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INQUIRY INTO THE CITY OF PERTH

PUBLIC HEARING - DAY 103

FRIDAY, 6 SEPTEMBER 2019

INQUIRY PANEL:

COMMISSIONER ANTHONY (TONY) POWER

COUNSEL ASSISTING:

MS KATE ELLSON

COUNSEL APPEARING:

**MR SAM VANDONGEN SC and MR ALAN SKINNER (Mr Dimitrios LIMNIOS)
CAV. MARIA SARACINI and MR MARTIN TUOHY(Mr Martin MILEHAM)
MR NICK MALONE (Mr Reece HARLEY)
MR TOBIAS BARRIE (Ms Judith McEVOY)
MR MATTHEW CORNISH (Dr Jemma GREEN)
MR JOEL YELDON (Ms Janet DAVIDSON)
MR PETER van der ZANDEN (Ms Lisa-Michelle SCAFFIDI)
MS ALENA ZORIC (Mr Gary STEVENSON)
MS JENNY THORNTON and MR CHRISTOPHER HOOD(Mr Jimmy
ADAMOS)**

.06/09/2019

HEARING COMMENCED AT 10.04 AM:

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

10 Ms Ellson, do you recall Mr Limnios?

MS ELLSON: I do, Commissioner, yes.

15 COMMISSIONER: Mr Limnios, please come forward and take a seat in the witness box to my left.

MR Dimitrios Athanasios LIMNIOS, recalled on former oath:

20 COMMISSIONER: You remain under your oath, Mr Limnios.

Mr Vandongen, you continue to appear with Mr Skinner for Mr Limnios?

MR VANDONGEN: I do, thank you, Commissioner.

25 COMMISSIONER: Thank you. Ms Saraceni, you continue to appear for Mr Mileham?

MS SARACENI: Correct, sir.

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

MR MALONE: I do.

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

MR van der ZANDEN: I do, Commissioner.

COMMISSIONER: Mr Barrie, you continue to appear for Ms McEvoy?

40 MR BARRIE: Thank you, Commissioner.

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

45 MR CORNISH: I do, thank you, Commissioner.

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

MR YELDON: With your leave, Commissioner, thank you.

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

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MS ZORIC: I do, thank you, Commissioner.

COMMISSIONER: Thank you very much.

10 Ms Ellson, are you ready to resume?

MS ELLSON: I am, Commissioner, yes. .

COMMISSIONER: Thank you.

15

MS ELLSON: Mr Limnios, yesterday afternoon I was asking you some questions about what you saw or heard in Council or committee meetings which gave you the impression that the movement of the Grand Central Hotel through the Heritage Register process was being delayed on purpose, do you recall me doing that?---Yes, ma'am.

20

You indicated you received a report:

25

I was told or shown an email, I can't remember, but there was a report that suggested that it needed to go to get registered and that that report was withdrawn and delayed.

?---Yes, ma'am.

30 The Commissioner asked you if you remembered what kind of report it was and you said:

The recommendation for the building to be listed, that report, sir.

35 You were asked:

How did you come to learn of this?---Of the delay?

40

Of the report being withdrawn?---I was sent an email and attached to that email was a document that had a whole lot of issues, from what I remember, that a particular member of the Directorate stated, and then I was sent another email that had an email chain that stated that an officer was requested to take the report for the Grand Central Hotel off the agenda.

45

Do you recall that?---Yes, ma'am.

Ma'am, could you please bring up document 14.2112, TRIM 24285.

COMMISSIONER: Thank you.

5 WITNESS: Would you like me to read that, ma'am?

MS ELLSON: Yes. I will ask you to read the whole email from the beginning but I will just ask you to identify this: do you see there what purports to be an email from Ms Battista?---Yes, ma'am.

10

14.2111, please, Madam Associate. Do you see at the bottom of the page an email from Ms Battista to Mr Mileham?---Yes, I do, ma'am.

And then above that, an email from Ms Battista to Dr Green?---Yes, ma'am.

15

And that's dated 28 February 2018?---Yes, ma'am.

And above that, an email from Dr Green to yourself and others, dated 28 February 2018, do you see that?---Yes, I do, ma'am.

20

Just take a moment to read through that, Mr Limnios, please, and let me know when you read to turn the page?---Ma'am, I'm ready for the next page.

Madam Associate, if you could turn over, please, to 14.2112?---Yes, ma'am.

25

There appears to be an attachment to the email, "Draft Council report - proposed entry, Grand Central Hotel CPS 2 Heritage List." Madam Associate, if you could bring up page 14.2113. Do you see there, Mr Limnios, what appears to be a report?---Yes, ma'am.

30

With respect to State Heritage Office assessments?---Yes, ma'am.

COMMISSIONER: Do you want Mr Limnios to read this?

35 MS ELLSON: I don't intend to ask questions about the contents of it, Commissioner.

Madam Associate, 14.2111. Mr Limnios, is the email you've seen here one of the emails you spoke of yesterday?---It brings to my memory, yes, it is, because - yes.

40

It appears that it was sent to you on 28 February 2018, do you see that?---Yes, ma'am.

And Ms Battista's email at the bottom is dated 29 August 2016?---Yes, ma'am.

45

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

Can you tell me whether you spoke to Ms Battista or anybody else around 29 August 2016 about the content of her email there?---I don't remember specifically but generally there was a lot of conversation around this matter and I don't remember specifics, in terms of who with and what.

5

You don't remember who you spoke with?---I regularly spoke to Councillor Green and Councillor Harley with regards to their concerns about the way that this particular matter had been treated and I don't clearly remember whether Ms Battista had brought this to my attention or not in one of our face-to-face meetings but it would not surprise me if she did.

10

In which year, Mr Limnios?---During the periods that I was Deputy Lord Mayor and we were having regular, or whenever necessary, meetings to do with my role.

15

And you can't be any more specific than that?---Unfortunately, no, I'm sorry, I can't.

The document can be taken down, please, Madam Associate. The next document, Commissioner, I will need to provide a copy to witness and to yourself. It came to light this morning.

20

COMMISSIONER: And to Mr Vandongen, I assume?

MR VANDONGEN: Yes, Commissioner.

25

MS ELLSON: Mr Limnios, I would like you to have access to a document now. Madam Associate. If the document can be distributed to everyone at the Bar table, it would be something I would place on the screen

30

[10.15 am]

Do you see there an email from yourself to a Mr Skinner and a Mr Purdy dated 21 August 2019?---Yes, ma'am.

35

And underneath it appears that you've sent yourself an email, is that right?---Yes, ma'am.

That's undated but underneath that is a message forwarded from Dr Green to yourself?---Yes, ma'am.

40

Attaching an email from Ms Battista to Dr Green, February 2018?---Yes, ma'am.

And over the page there's an email from Ms Battista to herself dated 24 August 2016?---Yes, ma'am.

45

And underneath that, an email from Ms Honmon to Ms Harris and Ms McMullen and Ms Battista dated 17 August 2016, do you see that?---Yes, ma'am.

5 Mr Limnios, can you tell me what the significance of this email is? Does it have significance for you?---Yes. I saw - I noticed that the former Director Battista forwarded this email to her personal address with a caption saying, "Interference in heritage listing of the Lord Mayor's building", and that is what grabbed my attention.

When did it grab your attention?---At the time that I read it.

10 When did you read it?---The date that it was sent to me which was the date that it was forwarded by Jemma Green on 28 February.

2018?---Yes.

15 Is this the other email you were referring to yesterday?---Yes, ma'am.

20 Were you aware of the contents of the email or the potential interference in the Heritage Listing of the Lord Mayor's building in or around 17 August 2016 in this sense?---I don't recall reading a document or an email but I recall a lot of conversation around it between - and concerns between Councillors Harley, Green and myself and press reports and general talking but I don't remember reading this particular email, ma'am.

25 In terms of trying to place that in time with more specificity - - -?---I understand what you're saying, ma'am.

Good.

30 COMMISSIONER: We all do.

MS ELLSON: Thank you.

35 A lot of conversation that was occurring, was that occurring before you started to talk to Councillor Green about her vote and the way she would vote?

MR VANDONGEN: Chen, I think.

40 MS ELLSON: Sorry, yes?---Yes, Chen. I didn't - I wasn't trying to influence Councillor Chen, I was just trying to - in terms of the how to vote. I was trying to just bring facts to her attention but I was aware that there were issues surrounding the Heritage Listing of this particular property and I was concerned that yet again the City will be seen as doing the wrong thing by it not being listed. So I wanted to make sure that Councillor Chen was aware of the facts and the seriousness.

45 Thank you, Mr Limnios. Commissioner, might the document be marked JL 1 for identification, prior to being incorporated into the brief?

COMMISSIONER: Yes.

5 #EXHIBIT JL1 - Email chain commencing on the first page with an email from James Limnios to Alan Skinner and Daniel Purdy dated 21/8/2019 at 11.31 am, and ending with an email from Yvonne Honmon to Jo Harris dated 17/8/2016 at 10.52.

10 MS ELLSON: If the document can be returned and collected from each representative, Madam Associate, please, Commissioner.

COMMISSIONER: Of course.

15 MS ELLSON: Mr Limnios, did you attend a Planning Committee meeting as an observer on 25 October 2016?---From recent documents that I've seen, it triggered my memory, yes, I did, ma'am.

20 Why did you do that?---I wanted to ensure that the property, the Grand Central Hotel, was going to be treated appropriately and that it would pass through the committee to come to Council for a Heritage Listing.

25 What difference, Mr Limnios, would your presence make at a meeting, to the passage of a matter through committee?---It was my interest in the matter, just to see how it flowed. It wasn't uncommon to attend other committee meetings if there were particular agenda items that you were interested in or you wanted to hear more about, because you are given an opportunity to speak.

30 Were you prepared to speak at that committee meeting if necessary?---Absolutely, yes.

Dr Green went as well, did she?---Yes, ma'am.

35 Did you make an arrangement to go with her?---I don't remember, but possibly. I could have possibly told her that I was going and she might have said, "I'll come along as well." It's not uncommon.

Did you and Dr Green go to make a show of numbers for the matter?---Not at all, just as interested parties, as interested Council members.

40 Did you have a reason to believe that the Planning Committee on 25 October 2016 would not ensure that the Grand Central Hotel was treated appropriately?---It wouldn't surprise me if they didn't because the members on the committee were - from what I remember, it was presided by Councillor McEvoy and I think Councillor Yong was on there and I can't remember the third one.

45 Councillor Adamos?---Yes, Councillor Adamos, and I felt that the three of those Councillors were very much politically aligned with the Lord Mayor and I just

wanted to see how it was going to be treated.

27.1143, please, Madam Associate. Do you see here Planning Committee minutes certified and confirmed 6/12/16?---Yes, ma'am.

5

For a meeting 15 November 16, which should be 25 October 2016?---Yes, ma'am.

Madam Associate, could you bring up 27.1146. You see here, "Members in attendance", underneath the heading, "Observers", your name?---Yes, ma'am.

10

Do you accept this is the Planning Committee meeting that you attended as an observer on 25 October 2016?---Yes, I do, ma'am.

27.1147. Do you see there an item, "Proposed entry of the Grand Central Hotel"?---Yes, ma'am.

15

Is it because that matter was on the agenda that you attended this meeting?---This particular meeting, yes, ma'am.

20

27.1156, please, Madam Associate?---Would you like me to read this, ma'am?

The motion, Mr Limnios, moved by Councillor McEvoy, seconded by Councillor Yong, just read that to yourself?---Yes, ma'am.

25

Given your concerns about the progress of the Grand Central Hotel on or about 25 October 2016, was the motion that was passed and carried, in your view, an appropriate way to dispense with the matter on that day?---Yes, ma'am.

30

TRIM 19697, Commissioner. The document can be taken down, Madam Associate.

COMMISSIONER: Thank you.

35

MS ELLSON: The recommendation of the committee was endorsed by Council at its meeting on 1 November 2016, do you recall that?---Yes, I do, ma'am.

27.1193 - I'm sorry, I will start at 97. Do you see here some Council minutes, 1 November 2016?---Yes.

40

And you are the Presiding Member?---Yes, ma'am.

And you were aware as at 1 November 2016 of the requirement for a Presiding Member to certify the minutes of the meeting?---Yes, ma'am.

45

Did you certify the minutes of this meeting, Mr Limnios?---I just followed the process that we usually follow when the Lord Mayor excuses herself. Did I preside for the full meeting, ma'am?

It appears that you did, Mr Limnios?---If I did, what - - -

5 Would there be an indication in the minutes that you did not?---I'm not sure. If the Lord Mayor wasn't there, I would definitely have presided over the whole meeting and I don't remember clearly if she was or she wasn't but I do remember there was a couple of meetings that I did preside over and at the end of those meetings, I was given the document and I signed them

10 [10.30 am]

My question was, you're aware of the requirement for a Presiding Member to confirm minutes?---Yes, ma'am.

15 And you were aware of that obligation on 1 November 2016?

MR VANDONGEN: I object, Commissioner. When Mr Limnios was giving evidence about this, I think on the first day, it wasn't made clear and it's still not being made clear whether his awareness of that requirement is sourced in
20 legislation, whether it's sourced in the way in which things were done within the Council, and I think that needs to be made clear, with fairness to him.

COMMISSIONER: I recall that point being raised and I recall the importance of the distinction.

25

MR VANDONGEN: Yes.

COMMISSIONER: Ms Ellson, would you mind being more specific, please.

30 MS ELLSON: Yes.

COMMISSIONER: Thank you.

35 MS ELLSON: Mr Limnios, on 1 November 2016, were you aware of a requirement under the Local Government Act for the person presiding at the meeting at which the minutes are confirmed, to sign the minutes and certify the confirmation?---Yes, ma'am. I didn't - okay.

40 MR VANDONGEN: Mr Limnios, was about to say something in clarification of that.

COMMISSIONER: Yes, he was?---I didn't understand it as per the Act. I thought at the end of every meeting, we used to sign - whoever was presiding would sign the minutes, whether it was committee or Council. So I thought I was following
45 due process at Council.

MS ELLSON: Just read the line at the bottom of the page, please, or the two lines

at the bottom of the page?---Sorry, apologies, Lord Mayor Scaffidi, yes.

So you presided during the whole of the meeting?---Yes, that's correct, ma'am.

5 27.1193. Mr Limnios, is this your signature certified the minutes as confirmed?---No, ma'am.

