

25 Seriously?---Yes. I had casual pants but nothing that - - -

Casual pants?---Nothing to suit what was on that briefing note.

30 What was on the briefing note?---From memory it was something about active wear or something like that.

You didn't have any active wear?---No, I didn't do any exercise.

35 What are your hobbies? Do you play golf?---I used to many years ago but nothing the last 10 years.

Do you still have your golf clothing gear?---No, I probably don't.

Probably don't? Didn't check?---No.

40 Am I right in saying that you spent \$400 on a pair of Nike shoes, a pair of track suit pants, a training fleece top, just an ordinary T-shirt and a pack of socks?---Mm hmm.

45 Really?---Yes.

And you needed all those items to attend this event?---Yes, because I was putting on an outfit. I was getting everything - - -

And you didn't have a single item regarding socks, shoes, pants, long sleeve top or a short sleeve top that you could wear from your wardrobe?---When I went to Myer that night - - -

5

That's the question, is the answer yes or no?---I may have had something, yes.

So why didn't you wear that?---Because it wasn't appropriate. This was an official engagement. The things I had at home were not of the standard or the quality that I should be wearing to an event like this.

10

It's a fun run, everyone's in shorts and a singlet?---But I was representing the City of Perth.

15

Yes, and you reckon you couldn't find any appropriate gear in your wardrobe to wear as a representative of the City of Perth?---No, not to represent the City, up there on the stage, doing a speech, doing - just trying to represent the City appropriately.

20

Mr Adamos, really?---Yes, really.

You really maintain?---Yes, I really do.

25

You didn't have a shirt that you could wear?---I've got old track suit pants at home and they are full of balls on them and stuff, I couldn't wear those out there.

You couldn't wear casual pants?---No, it was - - -

30

Why not?---I just thought I had to dress in something more appropriate to what the event was.

Why?---That was my thought at the time.

35

But why did you think that? Why did not think you could attend, given that you weren't running, in some just shoes, pants, a shirt and a jacket, sports jacket. There you go, you get your sports item there. You had sports jackets, didn't you?---Yes.

40

You could have worn those, couldn't you and no-one would have said, "Why on earth is Councillor Adamos wearing that? He's representing the City of Perth and he's turned up in that", they wouldn't say that, would they?---I don't know.

Really?---Yes.

45

You think someone would say if you'd turned up in like a shirt you've got on now and a sports blazer and smart casual pants and shoes, that people attending the run would say, "Oh, look at that attire on Councillor Adamos, what a disgrace"?---I don't think so.

No, they wouldn't have done that, would have they have? You could have quite easily have worn that outfit, could you not have?---I could have but I was trying to dress appropriately for the day.

5

Let me ask you this: if you had to fork out your own money for all these items, at the cost of \$400 in order to attend this event, would have you done that?---I don't know.

10 Again, something I also said in my opening address is that if someone says, "I don't know" to a question that clearly they would know the answer to, then I was going to ask it again, so I'm going do that again now. You wouldn't have, would have you, and to save a lot of time, I will give you one chance to answer that. You would not have bought these items with your own money if that is what you had to do?---I don't know what my financial circumstances were at the time. I might have
15 paid for them myself, I might not have, I don't remember.

You certainly would not have. You would have worn the shirt and the blazer and the casual pants and the shoes, wouldn't have you, bearing in mind, Mr Adamos,
20 you did absolutely no exercise whatsoever on this particular day? So can you just truthfully answer the question and we can move on?---I would probably have bought something. I would have bought something to appear at this event.

What would have you bought?---Probably something similar. I would have bought
25 maybe track suit pants, gone with a T-shirt. Maybe I would have worn an older jacket or something else I had but I still would have bought something because I didn't have anything I needed to go.

You wouldn't have spent \$400, would have you?---May not have.

30

Definitely not? Definitely not?---M'mm.

Is that right?---I may have spent 4 - - -

35 Look - - -?---I don't know.

Mr Adamos, you got reimbursed for all this, there was no questions asked. It was all paid over so I'm not accusing you of claiming something that you should not have claimed. I will put it in this way: given what we have gone through now, do
40 you think you buying all these items at the ratepayers' expense would pass the pub test?---Clearly in the media they haven't, because the way it's been reported, no.

Mr Adamos, I'm asking you. I'm not asking what the media thinks, I'm asking you. So can you answer the question and if you're not going to answer, I'm going to sit
45 down and let somebody else try?---Well, no.

It wouldn't pass the pub test, would it?---Possibly not, no.

Definitely not? Definitely not, you know that, don't you?

5 COMMISSIONER: Mr Adamos, you have to give an answer?---I think \$400 is reasonable for those items.

Would it pass the pub test?---Would it pass the pub test?

10 In your view?---Probably not.

MR URQUHART: I said to you, isn't the more truthful answer definitely not?---If you want to say it, I'd say definitely not but - - -

15 I want the truth from you, Mr Adamos, as I've been imploring witnesses all week. Just tell the truth, please just tell the truth?---I am telling you - - -

In your view it definitely would not pass the pub test, would it?---No.

20 COMMISSIONER: Mr Adamos, I'm concerned about the length of time it's taken to get that answer from you, after questions from Mr Urquhart and then questions by me?---I'm sorry.

25 That is unnecessary and from this point on, please, I would like you to respond directly to counsel's questions, do you understand me?---I do.

Will you do that?---I will.

Thank you. Mr Urquhart.

30 MR URQUHART: Thank you, sir.

What clothing of yours do you say entitled you to have dry cleaned and then reimbursed by the Council?---I just wore suits and shirts.

35 Suits and shirts?---Yes.

Are you talking about the business shirts that you wear to Council-related functions?---Yes.

40 On average, how many Council-related activities or functions would you attend each month?---A lot.

45 On average. I know you've spoken about the 29 days straight, but on average. I'm thinking no-one would be an Elected Member if they had to do that many functions over a month, so just on average?---I'd say on average on a year, it wouldn't be unusual that I would go to 500 different events.

No, each month?---60.

60? So a month is 30 days, you're going to two functions every day?---Sorry, no. Probably about 30-40 functions a month.

5

So again, that is more than one function on average every day?---That's right.

Really?---Yes.

10 How do you keep down a full-time job?---I was doing some consulting at the time and it was difficult to keep down a full-time job.

Let's go through them then. We have got an Ordinary Council Meeting, that's only once every four weeks, isn't it?---Mm hmm.

15

You've got committee meetings?---Mm hmm.

You were on how many committees on average, two or three?---Probably three.

20 So that's another three meetings per month, right?---Yes.

So we have got four, we need to get another 36 or so?---Yes. I was on a number of boards.

25 Yes. For example, for those things though, some of these meetings would be on the same day, wouldn't they?---Some would be on the same day, yes.

So number of boards, is another three or four a month?---There was the City of Perth events that we have to attend in the evenings.

30

No, I'm just staying with boards for the moment, three or four a month?---Probably three or four a month, yes.

Then City events, is that the balance?---Yes, City events, there was lots of those.

35

But not one every day?---Maybe not one every day but some months there was one every day, there was more than one every day but on average it would be one every day.

40 But you would wear the same clothes though, to those events during the day, wouldn't you?---If I was going to one every day I would just wear the same clothes, yes, unless there was something different in the evening.

45 So you certainly wouldn't have a Council event on every single day?---On average, I would have.

You wouldn't have, you would not have, is that right?---No, I would have.

You would have, okay, because at this stage we have got eight events every month. You've said 40, so we have got 32 other events over the course of a month, and we will just use 30 days?---This is just an average though.

5

So that's more than one a day and you've just told me it's not, you wouldn't have more than one a day, so therefore it's less than the 40 you've estimated every month?---Okay.

10 It's an Inquiry, Mr Adamos, we will go into the minutia if necessary?---Mm hmm.

That's what I'm doing because I think 40 is just a gross exaggeration?---Okay.

15 And now we are going through it a bit more carefully, that's correct to say, isn't it?---No.

No, you maintain that you would be able to tell us that you would attend 32 other events, apart from those ones we have just gone through, in a month?---Yes, on average.

20

Remember you've told us you wouldn't be doing one every day, so the maths don't work?---Some days I would be doing one every day, some days I would be doing maybe two a day and nothing on the next day but on average it would be one a day

25 [11.45 am]

You said that you would get suits dry cleaned and shirts?---Yes.

Ties?---Sometimes I would, yes.

30

And the shirts, they could have been easily washed at home, couldn't they?---They were washed at home but they weren't being dry cleaned, they were being ironed.

35 So you took the shirts along to be ironed?---Yes, so I washed them at home and then took them to be ironed.

Does that fall within the definition of dry cleaning, does it?---Dry cleaning, ironing, it was a laundry service.

40 The question was, does it fall within the definition of dry cleaning?---Probably not all the time, no.

45 No, it doesn't, does it? Why do you think you're entitled to have your shirts ironed?---Because that was the - I understood that to be part of the policy, cleaning and laundry. Laundry is ironing.

I stand corrected, but I think it's just dry cleaning, because otherwise Councillors

could employ their own housemaid to do all the laundry for them. I think it says dry cleaning?---Okay.

5 So if it was confined to dry cleaning - we can check - then you wouldn't be able to claim reimbursements for ironing, could you?---No, but I took it as laundry, so I thought you could.

10 Again, this is policy, didn't you check the policy?---I did check the policy. If I misunderstood it, I'm sorry, but I took it as the ironing/dry cleaning was all part of the same service.

15 I can assure you, some checks will be made, Mr Adamos, but we have reached an agreement though that if it just says dry cleaning and not laundry or ironing, then you weren't entitled to claim it?---Okay.

Is that your evidence?---Sorry, can you ask the question again?

20 Yes. So if in fact the policy simply confined the reimbursement to dry cleaning, then ironing doesn't fall within that definition?---If that's what the policy says.

25 Although, in fairness to you, I think it does say "incidental costs relating to Council-related functions", would you say that ironing falls within that, or maybe not? It's interpreting it a bit broadly, isn't it?---I don't know, I would put it through that. I didn't think it was not going to be covered.

30 I'm going to show you some of the receipts that you sought reimbursement for?---Mm hmm.

35 And every item that you've claimed on these receipts, you were reimbursed?---Mm hmm.

40 So I'm going to start with some receipts from April of 2016. Madam Associate, if we could go, please, to 18.0866. Not the best of copies but this is what we are stuck with. Firstly, we will look at the one in the middle and the date there is March 31, 2016?---Mm hmm.

It's the Swiss Clinic AU trading as Jack's Wash House?---Mm hmm.

45 In Station Street, is this the laundry you used?---Station Street's not right, it was in East Perth.

Station Street, is that the one you used?---That's the one I used, yes.

Jack's Wash House?---Yes.

45

Did you know the owner of that store?---Yes, I got to know the owner.

You got to know the owner?---Mm hmm.

Because you were there a lot?---Yes.

5 So this is one on 31 March in the middle of the page. It's for 13 shirt, polo shirt, top, singlets, each \$4, price, \$52?---Mm hmm.

Are you saying that's ironing?---That was probably ironing, yes.

10 You're saying it just would have been your business shirts?---That's right.

Any polo shirts?---No.

Any tops?---No.

15

Any singlets?---No, they only took shirts.

So we had the 13 business shirts there on 31 March. They are all yours?---Yes.

20 You're certain about that?---Positive.

When you went and collected those, you had your 13 shirts?---Mm hmm.

25 How many shirts did you have all up, in the business shirts?---You mean in my cupboard?

Yes, the shirts that you wear for Council meetings and the like?---I may have had 15 or so.

30 15?---Maybe more. I don't know, there's different shirts for different events.

So the next one I want you to look at is on the left-hand side, 13 April 2016?---Mm hmm.

35 14 days later, two weeks later, there's another eight shirts that have been submitted for a cost of \$32?---Mm hmm.

Again do you see, "8 shirts, polo shirts, tops, singlets"?---Yes.

40 Again, that would have been eight business shirts?---Yes.

I just want you to bear those dates in mind. We are now going to go to 865, please and the one on the right-hand side, please. This is 22 April, six days later and you are submitting five shirts, polo shirts, singlets, do you see there?---Mm hmm.

45

For \$20. There's a line through an item there and it's very hard to make out but I am quite confident it says, "Children's jacket, navy"?---Right.

And it's been crossed out?---Yes.

Because you couldn't claim that, could you?---That's right.

5

So any item of clothing that you might have got dry cleaned that belonged to your children, you certainly couldn't claim that?---No.

That's why you put a line through it?---Yes.

10

That's 22 April. Now we go to - so you've got five shirts as at 22 April, at least, freshly ironed. We now go to 28 April which is the item in the middle of the page. So this is six days later, you've got another eight shirts, polo shirts, tops, singlets, do you see that?---Mm hmm.

15

For \$32?---Yes.

So that's six days later, and then five days later, if we go to the third one, there's another seven shirts, polo shirts, tops, singlets. You're saying these are all your business shirts that you wear for Council-related events?---Mm hmm.

20

It's come to \$28. Then we go back, if we could now, Madam Associate, to 866, and we look at the one on the right-hand side which we didn't look at earlier, so that's on 14 May, another six shirts, polo shirts, tops, singlets but you're saying they are the six work shirts for \$24?---M'mm.

25

So for 20 days from 13 April and bearing in mind you had 13 shirts done on 31 March before that, so from 13 April to 3 May you've had 28 shirts dry cleaned?---Yes.

30

Over less than - about three weeks?---That was probably the period that, as I said, I was out 20 days straight. That was probably around that time.

So that's unusual period then, is it?---Yes, it was and also, I wasn't dropping off shirts as soon as I've used them. I would let them pile up or if I was driving down, I would just go drop off two or three or sometimes I let them pile up. So they were over a related timing.

35

So that was a particularly busy period?---M'mm.

40

I gather then you would be able to provide us with records of each Council event you attended between 13 April and 3 May in 2016?---Yes.

You would be able to do that for us?---I don't have a copy of my diary in front of me but - - -

45

What sort of diary did you keep in 2016?---I kept - it was the City of Perth one,

yes, that was it. I might have kept a few dates on my phone.

So the City of Perth one, that is a hard copy diary?---No, it's an electronic one.

5 Electronic, and have you got access to that?---Not at the moment, no.

But you do have access to it if you could?---Sorry, now?

10 Would you have access to it after you've given evidence, hopefully today?---If I can get to it, yes.

That would be good. Would you provide the Inquiry with information relating from your diary entries for that month?---Yes, if I can get access to it.

15 Which was a particularly busy month?---From my memory, I remember it was March, I don't remember what year, but I'm putting it down to, it was around that in March when I was particularly busy.

20 So that was by far your busiest period for 2016, was it?---If it was 16 or 15, I don't remember what year it was but I remember there was a period that was during March, I was out most nights for pretty much 20 nights straight, but also, with these receipts, when they have been - when I'm dropping them off, they are not all
- - -

25 Any other really busy periods that year?---I'm not sure, I can't remember.

But March stands out, does it?---March does stand out. I don't know if it was that year or another year.