10 Can you tell me why you did not do that on this occasion?---Possibly because I wasn't given the documentation to do so. I would have thought I would have signed. At the end of every meeting I signed. That's not my signature though, that is Lord Mayor Scaffidi's signature.

15 So you don't know what happened?---No. I'm quite surprised. I would have definitely signed.

The document can be taken down, please, Madam Associate. Did you have a conversation at all with the Lord Mayor about her doing that for you on that occasion?---Never.

20 Mr Limnios, do you have a recollection of the Code of Conduct being amended in June 2017 to insert bullying provisions?---Yes, I do remember that there was some changes.

25 The changes that you remember, do they include the insertion of provisions relating to bullying?---I think they did.

30 Can you tell me what your memory is of that?---I don't remember the specifics but that's a policy that needs to be updated anyway and I think it was due to be updated.

COMMISSIONER: And here, Mr Limnios, are you speaking of the City of Perth's Code of Conduct, rather than some other Code of Conduct?---Yes, the City of Perth's, sir.

35 Thank you.

MS ELLSON: Madam Associate, if you could please bring up 15.0939. Do you see there some Council minutes, 6 June 2017?---Yes, I do, ma'am.

40 TRIM 23317.

COMMISSIONER: Thank you.

45 MS ELLSON: 15.0941. Do you see there you're present at the meeting?---Yes, I do, ma'am.

15.0946, under the heading, "Reports", there are some numbers beginning with

13.?---Yes, ma'am.

15.0947, please, Madam Associate. Do you see there 13.18, "City of Perth Code of Conduct review"?---Yes, ma'am.

5

15.0949, a recommendation that Council adopts an amended Council Policy and reference to an attachment, 13.18A with tracked changes?---Yes.

15.0969, please, Madam Associate. Do you see here CP 10.1, "Code of Conduct"?---Yes, ma'am.

10

15.0997, Part 6, "Bullying and inappropriate behaviour", do you see that, Mr Limnios?---Yes, ma'am.

15 Just take a moment to read through that?---Yes, ma'am.

Does reading the passage inserted into the Code of Conduct at the meeting on 6 June 2017 help you to remember why that was done?---A few reasons. I think at that particular time there was a very toxic environment at the capital city.

20

In what sense?---There was allegations of people feeling bullied and there was allegations of some Elected Members speaking inappropriately, there was allegations of some of the Administration not treating others correctly. It was just not an environment that was very nice for anybody, I don't think.

25

Had you been bullied yourself, Mr Limnios?---Look, I like to think that I'm - at school I used to get bullied like this occasionally but I don't allow that to affect me now. So I'm sort of grown up a little bit more. I felt that there was some misunderstandings and people were trying to occasionally put me in my place, but I think that's part of the role of an Executive Elected Member with some experience in life. You've got to accept these things.

30

Did you have any particular difficulties with Mr Adamos' behaviour toward you?---Mr Adamos didn't like me and he made it known. There were a couple of occasions where he would have some banter with other people and I would hear about but again, these are school yard tactics that really I don't entertain. It doesn't bother me.

35

Did you report some of Mr Adamos' behaviour?---I don't recall ever reporting anybody.

40

To Mr Mileham ?---I don't recall ever reporting anyone to Mr Mileham.

When you say that there were misunderstandings and people tried to put you in your place, can you give me an example of what you mean?---Look, there was a time when the City of Perth, and now it's exacerbated, has gone through a major economic crisis. I had ratepayers, I had shop owners that were unrepresented

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because they didn't have a retail association, telling me, "You're not doing your job, the City of Perth's not doing its job; we have got a problem with all these vacancies, we have got issues going on" and I would try and bring this to the attention of the CEO, other Elected Members, I will try and introduce initiatives, like free parking. I tried to put that motion up on numerous occasions. I had people coming to me that said, "When we bought and invested in Royal Street, East Perth, and we bought to live in here, we bought it in order for it to be vibrant, to have these shops occupied." People are not coming to the capital city to buy a cup of coffee, they are going to the neighbouring Vincent Council, free parking, getting in, buying their coffee. We had all these issues going on. Then I would say to the CEO, I would say to his Directors, "I would like to put this motion up." I'm not a person of detail so I required the Administration to assist me in those matters and I found that every way I turned, there was a reason to make my job harder. The information was like pulling teeth, I couldn't get information and I was always made to feel like I was potentially out of line and it was a very frustrating time. My period as Deputy Lord Mayor was probably one of the most difficult periods I have ever had to deal with, including the current economic crisis that I am experiencing, like everybody else in the industry that I'm in.

Were you out of place, Mr Limnios, by asking the Administration to do things for you?---It is my belief that as an Elected Member representing the ratepayers and residents of the City of Perth, it is my duty to represent them and seek information from the CEO or the Directors in order for me to be able to act and represent those people, and hear those people. So no, I did not feel, ma'am, that I was out of place. I was doing my job, because I'm - I'm very sorry, I'm not there to be a rubber stamper.

Mr Mileham introduced a CEO Inbox and some Communication Protocols in late 2017, do you recall that?---Absolutely, and that was given to us at approximately 4.45 or 4.50 pm with an email and then the email finishes off "and by the way, I'm going on leave effective immediately from 5 pm." Yes, I do remember it

[10.45 am]

You were very emphatic when you said "absolutely", Mr Limnios?---Yes, I was.

Why?---Because it was extremely frustrating. I believe it was created to frustrate Elected Members that were asking for information. It was extremely inefficient. The quality of the information coming back was absolutely poor. Some of the matters that were urgent matters were taking so much time for people to get back to us. The reflection upon Council and the Elected Members as a result of that was that we were just a bunch of clowns, not doing our job. Simple things, dangerous things like stop signs that needed to be replaced, and had to be worked on, were being just put on the back bench; business as usual, doesn't matter, we are going to do whatever we want to do. It was a very tough time for me.

What did you do about it, Mr Limnios?---I voiced my concerns on several

occasions. I even picked up the phone and I spoke to Lisa Scaffidi.

5 And what happened?---I rang her up and I said, "Lisa, are you aware of this?" I said, "You and I might not get on very well but this is not something that you would endorse usually, because you were one for the freedom of Elected Members to be able to do their job." "Well, in this particular instance, I endorse it." I was very surprised to hear that response from the Lord Mayor, and she basically shut me down.

10 Mr Limnios, do you know why the Communication Protocols and the CEO Inbox were implemented?---I have my particular view on that and that is because it was an opportunity to probably muzzle some of the Elected Members, to make it difficult for some of the Elected Members. That is how I felt.

15 Were they also initiatives designed to remind you as an Elected Member that it was not your role to interfere in the day to day operations of the Administration?---I don't think so. I never did.

20 I'm going to talk to you now, Mr Limnios, about Mr Stevenson and the circumstances in which he left the City of Perth.

COMMISSIONER: Do you want this document taken down, Ms Ellson?

25 MS ELLSON: Yes, thank you, Commissioner.

You were an Elected Member in September 2014, were you?---Yes, ma'am.

30 Did you participate in Mr Stevenson's first Annual Performance Review?---I don't remember but it wouldn't surprise me if I did, if, as Elected Members, we were asked to. Upon reflection, there's a document that I think that I did fill out. Yes, with our lawyers there's a document.

You were an Elected Member in June 2013 as well, weren't you?---Yes, ma'am.

35 You were involved in Mr Stevenson's six monthly Performance Review, were you?---I think that's the document I'm referring to, yes, ma'am.

I see. Madam Associate, if you could bring up, please, 14.1903, TRIM 23138.

40 COMMISSIONER: This is quite difficult to read because of the type. Is it possible to enlarge a particular section of that, Madam Associate, and if so, Ms Ellson, which section?

45 MS ELLSON: The top section would be suitable.

COMMISSIONER: Thank you.

MS ELLSON: Do you see here, Mr Limnios, an email from Lord Mayor Scaffidi to yourself and other Councillors dated 7 June 2013?---Yes, ma'am.

Do you accept that you received this email then?---Yes, ma'am.

5

:

Councillors, attached please find for confidential reading a copy of Gary's six months appraisal.

10

?---Yes, ma'am.

14.1904, same TRIM number, Commissioner.

15 COMMISSIONER: Thank you.

MS ELLSON: Do you see here a "CEO Performance Review - outcome of survey report", 14.1904?---Yes, I do, ma'am.

20 Do you recall participating in this survey?---I recall participating in one survey. If it's this one, yes. I think I did.

Didn't you participate in more than one?---I can't remember.

25 I see. 14.1911. Do you see here an outcome 6, "Stakeholder relationships"?---Yes, ma'am.

Do you know whether you gave Mr Stevenson a D rating?---I don't remember. I possibly did. I would have.

30

Why?---I didn't think that his style with regards to getting to know key stakeholders, both in the external environment of our capital city and as well as building upon the relationship with Elected Members was not what I was used to.

35 Under the comment, "This comment relates to a D rating", the words:

Gary's priorities are different to those of the Councillors. He's not watching our backs.

40 Is that something you attributed to Mr Stevenson in June 2013?---Yes.

Why?---I was used to a CEO, as I mentioned, Mr Frank Edwards, who would very much be someone who would embrace us, would guide us, would help us understand and navigate the sensitivities through Administration and Elected

45 Members and I didn't feel that Gary was doing that. Each time I would - I remember on a couple of occasions I had brought up issues to Gary that didn't need the responses that I would get, and his only response seemed to be, in a very

monotone voice, "Would you like me to send it to the CCC", or he would say something else. There was another thing, "Would you like me to call an external expert to do a full investigation of this particular matter." I felt that every time I spoke to Gary, he wasn't there. He was just there like a machine, like a computer, where you press 1 and that happens, press 2 and that happens. I didn't feel any connection or guidance from him and I didn't think that every matter was a matter for the CCC.

It was up to Mr Stevenson to determine what matters went to the CCC, wasn't it?---Absolutely, and I would never, ever, ever try and stop him if he felt there was a matter that needed to be reported, to be reported, absolutely. Absolutely.

Mr Stevenson was very strong on governance, wasn't he, Mr Limnios?---I think so. He knew governance very well. I think it was one of his very - his passions.

Having a CEO who is passionate about governance is very good for the City, would you agree?---Yes, in conjunction with people skills.

His people skills just didn't suit you?---Didn't suit a lot of us. I think it was a unanimous feeling.

Going back to the document on the screen:

Why does the answer so often have to be the CCC or the Ombudsman or an external review just deal with it.

?---Yes, ma'am.

Is that something you thought in June 2013 about Mr Stevenson?---Is that the date of this document?

Yes?---Yes, ma'am.

It was when it was circulated?---Yes, that was what I thought. They were my comments and if I can bring you back to my comments here, if that's through Mr Power, I also found that he was more interested in talking to us about his relationship with the State Government and the Ministers and that sort of thing and how he had a great meeting and a great - he wasn't sort of focused on our capital city, that was my concern.

There was significant Local Government reforms occurring at the time in consultation with the State Government though, wasn't there?---Yes, there were and we were on top of that but it was - there were other topics that he would bring up from time to time that wasn't just related to that.

You didn't like the topics that he spoke to you about, is that right?---No, no. What I'm trying to say here is, in general terms, I just did not relate to him. I didn't rate

him as an appropriate or good enough CEO for the capital city. Nice enough man, but I didn't think he was the right man for the capital.

5 Is it correct to think you never had a good relationship with Mr Stevenson?---Not never.

There was a time when you had a good relationship with him?---Yes, because I didn't know him well.

10 So at the beginning?---At the beginning, he was a nice enough person. I didn't have anything to do with his appointment. We weren't given the opportunity as Elected Members.

15 You knew him to be a very experienced CEO, did you?---That's what I was told.

14.1913, please, Madam Associate. Under the heading, "Competency 3. Comment relating to a C rating"?---Yes.

20 "People skills could be improved. I think he lacks emotional intelligence. I don't feel he has my back. Previous CEO made me feel he was my man. I was confident and felt safer.

25 Is that something that you attributed to Mr Stevenson in June 2013?---Yes, if these are my comments and it's to do with - - -

I'm not saying they are you're comments, Mr Limnios, I'm asking if you agree with them in June 2013?---I agree with them. I don't know about the "safer" part. I wouldn't - - -

30 And "the previous CEO" is a reference to Mr Edwards?---Yes, ma'am.

35 And Mr Edwards made you feel you "were his man", how does that work?---These don't look like they are my words. "He was my man", I don't know if I would use that. He made me feel very respected and he made me feel that he was there to support my role and whatever he could do, he would be there, within the appropriate rules, he would be there to support and help us be the best we can as Elected Members. That's how I felt about Mr Edwards and in general, that's how the public felt about him. He was very well respected.

40 You can't speak for members of the public though, Mr Limnios?---Stakeholders that told me is what you mean.

I see?---I'm sorry, I didn't mean a broad - sorry about that.

45 Mr Stevenson just had a different style to Mr Edwards, didn't he?---No, they were different people.

And you preferred Mr Edwards over Mr Stevenson?---Definitely.

5 Because of the way Mr Edwards had treated you?---Because of his capability, his experience, his leadership, his thoroughness, his integrity and his communication style, a statesman in my view.

14.1922, please, Madam Associate. Under the heading, "This comment relates to a C rating", do you see that?---Yes, I do, ma'am.

10 [11.00 am]

In June 2013 did you agree that it was typical for Mr Stevenson to mention the CCC in his answers, or an external investigation?---Yes, ma'am.

15 "Just deal with and manage issues. Not every issue is a CCC issue. Just needs some dialogue and strategy"; is that one of your comments?---It looks like these are my comments, yes.

20 I'm not suggesting that they are, Mr Limnios. Do you recall that they were?---Most of them, I can recall most of - these are my words, yes.

And were your words, "I don't feel comfortable to open up, I want the CEO to have my back"?---Yes. It is here? Yes.

25 :

Gary needs to be more of a statesman, present and dress like one. Dress sense is far too casual and unsophisticated.

30 Is that yours too?---Yes, ma'am.

:

35 *Needs to set a much more professional and sophisticated tone in the office and externally.*

Do you see that?---Yes, ma'am.

40 Mr Stevenson may not have been a statesman, Mr Limnios, but he was professional in every respect, wasn't he?

45 MR VANDONGEN: I've sat still during this cross-examination, because it is cross-examination. The purpose of this Inquiry is presumably to find the truth and when Counsel Assisting the Inquiry puts things in a cross-examination style, it may be that the Inquiry does not actually get the truthful answer from the witness, Commissioner, with respect, and I do say this with the greatest of respect to Inquiry, but surely the question should be more of an open-ended question rather

than putting propositions to him.

5 COMMISSIONER: Thank you for that, Mr Vandongen. There are times when it is appropriate to put open-ended questions and as I'm sure you know, there are times when it is not appropriate to do that. I'm sure that Counsel Assisting will take on board your objection to the style of questioning and adjust the questioning accordingly.

10 MR VANDONGEN: Thank you, Commissioner.

COMMISSIONER: Mr Yeldon.

15 MR YELDON: Yes. I raise an objection also. I'm sorry to piggy-back like this and not be the first to rise. "Professional" is a vague time. According to what criteria is Counsel Assisting asking this question?

COMMISSIONER: Mr Yeldon, I'm not going to rule in your favour on that.

20 MR YELDON: Thank you.

COMMISSIONER: The term has a well understood meaning and I'm sure that if Mr Limnios does not understand it, he will tell me he does not understand what professional means in this context. Mr Limnios, do you understand what it means in this context?---Yes, I do, sir.

25 Thank you.

COMMISSIONER: Ms Ellson, you've heard what Mr Vandongen has had to say. Please continue.

30 MS ELLSON: Mr Stevenson was very much a professional, wasn't he?---From a technical perspective, but for what I considered to be appropriate for a CEO of a capital city, he did not fit the bill.

35 Mr Stevenson had integrity, didn't he?---He gave me no reason to think otherwise, ma'am.

40 And he was capable in his job, wasn't he?---I didn't work that closely with him so I can't really comment on that.

So if you can't comment that he was capable, Mr Limnios, you can't really say that he didn't fit the bill, can you?---Sorry, I can clarify it for you: from a technical perspective I assumed you were asking me whether he was capable?

45 In all senses, Mr Limnios?---I believed he could not - he did not fit the bill and he was not the right person, I got to realise that over time, to lead the capital city.

Because of his personality?---Because of all the issues that I've mentioned in this comment, and other comments that I've mentioned, ma'am.

5 COMMISSIONER: When you say "this comment" you mean the one on - -
-?---The one, sorry, sir - - -

- - - 14.1922?---1922, C rating, sir.

10 Thank you.

MS ELLSON: The document can be taken down, please, Madam Associate.

15 Mr Limnios, did you participate in Mr Stevenson's first Annual Performance Review in around September 2014?---I possibly did and I wouldn't be surprised if I did. I'm sorry, ma'am, I don't have a clear memory.

20 Between June 2013 and September 2014, had your views about Mr Stevenson changed?---Is that when the first lot of - yes. Not really, things weren't improving, my views weren't improving with Mr Stevenson.

25 Did you raise it with him?---I can't recall. Possibly I would have. Under the right opportunity I would have, but I don't remember.

14.1445, please, Madam Associate. TRIM 14134.

25 COMMISSIONER: Thank you.

30 MS ELLSON: Mr Limnios, do you see here a document, "CEO Performance Review - September 2014"?---Yes, I do, ma'am.

With the writing, "Final"?---Yes, ma'am.

35 The Inquiry has heard evidence that this was the completed Performance Review for Mr Stevenson in September 2014, do you accept that?---I will accept that, ma'am.

Mr Limnios, I ask you to turn - Madam Associate, could you please turn to 14.1447, or to give it some context, 1446.

40 COMMISSIONER: You'd best let Mr Limnios read this page in full.

MS ELLSON: Yes?---I've read this page, sir.

COMMISSIONER: Thank you.

45

MS ELLSON: Madam Associate, 14.1447?---Yes, ma'am.

It says here:

EMs are concerned at the CEO's use of the CCC as a veiled threat.

5 Is that something you suggested, Mr Limnios?---I don't remember that.

Is it something you thought in September 2014 about Mr Stevenson?---I would agree with it but it's not really my word "veiled threat". I'm pretty simple with my English.

10

:

We need to know that the CEO has our backs and guides us respectfully.

15

?---That would be my words.

In September 2014, Mr Limnios, what were Mr Stevenson's strengths as far as you were concerned?---Technical. When you unleash into the Local Government Act or the reform with the changing of the City of Perth Act, he was very, very strong with those sorts of things, but they were what I considered to be his strengths, technical. Technically, I think the man was excellent, from what I experienced in my interactions and obviously the Lord Mayor must have made some comments in here because she dealt with him with regards to the Act and said that he did an excellent job.

25

Do you agree?---When it came to the Local - - -

That Mr Stevenson did an excellent job with regard to the City of Perth Act?---I think he did a good job. I don't know if it was excellent but that's how I read the initial comments on page 1. I think it was good

30

[11.15 am]

It's important for the City of Perth to have a leader or a CEO, a leader of the Administration, who is very strong technically, isn't it?---Absolutely.

35

Would you say that Mr Stevenson fitted the bill in that regard?---Only in that regard, ma'am.

40

Madam Associate, if you could turn back to page 14.1446:

Council is not satisfied in areas relating to stakeholder management.

45 Do you see that?

COMMISSIONER: Bottom third of the page.

MS ELLSON: I'm sorry, Commissioner, yes?---Yes, ma'am, I do.

5 There's reference there to the "quality of relationships with the Lord Mayor, Deputy Lord Mayor and Councillors", do you see that?---Yes, I do, ma'am.

What was the quality of your relationship like with Mr Stevenson in around September 2014?---For me, there was no real relationship there.

10 You didn't get along?---No, no, not at all. It was just nothing. There wasn't any effort to get to know me individually or come and say hello or come into my office. There was nothing really there, ma'am. He was a nice enough man, but that's about it.

15 So he wasn't personable towards you?---No, not particularly.

14.1452, "Several discussions with EMs", in the middle of the page, Mr Limnios, or take a moment to read through?---What does GB mean?

20 I think it's Geoff Blades, Mr Limnios, would you accept that?---Possibly, yes. Sorry, yes, I do. Yes, ma'am.

Mr Limnios, in September 2014, did you agree that, "The CEO raised the CCC as a veiled threat in a way of resolving matters"?---That was an easy - I felt that was his sort of default line.

25

Were you very unhappy about that?---Not necessarily, I just didn't appreciate it. I didn't worry about it, but didn't appreciate it.

30 It says here, "Elected Members believe attempts should be made to resolve matters in-house where possible", do you see that?---Yes.

Do you agree with that?---It depends what matters we are talking about. If there's matters of corruption, no, absolutely not; if there's matters of issues to do with wanting clarity on the Act or on governance or something like that, yes, let's talk about it, educate us, please, but if there's corruption or if there's anything that is wrong, absolutely not. Handle it however it needs to be handled.

35

The document can be taken down, please.

40

COMMISSIONER: Mr Limnios, you're looking at me, do you need a break?---I need the toilet, sir.

Very well?---And I've been waiting.

45

Yes, I thought I read the signals. In that case, I will adjourn the Inquiry for 15 minutes?---Thank you, sir.

WITNESS WITHDREW

(Short adjournment)

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HEARING RECOMMENCED AT 11.36 AM

MR Dimitrios Athanasios LIMNIOS, recalled on former oath:

5 COMMISSIONER: Yes, Ms Ellson.

MS ELLSON: Commissioner.

10 Madam Associate, if you could bring up page 14.0800. Do you see here what appear to be your initials on the top of the right-hand corner of the page?---Yes, I do, ma'am.

15 This document has been identified before the Inquiry as a survey you completed with respect to - I withdraw the question. Do you accept that this is a document completed by you regarding Mr Stevenson's Performance Review.

COMMISSIONER: Ms Ellson, it might be fairer to show Mr Limnios the first page as well, because it might just refresh his memory.

20 MS ELLSON: That is the first page, Commissioner.

COMMISSIONER: I see. Very well.

25 WITNESS: I can see my initials, ma'am.

MS ELLSON: Do you accept that this is something you completed with respect to Mr Stevenson's review - - -?---Possibly, I - - -

30 - - - in July 2015?---Possibly, ma'am.

Perhaps it will help you if you read through a little more of it?---Yes, I've - - -

35 14 - sorry?---I've got no reason to think - to disagree with anything that's on here, ma'am.

14.0801?---Yes, ma'am.

40 14.0802 - sorry, with respect to the last page, Mr Limnios, do you accept that those were your comments?---Yes, ma'am. Yes, ma'am.

14.0803. Do you accept that the previous page were your comments, Mr Limnios?---Yes, ma'am. Yes, ma'am.

45 14.0804?---Yes, ma'am.

14.0805?---Yes, ma'am.

14.0806?---Yes, ma'am.

14.0807?---Yes, ma'am.

5 14.0808?---Yes, ma'am.

Do you see under the comment, something which looks like a signature?---Yes, I do.

10 Do you recognise that?---Yes.

Is it yours?---My electronic signature.

15 The document that you've been taken to, do you now recognise that as your completed questionnaire with respect to Mr Stevenson's second Annual Review?---Yes, I do, ma'am.

20 Did you understand that this was a process being conducted by Councillor Davidson and the CEO Performance Review Committee?---Yes.

Is it correct to think, Mr Limnios, that your views with respect to Mr Stevenson had not changed between September 2014 and July 2015?---Yes.

25 Had they changed in any respect?---Not necessarily. My comments are pretty repetitive - in the document I mean, ma'am.

Your comments with respect to Mr Stevenson's strengths?---And weaknesses, yes.

30 Would it be fair to say that overall and on balance, you had a positive view of Mr Stevenson in September 2015, or is that wrong?---I had a neutral, neither here nor there. He was good in some things and he was not so good in others.

35 I think I asked you about your views and placed them in time in September 2015 just then, Mr Limnios. Had your views between September 2014 and July 2015 remained neutral?---Yes, ma'am, the same.

So you had a neutral view of him, he was good in some things, and not so good in others?---Yes, ma'am.

40 Mr Limnios, in October 2015, did you receive communication from the Lord Mayor on 6 October 2015 relating to her CCC investigation?---I don't remember specific dates but there was an email, I think, or some correspondence that the Lord Mayor sent to Councillors, to a few Councillors

45 [11.45 am]

So you remember an email?---I don't know if it was an email or a text.

Are you more likely to use WhatsApp or a personal email address?---WhatsApp at that time, sometimes email as well.

5 Madam Associate, if you could bring up, please, page 14.1721. I've spoken to you before, Mr Limnios, about the use of WhatsApp. You've provided evidence before the Inquiry already with respect to the fact that there was a group on WhatsApp?---Yes.

10 And you said:

The Lord Mayor who created the group, McEvoy, Yong, myself, Adamos.

15 And you weren't sure whether Davidson and Butler were part of that; do you recall that?---Yes.

So you had a WhatsApp group?---Yes. I was invited to be part of the Lord Mayor's WhatsApp group.

20

Do you see here, Mr Limnios, a conversation solely between yourself and Ms Scaffidi?---Yes. I think we saw it yesterday.

I see, so you recognise that?---Yes, ma'am.

25

I will take you along then to 14.1797?---Would you like me to read that, ma'am?

Yes, please?---Yes, ma'am.

30 Mr Limnios, do you recognise what you've just read as a WhatsApp message from Ms Scaffidi to yourself on 6 October 2015 at 1.08 am?---A very long one, yes.

I would like to ask you a question about the PS, Mr Limnios. It says:

35

There is a lot more about who referred me to the CCC which I'm very keen to share but for now, one haemorrhaging step at a time!

Do you see that?---Yes.

40 Did the Lord Mayor tell you or speak to you about who referred her to the CCC at any stage?---She may have but I don't recall knowing at that particular point in time and I don't remember when or if she did tell me.

So you don't know?---I don't know specifically, sorry.

45

Did Ms Scaffidi ever express concerns to you that Mr Stevenson may have reported her to the CCC?---I don't remember her expressly telling me that but

something in my mind tells me I've read it somewhere, I've seen it or she thought that that was the case but I don't remember expressly, but it's very familiar, what you're telling me. It could have been a throw-away comment in discussion and I just don't remember specifically. I apologise again.

5

Can you say when?---No.

Can you give any more details about that at all?---I know that the Lord Mayor at that time thought there was a major conspiracy theory going on and a major conspiracy going on against her and I think she was blaming a variety of people that could have been against her, but that's all I remember. It was actually quite a confronting time. I remember that and I remember being concerned as well, but the Lord Mayor tried, like you see in this WhatsApp message, to rest assure us that everything was okay, it was under control.

15

I didn't ask you about that, Mr Limnios?---Sorry.

I was asking about your memory about what - - -?---I thought you meant about the - I'm so sorry, I thought what I felt about that time. Sorry.

20

About being told by the Lord Mayor?---I don't remember specifics, unfortunately. So sorry.

How do you know, Mr Limnios, that the Lord Mayor thought there was a major conspiracy?---She brought that up in, just general banter and conversations.

25

When?---Around the period that we were heading to elections and - - -

In October 2015?---Yes, and I think if you read in here, it sort of says - basically makes you think about the timing of the release of the report and that it was almost intimating that it was done on purpose and sort of fuelling that sort of speak around that period of time.

30

COMMISSIONER: Are you referring to the report from the CCC?---Yes, sir.

35

MS ELLSON: In the context of the general banter and conversation around the elections, did the Lord Mayor mention whether or not she suspected Mr Stevenson had made a report about her to the CCC?---I don't remember that specifically. I think - no, I don't. I don't remember that specifically.

40

The document can be taken down, Madam Associate. Around the same time, Mr Limnios, around 11 October 2015, do you recall receiving an email chain from the Lord Mayor where she was requesting the results of an external or internal review Mr Stevenson was conducting?---I think I've seen that email in a bundle of information that my solicitors have, if that's what - if my memory serves me correctly.

45

Madam Associate, could you please bring up page 14.0881, TRIM 13555.

COMMISSIONER: Thank you.

5 MS ELLSON: The TRIM for the last document was 22552.

COMMISSIONER: Thank you.

10 MS ELLSON: Mr Limnios, do you see here an email from Ms Scaffidi to yourself and Mr Adamos, 11 October 2015, 1.28 pm?---Yes, ma'am.

Which says, "FYI only"?---Yes, ma'am.

15 Underneath there's an email from Ms Scaffidi to Mr Stevenson and Councillor Butler and Councillor Davidson?---Mm hmm.

11 October 2015 at 1.25 pm, do you see that?---Yes, I do, ma'am. Would you like me to read it?

20 Yes, please?---Yes, thank you, ma'am, I have read it.

14.0882, please, Madam Associate?---What's the CCM Act mean?