30 So that's 28 shirts over a three week period, okay?---Mm hmm.

35 That's one and a third shirts a day. You wouldn't be getting dry cleaned on average two shirts every day, would you, over a period of time?---Sometimes I may have because I might have changed at the end of the day to go to another event in the evening.

40 So over the course of 16 days you would be wearing every day, on average, two shirts a day in relation to Council activities?---I may have, but as I said, these receipts weren't always applicable to a period of time. They were just, because I had shirts at home, they were sitting in the wash basket, they were being dealt with. I'd drop them sometimes, sometimes I wouldn't drop them off.

45 Getting back to this, it's highly unlikely, though, isn't it you would be wearing two shirts related to Council activities every day over a period of more than a fortnight?---No, sometimes I did.

Sometimes you did, but we have already identified, as I understand, the busiest

period for you in 2016. Do you know where I'm coming from here? I'm going to show you some laundry receipts for also that year, 2016?---Okay.

5 Mr Adamos, before I do, are you absolutely certain that every item that you claimed to be dry cleaned, be it ironing or dry cleaned, was a legitimate item for you to claim?---Yes, from my memory, yes. Every time I put those receipts in, from memory they were always shirts.

10 And you crossed out those items in which it was clear they did not belong to you?---That's right.

You're absolutely adamant on that?---I'm sure of it, unless I missed one.

15 You would carefully check, wouldn't you?---I would carefully check
[12 noon]

20 Madam Associate, if we can go to 996, please. We have got three receipts there, all thankfully this time, in chronological order. 27 September, 10 October, 13 October?---Mm hmm.

25 27 September you've submitted and got, it would seem, ironed, 10 shirts. 13 days later, the second one, 10 October, you've got another nine and then just three days later, you've got another 13 shirts either ironed or dry cleaned. 32 shirts over 16 days, can you see that?---Yes.

30 Not every single one of these shirts was worn for a Council-related function or activity, were they?---Yes, they were, but some of those shirts may have been from a period before that.

You maintain that, do you?---Yes.

35 There's an awful lot of shirts in the ironing basket between 10 October and 13 October, wasn't there?---Yes, there was.

You had to take nine on 10 October and another 13 on the 13th. Let's just stay with that for the moment. How could you have possibly - obviously you would take all the shirts that needed to be ironed on the one occasion?---Yes.

40 So based on that, you took all the shirts that needed to be ironed from the ironing basket on 10 October but three days later there's another 13. From what you're saying, you used 13 shirts in Council-related activities between 10 October and 13 October?---But some of them may have been there from before that. I may not have always washed them or taken them all on the first occasion.

45 Still, it's 22 shirts over the course of three days, bearing in mind you already had 10 done less than two weeks earlier?---M'mm.

I'm not an accountant, Mr Adamos, but the maths don't add up to me. Do they add up to you?---When you put it that way, no, they don't, but as I say, I don't know if they were the shirts from those particular weeks or prior.

5

I'm just suggesting to you on the face of it, it looks like you're getting shirts either dry cleaned or ironed that weren't related to Council activities?---No.

No? So on your version, the maths don't add up, do they?---No, they don't.

10

I'm going to give you another opportunity, Mr Adamos, to answer this question: did you make claims for dry cleaning and/or ironing for items that you weren't entitled to claim?---No.

15 I'm got more receipts to show you. Bearing that in mind, do you still maintain your evidence?---I do.

You do?---Sorry, yes.

20 You do?---Yes.

Madam Associate, 823, please. This is another receipt that you claimed reimbursements for which the City paid, for some extraordinary reason, but anyway, we will look at it first. 12 October 2015, two children's jackets, two children's pants, one child's vest, total of \$46. The records show you were reimbursed for that dry cleaning bill?---I shouldn't have been.

25

They shouldn't have even been claimed for, should have they?---No, they shouldn't. I don't know how that got in there.

30

Because you submitted it, Mr Adamos?---I know, but as I did with the other receipt, I put lines through when things weren't applicable.

That's right, and in this instance here, this is a receipt that doesn't even relate to any items that could possibly be yours?---That's right.

35

It only relates to your children?---That's right.

Let's see if I can work this out. These are items of school clothing for your two boys, aren't they?---Right, yes, it would be.

40

So it's 12 October 2015 and the school for term 4 started that day. Correct me if I'm wrong and it's a long time since I was at school, but schools change into summer uniform at the start of term 4, didn't they?---I would say so, yes.

45

So these are the jackets and pants that your two boys wore as part of their winter uniform, it seems?---It seems that way.

So you've taken to the dry cleaning, your two boys' school jackets, their school pants, it looks like one of their jumpers, to be dry cleaned, which you've then claimed?---Yes. Honestly, I'm shocked. I can't believe that's there.

5

The counter argument to that is well no, because we have established that you weren't adhering to the Council Policy with respect to the dining room and so this is just another example of you not adhering to the Council Policy?---No, that's definitely not. This would have been an oversight.

10

It is, you're not adhering to the Council Policy because you couldn't possibly be allowed to claim for these items?---Would I never have put this in if I - I know I wasn't able to claim this.

15

But you did, you claimed it as a separate item for reimbursement?---I can't believe I did that. It was honestly an oversight, it wasn't - - -

20

How could it be an oversight? It says "Two children's jackets, two children's pants, one child vest"; how can it possibly be an oversight?---The Council should have knocked it back and said, "Are you sure about this?"

Yes, you keep on blaming Council - - -?---I'm not but - - -

25

These are questions that no doubt will be asked of other employees of the City. I'm asking you why it was that you claimed this in the first place?---This is a total surprise. It's a mistake. I don't know why I claimed it.

30

Following that, you saw that that got through to the keeper as it were, and therefore you started making claims for items for other members of your family, didn't you?---No.

35

Because this is in 2015, it got through to the keeper, you were reimbursed and then you started getting an awful lot of items either dry cleaned or ironed in 2016 and I've taken you to two periods for that following year?---No.

It seems to all tie together though, doesn't it?---Definitely not.

But it all seems to tie together though, doesn't it?---No, it doesn't.

40

You've tested to water to - - -?---No.

- - - see if this got through, it did and so thereafter at times in 2016 you were submitting more items - - -?---I can't explain.

45

Let me finish - more items that you were entitled to be reimbursed for, yes?---No.

But it seems like that, doesn't it?---No.

It seems like that, doesn't it?---Not to me. This is a mistake. This is not - - -

No? You looking at it objectively?---It might seem like that.

5

It seems like that, yes?---But this is a mistake.

Of course it's a mistake. That's not even in dispute. It's a mistake that you made and it's hard to see how it could be accidental, isn't it?---I don't know.

10

It's hard to see how it's accidental, just on the face of it, just reading the document?---It is accidental. I don't know how.

It's hard to see how it can be accidental?---Can you show me the claim form of what I put on top of that.

15

I'm not asking you a question about that, I'm just concentrating there on the receipt?---Okay.

20

It's hard to look accidental, isn't it?---It's accidental, that's all I can say. I can't believe that receipt's there. I would never have submitted that receipt but obviously it must have got caught up - - -

You did submit that receipt?---It must have got up with some other receipts I put in at that time.

25

You didn't check?---Obviously not.

You didn't bother about checking?---Normally I would hand the receipts in and the funds would go to my account and I wouldn't think about checking after. So once they were sent off to the Resource Officer, I never checked them after that.

30

These items weren't ironed, were they?---Sorry?

35

These items weren't ironed, were they?---No, obviously not.

They were dry cleaned?---That's right.

So what other items were you getting dry cleaned?---Just suits.

40

So again, would you go in and you would pick up your suits that had been dry cleaned, you wouldn't mistake your suits for your kids' jackets, would you?---No.

Or your kids' pants?---No.

45

Mr Adamos, the total amount reimbursed for dry cleaning for you between the Terms of Reference, that's 1 October 2015 and 1 March of 2018, so it looks like

dry cleaning actually should mean ironing, so the total amount reimbursed for the City to do your ironing came to \$2,889.79. That's on average, a fraction under \$100 every month?---Mm hmm.

5 Would I be right in saying you wouldn't have spent that much on your ironing if it had to come out of your own pocket?---No. We are a very busy household. Me spending \$4 on a shirt to have ironed or dry cleaned or whatever I ended up having
- - -

10 So you would have?---Yes.

You would have spent nearly \$3,000?---Probably.

15 Over a two and a half year period or less?---Yes, I'm sure I would have.

For the two financial years ending 15/16 and 16/17, you were reimbursed just shy of \$11,000 for clothing and dry cleaning?---Mm hmm.

20 Do you think that is a reasonable amount to be reimbursed?---Given all the work I was doing for the City, yes.

Mr Adamos, I want to move on to another area now. Who do you understand is entitled to vote at City of Perth elections?---People that are on the electoral roll.

25 Yes, and who are they?---Residents from the City of Perth.

So people who live within the precincts of the City of Perth?---Yes.

30 They should be entitled to vote, shouldn't they?---And people who have a business in the City of Perth.

And people who have a business within the City of Perth?---Mm hmm.

35 So one, the residents, they go on to what's called a residents roll, is that right?---That's right.

And then the people who own or lease businesses within the City of Perth, they go on the owners occupier roll?---That's right.

40 Is there a provision to your understanding of whether companies can have a right to vote?---Companies can't but they can nominate two directors.

45 Tell us about that. So a company, how can a company be able to have two nominees to vote on its behalf?---So a company would nominate two people for it to vote on its behalf.

What sort of connection did the company have to have with the City?---It needs to

lease a space in the City or own a space in the City.

It needs to own - - -?---Or lease.

5 - - - or lease a space. This is all set out in the Local Government Act, isn't it?---I think so, yes.

10 What do you think the intent of the Act is to allow such companies to have a say by right of two nominees voting?---Because otherwise companies who are large stakeholders in the City wouldn't get a say.

Large or small stakeholders?---Both.

15 And it's because these companies have a vested interest in the City of Perth, don't they?---That's right

[12.15 pm]

20 They invest capital into the City?---Mm hmm.

They do, don't they?---Mm hmm.

If they own property, they pay rates?---Mm hmm.

25 And if they are tenants and leasing property, they are providing capital that way, aren't they?---Yes.

And you've got to answer with a yes or no?---Sorry, yes.

30 And also they provide capital as well by way of your parking and buying lunch?---Yes.

And buying dinner, if they weren't going to the Council room, of course but that way, sort of thing. So there's capital coming into the City?---Yes.

35 So that's the intent of the legislation, isn't it?---That's right.

Should companies be allowed to have nominees if all they have done is be part of a sham lease? Do you think they should be entitled to vote?---No.

40 When I say sham lease, I mean a lease drawn up for a ulterior motive and not drawn up for what they are supposed to be?---Yes.

Do you agree with that?---Yes.

45 So a lease drawn up just simply to enable a company to nominate two nominees?---That's right.

That's entirely inappropriate, isn't it?---That's right.

5 We have heard a sort of like example this week, haven't we? Have you been following the evidence?---Yes, I have.

You've read about, or followed Mr Yong's evidence?---Yes, I saw that.

10 Regarding the lease that he had drawn up to enable him to run as a candidate?---I saw that.

What's your view on that?---It's not appropriate.

15 Nor would it be appropriate for a company to be part of a lease for the purposes of getting two votes for the City of Perth, do you agree with that?---Yes, I do.

Have you ever done that?---No.

20 You haven't?---No.

Prepared a lease for a company so they can get two nominees onto the electoral roll?---I've prepared a lease for a company, yes.

25 Have you ever done that? Have you ever done that, prepared a sham lease?---No, I haven't prepared a sham lease.

No?---No.

30 You haven't prepared a lease for a company so they can get two nominees onto the electoral roll?---Not for that purpose.

That wouldn't be very ethical, would it?---No.

35 Or appropriate, as you've already agreed?---That's right.

Because in your election candidate profile for the 2015 elections, which I've taken you to, you did promote yourself as a trustworthy, reliable person, didn't you?---That's right.

40 Worthy of a position on Council?---That's right.

And you actually portrayed yourself as a highly ethical member of the community?---Yes.

45 Because you refer to the fact, I think, you were a trustee of various trusts and things of that nature?---That's right.

And you referred to the fact you were an accountant?---Yes.

So have you ever manipulated the provisions of the Local Government Act so as to provide for a company to nominate two persons to vote on its behalf?---No.

5

No? A company that you're related to?---No.

You're certain about that?---Yes.

10 Do you have a family investment company?---Yes, I do, called East Perth Investments.

Pty Ltd, is that right?---That's right, yes.

15 Did you place a nomination form on behalf of that company?---Yes, I did.

So as to get two nominees?---I did, yes.

20 Do you still maintain your evidence that you have haven't manipulated the system in order for a company to get two votes that it really should not have been entitled to?---No, that company was - - -

You still maintain that evidence, do you?---Yes.

25 I'm just giving you an opportunity?---Yes.

Thank you. Madam Associate, could you go, please, to 8.1039. TRIM number, sir, 21607.

30 COMMISSIONER: Thank you.

MR URQUHART: Once again, Mr Adamos, I've done this before but I can assure you that personal details there are have been suppressed, they are not allowed to be published?---Okay.

35

So that's why there's been no redactions done there because the media are fully aware of it and if they are not aware of it, I have now reminded them of that fact?---Okay.

40 So is this your handwriting?---Yes, it is.

So this is you nominating your family investment company, East Perth Investments Pty Ltd, do you see that?---Yes.

45 And then you give an address for the rateable property?---Yes.

And the postal address of the rateable property?---Yes.

And again that's - we already know because we heard you give evidence as to where you live?---Yes.

5 As your residential address?---Yes.

Yes?---Yes.

10 Sorry, you've just got to give an answer instead of nodding your head?---Yes, sorry.

I'm not being rude or anything, it's just for the purposes of the transcript?---Okay.

15 Thank you. Now if we go over to the next page, 8.1040 and we can see that the first nominee that you've provided is Arthur Adamos?---That's right.

Is he your older brother?---Yes, he is.

20 Again, the same thing applies as applies to your address and personal details?---That's fine.

Is that your handwriting?---Yes, it is.

25 And then he's signed it, has he?---Yes.

On 26 August 2017?---That's right.

30 Is that just before the rolls closed for the elections that year?---I don't remember. I don't remember.

Is it around that time, end of August?---Yes, probably.

35 So if the form was sent off shortly after that date, it would be in time, you would believe for your brother, if he wanted to, to vote in the 2017 City of Perth elections?---That's right.

Of course, you weren't contending those elections, were you?---No.

40 But there are members of your team that you've identified in your 2015 profile, there was at least one member there who was running, wasn't she?---Sorry, which member was that?

The Lord Mayor?---No.

45 Am I wrong there? Maybe I'm wrong there. No, it's 2015, but there certainly would have been some members of your team that were running in 2017?---No.

Let's see. Councillor Yong, he was running?---Right, yes.

So he was at least one member of your team. Then you have completed and signed the bottom half of that page as well?---Yes.

5

So now we go to 1041 and is this your sister-in-law?---Yes.

Given the address there, they are well outside the precincts of the City of Perth, aren't they?---That's right.

10

Did they hold any - did they own any property within the City of Perth?---No, but it didn't have to be to be a nominee.

Yes, I know that. And they didn't lease any property themselves individually within the City of Perth?---No.

15

So the only way they could vote would be if they were company nominees?---That's right.

20

How was it that you were able to nominate your investment company? The reason why I ask that is if we go to the first page again, 1039, right in the middle of the page, you haven't ticked the "Occupiers' only" box. Do you see that? You haven't made a tick as to whether the "corporate body does or does not have a right under a lease, tenancy agreement or other legal instrument to be in continuous occupation of that property for at least the next three months"?---Right, okay.

25

How was it, do you say, that your investment company was entitled to nominate?---It had a right under a lease.

30

It had a right under a lease?---Yes.

What part of the City did this lease apply to?---To an office in my home.

Sorry?---An office at my home.

35

At your home?---Yes.

Why did your family investment company have to lease an office in your house?---So, East Perth Investments was a corporate trustee of the family trust, of the J&H Trust. The J&H Trust was set up to - initially to run a cafe that we owned and also to collect income from another trust distribution.

40

Yes?---So that trust and the company is still in existence and they are still collecting income from the other trust.

45

Yes, okay?---So we ran - it was basically a home office that we ran down on the ground floor for it.

Would you like to answer my question now?---Sorry, I misunderstood. What was the question?

5 Why did you have to have a lease in those circumstances?---Because I originally set up a lease way before. It wasn't recently, it was at the time when we had the cafe and I set the lease up so I could apportion a portion of the costs of running the home office towards the costs of - - -

10 When did you get rid of the cafe?---Got rid of the cafe in - - -

It was many years ago, wasn't it?---Yes, it was a few years ago.

A long - well - - -?---But it wasn't just - - -

15

No, let me finish. Well before 2016, wasn't it?---Yes, I think it was.

When did the lease for this start?---The lease started way before we opened up the cafe, so probably - - -

20

No, this particular lease upon which you were claiming that East Perth Investments had a legitimate right to nominate two nominees to vote in the City of Perth elections?---The lease would have been there from before we opened up the cafe.

25 I realise all that. The cafe's closed?---Yes.

What's the purpose then of having the lease after that?---Because the trustee is still receiving income.

30 But why did you have to have a lease?---It was just a lease that continued.

But why? Mr Adamos, we can go for some time on this and I can show you the lease because the Inquiry's got a copy of it, or you can just honestly answer the question. The City of Perth accepted this nomination, and that's yes, sir for

35

another day for another witness. They accepted this nomination, so can you just please tell us the reason why you got this particular lease to run from 1 July 2016? Just tell us?---It would have been for the election then.

Yes. So why the dilly-dallying around?---Because I thought that I had this lease in place from the time we had the cafe and it continued all the way through.

40

But that lease was formally drawn up by a lawyer, wasn't it?---I can't remember. I didn't think he was a lawyer. I thought it was a very simple, couple of page lease, I thought. It was a long time ago we had the shop.

45

But there's no need to have the lease once the shop had been sold, was there? So this lease was created so the investment company could get two votes?---Yes, I - -

-
Because that's why you nominated your brother and your sister-in-law?---M'mm.

5 Isn't it, so they would vote for you?---It looks that way, yes.

But it is that way, isn't it?---For some reason I thought there was a lease prior to that

10 [12.30 pm]

It doesn't matter, I'm talking about the lease that you relied on in order to claim two extra votes for yourself?---Sorry, was there - - -

15 That's what it all came down to?---Sorry, was there a lease in 2016?

You tell me. Don't you recall that?---No, I don't.

20 And the only reason why you would have drawn up a lease in 2016 is so you could get two extra votes for yourself at the elections, isn't it?---If that's what I did, that's - - -

Okay, I'll show you then, because we have got it. We will look at the document?---All right.

25

I'm glad we were able to get to this a little more quickly than what I had pessimistically anticipated. Madam Associate, if we could look at 8.1037. TRIM number, sir, 21608.

30 COMMISSIONER: Thank you.

35 MR URQUHART: "Lease of commercial office", it's titled, "Landlord: Jimmy and Helen Adamos" your address. The tenant, "East Perth investments Pty Ltd. Part premises, the front office space of [REDACTED]" - sorry, the address then, "\$1 per year inclusive of GST." It wasn't a commercial rate, was it?---No, it wasn't.

40 "Term of lease: five years commencing from 1 July 2016. How rent is to be paid: annually on 1 July each year. Building outgoings which the tenant must pay or reimburse: nil. The tenant's proportion of building outgoings: zero per cent. Interest rate on overdue money: 5 per cent per annum." What was the point of putting that in?---I don't know.

45 Because was the rent paid at all?---I don't know if the rent was paid. It would have been an accounting entry.

I'm thinking it wouldn't have been, was it?---Probably not.

Definitely not. I know you keep saying "probably not", but when press you - you can maintain "probably not" but I'm going to suggest to you it's definitely not?---Okay.

5

Would you agree with that?---I agree.

If in fact we are both wrong, you would no doubt be able to produce the records to the Inquiry to say that this \$1 rent per year as paid and that you and your wife have received the sum of, I'm thinking now, \$3?---Yes.

10

To now and if it had been paid late, then you would be entitled to \$3.15, depending if it was simple or compound interest?---M'mm.

If it was compound interest, I'm thinking it might be a little bit more, wouldn't it?---Okay.

15

Couple of cents?---Yes, it would be.

"Permanent use: office." Then we go, "Application of Act: Commercial Tenancy Agreements Act 1995." Did you draw up this lease?---I must have. I don't think I went to anyone else for it.

20

There's no such Act?---Okay.

25

There's a Commercial Tenancy (Retail Shops) Agreements Act, but that's 1985. There's never been a Commercial Tenancy Agreements Act, either in force at the moment or repealed and I stand corrected if a commercial lawyer here is going to stand up. No, nothing's happening. So where did you get that from?---I don't remember where I got that from.

30

"Market review dates: nil. CPI review dates: nil. Fixed review dates and percentage increases or fixed amount: nil. Further term: 10 years." So this lease could extend for 10 years beyond the five years, is that right?---Yes, that's what it looks like.

35

"The latest date for exercising option for renewal: 30 June 2021. Security deposit: nil. Additional provisions: nil." Am I right that I just did a bit of cut and pasting from maybe a previous lease that you had somewhere?---It looks that way.

40

Over the page, 1038, thank you, Madam Associate, it's been executed as a deed on this 1st day of July 2016. It's been executed by the landlord, yourself and your wife. Is that your signature?---Yes, it is.

And your wife's signature?---Yes.

45

Then it's been executed by the tenant, East Perth Investments, in accordance with a

section of the Corporations Act?---Yes.

Again, signed by you and your wife?---Yes.

5 "Executed by the guarantor in accordance with section 127 of the Corporations Act 2001 Cth by being signed by the authorised persons" and your wife and yourself have signed again, haven't they?---Yes.

10 Why did you need a guarantor?---I don't know. As I said, I probably copied and pasted this from a previous lease.

Because there's no guarantee?---Yes.

15 Would you agree with me that this is drawn up for a purpose that it's not purported to be, and that is a legitimate lease between the family investment company and you and your wife?---Yes.

So it was a sham?---Yes.

20 Just like Mr Yong's?---Yes.

How often did this go on within the Council, these sort of sham leases?---I don't know. Councillor Yong's was the one I heard about yesterday.

25 Yes, but what are the others, bearing in mind you're under an obligation to tell the truth whether or not it reflects poorly on other people who you might be friends with or part of a team with. So who else engaged in this sort of practice?---The only other person I could think of was - I never knew about it but I'd heard who was in the media about Councillor Butler.

30 Yes, we know about him. Anybody else?---That's the only one I know about.

Where did you get this idea from, to draw up a sham lease in order to get yourself two extra votes?---I don't know.

35 I want you to think?---It would have been someone on Council because - I just don't know who.

40 I'm going to press you on this. I know I didn't press you in relation to the Councillors who spoke to you about an alleged buck's party, but I'm pressing you on this. I would like you to think very hard as to who that Councillor was. You must have some idea?---I don't know. I mean, I honestly don't remember how I would have come to this.

45 Was it your idea? Did you come up with it?---No, it wouldn't have been my mind. I don't know where I would have come up with it.

Let's look at this then. You're elected to the Council for the first time in 2011?---That's right.

5 So you got elected again in 2015. You've drawn up this lease in July of 2016, so is it fair to say it was a fellow Councillor between 2011 and 2016?---Probably fair to say.

10 So that narrows the field a bit, doesn't it?---Unless I've asked somebody in the Governance team or someone like that about how corporations can get voting opportunities.

You're thinking you might have asked someone from Governance?---I may have. I don't remember. I may have.

15 And you got told by - you may have, if you did this, you got told by someone from Governance that this is what you could do? Someone from Governance?---I'm sorry, I don't remember.

20 That surely could not be right, could it, that someone in Governance was telling you how to get around the system to get yourself two extra votes?---It would have been a discussion around ensuring that companies that are in the City of Perth have lease agreements in place and it would have been a discussion about that.

25 It would be more likely to be a Councillor, wouldn't it, because if someone suggested that to you from Governance, they shouldn't be in Governance, should they?---I don't know. Sorry, I don't - - -

30 You do know that, they should not be in Governance, should they?---True, they shouldn't be.

I think we have ruled out or I hope we have ruled out someone from Governance. So that just leaves Councillors. I'm still going to press you on this, Mr Adamos?---Yes.

35 So I would like to know who it was, because it would stand out in your mind, I would have thought, thinking, "Oh, I hadn't thought of that, what a good idea. Well done, Councillor So-and-so"? It's not going to reflect well on them, Mr Adamos, but who do you think? Who was it?---Honestly, I swear to you, I don't know how I came about with this.

40 You had a good, clear memory about this alleged activity by Councillor Harley regarding the supposed buck's party, you gave us that information very quickly. He's not part of your team, so maybe I'm thinking it's one from the team that you belong to, would that be right?---No, I - - -

45 I think we can rule out Councillor Harley, can't we?---You could rule him out because I don't know if he was around - he was around at that time, yes.

We can rule him out?---Probably rule him out.

5 We can rule out Councillor Barton and Councillor Hasluck because they weren't nominated or elected until 2017, so they are out?---M'mm.

So let's have a look at the Councillors from your team. Shall we go through them all, but you know who they are, don't you?---Tell me who.

10 So it would have been one of them?---It may have been. I don't remember who I had the discussion with about this lease. I honestly do not remember who I had the discussion with.

15 It was on or around July of 2016, so we can rule out - am I right there, it would have been around the time you drew up the lease?---It would have been around that time.

20 So we can rule out Councillor Chen and Councillor Butler, because they had lost by 2015. Let's see, that leaves us Councillors Chen, Davidson, McEvoy, the Lord Mayor, maybe Councillor Limnios. It wouldn't be Councillor Green, would it, because she wasn't part of a team?---M'mm.

Am I right there?---It wasn't Councillor Green.

25 There we go, we have narrowed it down. So who from that small band of Councillors was it? We will go through each one. Was it the Lord Mayor?---I'd hate to point the finger at the wrong person because actually, I do not remember how I came about this and it's - - -

30 Mr Adamos, I'm thinking this might be an example of where a witness doesn't want to remember?---No.

Rather than saying they don't remember, because of something I said in my opening?---It's not that at all.

35

Mm?---It is not that at all.

40 But you see, it is. For example, around the time as you did this, you heard about Councillor Harley and you remembered his name in an instant, so this is something which you were told about and then you went and drew up a sham lease and then you went to your brother and your sister-in-law and got them to sign and then you submitted the form. It's something that you hadn't come up with, it was somebody else. We have now ruled out someone from Governance because if it was someone from Governance, they shouldn't be there because they are not doing a very good job, so it's now come down to Councillors. We have narrowed it right
45 down to about four, four or five?---The only thing I could think of, it may have been Councillor Butler, given what he was doing with this office in West Perth.

You were aware of that, weren't you?---I was aware of that, so it's probably from there.

5 He had sham leases going on with offices in West Perth, didn't he?---From what I understood, yes.

That he never even frequented?---That's what I understood, yes.

10 So that entitled him to be a candidate and remain on Council?---That's right.

But he left in October 2015. Were you still keeping in contact with him?---Yes. I mean, I still spoke to him a few times.

15 Did you invite him up to the dining room?---I can't remember but - that's my only thought so it would have been him possibly, just given what he had done before.

Because it's the same modus operandi?---To say so.

20 Isn't it?---Yes.

[12.45 pm]

25 Given the fact this was a sham lease, were you surprised that this was all stamped as approved by the City of Perth?---No, because - - -

No?---No, because I thought if there's any issues, then the people at the City of Perth would have told me.

30 Or you thought, given the fact that Councillor Butler got away with it, you'd be right?---No, anything I ever submitted through there the Administration of the City, it was always of the view that if I've done something wrong or if it's not the right thing, they would come back to me.

35 But you thought it was the right thing because - you thought as far as the City was concerned it would be the right thing because they had never, or Councillor Butler was able to keep running as a Councillor right until he lost?---I thought so. I submitted it through to the City and I thought if there was any issues, they would come back to me within - the Administration have always come back to me. With
40 whatever I did, any relationships I had with the City, any forms I submitted or anything, I was always of the view that if I did the wrong thing, that they would come back to me and let me know.

45 You see, Mr Adamos, before I drew your attention to what you'd done with your family investment company, I actually went through and asked you whether it would be appropriate and you said no, it would be inappropriate to draw up such a lease for the purposes of gaining two votes for oneself. So you knew at the time

you did it that it was inappropriate. So the question then is, why was it that you did it, bearing in mind, that's probably a question you might not like to answer, so why did you do it and if you can just address it as to why you did it?---Why I did this lease? I always thought I had the leasing from before. The reason why I did this one? It would have been just to - obviously to get two more votes, if that's what it was.

Yes, but the question is, why did you do it when you knew it was the inappropriate thing to do?---At the time of doing it, I didn't think I knew it was the wrong thing to do. That's why completing it and sending it off to the City, if it was the wrong thing to do, then I would find out it's the wrong thing to do.

Really?---I didn't know it was necessarily the wrong thing to do.

But you said it was the wrong thing to do day and clearly it is, isn't it?---I said it was the wrong thing to do from what I heard from yesterday's - - -

Yes?---Understanding more about that - - -

It's not understanding that at all?---I forgot about this. At the time of doing it, I didn't think it - - -

That's right, and that's why you were honest with me when you said yes, it's the inappropriate thing to do. You had forgotten that you did exactly that?---M'mm.