25 Corruption, Crime and Misconduct?---And misconduct, okay. I've read this page. I've got to "and public officer had".

14.0883, please, Madam Associate?---Thank you, ma'am.

30 Can we go back to 14.0881, please, Madam Associate. While that's happening, Mr Limnios, can you tell me whether or not in around 11 October 2015 you had an awareness that Mr Stevenson was conducting a review of matters potentially reportable to the CCC?---I don't remember that.

35 Can you suggest a reason why the email from Mr Stevenson to the Lord Mayor on 11 October 2015 was sent to you?---From the Lord Mayor to Mr Stevenson?

MR VANDONGEN: It's the other way around.

40 WITNESS: It's to Gary from Lisa.

MS ELLSON: From the Lord Mayor to you.

MR VANDONGEN: I think counsel said it the other way around, that's the way I heard it.

45

COMMISSIONER: I heard it the other way. It doesn't matter, it's been clarified now.

WITNESS: Yes, I get you.

5 MS ELLSON: Can you think of a reason why the Lord Mayor sent you her email on Sunday, 11 October 2015?---Probably to keep me abreast of what was happening because I think "Rob and Janet are aware", obviously she's very concerned in this email that there was some investigation happening in the City that Elected Members weren't aware about. I think she was just providing me background.

10 The document can be taken down, please. Did you speak to the Lord Mayor at all about her wish to have Mr Stevenson's investigation given to her?---I don't remember. Sorry, I was just trying to think of your question clearly, that's why I paused. I'm so sorry. No, I don't remember.

15 There's no need to apologise to me, Mr Limnios. Mr Limnios, do you recall in October 2015, after the October 2015 elections, becoming a member of the CEO Performance Review Committee?---Yes, I do, ma'am.

20 Was that because you became the Deputy Lord Mayor?---Yes, and automatically.

May I have a moment, Commissioner?

[12 noon]

25 COMMISSIONER: Yes, of course.

MS ELLSON: Madam Associate, if you could please bring up a page in a moment.

30 Mr Limnios, from time to time did you participate in team WhatsApp chats with the group that the Lord Mayor created?---Yes, I did, ma'am.

35 And from time to time would you discuss Councillor Green between yourselves in the group?---Yes, Councillor Green did come up.

And Councillor Harley?---Yes, ma'am.

40 And from time to time would you ostracise Councillor Harley?---Personally, I - Councillor Harley and I have an interesting relationship. Sometimes we are not speaking to each other, other times we are, and there were times when I wasn't speaking to him.

45 Was October 2015 one of those times?---Yes, ma'am.

Do you recall that towards the end of October 2015 Councillor Green was asking to meet with separate Elected Members for coffee?---Absolutely do, yes.

Did you discuss those invitations with your team or group on WhatsApp?---I brought it to their attention and I thought it was important that I did meet with Councillor Green.

5

14.0080, please, Madam Associate - actually, I will just identify the first page of this: 14.0069, please, Madam Associate, TRIM 13609.

COMMISSIONER: Thank you.

10

MS ELLSON: Do you see here, Mr Limnios, an extract of WhatsApp chat-137 "Team"?---Yes.

Do you see yourself listed as a participant?---Yes, I do, ma'am.

15

Just take a moment to look at the page there. Do you accept this to be a record of your WhatsApp chats using the group as you've described?---Yes, ma'am.

Madam Associate, page 14.0080. At the very bottom of the page, Mr Limnios, do you see your name?---Yes, ma'am.

20

Madam Associate, 14.0081?---Do you want me to read all of it?

Yes, please?---Sorry, ma'am. Yes, I've read that, ma'am.

25

Next page, please, 14.0082 - actually, I should back up and ask you about your messages, Mr Limnios. My apologies, Commissioner. 14.0081?---Yes.

Mr Limnios, do you see there a message that you've written to the group:

30

Just received a call from Jemma, wants to meet me for coffee tomorrow, 2 or 3. Anyone else caught up with her?

?---Yes, I do.

35

And your name at the bottom of the page after some responses from Councillor McEvoy and the Lord Mayor?---Yes, ma'am.

14.0082, the beginning:

40

Agree guys. I will just text advise I'm flat out and we can all meet together.

?---Yes.

45

The next message, "When suits all of us", do you see that?---Yes.

And a message from you, 29 October 2015, 7.27 pm?---Where is that?

COMMISSIONER: Middle of the page.

5 MS ELLSON: Do you see that?---Yes, I do.

And underneath, a response?---Yes.

10 "What do you mean, Judy? Start what?", and another message from you, "I agree with Lisa? Don't get it. I answered what I asked?" Do you see that?---Yes.

The message underneath, another one to Councillor McEvoy from yourself:

15 *No, Jud, I don't care about her, I'm only interested in us, on following the flow. I'm here to go with our team's desire. No issues.*

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

20 Mr Limnios, is it correct to think that you wanted to know whether the other members of the group wanted to meet Dr Green for coffee, or Councillor Green for coffee before you decided to do it?---Yes.

In that respect, Mr Limnios, were you seeking the group's approval?---No.

25 What were you seeking?---Just to see - I didn't know who Jemma Green was, I hadn't heard of her before. I just wanted to see what was the general feeling because I knew that the Lord Mayor didn't want to have a bar of her and I just wanted to see what - you can actually see that I'm just wanting to know what's going on, why.

30

How did you know the Lord Mayor didn't want to have a bar of her?---She made it clear. She said to me at one stage she thought that she was going to run for Lord Mayor against her before Reece Harley did. Then after she called her a Labor Party plant, or something like that, that sort of thing, a greenie and bits and pieces like that and I knew she didn't like her, but I didn't know the lady. I got to know her after and I can tell you, she's an amazing, very professional person, and I drove the meeting with her in the end and that was one of the reasons that the Lord Mayor and I disagreed.

40 Moving to complete the conversation and the chat, Mr Limnios, 14.0083. It's a reference from the Lord Mayor:

Tonight I saw Reece at Open House launch! Still in the blue suit!

45 ?---Yes.

And your response is, "He might smell by now, did he"?---That was a bit of banter,

a joke.

It's not respectful towards Mr Harley, is it?---Not at all. Upon reflection, it's not respectful.

5

Moving on, Mr Limnios, could you read the balance of the page, please?---Yes, I've read that, ma'am.

Madam Associate, 14.0084. Have you finished reading that?---Yes, ma'am.

10

Mr Limnios, earlier in your evidence you mentioned the time as Deputy Lord Mayor was some of the most difficult time in your life?---Yes.

And you mentioned that the Council was conducting itself, I suppose, akin to school yard behaviours, you used the phrase. Is the conversation that we are looking at here an example of school yard behaviours by the Elected Members?---Absolutely, very childish.

15

Did this flow on to business, Mr Limnios?---No, I can assure you from my perspective, no.

20

The document can be taken down, please. Madam Associate, could you bring up, please, 14.0111. I'm sorry, I've got to go back to the first page and I need 14 .0069. Again, Mr Limnios, do you see a record of the team chats on WhatsApp?---Yes, I do, ma'am.

25

And you accept that it is a record of those chats?---Absolutely.

14.0111. Mr Limnios, just under the middle of the page, you will see a time stamp WhatsApp on the Lord Mayor at 28 November 2015, do you see that?---At 4.26?

30

Yes?---Yes.

Could you read through that, please?---Yes, ma'am.

35

14.0112, please, Madam Associate. You can stop reading at the message which is just before the middle of the page with the time stamp 4.28 am, Mr Limnios?---Did you want me to stop at my message?

Just before your message?---Okay. Yes, ma'am.

40

Actually, you can continue to read that through?---Yes.

[12.15 pm]

45

Madam Associate, 14.0113, until the second last message on the page toward the bottom, Mr Limnios. You can stop when you've read a message time stamped

9.00.52?---Yes, ma'am.

I would like to ask you about two things with respect to the first message and the third message that the Lord Mayor sent. If we go back to page 14.0111. Do you
5 accept that what you've just read is a WhatsApp chat between the members of the Lord Mayor's group, WhatsApp group?---Yes, ma'am.

The first paragraph reads:

10 *Awake and thinking about the online gift register situation and have drafted something to run by my lawyers. You know, as we have seen, you've got to think of every angle with GS - Gary Stevenson - as he's never out to fully protect.*

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

Up to that point, had you discussed - and that point being 28 November 2015, had you discussed with the Lord Mayor the fact that Mr Stevenson was never out to fully protect?---I don't remember specifically but it wouldn't surprise me, ma'am.

20 Why?---Because the Lord Mayor had a real issue about Gary Stevenson and was riling a lot of us up, saying, "It's not just about me, it's about you, it's this, it's that" and as I said in here, I never received gifts, I never did any of that sort - I didn't go to many things and she was trying to drum up support and she was concerned.

25 You said that she "was riling a lot of us up"?---Yes.

Was that with respect to Mr Stevenson?---She was - with regards to these particular issues, to do with the gift register, she was making sure that the other
30 Elected Members knew that it was not just about her, that it's about the whole - all of the Elected Members and it was sort of coming at the angle of, "It's going to make all of us look bad, that we have all got something to hide", or to that effect. That's the feeling I got.

35 You mentioned she was drumming up support, was that support for herself against Mr Stevenson or support for what?---Support for the way she was feeling, to get her perspective across and understood.

40 Had the Lord Mayor ever said to you before November 2015 that Mr Stevenson was never fully or never out to fully protect?---I don't remember that.

Or words to that effect?---Ma'am, with all these WhatsApp messages, with all the different communication, I can't remember whether she did, she didn't, whether I've read something to that effect here. I'm not trying to be difficult but I
45 apologise, I can't.

Okay, Mr Limnios. I have one more question with respect to this particular chat,

14.0112. Just before the middle of the page there's a message, 28 November 2015, 4.28 am, do you see that?---Yes, I do. The one that says, "I'm very convinced", is that the one?

5 "I'm very convinced GS is on an interesting path"?---Yes.

GS would be Mr Stevenson?---Yes.

Can you tell me what that meant?---I think - - -

10

MR van der ZANDEN: Objection.

COMMISSIONER: Yes, of course.

15 MS ELLSON: Commissioner, I see the difficulty.

Mr Limnios, had you ever spoken to the Lord Mayor before 28 November 2015 about Mr Stevenson being on an interesting path?---No, I don't recall a specific conversation.

20

What do you understand, "I'm very convinced GS is on an interesting path" to mean?

MR van der ZANDEN: Objection.

25

COMMISSIONER: Yes. There's a problem with that question, Ms Ellson.

MS ELLSON: There is.

30 Mr Limnios, did you have a view about the path Mr Stevenson was on at around 28 November 2015 ?---Not necessarily. I wasn't concerned about anything.

You weren't concerned about Mr Stevenson in November 2015.

35 COMMISSIONER: That's not what he said?---That's not I said, no.

MS ELLSON: I perhaps didn't hear you. I'm sorry.

COMMISSIONER: That's all right?---Sorry, sir.

40

Not at all.

MS ELLSON: Please explain, Mr Limnios?---In reference to your question, I didn't have anything to be concerned about.

45

With respect to Mr Stevenson?---And the flow of this communication trail, not other aspects of Mr Stevenson.

5 The document can be removed, Madam Associate. By 28 November 2015, Mr Limnios, had you seen or heard anything which gave you the impression the Lord Mayor wanted to roll Gary Stevenson after the October 2015 election?---I don't know what you mean by - what you mean "roll", like get rid of? I actually didn't like him, but that's about it. I can't specifically recall the Lord Mayor telling me, "I'm going to roll him" or, "I'm going to do this or I'm going to that", I can't remember that.

10 Or anyone else?---No. We weren't 100 per cent pleased with Mr Stevenson's performance, as I've mentioned in earlier evidence.

In November 2015, Mr Limnios, did Mr Stevenson provide some submissions in response to his 2015 Performance Review?---To the committee?

15 Yes?---When his thoughts were?

Yes?---About his performance. From what I remember, I've seen some documentation in the last couple of days.

20 Madam Associate, if you could bring up 14.0913, TRIM 13560.

COMMISSIONER: Thank you.

25 WITNESS: Would you like me to read that, ma'am?

MS ELLSON: Do you recognise this as the document Mr Stevenson prepared in response to his 2015 CEO Performance Review?---It looks like it, yes.

30 Mr Limnios, if it assists you, 14.0911. Do you see here an email from Mr Stevenson to Councillor Davidson, yourself and the Lord Mayor on 30 November 2015?---Yes, I do, ma'am.

Attaching a submission to CEO Performance Review Committee?---Yes, ma'am.

35 14.0913?---Would you like me to read that?

Do you recognise that as the submission that Mr Stevenson had attached to his email?---Yes, ma'am.

40 I draw your attention to the second last paragraph. You weren't part of the CEO Performance Review Committee when it decided what process to implement, is that right?---No, I became - in October I became a member of that committee, ma'am.

45 14.0922, please, Madam Associate. 3.15, Mr Limnios, "The quality of relationships with the Lord Mayor, Deputy Lord Mayor and Councillors", would

you read the material under that heading, please?---Yes, ma'am.

5 Mr Limnios, do you agree with Mr Stevenson's assertion that the fact that Elected Members have asked or have chosen to concentrate on his personal relationship with Elected Members places an inordinate emphasis on that particular aspect of his performance and is extraordinarily subjective?---Can you tell me what "inordinate" means?

10 Disproportionate?---That's his perspective, ma'am.

Did you agree with that in November 2015?---Not necessarily.

15 What makes you say that?---I think that he's narrowing it down to Elected Members but for me, it's more about his communication skills and the way that he interacts with all stakeholders. So he is narrowing it down in his comment here.

20 If you notice the heading, Mr Limnios, it relates to, "The quality of the relationships with the Lord Mayor, Deputy Lord Mayor and Councillors", do you see that?---Yes, I do, ma'am. I disagree with him. I think that's an important part of his role, to have a good, strong working relationship.

With the Elected Members?---Absolutely.

25 Mr Stevenson goes on to say:

Reference to the CCC is very concerning and other such things relating to the term "having our backs."

30 In those two paragraphs, do you see that?---Yes.

In November 2015, did you agree with Mr Stevenson's assertions there?---I agree that if anybody needs to be reported to the CCC, they should be and if anybody's telling him not to, that is very wrong. That's what I agree with

35 [12.30 pm]

Mr Stevenson asserts:

40 *I'm devoutly loyal to this organisation and always act with that in mind and in its best interests.*

In November 2015, Mr Limnios, did you agree with that?---I thought that was a very well worded line from a CEO.

45 And did it reflect Mr Stevenson's position in the organisation?---I didn't have any interaction that showed that he was devoutly loyal but I always thought that he would act in the best interests of the capital city because he was a professional

person, but I didn't have the interaction to say he was devoutly loyal.

I see. 14.0927, please, Madam Associate. If you could read this page for me, Mr Limnios?---Yes, ma'am.

5

Madam Associate, 14.0928?---Yes, ma'am.

Mr Limnios, do you agree with Mr Stevenson's remarks in the first paragraph as at November 2015?---First paragraph of this page?

10

I'm so sorry, 14.0927?---Yes, I agree he achieved that, played an instrumental role in that.

The next two paragraphs - I'm sorry, let's treat them separately. The next one?---I agree with that.

15

The next paragraph?

MR VANDONGEN: Perhaps that could be clarified. The second paragraph are conclusions reached by Mr Stevenson.

20

COMMISSIONER: Yes, thank you. That's helpful.

MS ELLSON: Mr Limnios, when you say you agree with that with respect to the second paragraph, do you agree with Mr Stevenson's conclusions as well as the fact that there was an unavoidable reality that almost all Elected Members did not like his personality or leadership and communications?

25

COMMISSIONER: Let's split those two, shall we, Ms Ellson?

30

MS ELLSON: Commissioner.

Mr Limnios, do you agree with Mr Stevenson's conclusions with respect to "not meeting expectations of the majority of Elected Members"?---That they don't like his personality - yes, I agree with that.

35

COMMISSIONER: Counsel's directing you to the second sentence?---Sorry, sir.

Sorry, the third sentence - no, it's the second sentence. My eyesight needs testing?---Yes. The second sentence of the second paragraph?

40

Yes?---I agree with that.

MS ELLSON: And now the third sentence?---Yes.

45

And the first sentence, just to be clear?---Yes, I agree with the whole paragraph.

The next paragraph, Mr Limnios?---I disagree with it because he believes that they are flawed, it's subjective. It's his opinion, he's entitled to his opinion.

Opinions are necessarily subjective, aren't they, Mr Limnios?---Yes.

5

And in the second Annual Performance Review documents that we went through, you were asked for your opinion about Mr Stevenson's performance, weren't you?---Yes.

10 There were no measures in that similar to those we saw yesterday with respect to Mr Mileham, were there?---Can you be a bit more - - -

In terms of the KPI documents that I took you to yesterday.

15 COMMISSIONER: Ms Ellson, that's - - -?---I'm a bit confused.

Yes, so am I. Ms Ellson, I think you will need to formulate the question more precisely, if you're able to.

20 MS ELLSON: In the second Annual Review document that I took you to with your typed responses?---Of Mr Stevenson?

Performance Review, yes, for Mr Stevenson?---Yes, ma'am.

25 There was nothing Mr Stevenson's performance was being measured against, was there?---Questions.

The questions were asking for your opinion?---Yes.

30 And there was nothing in there for you to measure Mr Stevenson's performance against, was there?

MR VANDONGEN: Is that right? When you look at the documents, the questions are asking the person to answer in relation to specific subject matters.

35 I'm not sure the premise of the question is right.

COMMISSIONER: Yes, Mr Vandongen. Ms Ellson, this is why the questions need more precision.

40 MS ELLSON: I will perhaps change tack instead, Commissioner.

COMMISSIONER: As you wish.

45 MS ELLSON: Mr Limnios, did you have any role in developing the Performance Review that was conducted with Mr Stevenson in September 2015?---I don't remember. I'm not sure. If the committee did, I think that would have been driven by the Chair. Councillor Davidson had a lot of experience.

It wasn't until 22 October 2015 that you became a member of the CEO Performance Review Committee, do you accept that?---I do.

5 And it was in July 2015 when the second Annual Review I took you to was completed?---Yes, before my time.

So you didn't have anything to do with creating the framework for Mr Stevenson's review, is that right?---Yes.

10

And you hadn't had any experience in developing Performance Review documentation at all?---No.

Mr Limnios, looking at the middle of page 14.0927?---The two options?

15

Yes. Do you have an appreciation of what was happening at around 30 November 2015?---In which sense, sorry?

In terms of Mr Stevenson indicating two options for Council?---Yes, those two options were put to our committee, I remember that.

20

Do you accept that this document is the first time you became aware of them?---Yes.

25 Can you provide a little of context for it being done this way, Mr Limnios, or not?

MR VANDONGEN: I object.

COMMISSIONER: Yes, I understand the objection. Ms Ellson.

30

MS ELLSON: Before 30 November 2015, Mr Limnios, had you formed the impression - I withdraw that question. Before 30 November 2015, Mr Limnios, had you spoken to Mr Stevenson about whether or not he wanted to stay working for Council?---I don't remember speaking to him about that.

35

You described having a neutral view of him and his performance in terms of balancing his strengths and what you saw as his weaknesses?---Just strengths and weaknesses, yes.

40 And had that view changed by the end of November 2015?---I didn't think he was the right person to lead the capital city, that is my view - was then and is now.

Were you still neutral if you balanced his strengths against his weaknesses by the end of November 2015?---I was neutral about him as a person. I didn't mean that his strengths and weaknesses balanced out. In my view, his weaknesses were greater than his strengths but as a human being, neutral, nice enough guy.

45

The second last paragraph on page 14.0927. Do you see here that it was clearly Mr Stevenson's preference for Council to opt for option 2, being Council and him to confirm commitment to ongoing collaboration, do you see that?---Yes, I do.

5 Did you have a view about that in 30 November 2015?---Around this period of time, is that what you - - -

Yes?---I did. We have a saying in Greek, when the glass shatters, you can't fix it. I didn't feel that he was - the whole of Council wasn't happy. It was a unanimous
10 decision, ma'am.

I'm not talking about a decision that was eventually made?---Sorry.

I would just like you to confine your thoughts to what was happening in the
15 Council at the end of November 2015?---Yes, okay.

Did you have a view about moving forward with option 2 with Mr Stevenson at the end of November?---That wouldn't have been my preference, from what I recall
20 now.

But that's what happened?---Option 1 happened

[12.45 pm]

25 Option 2 happened before, didn't it, Mr Limnios?---I don't remember. I'm sorry, I don't remember. I've just missed a whole episode.

I will clarify some things with you on the way, Mr Limnios?---Sorry, I thought we were talking about the time when it happened. Sorry.
30

I'm talking about the end of November, Mr Stevenson's employment ended in January 2016?---Yes. So you're talking about November 15?

Yes?---Okay, now I'm starting to get some - so there was a time when we tried to
35 work it out, is that correct?

Is that what you're saying?---If you're telling me that option 2 happened, that must have been the case, where we were trying to see whether we could work together but my view was never one that I thought it could work, for all the reasons I've
40 mentioned.

Mr Stevenson met with you on 30 November 2015 in the presence of the Lord Mayor and Councillor Davidson, isn't that right?---I don't remember specifically but I'm sure you've got a document that supports that.
45

Mr Limnios, I'm going to show you some notes that have been identified as notes taken at a meeting with Mr Stevenson, by Mr Stevenson on 30 November

2015?---Yes, ma'am.

14.0929. TRIM 13794?---Yes, ma'am.

5 14.0930?---He just said my name, sorry, the middle of the page and there's nothing there, is there something I'm missing?

No?---Okay. Yes, ma'am.

10 That can be taken down, Madam Associate, for now. Did reading Mr Stevenson's note assist you to recall that a meeting between yourself, Mr Stevenson, Councillor Davidson and the Lord Mayor occurred on 30 November 2015?---I accept a meeting occurred, ma'am.

15 Did reading Mr Stevenson's note help you to recall what occurred during the meeting?---Not really.

Mr Stevenson's given evidence that when he attended, you launched into what were his communications with Councillors and with staff and indicated they weren't adequate.

MR VANDONGEN: I object.

COMMISSIONER: Yes.

25

MR VANDONGEN: When you say "you" - - -

COMMISSIONER: I understand the difficulty. You need to be really precise here, Ms Ellson, otherwise it works an unfairness on the witness. If you're able to recite the evidence verbatim - - -

MS ELLSON: I will.

COMMISSIONER: That might be more helpful.

35

MS ELLSON: Mr Linnios, in his evidence before the Inquiry, Mr Stevenson said:

40 *Councillor Linnios, Deputy Lord Mayor, referred to as Deputy Lord Mayor in this document - namely his notes - pretty much started after I said: "I'd like to work through the document that I've produced." He'd obviously read part of it because what he launched into was that my communications with Councillors and with staff weren't adequate.*

45 Do you accept that occurred?---I don't remember it at all but from his notes, ma'am, the first person he's talking to is the Lord Mayor. I'm way down the line.

So you don't remember speaking to Mr Stevenson?---I would have spoken, but I don't recall what you've just said.

5 COMMISSIONER: That's as far as you can take it, I think, Ms Ellson.

MS ELLSON: Mr Stevenson has also indicated:

10 *I had made reference to that in that document, to the fact that I had done a lot of things to communicate with staff, one of which was to assert that in this day and age, walking the corridors or the floor isn't necessarily the most effective or most efficient use of time and the best way to communicate.*

15 Do you recall Mr Stevenson saying that?---I remember hearing something like that. I don't know whether the Lord Mayor had told me something to that effect about his communication. I don't remember him saying that to me.

Do you accept that he did?---Might have.

20 Mr Stevenson goes on to say:

25 *So I, in that context, said that, "It's a digital age", or something to that effect, and he just basically said, "Digital communications are not relevant."*

Did you say that?---Me? No. That's the way we communicate today, day and age.

Mr Stevenson went on and said:

30 *He said, "You need to communicate like the previous CEO did" and that's when he - what I called the cufflinks example - related the story that when he was talking with the former CEO on one occasion he noticed a pair of cufflinks in presumably a box on the desk. It might have been City of Perth cufflinks, he didn't describe them but he said he*
35 *made comment to CEO that they are nice cufflinks -*

COMMISSIONER: Pause for a moment, Ms Ellson. Apparently it's a false alarm so we can continue for another five minutes, but if the bell goes off again, I will adjourn. Ms Ellson, please continue.

40 MS ELLSON: Yes. Mr Stevenson went to on to say:

45 *He - namely you - said, "You need to communicate like the previous CEO did" and that's when he - what I called the cufflinks example - related the story that when he was talking with the former CEO on one occasion he noticed a pair of cufflinks in presumably a box on the desk. It might have been City of Perth cufflinks, he didn't describe them but*

he said he made comment to CEO that they are nice cufflinks and he said, "Now, that CEO within a week came down to my office and presented me with a pair of those cufflinks. That's the sort of communication that we like."

5

Did say that to Mr Stevenson at the meeting on 30 November 2015?---I don't remember saying that.

10 Do you remember a time when Mr Edwards gave a pair of cufflinks?---I think in my early stages of being elected, and I don't - I actually don't clearly remember if he did or he didn't.

I'm ready to move on, Commissioner. I note the time. Do you want me to take the next few minutes to start the next subject?

15

COMMISSIONER: Can you indicate to me, please, Ms Ellson, how much longer you expect to be with Mr Limnios?

MS ELLSON: 45 minutes to an hour, Commissioner.

20

COMMISSIONER: Another hour? Very well. I will adjourn now to 2.15 this afternoon.

WITNESS WITHDREW

25

(Luncheon Adjournment)

30

35

40

45

HEARING RECOMMENCED AT 2.17 PM

MR Dimitrios Athanasios LIMNIOS, recalled on former oath:

5 COMMISSIONER: Ms Ellson, before you resume, I want to apologise for the inconvenience caused by the fire alarm going off just before lunch. However, I am pleased to report that the only casualty was a small microwave oven on the 17th floor that was unfortunately burned to death. Ms Ellson.

10 MS ELLSON: Commissioner.

Mr Limnios, we have established that from time to time you would communicate with the Lord Mayor using WhatsApp, haven't we?---Yes, ma'am.

15 14.1593, Madam Associate, TRIM 20594.

COMMISSIONER: Thank you.

20 MS ELLSON: Do you see here in front of you, Mr Limnios, chat-154, participants yourself and the Lord Mayor Scaffidi?---Yes, I do, ma'am.

Do you accept that this document sets out a list of WhatsApp messages between yourself and the Lord Mayor?---Yes, ma'am.

25 Madam Associate, could you turn, please, to 14.1595. Mr Limnios, could you read a string of messages from just below the middle of the page beginning at time stamp 10 January 2016, 12.12.24 pm, to the end of the page for me, please?---Yes.

30 Madam Associate, if you could turn, please, to page 14.1596. If you could read to the second last message, so the last one being time stamp 1.44 pm?---Yes, ma'am.

Mr Limnios, I would like to ask you about the last message where you say:

The time is now close. I'm at Miss Universe.

35

Can you tell me what you mean by that?

COMMISSIONER: Presumably not the second sentence.

40 MS ELLSON: What you mean by, "The time is now close"?---I would assume that it's in response to Lord Mayor Scaffidi's comment up here, above. I don't really remember or realise what I meant by, "The time is now close" but I would assume logically that it has something to do with, "We need a game changer which I've been advocating for several months."

45

What makes you assume that, Mr Limnios? I'm just trying to understand what's happening in the background here?---I really - I can't - I don't know what it's about.

It could be about Stevenson - I think it is, about Mr Stevenson, but I don't really know what I meant by, "The time is now close" but I would assume that it's about that comment there.

5 Being what comment?---"We need a game changer which I've been advocating for several months. I have been advocating, it's not up to him to advocate, that's the point he doesn't get." So maybe a change of direction or maybe of a change of action of some sort.

10 But you don't know?---No, where Ms Scaffidi's probably trying to put, I don't know, another direction in place.

Madam Associate, if you could please bring up 14.2025. Mr Limnios, do you see here an email from Mr Stevenson copied to you?---Yes, I do, ma'am.

15 Could you just read that to yourself, please?

MR VANDONGEN: Commissioner, could we have that blown up, please?

20 COMMISSIONER: Yes, please, Madam Associate. Thank you.

MS ELLSON: TRIM 23133?---Yes, ma'am.

25 Do you recognise that as an email that was sent to you on Sunday, 10 January 2016 at 1.02 pm?---Yes, I do.

Do you see in the first paragraph, the second last sentence which starts, "More of the same is unlikely to achieve a different result"?---The second last sentence, yes.

30 And it goes on:

And it says we need a game changer which I have been advocating for several months.