So the reason why, now one knows, why it was that you did it knowing that it was the wrong thing to do?---At the time of doing it, I didn't know it was the wrong thing to do.

What do you mean by that?---At the time of submitting it into the City, I didn't know it was the wrong thing to do because obviously Councillor Butler retired and I didn't know - I didn't think, I don't know if it was the wrong thing or right thing. He had a lease, so from the City's point of view, he had a lease and it was accepted by them. I didn't think this was any different.

But it's the wrong thing, wasn't it, for Councillor Butler to be able to nominate himself as a candidate when all he did was leased a tiny office in West Perth of some 15 square metres and paid \$1,000 a year to one of his mates who owned the building and never went there, that's entirely inappropriate, isn't it?---Yes, it is inappropriate, now knowing exactly how the arrangement worked.

But you knew that because you either found out from Councillor Butler or from another Councillor that's what he was doing?---I'd found out through the media. I remember there was an article in the media about it.

That must have been before 1 July 2016, wasn't it, because Councillor Butler had lost in 2015, so you would have known that people were asking questions, yet you

still went ahead and did a similar scheme or scam?---Looks like I did.

5 The question comes back to, why you did it when you knew it was a questionable, a very questionable thing to do?---I don't know. I'm sorry, I don't know why I did it. I saw that Councillor Butler did it, he was able - the City was accepting of it so to speak, and I thought this was kind of no different.

It's not very ethical behaviour by you, was it?---Looking at it now, no.

10 Looking at it then?---Then, I didn't know there was anything wrong with it.

15 What's changed between now and then? The document's still the same, the nomination form you've completed is still the same. The facts are still the same?---How you've explained it, I didn't know about this. I forgot all about this particular lease.

Why did it need to be explained to you?---I don't know. I don't know.

20 It reflects very poorly on the Council, doesn't it?---It does.

When this sort of evidence emerges?---It does.

25 Sir, I'm about to move on to another area. In fairness to everyone, it might be appropriate to just take a slightly earlier lunch break and maybe convene in an hour's time.

COMMISSIONER: Yes, that would suit me. I will adjourn now until 1.50 pm.

30 **WITNESS WITHDREW**
(Luncheon Adjournment)

35

40

45

HEARING RECOMMENCED AT 1.58 PM

MR Jimmy ADAMOS, recalled on former oath:

5 COMMISSIONER: Yes, Mr Urquhart.

MR URQUHART: Thank you very much, Commissioner.

10 Mr Adamos, I just want to clarify something before I move on to this next area, please and it's just regarding those items you sought reimbursement for, for the 2016 fun run?---Yes.

Do you remember giving evidence about that?---Yes.

15 Correct me if I'm wrong, but your evidence was that these items of clothing and the shoes you had to get was because you didn't have any appropriate gear?---That's correct.

20 So for example, the running shoes that you got, or the sports shoes that you got, I think your evidence was that you only had an old tatty pair?---That's right.

What, that you'd had for some years?---That's right.

25 That's right, is it?---Yes.

In fairness to you, I didn't actually put on the screen the receipt that you provided to the City?---That's fine

[2.00 pm]

30 If I could just do that now, 18.974, please, Madam Associate. TRIM number, sir, 19056.

35 COMMISSIONER: Thank you.

MR URQUHART: 974, please.

40 There's the Myer receipt that you provided to the City of Perth. So we have got Nike prepacked cushioned socks, that's in relation to the three pairs of socks you got?---That's right.

\$25?---Yes.

45 You didn't have a white pair of socks to wear?---No.

The "Nike DF cool tailwind, black", that seems to be the T-shirt that you got?---Probably.

Again, you didn't have an item, you're saying, that was appropriate to wear?---No.

The Nike Y20 track pants for \$90, you're saying you didn't have track pants?---No.

5

And then the dry fit training fleece, which was a windcheater, was it?---Yes, that's right.

For \$100, once more you're saying that you did not have an item of clothing that would be appropriate to wear?---That's right.

10

So you had to make that purchase?---Yes.

Then the final one, these must be the shoes, are they, the Nike tennis classic, black?---I'd say so.

15

So \$120 and that is because you didn't have any other sports shoes that you could wear?---That's right.

Is that right, for \$120?---Yes.

20

The only pair of sports shoes you had were old, that you'd had for a number of years?---That's right.

And were totally inappropriate to wear?---That's right.

25

What size shoes are you, Mr Adamos?---A 10.

A 10?---9-10.

30

9 or 10?---Yes.

So you haven't got particularly small feet?---No.

10, okay?---That's what's come up there, 10.

35

So that's 23 July 2016. Mr Adamos, I'm going to take this opportunity of reminding you again of the fact that the Inquiry's got millions of documents. Sometimes these documents don't become relevant until we hear the evidence of witnesses. We have in our possession all the claims that you've made for clothing?---Yes.

40

So I'm now going to give you the opportunity of reconsidering your evidence about the fact that you needed a pair of sports or running shoes for this event?---I had nothing appropriate.

45

You had nothing appropriate at all?---No, and if I had, they were just - they just

weren't appropriate, they were just old, tacky shoes.

5 I'm going to give you another opportunity now, it's sort of a related area because it's to do with entitlements. You know how I've said to you that those dry cleaning items that you claimed for your sons' school uniforms?---That's right.

I said to you that - I put it to you that you deliberately did that, to which you emphatically denied?---That's right.

10 Again, you still maintain that?---I do. I don't know how that receipt came - - -

I'm not going to go over, I just want to make sure you maintain that?---Yes.

15 I'm going to ask you this direct question now and consider your answer carefully, okay?---Mm hmm.

I put it to you that you were claiming clothing items or clothing or apparel items for persons in your family other than yourself. So you were buying them and then claiming them as a disbursement?---No.

20 No?---No.

Are you absolutely sure about that?---These items are mine.

25 No, not those, I'm talking about other items?---No. These are - no.

No other items of clothing?---No.

30 That you did not wear or that you did not buy for yourself?---I may have bought some - no, everything I bought was for myself.

I don't suppose you remember going to The Foot Locker store at 197 Murray Street on 3 May 2016?---I don't remember. I don't remember.

35 Buying a pair of running shoes?---I don't remember.

Which you subsequently claimed as a disbursement from the City of Perth?---I'm sorry, I don't remember that particular date.

40 Could we put up now, Madam Associate, 867. So this is a previous document that's already been part of the brief. So 18.867, TRIM number 19052, sir.

COMMISSIONER: Thank you.

45 MR URQUHART: There we go. Does this help jog your memory, "NK Free 5-0 GS Wolf G, \$99.95, can you recall claiming these pair of shoes as a disbursement?---I don't. I don't remember, I'm sorry.

No, but of course the only basis upon which you could claim it is for your Council-related activities or functions?---That's right.

5 What function would entitle you to wear a pair of shoes that look like this - 1811 now, Madam Associate, the document you had up earlier. That's an advertisement that's been obtained online "Nike Free 5-0 (GS) 2015 kids/boys running shoes" for \$99.95, which I'm going to suggest to you is the pair of shoes that you purchased from The Foot Locker on 3 May 2016; does that look right?---If that's what the
10 receipt says - was that what the receipt said?

Yes, we can go back and have a look at the receipt, certainly. Can we go back to 867, please, Madam Associate. Incidentally, sir, the TRIM number for that advertisement, 22537.

15 COMMISSIONER: Thank you.

MR URQUHART: There we go, look at that, "NK Free 5-0 (GS) wolf G". I can tell you, the information I've received is that wolf G is the colour which is wolf
20 grey?---Right.

Were those pair of shoes for you or for one of your boys?---They were for me but -
--

25 Were they "kids", we have got a description of them being, "Kids/boys running shoes"?---I don't know. I don't know how that happened.

Look at the date, what's the date? Read out the date on the receipt?---3 May.

30 3 May what year?---2016.

Do you want to be reminded as to the day you attended the Myer store and bought a pair of running shoes, barely two and a half months later, 23 July 2016?---Right.

35 So who were these Nike shoes for, Mr Adamos, bearing in mind you have an obligation to tell the truth, whether it's good for you or not?---It looks as if they are for my son but - - -

40 Yes, doesn't it? They wouldn't be for you because then you would have had a virtually new pair of running shoes, sports shoes to use to go to the fun run two months later, correct?---Yes.

So they were for your son, weren't they?---I don't recall. I don't know, they must have been. I don't remember buying them.

45 Because if they were for you, you wouldn't have needed to buy a new pair of sports shoes two months later, isn't that right?---That's right.

So logically, they had to be for your son, yes?---It seems that way, yes.

5 And logically you should never have therefore claimed a reimbursement for them.
Do you want to see the document which establishes that you not only were made
the reimbursement, but you were paid out?---If I could see the form where I made
the claim, but that's okay.

10 The only way the City of Perth would have this receipt is if you were making a
claim for it, isn't it?---That's right.

So this is an appalling misuse of what you're entitled to for reimbursements, wasn't
it?---Yes, it is.

15 What's your explanation for it?---I don't know how that came about.

Mr Adamos, please. Are you seriously expecting - - -?---The only thing is - - -

20 Are you seriously expecting that answer to be accepted as an honest and truthful
one?---It doesn't sound it but I don't remember putting in this claim, but I must
have.

25 Who else would have put it in on your behalf?---Exactly. The only thing I did, I
did sign-off claim forms earlier but - - -

You see, Mr Adamos, the City of Perth or the Inquiry, particularly the Inquiry
would have no way of knowing whether this was a legitimate claim or not, unless
it was able to be matched up with a claim you made two months later, and we had
heard your evidence as to the reason why you made the claim in July, which
30 included a pair of running shoes, do you agree with that?---Yes.

So it's merely a happy coincidence for the Inquiry, a very unhappy coincidence for
you that we were able to make that connection, isn't it?---Yes.

35 So you're rorting the system, aren't you?---Not rorting the system, I - - -

What other explanation is there for it?---I don't have any other explanation for it.

40 So my explanation for it is that you're rorting the system, that's what you were
doing, making a claim for an item which you had no right to claim at all, which
you full well knew, that's right, isn't it?---It seems so.

45 Well, it is so. It's not "seems so" it is so. There is no doubt about it, you weren't
entitled to make that claim?---That's right, I wasn't entitled to make that claim.

And you if were, if they were your shoes, you had no right to make a claim for the
Nike shoes two months later?---That's right.

That is appalling conduct, is it not, by someone who promoted himself as being an ethical candidate for the elections the year before, isn't it?---That's right.

5 It's not just appalling conduct for a candidate who's relying on his ethics, but it's appalling conduct for any candidate, isn't it?---Yes.

It's a fraud, isn't it?---Yes.

10 And you didn't expect the sort of scrutiny that you're now getting for your claims, did you?---No.

Because you got away with this one as well, because this claim was paid out?---Yes, it was.

15 Mr Parkinson's pointed this out to me, just this other receipt that I wasn't going to ask any questions about but I now am. See the one next to it from Myer?--- Yes.

[2.15 pm]

20 On 2 May, there's a sporting stripe SS T-shirt from Adidas for \$25 and then we have got an "Adidas hooded zip-through jacket" that's been crossed out, do you see that?---Yes.

25 And then there's a 15 per cent off team member discount, which no doubt the City would be very happy with, so it meant that you were only making a claim for \$21.25?---That's right.

Do you see that there, because you've handwritten it in?---Yes.

30 Who was this T-shirt for?---It would have been for me.

Really. It's an Adidas sporting stripe short sleeve T-shirt?---M'mm.

35 Yes, is that right?---That's right, that's what it is.

So why on earth couldn't you wear that T-shirt underneath your dry fit training fleece that you bought for the fun run two months later?---I don't know, maybe it wasn't the right one to match or something, I don't know.

40 Not the right one to match?---Yes.

45 So did you think that those people attending the fun run have said, "Oh, Councillor Adamos there hasn't got a matching T-shirt to his training fleece"? Really?---I didn't think of it that way.

No, you just thought, "I can get another T-shirt here now", didn't you?---Seems

that way, yes.

5 Because the training fleece, even if it had a zip, the zip could be done up, couldn't it, to cover up the colour of the T-shirt if it happened to clash with the colour of the training fleece or the track pants, couldn't it?---Yes.

10 And no-one would really give a toss, would they, whether it was pink, grey, yellow, orange or any other colours of the rainbow? It wouldn't have mattered, would it?---No.

Is this there another rort, Mr Adamos?---I don't know, it seems so.

15 Can you please tell us whether there are any others?---I honestly don't remember. I don't remember this particular one.

Mr Adamos, you were adamant before I started questioning you about this, that you hadn't - you weren't rorting and claiming for these reimbursements?---I was a Councillor for seven years, I don't remember everything that occurred in all that time.

20 As a Councillor for seven years, you should be able to say categorically, "Mr Urquhart, I have never, ever abused my rights to claim reimbursements", that should be your answer, shouldn't it?---It should be and it's - - -

25 Yes, that's what the ratepayers of the City of Perth would expect, wouldn't they?---They would.

Not an answer, "I can't recall whether there are any others", would you agree with that?---That's true.

30 Who else was doing this sort of thing, apart from you, who were Councillors?---I don't know. I never - - -

35 Here's your opportunity, who else was doing this sort of thing?---I don't know, I never discussed any of these claims with anyone.

40 What made you think you could do it?---I don't know. I don't know what made me think I could claim this and I don't remember claiming this, but obviously I did. I never discussed this with anyone.

45 Was it a case of you thinking you could get away with it?---No, it wasn't that at all. I don't know how this came about.

But it's wrong?---I agree, it's wrong.

It's a fraud?---I agree with you, it's wrong.

So why are you committing a fraud if you didn't think you could get away with it?---Why am I committing a fraud when I didn't think I was going to get away with it?

5 Yes. I don't like repeating my questions, I like it even less when the witness repeats the same question. I just want an answer from you. You thought you could get away with it?---It looks like I thought I could.

And that's why you did it?---It seems, yes.

10

Mr Adamos, it all harks back to the previous year when I suggest to you, you just tested the waters with the receipt for the dry cleaning that was for your boys' school uniforms, you were testing to see whether those people that should be doing their job properly, were actually doing their job properly, and that got through, even though it actually says, "Boys' jacket, boys' pants", that wasn't picked up. You got reimbursed, so when you saw that did you think, "Well, I can do more of this" and that's exactly what you did, didn't you?---No, it wasn't how I thought.

15

You're thinking that you could get away with it though, didn't you?---It wasn't how I thought.

20

You were thinking you could get away with it when you made these two claims, didn't you?---No.

25 Otherwise, if you thought you were going to get caught, I would suggest to you you wouldn't have done it?---That's right, I wouldn't have done it.

So you thought you could get away with it?---I don't know how that happened.

30

You thought you could get away with it?---No, I didn't.