35 Do you see that?---Yes, ma'am.

That was in the message to which you referred earlier, wasn't it?---Yes, that was.

40 Does seeing this now help you to remember what you meant by, "The time is now close" in context?---Not really but now I thought it was to do with that message and it's obviously to do with the Heirisson Island.

But you can't be any clearer?---I was CCed, it wasn't really directed at me, I was just part of it.

45 Thank you, Madam Associate. Mr Limnios, did you attend a meeting with the Lord Mayor, Councillor Davidson and Councillor McEvoy on 15 January 2016 to

discuss Mr Stevenson?---I don't remember, ma'am but I wouldn't doubt that I was there if a meeting did occur.

5 Madam Associate, could you bring up 14.0965, please. Do you recognise this page as an extract from one of your notebooks, Mr Limnios?---Yes, ma'am. That's my writing.

You see a note here, 15 January 2016?---Yes, ma'am.

10 Does it appear that - you recognise it as your note?---Yes, I do, and (indistinct) as well.

15 Is it a note of a meeting that you had with Councillor McEvoy, Councillor Davidson and the Lord Mayor on 15 January 2016?---It was a meeting I must have attended.

You don't remember attending it?---I accept that I was at a meeting, but I don't specifically remember the meeting.

20 Did you make the note during the meeting?---Probably.

Would you accept that it's an accurate note of what occurred during the meeting?---Can I read it, please?

25 Yes, please?---Yes, ma'am, I've read it.

Did you keep an accurate record of what occurred during the meeting?---I think that would be relatively accurate.

30 What does it say, Mr Limnios?---Would you like me to read the - - -

Yes, please read your note?---The whole lot from the beginning?

35 Yes, please?---Okay:

15/1/2016, LM, J D, JM, JL.

If you could just slow down for me, please?---Sorry.

40 And then you've written, "GS" is that Mr Stevenson?---Yes, and the topic would be around about Mr Stevenson.

And J D?---Janet Davidson.

45 Councillor Davidson?---Yes.

And what does it say:

5 *She's obviously brought up travel, officers spent more than Elected Members to keep ahead of the game. Policies, travelling, reimbursements wanted to get" - wanted or wasted - "wanted to get together for wording of Performance Appraisal.*

Sorry, my notes are very bad, poor writing, sorry.

10 Were those things that Councillor Davidson raised?---Yes.

In the context of, "Wanted to get together for wording of Performance Appraisal", what does that mean?---It probably meant that she wanted to accurately get the wording for the Performance Appraisal.

15 For Mr Stevenson?---For Mr Stevenson, yes, because that was the topic.

The next subject is, "Procurement issue", do you see that?---Yes.

20 Can you tell me what your note says?---"GS, a legal opinion McLeods. Mario Cheldi - internal auditor", forward arrow, "GS thinks he may revise opinion." Then, "Get a copy of Gary's contract. Contract 8.5, GS" and then there's a line or a 1 or an L, "Speaks to lawyer re cutting off services by 3 pm." Can you tell me what, "Get a copy of Gary's contract. Contract 8.5, GS", line, "speaks to lawyer re cutting off services by 3 pm" means?---Someone must have said - - -

25 Must have or did?---Someone did if I've written it down, "Get a legal opinion with regards to Gary's contract and his cutting off services by 3 pm", he was going to move on.

30 [2.30 pm]

35 And further down?---"Elected Members agreed on option 1" and 3.30 pm, "Martin Mileham at Lord Mayor's office on Monday" and then Joe Fernandez", I don't remember who that is. So that would have been discussed in that particular environment, that all the Elected Members have agreed for option 1, so by 3.30 on Monday, we would advise Mr Mileham and then would you like me to keep going, ma'am?

40 And was there a plan developed, is that what step 1 means?---Step 1 is a series of the events, how the process was going to be.

And the process was proposed for Sunday, 17 January, for something to happen?---Must have been.

45 Just read your note, please, Mr Limnios?---Sunday, 17 January:

Janet Davidson to email Gary Stevenson to meet with us Monday, 18

January at 2 pm at the Lord Mayor's office. 2. Advice to Gary of outcome of the discussion of Elected Members. All agreed to accept your option 1. Offer effective immediately.

5 Mr Limnios, before the meeting on 15 January 2016, had you spoken to any Elected Members about Mr Stevenson moving on?---I don't remember. I could have. I was part of the meeting as a member of that committee, Employment Committee.

10 It wasn't just the Employment Committee though, was it, Mr Limnios?---No.

Councillor McEvoy was there was well, wasn't she?---Councillor McEvoy was invited, must have been invited by the Lord Mayor or by Councillor Davidson.

15 Not by you?---No.

In your mind the note, recorded contemporaneously, reflects what occurred during the meeting?---Yes.

20 Thank you, Madam Associate. Madam Associate, if you could bring up, please, 14.1721. Mr Limnios, do you recognise again a WhatsApp chat between yourself and Ms Scaffidi?---Yes, ma'am.

14.1857, please?---Would you like me to read it all?

25

If you could start reading from 18 January 2016, 7.39, just under the top of the page, please, Mr Limnios?---Yes, ma'am.

I'm turning over to 14.1858?---Yes, ma'am.

30

Can you tell me, Mr Limnios, at the bottom - actually, I will go back one. Do you recognise what you've read as a WhatsApp chat between yourself and Ms Scaffidi on 18 January?---Yes.

35 2016?---Yes.

Can you tell me what you mean by, "Yes, but he said no"? Is that a reference to Mr Stevenson?---Yes.

40 What did he say no to?---From what I can read, meeting at 9.30.

Nothing else?---No.

45 Thank you, Madam Associate, the message can be taken down. Mr Limnios, did you meet with Lord Mayor Scaffidi and Councillor Davidson on 19 January 2016 to discuss a way forward with Mr Stevenson?---Is that the date we are referring to in the WhatsApp messages, the 9.30 meeting, because I don't remember, but if

that's what we are referring to - - -

To help you remember Mr Limnios, I will ask Madam Associate to bring up a document. 14.0966. Do you see here a note in your handwriting?---Yes.

5

And you've written, "19/1/2015", should that be 2016?---I'm not sure.

Just take a little further time to read it and then come back to that, Mr Limnios?---It probably should read 2016 because it's so close to the New Year, I would have probably assumed it was still 15, sorry.

10

Does this help you or do you accept that you attended a meeting with Councillor Davidson and the Lord Mayor on 19 January 2015?---And Angela Smith.

15

16, thank you?---And Angela Smith, yes, ma'am.

Was your note taken contemporaneously?---Does that meanwhile I was there?

Yes?---Yes.

20

Does it accurately reflect what occurred at the meeting?---What was said by others and I recorded it.

Can you tell me who said, "Received advice through telephone, Tony from WALGA"?---Either the Lord Mayor or Councillor Davidson, one of them would have said that they had received advice, because I never dealt with WALGA or anybody and generally it was Councillor Davidson who had all the expertise and was on WALGA committees and had the contacts there, or yes, the people to talk to there.

25

30

Can you tell me who said, "We are accepting any reason termination clause"?---I think that would have been discussed in that meeting. That would have been either Council Davidson or the Lord Mayor.

35

So you don't know?---As the reason. I don't clearly remember, ma'am, I'm sorry.

Looking at your note now, is there anything here that you can say someone said that's not you?---Sorry, you're asking me if there's something I've written here that

- - -

40

That you remember someone saying at the meeting, someone else?---Okay. Look, I think, and again, "We can hold firm for him not to work out full three month notice period", is something I think the Lord Mayor said.

45

Anything else?---These are just notes of what I was listening and taking down.

Did you say any of these things?---I don't really remember. I never had a lot of

experience in this space. I was more there because I was there as the Deputy Lord Mayor. This wasn't my forte. I don't recall, ma'am, whether I would have even thought about things like this.

5 Where it says 1.10 pm, "Declare meeting opening - Employment Committee 19/1/2016"?---Yes, ma'am.

10 Is that a record that relates to another occasion or is that still during the meeting referred to above?---My feeling is that it's another meeting because of the fact that I've written that time. So we might have had a formal - what this is showing me probably is that we - or it could be the same meeting. I don't know if we met in the morning or if we met at 1.10 but it definitely - when I put a time there, that would mean another meeting or the time that this meeting was in.

15 I see. Thank you, Madam Associate, that document can be taken down. Is it correct to think, Mr Limnios, that by 19 January 2016 no-one had spoken to Mr Stevenson yet about accepting option 1?

MR VANDONGEN: I object.

20

COMMISSIONER: Yes.

MS ELLSON: Commissioner.

25 Mr Limnios, up until 19 January 2016, had you spoken to Mr Stevenson about accepting option 1?---No, I don't remember to have spoken to him.

You don't remember or you didn't?---I wouldn't have, I didn't.

30 You say you wouldn't have, why not?---Because on my own, I would not have spoken to him about a matter that involves something as serious as this and I'm part of the Employment Committee, I would not have gone out on my own to talk to him, for these reasons that we are here.

35 Mr Limnios, did you meet with Mr Stevenson in the morning of 20 January 2016 at 8.30 as your previous note indicated?---There was a time when we did meet with Mr Stevenson. If it's the following day, I accept it if there are minutes to say that I was there.

40 Madam Associate, if you could turn up page 14.0967, please, TRIM 13564. Mr Limnios, do you recognise your handwriting on this page?---Yes, ma'am.

Do you recognise this as a note you made?---Yes, ma'am

45 [2.45 pm]

Is it relating to a meeting you had with Mr Stevenson, the Lord Mayor and

Councillor Davidson on 20 January 2016?---Yes, ma'am.

With respect to the items concerning Mr Stevenson, does the whole page or only part of it, relate to that meeting?---I think only part of it because I've drawn a line.

5

So in the middle of the page where the line stops, underneath that is not about the meeting with Mr Stevenson?---To the best of my knowledge, no.

The sentence or the two lines above that, "Advise the Directors at the agenda settlement meeting of the outcome with Gary Stevenson", that's not something that you discussed with Mr Stevenson, is it?---I personally don't - the committee might have agreed to advise the Directors at that particular point of time. I don't remember personally.

15 Going through the note from the beginning then, Mr Limnios, it says, "Agenda settlement meeting, level 9, Committee Room 1", do you see that?---Yes.

Did you go to an agenda settlement meeting?---I don't remember that. It's not something that we did as Councillors, that was the Administration. I don't remember being in an agenda settlement meeting.

20

Level 9, Committee Room 1, is that the place you met Mr Stevenson?---If that's what I've written, possibly, yes.

25 GS is Gary Stevenson?---Yes, ma'am.

The next point, "Spoken to MM", is that Mr Mileham?---Yes.

Was that a plan or was that something that was done during with the meeting with Mr Stevenson on 20 January 2016?---I think the Lord Mayor wanted to speak to - I didn't speak personally to Mr Mileham officially about this but that must be a note where I'm recording that that has happened, that part of the process.

30

And is it your understanding that the Lord Mayor was going to do that?---Yes, I think so, or the committee was going to meet with him. I think the committee did meet with Mr Mileham at one stage - we did meet with Mr Mileham. I don't know whether the Lord Mayor spoke beforehand.

35

Where it says, "Advised Annaliese Battista of the outcome", is that something that was done during the meeting with Mr Stevenson on 20 January 2016?---I'm not sure but again, being that she was in charge of the comms team, the communications, I would have either meant advise, like the committee to advise, or the committee has advised.

40

And, "Advise the Directors at the agenda settlement meeting of the outcome with Gary Stevenson", that's not something you did in the meeting with Mr Stevenson, is it?---No, I think - from what I can see here, we would have met with

45

Mr Stevenson first and at the point of the agenda settlement when all the Directors were together, I think that's when either committee or the Lord Mayor - I can't remember specifically being there, or the Chair would have advised the other Directors of the outcome, and possibly with Mr Mileham. I don't remember.

5

Thank you, Mr Limnios. Madam Associate, the note can be taken down, please. Mr Limnios, Mr Stevenson has given some evidence about this and says that during that meeting he was given very little explanation as to what was happening; do you agree with that?---I don't remember the specifics of the meeting, ma'am, but I thought it just flowed as a normal meeting. I didn't record anything different.

10

Mr Stevenson said that the meeting only lasted for about five to 10 minutes, do you agree with that?---I don't remember the specifics of it but again, there was nothing outstanding that I can remember, or different.

15

Can you tell me how Mr Stevenson appeared to you toward the end of the meeting?---I don't think he was very happy but he was very professional.

Did you give Mr Stevenson a Deed of Settlement in the meeting, or try to?---Not me personally. I wouldn't be surprised if either the Chairperson or the Lord Mayor had the Deed of Settlement with them and might have offered it to him. I don't remember that, but probably. I'm not sure.

20

Mr Limnios, did you attend a Special Council Meeting at about 9.15 or 9.21 am on 20 January 2016?---Yes, ma'am.

25

Before going to the meeting, Mr Limnios, had you spoken to any of your fellow Councillors about what was going to happen at the meeting?---I don't remember having done so personally.

30

Were you provided with papers for the meeting?---I would assume we were, definitely. We would have had a agenda.

Do you know what papers you had?---Not the specifics but when we go to a meeting we have always got papers to do with the actual item that's being discussed.

35

Madam Associate, 9.0207, please, TRIM 17352.

40 COMMISSIONER: Thank you.

MS ELLSON: That's not the right page, Madam Associate.

ASSOCIATE: Sorry, what was it?

45

MS ELLSON: 9.0207. Do you see here, Mr Limnios, an agenda paper. Does it bear your signature?---Yes, it does, ma'am.

Do you recognise it as the agenda for the Special Council Meeting on 20 January 2016?---I do, ma'am.

5 Madam Associate, if you could turn to page 9.0209. That's an order of business?---Yes, ma'am.

9.0210, although it's an agenda, it lists members in attendance; you're among them?---Yes, ma'am.

10

9.0211, it's an item having the matter moved to behind closed doors?---Yes, ma'am.

And a resolution which should be a - a resolution that:

15

The Council endorses the minutes/recommendations of the CEO Performance Review Committee held on Tuesday, 19 January 2016.

?---Yes, ma'am.

20

Aside from the agenda papers, Mr Limnios, were there other papers?---I don't remember specifically.

25

Did you hear members of the CEO Performance Review Committee make recommendations to Council about Mr Stevenson on 20 January 2016?---What recommendations, ma'am?

Recommendations concerning the ongoing or the termination of Mr Stevenson's employment?---I don't remember.

30

What happened at the meeting, Mr Limnios?---We discussed Mr Stevenson's employment and there must have been, from what I can see here, the resolution from our Performance Review Committee there that the Elected Members present read and voted upon unanimously.

35

You're assuming that there were other papers before the meeting, is that right?---I would assume that there would have been, in order to vote on this item. There would have been the minutes and recommendations of the CEO Performance Review Committee.

40

There's a forward slash there, Mr Limnios and evidence before the Inquiry to date suggests that members voted on the oral recommendations made at the meeting, do you accept that?---If there's evidence, I accept it.

45

From other Council members - I withdraw the question.

MR VANDONGEN: You can't really withdraw the question after the answer that

was given previously. It needs to be clarification, in my submission.

COMMISSIONER: Yes, I accept that, Mr Vandongen. Ms Ellson.

5 MS ELLSON: Councillor Chen gave evidence, Mr Limnios, that she was given one piece of paper and listened to what was said at the meeting, do you accept that?

10 MR VANDONGEN: What's the relevance of whether he accepts that's what Councillor Chen said?

COMMISSIONER: Thank you, Mr Vandongen.

15 MS ELLSON: Mr Limnios, were you involved in assisting anyone to prepare the paperwork for the Special Council Meeting on 20 January 2016?---No.

20 Can you tell me whose job it was to do that?---I would assume it would have been the Chair, the Chair who had the experience and was driving the process with the Lord Mayor.

Mr Limnios, you voted during the meeting, didn't you?---Yes.

25 What did you vote on?---The minutes and recommendations of the CEO Performance Review Committee that was held on Tuesday, 19 January 2016

[3.00 pm]

30 If the minutes were not presented to the members of the Council, you couldn't have voted on the minutes, do you accept that?---If they weren't presented, yes.

If recommendations were made orally to the meeting, that was what you were voting on, do you accept that?---I do accept that but we have never been in a meeting where we have voted on oral recommendations, that I can remember.

35 Mr Limnios, on 20 January 2016 did you believe that Mr Stevenson's employment was being terminated?---I believed what we had resolved with these minutes, that is what I believed. I can't remember clearly but I believed what we had - we were voting on what was resolved with these minutes and these recommendation from the committee meeting that we had.

40 COMMISSIONER: When you say you were voting on what was resolved by these minutes - - -?---Sorry, sir?

45 When you say you were voting on what was resolved by these minutes, which minutes are you referring to?---Our CEO Performance Review Committee minutes and recommendations.

So what is referred to in the last paragraph on page 9.0211?---Yes, sir.

5 And do you have a recollection of there being a hard copy or a soft copy of those minutes in front of you at this meeting? If you don't remember, that's fine?---No, I don't, sir, I'm sorry.

Thank you. Ms Ellson.

10 MS ELLSON: Madam Associate, 9.0171. Do you see here, Mr Limnios, a document that's entitled, "Agenda"?---Yes, ma'am.

It relates to CEO Performance Review Committee meeting 19 January 2016?---Yes, ma'am.

15 Madam Associate, 9.0173. In the text it says, "Minutes of a meeting. Members in attendance" and you're listed as present, do you see that?---Yes, I do, ma'am.

20 Madam Associate, 9.0174. Read through this, Mr Limnios?---Yes, I've read that, ma'am.

9.0175?---Yes, ma'am.

25 Thank you, Madam Associate. Mr Limnios, were the papers I've just shown you provided to you for the 20 January 2016 Special Council Meeting?---I think they would have. We wouldn't have voted on words. I never remember not having been to a meeting where we voted on people's verbal opinions.

30 COMMISSIONER: Do you have a recollection of that document being present at the Special Council Meeting on 20 January?---Not specifically but I do remember that document, sir.

Thank you. Ms Ellson.

35 MS ELLSON: Commissioner, my apologies.

COMMISSIONER: That's all right. There's no need to apologise to me.

40 MS ELLSON: Mr Limnios, the Terms of Reference for the CEO Performance Review Committee, did they include the ability to appoint an Acting CEO?---I don't specifically know. I can't answer that, sorry, I don't know the answer.

45 If they did not and the CEO Performance Review Committee recommended to Council to appoint an Acting Chief Executive Officer, that would be incorrect, wouldn't it?

MR VANDONGEN: No. There's a difference between a recommendation and an appointment, Commissioner.

COMMISSIONER: I understand. Thank you, Mr Vandongen.

5 MS ELLSON: Mr Limnios, if the Terms of Reference of the CEO Performance Review Committee did not include a Term of Reference to enable the committee to recommend appointing an Acting CEO, and that was done to a Council meeting, what that be outside the committee's Terms of Reference?---I'm not a lawyer, I'm not sure, but I would assume that it could be.

10 Committees are only able to act within their Terms of Reference, is that right?---Yes.

MR VANDONGEN: Is that right? On what criteria is that question being based, legal criteria?

15 COMMISSIONER: Yes. Thank you, Mr Vandongen. Do you understand the difficulty, Ms Ellson?

MS ELLSON: I do, Commissioner.

20 Madam Associate, if you could bring up, please, 9.0148. Do you see there, "CEO Performance Review Committee - Terms of Reference"?---Yes, ma'am.

25 I will just back up and point to 9.0145, please, Madam Associate. Do you see there some Council minutes, 22 October 2016 - 15?---15, ma'am, yes.

Madam Associate, 9.0147. Do you see there, "Members present" and you're among them?---Yes, I do ma'am.

30 Back to the Terms of Reference on the following page, 9.0148. Do you see here, Mr Limnios, Terms of Reference of the CEO Performance Review Committee?---Yes, ma'am.

35 And you accept that there's nothing in there relating to recommending or appointing a CEO - an Acting CEO?

COMMISSIONER: Mr Yeldon.

MR YELDON: Yes.

40 COMMISSIONER: Do you have an objection?

MR YELDON: Yes, to be developed in the absence of the witness.

45 COMMISSIONER: Very well. Mr Limnios, I will have you escorted from the hearing room by my Associate. Thank you.

WITNESS WITHDREW.

COMMISSIONER: Yes, Mr Yeldon.

5 MR YELDON: I submit that the question is put on an improper basis because point 3 is plainly a reporting function. To suggest to the witness there's nothing there is misleading.

COMMISSIONER: By 3, you mean the one which reads:

10

Report the outcome of the review referred to in Part 1 above to Council.

15 MR YELDON: Yes, "Undertake an annual" - sorry to cut across if you were about to speak.

COMMISSIONER: I was just going to ask you, what do you take the reference to, "Part 1" to mean?

20 MR YELDON: Part 1 above, is to undertake the Annual Review. That's what occurred. The Annual Review was done, then we had Mr Stevenson's 16 page response and then there was the report of the outcome of response. So my submission is the question as put is misleading the witness.

25 COMMISSIONER: Thank you, Mr Yeldon. Ms Ellson.

MS ELLSON: Your Honour, I don't accept that. My question relates specifically to the appointment or recommendation of the appointment of an Acting CEO. It has nothing do with the reporting of the Annual Review of the performance.

30

COMMISSIONER: Ms Ellson, Mr Limnios confirmed that these were the relevant Terms of Reference. When you look at them, you can see what they say and what they do not say.

35 MS ELLSON: Yes.

COMMISSIONER: Is that not enough?

MS ELLSON: I accept that, Commissioner.

40

COMMISSIONER: Thank you. Madam Associate, would you please bring Mr Limnios back into the hearing room. Thank you. Mr Limnios, please resume your seat in the witness box.

45 **MR Dimitrios Athanasios LIMNIOS, recalled on former oath:**

COMMISSIONER: Mr Limnios, in your absence an objection was heard and

dealt with and of course, it's no reflection on you that you were excluded from the hearing room?---Thank you, sir.

Ms Ellson.

5

MS ELLSON: Commissioner.

Mr Limnios, we may have been at cross-purposes when I referred you to section 5.22 of the Local Government Act earlier. I would like to take you back to that, if I may, Madam Associate. Page 141.

10

COMMISSIONER: Yes, which subsection?

MS ELLSON: 5.22.

15

COMMISSIONER: Yes, which subsection?

MS ELLSON: (3).

20

COMMISSIONER: Thank you.

MS ELLSON: Mr Limnios, is it correct to think that someone's who's presided at a meeting, confirms the minutes and then the person presiding at the subsequent meeting, certifies the confirmation?---If I can put it in my language.

25

Yes, please?---What I remember is that when you preside, one of the matters is, "Do we have a mover and a seconder for the previous minutes" of that particular committee or Council meeting. Aye, aye. All in favour? Yes. Then that particular meeting continues and at the end of that meeting, I get given the minutes - the agenda that we have been going through, and I sign-off on that

30

[3.15 pm]

And then those go to the next meeting, do they?---I don't - there's always a copy of those minutes at the meeting as well.

35

And the minutes that have been certified are confirmed by the next Presiding Member, whoever that is?

40

MR VANDONGEN: No, I object.

COMMISSIONER: Mr Vandongen yes.

MR VANDONGEN: The section speaks for itself.

45

COMMISSIONER: I can read it too, yes. I understand, Mr Vandongen. You don't need to articulate the objection.

MS ELLSON: I won't take that any further, Commissioner.

COMMISSIONER: Very well. Thank you.

5

MS ELLSON: I have nothing further for this witness - I do, I'm sorry.

Mr Limnios, when you voted on 20 January 2016, did you believe that Mr Stevenson leaving Council was a mutual decision?---In the end I think he probably felt that it was good for him as well.

10

COMMISSIONER: What counsel is asking you is whether it was your belief - - -?---Sorry.

- - - that it was a departure by mutual agreement?---No, because he - no, I don't, sir, sorry.

15

I will anticipate counsel's next question: can you tell me why you have that belief, please?---Because there was some information that I read earlier that said that his preference was for the option whereby we try and work things out because he had financial commitments and he didn't want to leave from the organisation. So I felt that possibly he still maintained that view that his preference was to stay on. I never spoke with him directly, sir.

20

Ms Ellson. Do you need a moment to confer with Mr Parkinson, or not?

25

MS ELLSON: Thanks, Commissioner.

Mr Limnios, Mr Stevenson didn't want to leave, did he?---I never spoke to him about that. He did, as I said to sir, mentioned originally that he would like to explore the option number 2 but I never spoke to him about whether, towards the end, he wanted or he didn't want to go.

30

You were present in the meeting with him on 20 January 2016 just before the Special Council Meeting?---Yes.

35

Is it your view that during that meeting Mr Stevenson expressed a wish that he didn't want to go, or what was your view of what happened in that meeting?---I thought it was just part of the procedure. I think by then Mr Stevenson had probably formed the view that that's where the whole of Council was moving, the Elected Members.

40

COMMISSIONER: Can I ask it of you in a different way: at the meeting on 20 January with Mr Stevenson at which you were present, you know the one I'm talking about?---Yes, sir.

45

At that meeting, you told me that Mr Stevenson was not happy about the outcome,

do you remember that?---Yes.

5 How did he indicate to you that he was not happy?---I think in the meeting, just his body language, just the tones surrounding - the meeting wasn't a pleasant meeting, for all concerned and I don't think he was happy about it. I wouldn't have been.

What did you think he was not happy about in particular?---That he was being asked to move on.

10 Thank you. Ms Ellson, do you have any further questions?

MS ELLSON: Nothing further, Commissioner.

15 COMMISSIONER: Thank you. Mr Vandongen, I will come to you last, if I may. Mr van der Zanden, do you have an application?

MR van der ZANDEN: No, I don't, Commissioner, thank you.

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

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

25 COMMISSIONER: A bit eager there, Mr Barrie. Mr Cornish, do you have an application?

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

COMMISSIONER: Mr Yeldon, do you have an application?

30 MR YELDON: Yes, I do.

COMMISSIONER: Very well. Mr Limnios, I'm going to have to again ask you to be excused from the hearing room while I hear this application?---Absolutely, sir.

35 Thank you.

WITNESS WITHDREW.

40 COMMISSIONER: Yes, Mr Yeldon.

MR YELDON: The first point relates to the exchange you just had with the witness in the absence of him looking at his file note, Commissioner, from 20 January. Counsel Assisting didn't take him to the passage which - to the full
45 passage. I was waiting for her to do so.

COMMISSIONER: To the full passage of what?

MR YELDON: The full passage of the handwriting.

COMMISSIONER: Yes

5

MR YELDON: It was up on the screen but the full passage was not read.

COMMISSIONER: Yes. I read the full passage when it was on the screen, so you did you and what Mr Limnios was doing was giving me evidence from his recollection, as I understood it.

10

MR YELDON: Yes, but he wasn't asked, in particular, about the words "GS accepted. He will get back to us re mutual Deed of Settlement." They are the words that were written down by the witness contemporaneously, not three years later in a witness box, if my maths is correct - I could be wrong on that.

15

COMMISSIONER: Yes. What's the second point?

MR YELDON: The second point is, in these meetings that the Council went through to finalise Mr Stevenson's employment as the CEO, Mark Ridgwell was at the meetings. Mark Ridgwell was the Manager of Governance, so I want to ask him, does he recall Mark Ridgwell being at the meeting and did Mark Ridgwell raise any issues with the steps you were taking.

20

COMMISSIONER: Which meeting in particular are you referring to?

25

MR YELDON: They are meetings - 9.0953, the minutes of the CEO Performance Review Committee, 9.0951, 7 - - -

30

COMMISSIONER: Sorry, give me the first number again, 9.?

MR YELDON: 0591.

COMMISSIONER: Madam Associate, would you please bring that up on the screen? 9.0591, according to Mr Yeldon.

35

MR YELDON: If I'm not mistaken, Commissioner.

COMMISSIONER: Which part of this do you want to go to, Mr Yeldon?

40

MR YELDON: If we can go to the attendees, it should be 953. Mr Mileham and Mr Ridgwell are listed as present. That point wasn't developed.

COMMISSIONER: And the development of it will result in what, in your submission?

45

MR YELDON: If the Commission is prepared to accept Mr Ridgwell was there

and he was exercising a governance function at the time, I don't need to go into it.

COMMISSIONER: All right. What's the other meeting or meetings?

5 MR YELDON: The dealings of the review which the witness didn't regard as fair, into Mr Stevenson are all marked and stamped, "Confidential".

COMMISSIONER: Sorry, which document are you referring to now?

10 MR YELDON: 9.1053. This is attachment 13.20A and B.

COMMISSIONER: Madam Associate, would you bring up 9.1053, please.