Then why did you do it?---Don't know, I don't know.

35

With respect to that Myer receipt, you did turn your mind to it because you put a line through the "Hooded zip-through jacket", do you see that?---That's true.

40

So you made the claim for the T-shirt, so we can accept that. However, you had no - I don't know. What Council-related function did you attend that meant you had to wear an Adidas sporting stripe short sleeved T-shirt?---I don't remember. I can't remember. I went to different events and some of them were casual than others so from time to time I would be wearing clothing like that, together with a pair of jeans I might have had.

45

But in any event though, having claimed for that, you weren't entitled to claim for the very similar T-shirt you got two months later. Again, the only explanation for you doing this is that you believed you would be able to get away with it, that's reasonable, isn't it?---It seems like a reasonable explanation.

That's my explanation as to why you were doing it; can you offer another one?---The other one, I don't know - I can't offer any other explanation.

5 Is it because you can't recall any other occasions, specific occasions, because you did this regularly?---I would not have done this regularly.

I'm just asking you that?---No.

10 Because it seems I have to point out to you specific examples before you're prepared to make admissions of your fraudulent behaviour?---I don't remember any other occasions. With the boys' suits at the dry cleaners, I don't know how that came about.

15 You've told us all about that, I'm asking about other occasions now?---Yes.

Was it the case that you don't want to recall?---No, it's not that at all. I didn't remember anything about this one, I don't remember even doing it.

20 You did though, didn't you?---It seems that way, I did it.

Is it because it was just something that you did frequently?---No.

25 No? Thank you, Madam Associate, you can take that down. I'm now going to go to the other area that I was going to go to 25 minutes ago but, Mr Adamos, can you guarantee to the Commissioner that the Inquiry won't find other examples of you making fraudulent claims for reimbursement? Can you guarantee it?---I can guarantee if I - I don't remember whether I have or not.

30 So you can only guarantee that you can't remember if you had or not?---I don't have - I was surprised to see that one. I haven't.

You were surprised because you weren't anticipating the sort of scrutiny that your claims are now under?---M'mm.

35 Is that right?---Possibly, yes.

40 And would you agree with me that you were able to get away with this because of very poor oversight by the City of what was being claimed?---It wasn't intentional.

But do you agree with that?---Yes, I agree that the City didn't pick up on these things.

45 No. They didn't even pick up on the fact that there was a receipt from a dry cleaning service that you were claiming that had to do with items for your boys?---That's right.

So you took advantage of that situation, didn't you?---The receipt for the dry cleaning - - -

5 We have moved on from that and then the other two we have identified, we have identified the reimbursement you claimed for the C Restaurant. So this is not isolated?---I see that.

Many instances?---Yes.

10 Are there more?---Not that - no.

No?---No.

15 You can categorically state that on your oath, can you?---Yes. No.

I'm going to ask you now some questions regarding the 2015 application for approval of the convenience store at the Adagio Apartments. Did your lawyers advise you that you would be questioned about this?---I think it was on the - yes, I was advised.

20 You've had an opportunity of getting a summary of what Councillor McEvoy's evidence was yesterday?---No, only just what I saw through the media last night. I've gone through the committee meeting, yes, and the Council meeting.

25 You haven't done any of that?---Sorry?

You haven't done any of that?---I've gone through the Council minutes.

30 You've actually done that?---Yes.

Maybe we can just cut to the chase here. Councillor McEvoy's evidence was that this was just a popular decision that was the right decision made at the right time and that it wasn't determined on the merits of the actual application. Do you accept the accuracy of her evidence regarding those points?---Well, it's the right decision at the right time? It was the right decision given the information we had from the officers - - -

40 I will stop you short. If you're going to agree with all of that, if you're going to agree with all those propositions, then we could fast track this, but you don't. You don't agree with those propositions, that it was a popular decision, that it was a decision made at the right place at the right time and that it was a decision that wasn't based on the merits of the application. We will deal with them one at a time. I just want a yes or no answer. Do you agree it was a popular decision?---It was a popular decision, yes.

45 Made on the basis that it was made because of the fact that a decision for the application could have ramifications for those candidates contesting the election

later that year?---No.

5 Okay, fine. I just want to know if I can fast track it. She said it was a right decision made at the right time, do you agree with that proposition?---I don't know what she means about the right time.

So you can't agree with that. Would you at least agree with her that it what a decision that was not made on the merits of the application?---It was part - no.

10 That's fine. Would you like a summary of this whole matter, the same sort of summary I gave Councillor McEvoy? It's entirely up to you?---Yes, if you like.

It's up to you, would you like it? Do you think that would help?---Yes, why not?

15 Tell me if I'm wrong at any point in time?---Okay.

So the Adagio Apartments are a luxury apartment complex at 90 Terrace Road with unobstructed views of the Swan River and South Perth. There's only Langley Park between the complex and the river, do you agree with that?---Yes.

20 We have 24 storeys with 113 apartments which therefore, if they were fully occupied, could have 200 or more residents?---Yes.

25 There was a Development Application lodged with the City of Perth in November 2014 for a convenience shop and alfresco area on the ground floor of the Adagio complex, would you agree with that?---Yes.

30 There were objections by a vocal group of residents who lived in the apartments in the complex. They had a variety of amenity issues including security, parking, traffic access, noise?---That's right, yes

[2.30 pm]

35 Even though the City's Planning Directorate approved the application with conditions and it was initially supported by the Planning Committee, it was ultimately defeated by the Council?---Yes.

Do you agree with that?---Yes.

40 The convenience store proprietors then applied to the State Administrative Tribunal to have the decision overturned and eventually, the Council agreed that the CEO was to negotiate and execute a consent order in SAT and that subsequently took place in November of 2016?---Right.

45 Does that all sound about right?---It sounds right.

You may not have considered this at the time but because of the long, drawn-out

process and the fact that the owner of the premises and the two shop proprietors had to go through SAT for a review, it was at significant cost for them, for three of them, both financially and emotionally. I don't suppose you gave much thought to that at the time?---I didn't think about that, no.

5

I just want to put this scenario to you and witnesses have some trouble - this is a scenario that I'm not referring to the Adagio Apartments matter, this is just a scenario. Planning Directorate has recommended that a Development Application be approved by Council with conditions, okay? The Planning Committee
10 unanimously recommends the application with conditions be approved by Council, second point. Third point, those conditions have addressed any legitimate concerns raised by those who objected to the application. Based on those facts, would you, when it came to vote at the Council, more likely vote for or against the approval of the application at the Council meeting?---I wouldn't just be looking at
15 those three facts.

No, but just based on those three facts?---Based only on those three facts, I would say yes.

20 Would I be right in saying that's what you have done with that scenario on a substantial majority of occasions in your seven years as a Councillor?---In the majority of the times, yes.

Substantial majority?---No, in the majority of times.

25

Apart from this Adagio matter, can you recall any other occasion in which those factors have been in place and you have not approved of the Planning Application?---Yes.

30 There is? How many?---There was one that was very clear to me - - -

How many first?---Okay. I know definitely of one.

35 Definitely one. Before you explain that one, were you in the majority or the minority for the vote?---In the minority.

So what I'm then going to ask you, can you recall any situation where those three factors have existed and it's been the majority vote that has rejected the application?---I don't remember.

40

No. Would I be right in saying that you can certainly say, apart from the Adagio matter, there was no other Planning Application in which there was unanimous rejection of the officer's recommendation, unanimous, all nine of you?---I don't remember over all that time.

45

I would suggest to you that you would remember if that had happened?---I don't remember, I'm sorry.

But highly unlikely? That would surely stand out, wouldn't it, because it would be something out-of-the-box if that was to happen?---Not necessarily.

5 Your planning approval, it's complied with - it's addressed any legitimate concerns raised by those who have objected to the application. We will throw in another factor: the officers have made it quite clear to Council that it has complied with all legal requirements, and that's significant, isn't it?---Yes.

10 Because if that is correct, then any review by SAT, should the applicants wish to do that, will almost inevitably be allowed and the Council's decision would be thrown out the window, would you agree with that?---Yes, I would.

15 So now that I've reminded you of those factors, I want to suggest to you there has never been an occasion apart from Adagio, in which the Council has rejected such an application?---I can't categorically say yes to that.

We have heard from planning officers who can certainly say that?---Okay.

20 Would that be the case?---Personally, I don't remember. If there was some other event - - -

This one stood out like a sore thumb, didn't it?---It stood out, yes.

25 That same scenario that I gave you about the Planning Directorate's recommendation that the application be approved with conditions, that the Planning Committee has unanimously recommended the application and that the conditions have addressed any legitimate concerns raised by those who objected, and the planning officers have made it abundantly clear to the Council that all
30 legal requirements have been complied with. So with that scenario, should the way a Councillor vote be determined about whether it was an election year or not?---It shouldn't make any difference whether it's an election year.

35 If it was an election year, should the fact that a vote to approve the application might lose the Councillor votes have a bearing on how that Councillor casts their vote?---It shouldn't have a bearing.

No, certainly not, should it?---No.

40 Because the matter wouldn't be decided on its merits, would it?---That's right.

Because the Councillor would be acting in their own interests rather than the merits of the application, isn't that right?---If that's how a Councillor voted, yes.

45 So on 27 January of 2015 with respect to this Adagio matter, the Planning Committee recommends the Development Application be approved by Council. That's unanimous. Three people voted for it, two from your team, Councillor

Butler and Councillor McEvoy. Even the Councillor that you didn't have such a cozy relationship with, Councillor Harley, agreed?---Yes.

5 So it's three, three/zip it is. Then on 3 February, two weeks later, the Ordinary Council Meeting convenes and we can see from the minutes that you were present?---Yes.

10 Can you recall that Council meeting?---The only part about that meeting I recall was there was a lot of residents in the audience and I think there were some petitions made.

That's it?---I think that was in that meeting. It was either that meeting or another one after.

15 That's right, you're on the money there. There were 21 members in the public gallery at that Ordinary Council Meeting?---Right.

That's a rather large turnout, isn't it, by the public?---Yes.

20 And these were all residents who opposed the application?---That's right.

Led by a lady the name of Ms Michelle Noble?---That's right.

25 You got to know her very well over the forthcoming few months, didn't you?---Yes.

30 And you're right, there was a petition containing 205 signatures from people opposing the application. So the Ordinary Council Meeting refers consideration of the application back to the Planning Committee for further consideration and the reason for that was in light of the petition that had been received?---Right, yes.

Okay?---Okay.

35 But there was nothing raised in the petition that hadn't already been considered by the Planning and Development officers who were responsible for the matter?---That's right.

40 So my question for you is, why on earth then refer it back with respect to matters raised in the petition that had already been addressed by the planning officers?---It was an easier thing to do, to refer it back to committee so there can be a more thorough discussion about it. If there was any things that we have missed, any issues that weren't properly addressed, because there wasn't the opportunity through a Council meeting mechanism to be able to discuss it, back and forth, back and forth. That's why we sent it back to the committee so we can have another
45 look at it or the committee can have another look at it.

Apart from the fact there was a petition containing these signatures, there was

nothing new. The objections that they were raising in the petition, and there were five of them, had already been addressed by the planning officers?---Right.

5 So there was nothing new. There was nothing additional, apart from the fact that a new residents from the Adagio complex turned up and observed proceedings?---Yes.

10 Did that have an impact, did it?---Well, when you've got a number of people who are so against it and so passionately against it, you need to make sure you're actually doing the absolute right decision by them and others.

15 17 February 2015, the matter goes back before the Planning Committee and the Planning Directorate officer again recommends the application and actually adds a further condition, so there's now six?---Right.

Councillor Harley moved an alternate motion, seconded by Councillor McEvoy, that the Council declines the application "due to amenity concerns which have adverse impacts on the affected adjoining owners of the proposed the tenancy use." So the Planning Committee just said straight out, rejected it?---Yes.

20 Did you know that's what the Planning Committee was going to do?---No, I didn't know that. I knew they were going to look at it and it was going to come back to Council.

25 Another member of your team, Councillor Butler, he voted against it?---Right.

Did you know why he voted against it?---I don't know. I don't remember why he voted against it at the time.

30 The Ordinary Council Meeting takes place one week later?---Right.

Obviously the 205 signatures had had an impact on the Council?---Mm hmm.

35 At this particular meeting - we might just have a look now at the minutes of this meeting?---Okay.

40 Because this is when the decision was made. Madam Associate, this is now 21.0342. That's just the cover page. Are these some of the - is this some of the minutes you looked at in preparation for your evidence today?---Yes.

45 So that's just the front page and if we go now to 343 and the reason why I'm doing this is that we can also see people in attendance and not because it's the second page - it's page 6 but it's something else I want to raise with you there, but this is just to establish that everybody was there, all nine of you, can you see that, because you voted for, for a particular matter. Do you see that?---Yes.

What I want to take you to is item 2 there:

A petition containing 290 signatures has been received from Mr Ian Rogers on behalf of interested parties in and around 8/90 Terrace Road, East Perth, in relation to the Planning Application.

5

The last sentence there in that paragraph reads:

The petition supports the application for the proposed use of tenancy as a local shop and associated signage.

10

Then the petition was attached and then there was a motion moved and it was passed unanimously that the petition be received, can you see that?---Yes.

15 So we have got 290 people who wanted this application approved against 205 who did not. Am I right in saying that you, first - we will deal with you as an individual Councillor - didn't place much weight on that petition?---Compared to the other petition, placed less weight than the other petition.

20 Why was that?---Because the other petition had signatures on it that were from residents around the area, whereas this petition had residents completely outside the area

[2.45 pm]

25 And so did the other one?---But this had, from memory, more. I mean, the ones that I thought were more relevant were the ones, the people that were living - being affected by it directly. If he'd had a similar petition with the residents that lived next door supporting it, I would have viewed it differently.

30 Why is that? Why is it so important for those who live nearby. Why should their views carry more weight particularly when their opposition to it has been addressed by a number of conditions? Why should their views carry more weight?---They still obviously feel more aggrieved by it. They obviously still feel much more impacted by it.

35

All right, but I've just said to you, there were conditions put in place to address their legitimate concerns. Are you saying then that if someone's just got a concern that's unfounded, that that should be taken into account?---No. I'm saying that I had more people saying to me from people that looked next to it or there in the same complex that were against it and it was going to affect much more their amenity and it's affecting, I suppose, the business owner and his amenity.

40

45 That's what they were saying but were you not guided by the expertise of the planning officers involved in this matter?---I was, but you still have to consider, otherwise there would be no need for Councillors, you may as well just make an administration department and they just assess applications based on laws and rules and regulations, there's no need to get any Councillors involved in this

decision-making.

5 Mr Adamos, not if they were going to make the wrong decision, I certainly agree with you, because you would accept now, in light of everything that happened here, that Council made the wrong decision?---I don't believe that we made the wrong decision. We had - - -

10 Hold on, Mr Adamos. The Council moved a motion after the matter had gone to SAT in which authority was given to the CEO to negotiate a consent in SAT?---Right.

15 So the Council by that motion, which was ironically unanimously accepted, so the same Councillors who said no, were then saying yes nine months later - seven months later, were saying yes, implicitly, "We have got it wrong"?---Right.

So Council had got it wrong, hadn't it?---Yes.

20 This decision was made because it was a popular decision, wasn't it?---I would say that I made my decision, I can't speak on behalf of the others, but my decision was based on, that there was a large number of residents who were directly in the vicinity of it that were affected by it and didn't want the shop there.

25 Your decision though, given the fact it was the wrong decision, was therefore made because it was a popular decision to make amongst those residents who opposed this application?---If you want to use the word "popular" you can but - - -

30 I'm putting it to you that it was a popular decision. You can agree or disagree. You've agreed it was a wrong decision and I'm now suggesting to you, and I thought this is what your evidence was, or implicitly, is that the decision was made because you didn't want to offend the residents who were opposed to it. So therefore, it was a popular decision. This is a description that your own - another Councillor gave who was a member of your own team, Councillor McEvoy, yesterday. It was also the same phrase used by a senior administrative staff member, it was a popular decision. That's the best description for it, isn't it?---I don't know if it's a popular decision or - all I can say, the decision I made is based on - - -

40 You're going to say now, were the concerns raised by the residents about their amenities, I know all that. I'm right, aren't I?---Yes, you are, so if that's the popular decision - - -

Because you've already said that evidence?---If that's the popular decision, that's the popular decision.

45 But it is a popular decision, isn't it?---Yes.

Did you discuss how you would vote with any of your fellow Councillors before

this meeting on 24 February?---I don't remember.

In all likelihood you would have, wouldn't you?---Most probably.

5 I don't suppose you can remember what you discussed?---Not in such detail, it was four years ago.

As much detail as you can, what was discussed?---I remember at the time - I don't know. I would be making it up if I tried to guess.

10

We certainly don't want you making up evidence, Mr Adamos?---I honestly can't remember what we would have discussed and what the discussions were about. It would have been just general discussions about the development itself.

15 Anything about what was coming up in October of that year?---Probably.

So what was coming up in October of that year?---An election.

20 Who was up for re-election in October of 2015?---It was myself, Councillor Davidson, I think it was Councillor Butler, Lily Chen and then there was a Lord Mayoral, so it was the Lord Mayor and Councillor Harley.

Councillor Harley ended up contesting the Lord Mayor election, didn't he?---That's right.

25

I'm just adding that up now. Five members of your team coming up for re-election in October?---Yes.

So a significant election insofar as the team was concerned, wasn't it?---Yes.

30

So Mr Adamos, tell me why it was that the election was being discussed amongst your team prior to this meeting?---Probably because it was relevant, it was coming up.

35 Why was it relevant?---It wasn't relevant but the meeting - - -

You just said it was relevant, so why was it relevant?---It was relevant, like at that time of the year.

40 Why? What, February?---Yes.

Why was it raised with respect to your discussions about how you would vote at this meeting?---Sorry, that's not what I meant.

45 No, you might not have wanted to admit it, but that's was what you said?---I take that back.

No, I asked you, did you discuss how you would vote with any of your fellow Councillors before this meeting, and you said, "Oh, not specifically" so I asked you generally and then you mentioned the fact that you discussed what was happening in October, and I asked you what was happening in October, and said, "The elections." Then I asked you who it was who was contesting those elections and you gave the five and we established that they were all members of your team, and then plus Harley as well who was running as Lord Mayor. Then I asked you why it was that you were discussing the election. If I stand corrected in any of that summary I've given I'm sure the eight - one of those lawyers will tell me that I've got that wrong with that summary. You've said whether you wanted to or not now in hindsight, that you mentioned the election was discussed and I'm asking you now, why was the election discussed?---I don't know whether the election was discussed around this time. I'm sorry - - -

15 Can I ask then why it was you said, "We discussed what was happening in October"?---No, sorry, I don't.

The election was discussed, wasn't it, Mr Adamos? It shouldn't have been but it was?---Probably, yes.

20 I'm right, aren't I, that the election was discussed, wasn't it?---Yes, it was discussed. I don't remember it but if you're telling me it was discussed, it was discussed. I don't - - -

25 I'm just repeating your evidence?---I just don't remember. I said that but I don't remember it being discussed around this time.

Yes, because you realised you'd put your foot in it by giving an honest answer?---Okay.

30 Didn't you? Didn't you?---No.

Because you remembered how you answered a question I asked of you maybe 20 minutes ago about the fact that there was an election coming up should have no bearing on how a Councillor should vote on an application?---True.

Isn't that right?---That's right.

40 Isn't that why you're now changing your evidence and saying you can't remember the election being discussed?---All right.

Mr Adamos, we have got communications back in 2015 that would suggest you had an accurate recollection when you said that the election was discussed. Okay? We can go to those. Would you like to go to those?---That's fine. If you want. I'm fine not to.

45 Are you prepared to accept now that when you said the election was discussed

before this meeting, that was actually an accurate and honest recollection of what was discussed?---Yes.

5 Good. I want to ask you now, why was the election discussed and I would suggest the answer is pretty straightforward, isn't it?---The election would have been around - the discussion of the election would have been around having all these residents unhappy.

10 Yes, and whether it would be a popular or unpopular decision to vote one way or the other, is that right?---Yes.

15 The fact that there were five members of your team coming up for re-election meant that, that was a very relevant consideration as to how you all ended up voting, isn't that right?---No, it's not.

No?---No. I only voted how I actually thought at the time was the right way to vote.

20 Okay. So who was it that raised the election?---I don't know, it may have been me, it may have been one of the other Councillors.

Obviously, because this was a meeting amongst you and the Councillors. That's not going to help us much?---True.

25 Who was it that discussed the election?---I don't remember specifically who it was.

Was it all of you? Let's go through the names. Was it Councillor Davidson?---I don't remember, I'm sorry.

30 Councillor Chen?---Unless you can show me something - - -

Councillor Butler?---Don't remember.

35 Councillor Yong, the Lord Mayor or yourself?---I don't remember discussing it. We probably did - well, we did discuss it, I just don't remember who with. Maybe it was with everybody. Maybe we discussed it with everybody.

40 And the reason why you were discussing it was if you voted for this application, you would lose the support of a significant number of residents who lived at the Adagio Apartments or close by?---That would have been a consideration for some candidates, yes.

45 And it was a consideration for you, wasn't it?---I think the decision I made in the end is that - - -

The question is, was it a consideration for you?---No.

So who out of the some candidates was it a consideration for?---Probably all the candidates.

5 Probably all the candidates? Including yourself?---Yes, it would have been myself at well.

So including the Lord Mayor?---Yes.

10 Including Councillor Davidson?---Yes.

Councillor Chen?---Yes.

Councillor Butler?---Mm hmm.

15 Councillor - that might be it, Councillor Davidson, Councillor Chen, yourself, Councillor Butler, the Lord Mayor, yes, the five of you. So you all were talking about the ramifications of your vote come the elections in October?---Right.

20 Which was entirely inappropriate, wasn't it?---Yes, it was.

Because you should be deciding this matter on its merits, shouldn't you?---On its merits and the wishes of the residents most affected by it.

25 Yes, and how many votes you could get come October?---No.

You've already said that was the case - I've probably put it a little more bluntly, but that's the case, wasn't it?---No, I didn't factor that into it. It would have been discussed but I didn't factor that into my final decision.

30 [3.00 pm]

Really?---Yes.

35 Really?---Really.

Did you actually read the report?---I did read the report.

The planning officers, Margaret Smith, you remember her, don't you?---Yes, I do.

40 What is your opinion of her?---She's highly skilled.

Yes, everybody has said that. Kathy Lees was another officer involved from Planning, does that name ring a bell?---It rings a bell, I don't remember her though.

45 There were nothing in her reports that struck you as thinking, "Jeez, this is a hopeless report, this is wrong", was there?---No.

So we go now to 359 of these minutes, thank you, Madam Associate. I'm going to suggest to you that the contents of this page were completely ignored by the Council when it subsequently voted, and I will take you to those passages. This is the second paragraph:

5

It is considered that appropriate conditions can be imposed to address other valid planning considerations raised by submitters. Subject to these conditions, the local shop is unlikely to have a significant impact on the amenity of the residential use area and can therefore be supported.

10

Then there's the two further recommendations and this next sentence, Mr Adamos, would you agree with me, if correct, then this application had to have been passed?---I agree, if it was just based on this report.

15

Yes:

It is considered that these amendments address the concerns relating to valid - valid - planning considerations raised within the petition.

20

I'm emphasising "valid", okay?---Yes.

25 So if that is in fact correct, there is no legal impediment to this application being approved, do you agree?---Yes.

30 And you also agree with me that if that sentence is correct, then it will be almost inevitable that any review that the applicants would make to SAT would almost inevitably be successful?---Well, I didn't know that at the time, but yes.

Why didn't you know that at the time? You'd been on Council for more than three years by then?---M'mm.

35 Why didn't you know that?---I didn't know that.

But did you know that if SAT is to review a decision by Council, it only looks at whether it has legally complied - the application - legally complied with the legislation?---I've since known that after - yes, I've since known that.

40

Did you bother to ask anyone at this time whether that was the case?---I didn't.

Because Councillor McEvoy certainly knew?---Right.

45 :

Moved by Councillor Butler, seconded by Councillor Harley, that the

application be declined due to amenity concerns which would have adverse impacts on the affected adjoining owners of the proposed tenancy use.

5 There we go, "Motion put and carried and carried unanimously." Were you surprised that Councillor Butler moved this motion?---No. He was the Chair of Planning so most of the Chairs of the committees would normally move the items.

10 Yes, but what a Chair who just earlier that month approved the application?---I didn't - I don't know why he would have changed his view on it, but obviously he did.

15 You had discussions with him prior to the meeting, did you ask him, "Look, Rob, a week earlier you were opposed - you voted against exactly that same motion", did you ask him, "Robbie, what's going on"?---No, I don't remember asking him.

No, but he's completely swapped sides?---Yes, he has.

20 In the space of days. Didn't you find that curious?---No, I didn't because - - -

Did someone remind him about the ramifications for him come the October elections?---Somebody may have.

25 Do you have any knowledge, firsthand knowledge of that?---I don't know. I don't know who it may have been.

30 Before you voted, did you consider any adverse consequences upon anyone should you vote against the application?---Probably considered it, but I didn't, but in the end, the way I voted was based on what I thought was the view.

So what did you consider?---I probably thought, if this doesn't get supported in favour of the residents, people won't be happy with the Council.

35 No, listen carefully to the question. Did you consider the adverse consequences upon anyone should you vote against the application, not for it, against? I know you took into account what the adverse consequences of those who were against?---The adverse consequences of those who were for it? No, I didn't.

40 Financial consequences upon the proprietor of the shop?---I didn't think about that.

The financial consequences upon the owners of the premises?---No, I didn't.

The emotional consequences upon any of these individuals?---No.

45 But you did consider the perceived adverse consequences for the adjoining apartment owners in your decision to vote no, didn't you?---That's right.

I suggest to you, you must have known by this stage that any review to SAT would involve lawyers?---I wasn't sure but okay, I don't remember that.

Not something you considered?---No, I didn't.

5

But you were aware, weren't you, that the Council wanted the City to initially fight the review in SAT, didn't you?---Yes, that's right. I remember that now, yes.

We do know now what the Council unanimously voted for by September of 2015 and that is that the CEO negotiates a consent order, but as of July of 2015, nearly \$27,000 had been spent by the City on planning consultant fees and legal fees for these SAT proceedings?---Right.

10

Was that money well spent?---If that - "money well spent - if that's what the cost was to support the Council's view - - -

15

The question was, was that money well spent?---Yes, if that's what the Council's view was, yes.

Why? Why is it money well spent when two months later the Council accepted the inevitable and realised that the decision was wrong?---At the time when the money was spent, we were trying to help support the residents and what their thoughts were.

20

Really? You regarded that as a legitimate use of the City's money?---Yes.

25

For a decision that you knew was wrong?---I didn't know it was wrong at the time. I since know that now, looking at this.

Mr Adamos, we have established that it was a popular decision that wasn't based on the fact that the Planning Application complied with all legal requirements?---I wasn't - unfortunately, I wasn't very smart when it came to all the planning guidelines and the fact of it going off to SAT and things like that. I was still relatively new, albeit I was there for three years, or two and a half.

30

35

But you knew that you were required by law to determine a matter on its merits, didn't you?---No, I didn't know. I thought we would incorporate a whole range of bits of information, some would be the - - -

Mr Adamos, hold on. Are you saying you did not know you were required by law to consider matters before Council on their merits?---No, based on that - - -

40

Are you saying you did not know that as of February of 2015?---But not just that, I would be considering decisions based on all aspects.

45

COMMISSIONER: But just deal with counsel's question, please. You've told me you will do that, so please do it. Counsel's asked you a very direct question.

Mr Urquhart, would you please repeat the question?

5 MR URQUHART: Did you not know that you were required by law, by the Local Government Act and its Regulations, to decide a matter before Council on its merits?---No.

No?---You mean the merits in the report?

10 The merits of the application, matters of any decision that's before Council?---The decisions I was making were about - - -

15 Don't worry about that. I'm just asking you about this basic question: did you not know that you were legally required to determine a decision before Council based on its merits?---No. I thought we would decide it based on its merits and other factors as well.

COMMISSIONER: Let me ask a question, Mr Urquhart.

20 Mr Adamos, just listen to my question and don't bring anything else into your thinking, okay?---Okay.

25 As a Councillor, were you aware that when making decisions you were required to make them on their merits?---On the merits? No. To make them on their merits, which is the report in front of us.

Forget about the report, I'm asking you a general question now. Did you know as a Councillor that you were required to make decisions on their merits?---And just say the merits of, say, an officer's recommendation?

30 On their merits as opposed to extraneous considerations?---Right. I didn't know that. I thought we would include all factors in those decisions.

35 I see. Was that matter brought to your attention as a Councillor?---No, not - I thought we could incorporate all aspects of decisions, all aspects of making decisions, which was the reports in front of us, how it affects the amenity, how it affects people, that's what I thought was how we make decisions.

Mr Urquhart.

40 MR URQUHART: Thank you, sir.

Have you heard of the Local Government Rules of Conduct Regulations?---Yes, I have.

45 Did you read those?---I probably did when I first started, yes.

Regulation 3:

General principles to guide the behaviour of Council members.

Sub-regulation (1):

5

General principles to guide the behaviour of Council members include that a person in his or her capacity as a Council member should: (a), act with reasonable care and diligence.

10 Did you do that with respect to this decision?---I think so.

Really, given the fact that you ignored that if in fact this application complied with all legal requirements, it would almost inevitably be allowed by SAT?---I didn't know that at the time.

15

"Act with honesty and integrity", did you do that?---Yes, I did.

"Act lawfully"?---I believe so.

20 "Avoid damage to the reputation of the Local Government"?---Yes.

You did that? And, "Be open and accountable to the public", did you do that?---Yes.

25 Did anyone during the debate of this, raise the fact that there could be ramifications for a number of you at the October elections that year?---Yes, there may have been.

30 There may have been?---I don't remember. I'm just going back to the point that you raised earlier.

That would be highly unlikely, wouldn't it?---Sorry, I missed the question, could you say that again?

35 Yes. Did any Councillor say, "We have to oppose this application because we might lose votes at the elections in October"?---Not that I remember, no.

During Council debate?---No.

40 They wouldn't do that, would they?---No.

And yet, that was one of the reasons why your team voted against this application?---Right.

45 Wasn't it? We have already established that, so should that not have been put on the record?---It should, but that's not what I decided about it. That's not why I voted that way.

That wouldn't look very good, would it?---But that's not why I voted that way.

5 But you've told us why some Councillors clearly voted, because you discussed it amongst yourself beforehand?---Right.

[3.15 pm]

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So if not you, then other Councillors were hardly being open and accountable to the public, were they?---True.

:

5

Base decisions on relevant and factually correct information.

You didn't do that, did you?---No, I made a mistake there.

10

As did the other eight Councillors, didn't they?---It would seem so.

We will just continue them. And, "Treat others with respect and fairness", you didn't really do that, did you?---I think I was respectful and fair to the residents and possibly, looking at the report, we should have been, I suppose, more fair to the applicant.

15

Yes, exactly, and you weren't at all, were you?---No, because I considered more so the wishes of the residents.

20

Because we only had three potential votes amongst the applicant, didn't we?---No, that wasn't the reason.

And many more others with respect to the residents that opposed?---That wasn't the reason.

25

But that is the case though, isn't it?---That might be the case but it's not - - -

It is the case because 200 is more than three?---I didn't vote based on that.

30

That is the case though, isn't it?---I didn't vote based on that.

I didn't ask you that. It was the case that there were more votes in it to vote against the application than to vote for it?---True.

35

With respect to those immediately affected - - -?---True, there were more votes for it than against it.

I won't need to ask you about (h) because I certainly hope that was the case, "Not be impaired by mind affecting substances." So you agree with me that a number of those factors require you to consider the merits of the matter before you?---Yes.

40

So you don't agree with me that the 27, nearly \$27,000 spent by the City as at July 2015 was not well spent?---No, I don't.

45

You don't agree with me. What about the legal fees for the applicants? As at 20 August, so the matter still hadn't been concluded at this stage, their legal fees were

nearly \$37,000?---I didn't know that.

I'm telling you now. Do you agree with me they should never have incurred those fees?---Yes, I agree.

5

I'm going to say to you that the very fact that you were coming up for candidacy in October of 2015 played a big part in how you, and the other members of your team, voted. Do you want to carefully consider your answer, and please do because I'm going to take you to some communications that you and Councillors on your team had in 2015. So I've given you warning. I've tried to be as fair as I can. The Inquiry also knows who you had dinner with a short time after the vote was done not approving this application?---Right.

10

Bearing those in mind, I've given you plenty of warning there. Do you agree or disagree with my proposition, the fact that you and other members of your team were coming up for election in October, played a considerable role in how you and the other members of the team voted?---I don't consider - I don't agree with that.

15

Are you sure? Do you want to maintain that even though I've just told you what we have got?---I didn't. The reason I voted - - -

20

There's no need to repeat yourself?---All right.

25

But as a team though, wasn't that taken into account and was a very, very relevant consideration as to how the team members voted?---If there was a consideration by the members of the team, it probably was.

30

And you knew that was something first and foremost in the minds of the members of your team?---I didn't know that for a fact.

You didn't know that for a fact? Really?---Yes, I didn't.

35

You didn't know that for a fact just a day after the Council threw this application out the window?---I didn't know that for a fact.

Madam Associate, could we have a look, please, at 21.1153. This is TRIM number 20483.

40

COMMISSIONER: Thank you.

MR URQUHART: That's 21.1153. Sorry if my voice was a bit soft.

45

This is an email that Councillor McEvoy sent to you that she got from Michelle Noble, singing her praises, and so she sent this through to you, very shortly after she received. Read it out to us, please. This is Wednesday, 25 February, the day after the Ordinary Council Meeting. Just read it out, what she sent to you?---Yes:

Thought you might like this. You'll be in like Flynn from October.

5 Just read each word out, not just summarise it. Read it out carefully and slowly, please?---:

Thought you might like this. You'll be in like Flynn in October from this building.

10 JM?---Yes.

So why did you not read out "from this building" first time round?---I don't know, I just - I missed it. I didn't realise you wanted me to read it.

15 Sorry, you didn't realise I didn't want you to read out the entire line?---I just didn't think you wanted me to read it out word by word, that's all, nothing more than that.

When I said to you read it out, please?---Okay, I missed those words, I'm sorry.

20 They are quite significant words, aren't they?---If you say so, yes, they are.

I'm not saying so, they are, aren't they?---They are.

25 "You'll be in like Flynn in October! From this building"; what building was she referring to ?---The Adagio Apartments.

I will ask you again, the fact that you and four other members of your team were coming up for election in October played a significant part in how this matter was voted on, isn't that right? It did, didn't it?---No, it's not.

30

There's more to come. I just want to take you back, please, to the night before you got this email. So this is at the Council meeting. The vote's been taken?---Mm hmm.

35 There's lots and lots of happy people in the public gallery, aren't there?---I would say so, yes.

Michelle Noble was there?---Mm hmm.

40 She was very happy, wasn't she?---Yes.

Did she come up and thank you?---I don't remember but she probably did.

45 Yes, okay. Councillor McEvoy, do you remember she spoke to you after the meeting, but still in the meeting room?---I don't remember, but - I don't remember.

And she words to the effect of this, "If this goes to SAT, then it would likely be

approved but at least the public gallery has seen us refuse the application"; can you remember her saying words to that effect to you?---I'm sorry, I don't remember her saying that.

5 Are you certain about that?---I'm certain about it. I'm certain I don't remember what she said after the meeting.

Do you remember her speaking to you?---No, I don't remember what happened after the meeting.

10

She was overheard saying that to you?---Right.

And one other Councillor?---Okay.

15 The person who overheard that has got a very, very distinct memory of it. Mrs Margaret Smith, she was at the meeting that night and she was appalled by this decision that had been made by Council?---Right.

20 And then that is why she has got a clear memory of what was said because it clearly was, by that comment made by Councillor McEvoy, a popular decision?---Right.

25 "If this goes to SAT, then it would likely be approved but at least the public gallery has seen us refuse the application"?---Right.

25

Now that we have gone over it a little bit, you do have a recollection now, don't you, of Councillor McEvoy saying something like that?---I still actually don't and I never received this email. That's not my email address.

30 Sorry, you did not receive that email?---That's not my email address.

[REDACTED] ?---It's e-s-p.

E-s-p?---Yes.

35

[REDACTED] ?---That's right.

40 It's not your email address?---That's not my email address. My email address is [REDACTED], like the coffee.

40

It doesn't matter though?---No, but I'm just saying - - -

45 You knew that Councillor McEvoy was of the view that you and the other Councillors would be in like Flynn, you were aware of that anyway, weren't you?---I wasn't aware of that. If that was Councillor McEvoy's opinion, that was her opinion. I wasn't aware of that.

But she was part of your team?---Yes, she was on - yes.

Leaving aside whether it's the correct email address or not, Ms Smith is very certain Councillor McEvoy said that to you?---Okay.

5

That's certainly not a valid reason for refusing this application, is it? Is it, "If this goes to SAT then it would likely be approved but at least the public gallery has seen us refuse the application"?---No, it's not.

10 If that was the reason, it wouldn't be a very valid one, would it?---No, it wouldn't.

There is no evidence from Ms Smith that you took affront at that comment or said, "No"?---Okay. As I say, I don't remember that comment being said to me but if that's what Ms Smith remembers - - -

15

Mr Adamos, it looked like you were getting no emails from a member of your team, Ms McEvoy, in or about 25 February 2015?---Okay.

20 Because she was sending it to you to an email address that was incorrect, so there you go. Do you remember getting any emails from her at your private email address?---I probably did get some but I don't remember this one.

25 So you might not have got this particular email with the wrong email address but did you get something with the correct email address that had those words?---No.

25

No? So you still won't agree with me that a significant factor in this vote against this application was the forthcoming election?---No.

30 You still maintain that?---Yes, for my decisions. For my decision, I can't speak for anyone else.

[3.30 pm]

35 Nevertheless, you were very much involved in this move by Council to reject this application, weren't you?---I don't remember if I was. I don't remember if I was.

You don't remember or you don't want to remember?---No, I actually don't remember. It was four years ago.

40 From the investigations undertaken by the Inquiry, you were the only member of Council who had dinner at the Council dining room for Ms Noble and other residents of the Adagio complex after that meeting in February of 2015, do you recall that?---Yes, I do.

45 What was the purpose of that dinner?---Just to meet up with them because I'd met them through this process and I thought it would be a good opportunity for me to meet them, I suppose more intimately.

A celebratory dinner?---No, it wasn't that.

Yes, it was, wasn't it?---No.

5

So it was just an opportunity for you to meet up again?---To have a discussion with these people rather than speaking to Michelle Noble about the issue of the shop.

10 So what was the discussion then? The matter had been resolved. What did you have to talk about then?---It was just more about having dinner with ratepayers. It was - to understand more about them.

You understood a lot about them, they were objecting to the local convenience store, weren't they?---Yes, they were.

15

So you wanted to meet them, and why? May I remind you again, it's 2015, the elections are coming up?---It was just simply to meet up with them as I would meet up with other residents.

20 Yes, and say, "Come for a free dinner at the Council dining room "?---You could say that about anyone that I've had dinner with during that period."

I'm just staying with these eight guests for the moment?---Mm hmm.

25 What was your intention?---My intention was to get to know more about these people.

And also to, what?---Nothing, just to get to know more about these people and understand who they were and just - - -

30

I don't know whether it was on the menu or not that night but wasn't your intention to curry favour ahead of the election?---To curry favour?

Yes. You've heard of that expression before, haven't you?---No, I haven't.

35

Curry favour?---No, I haven't.

All right, to get in their good books ahead of the election, to give them a favour, to extend a free meal to them; that must have crossed your mind?---As I said, I wanted to have a meeting - - -

40

That didn't cross your mind?---It would have crossed my mind but that wasn't the purpose why - - -

45 It would have crossed your mind, did you say?---It would have.

Yes, of course it would?---But that wasn't the purpose of me meeting with them. I

met with lots of residents that year.

5 I'm just talking about these. You'd already resolved the issue that they were complaining about so the idea was to get them on side even further with you so they would vote for you at the election come October, wasn't it?---No, it wasn't.

You certainly didn't invite the applicants to a commiseratory meal at the Council dining room, did you?---No, I didn't.

10 I want to take you now, please, to 22 September of 2015. So this is after the vote at the Ordinary Council Meeting and it's after the meal that you put on, or the City put on for the eight residents of the Adagio Apartments and it's on the same day as Council admitted defeat, realised that the wrong decision had been made and that it had to give consent to their CEO to negotiate a consent order in SAT. It's the
15 same day as that?---Right.

So it's 22 September 2015 and, Madam Associate, I'm going to take you, please, to 21.0435, please - hold on. I'm just jumping ahead of myself. Could you take that
20 down for the moment. Before we just get to that, the time now is April of 2015. It's after you've had the dinner at Council House with some of the members from the Adagio group and can you remember wanting to attend the mediation meeting that was still going on with SAT at the time?---I remember there was a mediation meeting, but I don't think I attended it.

25 But you wanted to attend, didn't you?---I don't remember if I wanted to.

I will have to remind you now. Sorry, Madam Associate, if we could now go to that same document. It's 21.0434 we might start with first. This is 12 April 2015 and this is going to be an email that was sent to the Lord Mayor and Councillors
30 and I want to start at the bottom of the page and we are going to work our way up. So don't worry, we will get there. You can see from the bottom page, it's from Gary Stevenson, the then CEO, 12 April 2015. We next go to 435, please. He starts it off, "Good morning Lord Mayor, and Councillors", he gives a bit of a summary of what's happening in the SAT proceedings regarding this matter. I just
35 want to take you now to the third last paragraph:

40 *In the interim, however, I respectfully request that you advise Martin or myself of any communications with the applicant of the DA - Development Application - or the objectors to the DA, in particular, if you receive any correspondence, including emails, from either, it will be essential that these be recorded as corporate records and registered in the records system. In this judicial process it will be important that the integrity of City of Perth's handling of this matter and its records are upheld.*

45 Then you responded to that, if we go now to 434, thank you, Madam Associate, which you sent to the CEO, CCed Mr Mileham and Ms Smith:

5 *Gary, I had dinner at Council House with some of the members of the Council of Owners and Objectors of Adagio Apartments. I am sure you were advised of my dinner and hence your email. I would like to attend the meeting on May 1st with SAT and I advised the owners that I would. I was planning on contacting Martin on Monday to discuss further about this but you beat me to it.*

10 There we go, so you did want to attend what was to be a mediation session, do you see that?---Yes.

15 Did you want to - do you understand this expression, did you want to go in to bat for Ms Noble and her crew?---No. I don't think I was going to be involved in the batting, it was just to be there as a support.

20 Support for who?---Well, I suppose on behalf of the City of Perth just to listen to what was going on because it was the Administration that was going and from memory of this one, it was about getting a Councillor to go as well.

25 Support the City or support the objectors?---Well, I thought it was about going in there - - -

30 Or both? I just want to ask you. I don't want know what you thought, I just want to know who you thought you were going to support at this meeting?---I don't remember but at the time I remember I was thinking that to go there, if they needed a Councillor to go, I was prepared to go.

35 Did you want to fly the flag for the objectors?---Not necessarily, no. I don't remember that.

40 If we go now to 433. This is a response by Mr Stevenson to you, right at the bottom:

45 *Good morning, Councillor Adamos. Thank you for your advice. Your email and that of one other Councillor a few minutes ago in response to my email was the first advice I had been given about your dinner arrangements.*

50 He continues on to 434, thank you, Madam Associate:

55 *Normally when a SAT appeal hearing is afoot, I would advise all Councillors to be very cautious in any communications with applicant or objectors as it is a judicial process. However, my email was actually prompted by the enquiries of another Councillor earlier in the week who had been informed of the SAT hearing by a resident.*

60 If we go now back to 433. Then you responded about halfway down that page, do

you see that:

5 *Thanks, Gary, for clearing that up. Also, just so you are aware, I had booked this dinner in with the applicants about a week after our Council meeting addressing this matter. The applicants have asked that I attend, so let me know whether your process will allow me to go or not. I'm neither here nor there whether I go or not and I understand it will probably be the Planning Committee that attends. Anyway, I will await your advice, regards, Councillor Adamos.*

10

So you were right on the money there, weren't you, because it ended up being members of the Planning Committee that attended?---Right.

Do you remember that?---Yes, I do.

15

So that should have been the end of the matter, shouldn't it?---I guess so, yes.

Could we go now, please, to 455, please. Sir, incidentally, I can't give you the TRIM number for any of these documents, regrettably.

20

COMMISSIONER: That's all right.

MR URQUHART: So at 455 now, just starting at the bottom there, we can see you've sent an email to Mr Stevenson. I want to go now to 456, and I will just read out from the bottom of 455. You say:

25

Gents, Michelle Noble from Adagio Apartments just called and asked me to attend their meeting.

30 I'm sorry, we should have gone to 456. There we go, there's the full email from you. See, you've just sent through that to Mr Stevenson and Mr Mileham:

Gents, Michelle Noble from Adagio Apartments just called and asked me to attend their meeting tomorrow morning. I wanted to let you know that I plan on being there, regards, Councillor Adamos.

35

Why were you saying that when not 18 days earlier you accepted what the CEO had said to you and that you expected members of the Planning Committee to go? Incidentally, you weren't on the Planning Committee then, were you?---No.

40

So you were actually announcing that you were going to be there, why?---I don't know. I don't know what me write that.

We know why, it's in your email:

45

Michelle Noble from Adagio Apartments just called and asked me to attend their meeting tomorrow morning.

5 You obviously didn't say to her, "I can't go because that will be handled by Councillors from the Planning Committee", you clearly told her that you were going to be there. See, "I wanted to let you know that I plan on being there"?---True.

So why?---I don't know.

10 "I don't know", is that what your answer's going to be?---Or - I don't know why I would have said that.

15 Just so if it hadn't been made abundantly clear to you 18 days earlier, or thereabouts, if we go to 455 and Mr Stevenson is stating something that I would suggest to you was the bleeding obvious:

20 *Good morning, Councillor Adamos, if this meeting you refer to is the SAT mediation, the SAT order explicitly invited the Lord Mayor or Councillors nominated by her. The Lord Mayor has nominated Council Butler, DLM and Chair of the Planning Committee, and Councillor McEvoy, Planning Committee member, to attend as her nominees. You have not been invited and it is clearly not appropriate for you to attend as a nominee of the objectors. The only option for you to attend is if the LM decides to add you as an additional delegate. I have CC'd the LM for her consideration but I do not recommend that she nominates you.*

25 And she certainly did not?---That's fine.

30 So why did you not understand from the previous email you had with Mr Stevenson that it would be entirely inappropriate for you to go?---I don't know why I didn't understand that. I thought - I didn't realise, I suppose, the seriousness of SAT. I thought anyone could just go. I thought other Councillors could attend. I didn't realise - - -

35 That's not right, Mr Adamos, because I can remind you of your email to the CEO on 12 April. Do you want to go back to that, where you said, "I assume that members of the Planning Committee would be attending"?---That's what I - yes.

40 So that's not the right explanation?---I didn't realise that - - -

So why was it that you wanted to go there?---I didn't realise other Councillors couldn't go. I assumed the Planning Committee would go but I didn't realise other Councillors couldn't go

45 [3.45 pm]

Why did you need to go in any event?---Michelle Noble asked me if I could go.

So you wanted to go in to bat for the objectors, didn't you?---I wasn't going to be able to have any discussions with the people at SAT.

5 Did you want to go in to bat for the objectors?---No, I was merely going to go there as, I suppose, support for her or the City of Perth. I didn't know why I was going to go.

I'm asking you why because only you know. I can put forward a reason why but I'm sure you're going to not agree with that so I'm just asking you why?---I wanted to go.

I know that. Why were you so interested in going?---Because I'd already had that discussion with her, she wanted more support and I said, "I'll go."

15 So it was a support for Michelle Noble and her fellow residents?---Probably, but I wouldn't have been able to have done anything.

You wanted to be seen as being supportive of these particular potential voters, isn't that right?---Yes, I'm trying to be supportive.

Which is - the elections are now six months away, isn't that a factor as well?---It's not a factor.

25 Not a factor at all?---It's not a factor. I was trying to be supportive. It had been a long process.

Not a factor at all?---No.

30 Okay, that's fine. If we go now to 22 September and the fact that the Council now had to allow this application to go through because I told you about the vote authorising the CEO to agree to a consent order, it's something that the Council did not want to do particularly at that stage, would that be fair to say?---It would probably be fair to say because we knew them pretty well now.

35 Sorry? Yes, but also, 22 September, what's happening in a few weeks?---There will be an election.

40 And that was the cause of some concern amongst your group, wasn't it?---Probably.

Definitely?---Probably.

45 Not definitely?---Maybe not definitely on everyone but probably.

I'm going to take you to some emails and then ask you whether you are prepared to alter your description of "probably" or not.

COMMISSIONER: Mr Urquhart, before you do that, Mr Adamos has now been in the box for almost one hour and 50 minutes. Mr Adamos, do you need a break?---It depends, I suppose, how much longer you think - - -

5

Do you need a break now?---I could do with 10 minutes, please.

Mr Urquhart, would there be any difficulty with a 10 minute break now?

10 MR URQUHART: No, sir. I would be grateful for it as well.

COMMISSIONER: Thank you. We will adjourn for 10 minutes.

WITNESS WITHDREW

15

(Short adjournment).

HEARING RECOMMENCED AT 4.01 PM.

20 **MR Jimmy ADAMOS, recalled on former oath:**

COMMISSIONER: Yes, Mr Urquhart.

MR URQUHART: Thank you very much, Commissioner.

25

Just before I go to 22 September, can I just go back to those emails I showed you from April of 2015. You wanted to go to this mediation, it would seem, on behalf of the residents, I think you've said that?---Yes.

30 So you wanted to represent that small section of the City, did you, at that mediation?---It was just really to go as support. There was nothing more to it than that.

35 Not just though to support a very small section of the City? It was only these handful of residents who were opposed?---Yes, that's right.

40 So were you going with your Councillor's hat on or as a supporter of the residents?---I don't know. I didn't think anything of it. I just thought - I was asked by the residents if I can go along. I said okay, but I'd have to ask.

I'm just asking you now, were you intending to go with your Councillor's hat on, or as a supporter of the residents?---Probably as a Councillor hat on because that's what they asked me - she asked a Councillor.

45 Do you know what a conflict of interest is?---Yes, I do.

What's that?---It's when you, I suppose, try to make one action where there's other

competing influences on the other. I do know what it is.

5 Did you not have a conflict of interest with attending this mediation session, given the fact that you had wined and dined with eight of the objectors?---I only realised that once the CEO brought it to my attention. I didn't realise it beforehand, it was just remiss on me. I didn't even think about it.

You have a tertiary qualification?---Yes, I understand that.

10 You're clearly an intelligent man, yes?---Yes, but I missed that.

You understood what a conflict of interest is?---I do.

15 And it didn't strike you that you had a serious conflict of interest if you were to attend this mediation?---No, I didn't, but I didn't go in the end anyway.

20 I want to take you now to some emails that were exchanged between your team on 22 September. So this is before the Ordinary Council Meeting that I've told you about where the Council recommended the CEO to settle the matter in SAT. It all arose from an email that the Lord Mayor got from Michelle Noble. She was an incessant emailer, wasn't she?---Yes, she was.

25 So this was just another one of hers that she sent. Madam Associate, 21.606, thank you. It's a fairly long email so I just want to indicate just the first line of it. Just right at the very bottom there, Ms Noble has sent it to the Lord Mayor:

Good morning, Mayor Scaffidi, at tonight's meeting Council's going to consider options for taking this matter forward.

30 Then she voices her views on what should happen. We don't need to go into that. What I want to go into is the fact that the Lord Mayor then forwarded it on to seven of the nine Councillors. So it's herself and seven and there's one missing but nevertheless, I just want to take you through to the middle of that page, 606. At 7.11 am she sent it:

35 *FYI below. This puts us in a very difficult position tonight. Very hard to vote against as clearly our fav CEO has been handling this another way. He mentioned it in such a way last week that led me to believe residents were across it but I now see they are not. Will keep you posted.*

40

45 What I want to concentrate on is that last line, "We don't need this right now, Lisa." What was she referring to there?---Probably because there's an upcoming election and - - -

That's exactly right, isn't it?---M'mm.

And if we need any further confirmation of that, we get it from Ms McEvoy's email, see above that, that was sent nearly three hours later:

5 *My comment - very inappropriate that it's coming up election time!!! I am disgusted with the whole process, JM.*

?---Yes.

10 So there's at least two members of the team that were concerned about the timing?---True.

Because of the election, yes, and I'm sure you'll agree, as you already have, that's a totally inappropriate consideration to take into account, isn't it?---I agree.

15 And if we want even further confirmation, we just go to 605 and see from Councillor Butler on that same morning, just the top of the blue shaded area:

Hi, the timing is not good??

20 Then he goes through as to what he suggests should be done but then again, "The timing is not good", again he's referring to the looming election?---M'mm.

Is that right?---That's right.

25 That can come down now, thank you, Madam Associate. So there's three Councillors who were concerned about the ramifications this would all have for the election, okay?---Yes.

Who have expressed it in writing?---Mm hmm.

30

But I'm going to suggest to you that was your thoughts as well, wasn't it?---Yes, it was my thoughts.

35 I'm going to now show you an email as to what Michelle Noble herself thought or believed were the reasons why the Council opposed the application. So this is now an email that she sent to you. Madam Associate, this is now 0841, thank you. This is an email that she has sent to you on 4 May 2016, so eight months later. Do you see that? Let's just check to make sure she's got the right email address. That's your email address at the City of Perth, isn't it?---That's right.

40

:

Hi, Councillor Adamos, I am sure you understand how frustrated we are but the lack of action by the Administration.

45

She's obviously attached a photo which shows another breach, she's saying. I want to take you now to the fourth paragraph, please. It reads:

I received a previous response from the Mayor which I will paraphrase as 'Don't call us, we will call you'. Funny how things change when it isn't an election year.

5

You received this email because you responded that you had been - you responded to it because you were forwarding it on to other people, but in any event, it would seem that you did receive this email. Do you remember it?---I don't remember it, but now that you show me, she sent it to me so I would have received it.

10

You see that comment she made:

Funny how things change when it isn't an election year."

15

?---Yes.

You understood what she was inferring there?---Yes.

20

Didn't you?---Yes.

"Now it's no longer an election year, you Councillors aren't paying us the attention you were giving us in the election year", would that be a fair summary of it?---That's what it looks like from her.

25

So that was her view?---Yes.

30

Again, now that you've seen all of those emails, isn't it the case, the fact that five of you are coming up for re-election in October played a considerable factor in your decision to oppose this application?---I can speak about myself, I can't speak about the others.

35

I'm asking you to speak for yourself because it was part of a team decision, wasn't it?---On behalf of myself, I could say that, the way I voted was making sure that the residents - I was trying to support them.

Yes, of course, and the reason for that is you wanted to not just lose their votes at the forthcoming election, but anybody else that they might want to bad mouth to about the Council?---That's not the case.

40

No? You see, the elections were first and foremost - well, foremost in a number of people's minds from the Council and these were people that had discussed it with you, because you've told us about that. Prior to the 22 February meeting, we have got Michelle Noble stating to you that comment that she did the following year?---Yes.

45

We have got at least Councillor McEvoy believing that she sent you an email about you being "in like Flynn"?---Mm hmm.

So you're saying it wasn't a significant factor for you?---Not for me.

5 But it would seem to be the case, would you agree, that it was a significant factor for other Councillors?---It seems that way from what this is saying.

10 But you were not part of that majority because we can see there, there's at least three that have expressed that in writing. You haven't expressed anything in writing but at no point is there any evidence in which you state your disagreement to the importance that they have placed on the forthcoming election?---True.

15 So whilst you're not prepared to accept this, you are prepared to say that there were Council members who placed an inappropriate weight to the fact that there was an election coming up when they voted against this application?---It seems that way, yes.

20 Would you accept that everything we have gone through now, that this decision by Council on 22 February 2015 in rejecting this application was the wrong decision?---I do accept it now

[4.15 pm]

25 I want to conclude my examination of you by showing some footage, Mr Adamos: the Inquiry heard from the owner of the premises at Adagio Apartments where the shop was going to go, or did go, at least briefly, and also the Inquiry heard evidence from the two shop proprietors. I want to show you a short extract of the video of one of the shop proprietors giving evidence in December of last year. His name is Mr Qaraleh. Sir, this would be TRIM number 21964.

30 COMMISSIONER: Thank you.

MR URQUHART: The private hearing evidence from 18 December 2018.

35 COMMISSIONER: Thank you.

(Video played to the court).

40 MR URQUHART: Mr Adamos, just before Mr Qaraleh's wife separated from him, she said to him, "You shouldn't have chosen the supermarket to be in this area.

That was sage advice from his now ex-wife, wasn't it?---I would say so.

45 But he told her, "This is really good area", and it is, isn't it?---Yes.

The City of Perth should be a really good area?---It should be.

And, "This country has law and the law should serve everyone", he told his wife. This country does have law, but did the law serve everyone fairly and equally on 22 February of 2015 at the City of Perth's Ordinary Council Meeting?---It doesn't seem that way.

5

Sorry?---It doesn't seem that way.

It wasn't that way, was it? It wasn't that way, was it?---No.

10

Those Councillors who you do not include as being yourself, those Councillors who regarded the elections as a significant factor before they voted against this application, was what they did really worth a few extra votes?---No.

Thank you, Mr Adamos. They are all the questions I have for you.

15

COMMISSIONER: Thank you, Mr Urquhart. Mr Hood, do you have an application to make?

MR HOOD: No, Commissioner.

20

COMMISSIONER: Mr Yeldon, do you have an application to make?

MR YELDON: No, sir.

25

COMMISSIONER: Mr Skinner?

MR SKINNER: No application, may it please you, sir.

COMMISSIONER: Mr van der Zanden?

30

MR van der ZANDEN: No, I don't, Commissioner.

COMMISSIONER: Mr Teng?

35

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

COMMISSIONER: Mr French?

MR FRENCH: No, Commissioner.

40

COMMISSIONER: Thank you. In that case, that concludes your evidence today. Thank you for your assistance. I will now adjourn until tomorrow morning.

45

MR URQUHART: Sir, we will be adjourning the public hearings now until next Monday, when we will be reconvening the public hearings and there will be no hearings tomorrow.

COMMISSIONER: I will adjourn the Inquiry until tomorrow.

MR URQUHART: Thank you, sir.

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WITNESS WITHDREW

**AT 4.26 PM THE MATTER WAS ADJOURNED
UNTIL MONDAY, 12 AUGUST 2019**

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