15 MR YELDON: You will see - you will recall that Mr Limnios' evidence - - -

COMMISSIONER: I do recall it, yes. This is the page you want me to look at to develop your submission?

20 MR YELDON: Yes, and you see it's confidential but there was no mention of that in Counsel Assisting's question to the witness and he gave evidence - - -

COMMISSIONER: Sorry, no mention of it being confidential?

25 MR YELDON: Pardon me?

COMMISSIONER: No mention of it being confidential, is that what you mean?

MR YELDON: Yes.

30 COMMISSIONER: And you will have to develop the significance of that for me, please.

35 MR YELDON: The witness gave evidence about, he wanted it to be a 360 degree feedback.

COMMISSIONER: Yes.

40 MR YELDON: I want to suggest to him that that couldn't have occurred because the probation of Mr Stevenson was necessarily a confidential matter, by the Performance Review Committee. It simply wouldn't do to let all and sundry into that.

45 COMMISSIONER: As I understood Mr Limnios' evidence, what he was suggesting was that a different process be adopted, not necessarily taking the position that the probation period review should be confidential. Did you understand his evidence in the same way, Mr Yeldon?

MR YELDON: Yes, but he regarded it as a - I think he said in response that it was not a fair process.

COMMISSIONER: He explained that, why he had that view.

5

MR YELDON: Yes.

COMMISSIONER: What's the next document, Mr Yeldon?

10 MR YELDON: The next point is, you see on these documents, he's ticked every box as a no. He was examined about this.

COMMISSIONER: Yes, I recall that.

15 MR YELDON: But he had earlier given evidence that there were a few things he needed to improve on.

COMMISSIONER: Yes.

20 MR YELDON: So I want to suggest to him that what he did in fact was mark no because it's simply the case that he wasn't happy with Mr Stevenson on a personal level.

25 COMMISSIONER: When you're presented with a form like this, Mr Yeldon, it doesn't give you many options, particularly where there's no provision for comments.

MR YELDON: There appears to have been.

30 COMMISSIONER: Yes. The point I'm making to you, Mr - - -

MS ZORIC: If I may, Commissioner?

35 COMMISSIONER: No, not yet, Ms Zoric. The point I'm making to you, Mr Yeldon, is that I will give documents like this the probative value they deserve, mindful of the sorts of considerations, one of which I've just mentioned to you.

MR YELDON: Mindful of the consideration of?

40 COMMISSIONER: One of which I've just mentioned to you.

MR YELDON: Yes. I accept that.

45 MS SARACENI: Commissioner, if I could just point out that I don't believe that's the correct document in relation to Mr Stevenson, but it's in relation to the next CEO, my client.

MR YELDON: Yes, that's what I mean, Mr Mileham.

COMMISSIONER: Thank you, Ms Saraceni.

5 MR YELDON: And that's all.

COMMISSIONER: Sorry, do you still rely on this document then?

10 MR YELDON: Yes, because - well, no, I don't, Commissioner. I will withdraw that. I withdraw this whole point in light of what you just said.

COMMISSIONER: In light of what Ms Saraceni helpfully added and Ms Zoric was probably going to tell me in any event. Yes. Anything else then, Mr Yeldon?

15 MR YELDON: No.

COMMISSIONER: Mr Yeldon, I will deal with your application now. The document at 9.0591 which refers to Mr Ridgwell being present, you're not aware of course, but the Inquiry has heard a lot of evidence and it will not be in dispute
20 that Mr Ridgwell was present.

MR YELDON: I see.

COMMISSIONER: So I'm not going to give you leave to examine further on that.
25 I will, however, give you leave to examine on the first point.

MR YELDON: Thank you

[3.30 pm]

30

COMMISSIONER: Thank you. Ms Zoric.

MS ZORIC: Thank you, Commissioner. I have no application to make.

35 COMMISSIONER: Thank you. Ms Saraceni?

MS SARACENI: No application, thank you, Commissioner.

COMMISSIONER: Thank you. Mr Malone?

40

MR MALONE: Thank you, Commissioner. No application to make.

COMMISSIONER: Thank you. Mr Vandongen?

45 MR VANDONGEN: I do have an application to make, Commissioner.

COMMISSIONER: Very well.

MR VANDONGEN: I seek leave to examine Mr Limnios on six areas but before I do that, can I just deal with one area that was the subject of some questions towards the end of the examination of Mr Limnios concerning the Local
5 Government Act and section 5.22?

COMMISSIONER: Yes.

MR VANDONGEN: I only do this now so I don't need to examine Mr Limnios.
10

COMMISSIONER: I understand why you're doing it, yes.

MR VANDONGEN: In case I'm directed otherwise.

COMMISSIONER: It's a time-saving measure.
15

MR VANDONGEN: It is. It arises out of questions that were asked of Mr Limnios in a document 27.1193.

COMMISSIONER: Just bring that up, please, Madam Associate. Yes.
20

MR VANDONGEN: The questions were asked about that part of the document which has been signed, as I understand it, by the Lord Mayor and dated 22 November 2016.
25

COMMISSIONER: Yes.

MR VANDONGEN: I think the suggestion behind the questions was that was an inappropriate certification by her, it ought to have been certified by Mr Limnios.
30 When you look at the section, section 5.22 of the Local Government Act, in particular subsection (3) the certification of the minutes is required to be done by the person presiding at the following meeting. I think, I don't have the records in paper form in front of me, but from what I've seen, the Lord Mayor was presiding on 22 November. So I just wanted to make sure that that implication behind those
35 questions was put to rest because it's based upon a false premise.

COMMISSIONER: Mr Vandongen, would you mind very much if I heard very briefly from Ms Ellson on that now, because it seems like a short point?

MR VANDONGEN: Not at all.
40

COMMISSIONER: Ms Ellson.

MS ELLSON: I can put that to rest and indicate that what my friend is saying is correct. Ms Scaffidi has attended the meeting on 22 November 2016.
45

COMMISSIONER: Thank you, Ms Ellson. Mr Vandongen.

5 MR VANDONGEN: Thank you, Commissioner. I know I said six areas, I hope they are not terribly long. Can I explain the first area? It concerns evidence that was given by Mr Limnios at pages 68 through to 71 of the transcript, concerning the recruitment of Mr Mileham.

COMMISSIONER: Yes.

10 MR VANDONGEN: You may recall questions being asked in particular around page 71 about his responsibility for the state of the records for the 29 August 2016 interview, if you like.

COMMISSIONER: Yes.

15 MR VANDONGEN: And I want to ask Mr Limnios about, in his mind, who was responsible for the development of the process that led to the recruitment of Mr Mileham.

COMMISSIONER: Yes.

20 MR VANDONGEN: Because as I understand it, it was a decision made that it would be done internally by and directed by HR, Human Resources people.

25 COMMISSIONER: Yes. There's no difficulty with that, is there, Ms Ellson?

MS ELLSON: No, Commissioner.

COMMISSIONER: You have leave on that one.

30 MR VANDONGEN: Thank you, Commissioner. The second point is in relation to, there were questions asked about the process that led to the eventual appointment of Mr Mileham and reference was made to the CEO Recruitment Committee meeting on 30 August, leading to a Council meeting on 1 September. The implications in the questions, as I apprehend it, was that Mr Limnios was
35 involved in deliberately pushing through the appointment without paying heed to the staff's requirement that certain things be dealt with, in particular the reference checks and the contractual terms being negotiated.

40 It was never actually put squarely to Mr Limnios that that was what was being put to him and I want to put that to him for his answer.

COMMISSIONER: There is no difficulty with that, is there, Ms Ellson?

MS ELLSON: No, Commissioner.

45 COMMISSIONER: Thank you. You have leave on that.

MR VANDONGEN: The third point also relates to appointment of Mr Mileham by the Council. The implication behind the questions concerned the motion in, I think it's document 9.0800, if that could be brought up.

5 COMMISSIONER: Madam Associate, would you bring it up, please, 9.0800. Is this the one?

MR VANDONGEN: It is the one.

10 COMMISSIONER: Thank you. The implication behind the questions was that the appointment of Mr Mileham occurred as a result of those motions being moved and passed and I want to ask Mr Limnios whether that was his understanding, having regard to the actual terms of those motions. It may be that you can tell me that I don't need to go there but it seemed to me that that was the implication of the
15 questions, that that is what occurred.

COMMISSIONER: Given the stage at which the Inquiry is at at the moment, it would probably be a dangerous thing for me to say that you should not go there.

20 MR VANDONGEN: Yes. I will go there, with your leave.

COMMISSIONER: Ms Ellson, there's no difficulty with that, is there?

MS ELLSON: Nothing from me, Commissioner.

25 COMMISSIONER: You have leave on that one.

MR VANDONGEN: The fourth topic is that questions were asked of Mr Limnios about why the staff were not given five days that they asked for, and this probably
30 relates to an earlier topic that I raised, that is between 1 September and they were asking for five days to 6 September, to resolve the reference checks and the negotiation of the terms. If you go to document 9.0327.

COMMISSIONER: Madam Associate, please bring that up.

35 MR VANDONGEN: It's just above the words, "Legislation, Strategic Plan of policy" and the sentence that begins, "Mr Mileham was appointed to the acting position on 20 January 2016 for a minimum period of six months." I just want to
40 ask Mr Limnios about the suggestion that they didn't do anything during these six months but then there was some urgency after that for them to deal with the appointment.

COMMISSIONER: Yes, I understand. There's no difficulty with that, is there, Ms Ellson?

45 MS ELLSON: No, Commissioner.

COMMISSIONER: Thank you. You have leave on that.

MR VANDONGEN: Thank you, Commissioner. The fifth topic is in relation to the Grand Central Hotel. He was asked about document 27.0501.

5

COMMISSIONER: Could you just bring that up, Madam Associate, 27.0501. Is this the one you mean?

10 MR VANDONGEN: It is. If you can go to 27.0515. As I understand it, the implication of the questions of Mr Limnios was an apparent tension between, in the reasons for the decision that was made that I will come to in a moment, but a tension between, in the reasons, a discussion there about consultation being required.

15 COMMISSIONER: Just let me re-read this, please, Mr Vandongen.

MR VANDONGEN: Certainly.

COMMISSIONER: Yes.

20

MR VANDONGEN: If we go back one page to the previous page.

COMMISSIONER: Yes.

25 MR VANDONGEN: And we look at the Planning Committee recommendation No 2, a reference there to consultation and as I understand the implication of the questions by my learned friend was that there is a tension between the need for consultation when it was already built into the process and just ask Mr Limnios about that.

30

COMMISSIONER: Yes, I recall those questions. Again, is there any difficulty with that, Ms Ellson?

MS ELLSON: No, Commissioner.

35

COMMISSIONER: Thank you. You have leave.

40 MR VANDONGEN: Finally, it's in relation to the same document. The motion to return the matter back to the Planning Committee, the implication of the questions was that Mr Limnios had participated in that decision in order to advance the Lord Mayor's interests.

COMMISSIONER: Yes.

45 MR VANDONGEN: Without that being directly put to Mr Limnios.

COMMISSIONER: And you're going to put it directly?

MR VANDONGEN: Yes.

COMMISSIONER: That would be helpful, thank you.

5

MR VANDONGEN: Thank you.

COMMISSIONER: You have leave.

10 MR VANDONGEN: Those are the six areas.

COMMISSIONER: I will just confirm, you have leave on all six matters. Thank you. If there's nothing else, I will have Mr Limnios brought back in and I will let Mr Yeldon ask his questions. I might indicate to you as well, Mr Vandongen, I think it's unlikely but in the event that anything else arises out of Mr Yeldon's questions, I will of course come back to you.

15

MR VANDONGEN: I understand that, thank you.

20 COMMISSIONER: Mr Limnios, please resume your seat in the witness box.

MR Dimitrios Athanasios LIMNIOS, recalled on former oath:

COMMISSIONER: In your absence, Mr Limnios, I heard two applications for leave to ask questions of you. One was from Mr Yeldon who acts on behalf of Ms Davidson, and I have given him leave to question you on one matter. The other application was from your counsel who has obtained leave to question you on six matters and I remind you that your exclusion from the hearing room was no reflection on you whatsoever?---Thank you, sir.

25

30

Mr Yeldon on, are you ready to proceed?

MR YELDON: Yes, I am, thank you, Commissioner.

35 COMMISSIONER: Thank you.

EXAMINATION BY MR YELDON

Madam Associate, can you open up page 14.0967, please. Do you recall seeing this earlier today, Mr Limnios?---Yes, sir.

40

This is your note made contemporaneously on 20 January 2016?---Yes, sir.

And up the top of the page, it's a meeting I infer with, and you confirm, Janet Davidson, JL - - -?---Myself.

45

Correct, Lisa Scaffidi?---Yes, sir.

And Gary Stevenson?---Yes, sir.

You made this note at the time of the meeting?---Yes, sir.

5

The words that I'm interested in asking you what they mean are the words, "GS accepted. He will get back to us re" - I take it that's regarding - "mutual statement of Deed of Settlement. "

10 COMMISSIONER: "And Deed of Settlement", it's ampersand.

WITNESS: Yes, and.

MR YELDON: Sorry, "& Deed of Settlement", do you see that?---Yes, I do, sir.

15

This meeting was three and a half years ago, wasn't it?---Yes, sir.

And do you accept your note of the meeting is likely to be a more accurate representation of what occurred than your memory sitting here today?---Yes, sir.

20

Do you see the words, "GS accepted"?---Yes, sir.

What do you take from that note that you've written?---Whatever we put to him at that day, whatever we discussed, he would have accepted.

25

All right. I have no further questions.

COMMISSIONER: Thank you. Mr Vandongen, are you in a position to proceed?

30 MR VANDONGEN: Thank you, Commissioner.

COMMISSIONER: Thank you

EXAMINATION BY MR VANDONGEN.

35

Mr Limnios, I'm going to ask you some questions arising out of the evidence that you gave in the last few days, do you understand that?---Yes, sir.

The first area I want to ask you some questions about, is about the recruitment of Mr Mileham, do you understand that?---Yes, sir.

40

You were involved in the process that led to the recruitment of Mr Mileham, is that right?---Yes, sir.

45 And you've given evidence that in mid-August 2016, you were involved in the interview process, is that right?---Yes, sir.

On 29 August 2016, we have heard evidence about another step in the process in which two candidates gave a presentation to the Elected Members?---That's correct, sir.

5 I want to ask you about 29 August 2016, do you understand that?---The presentation?

The presentation?---Yes, sir.

10 In particular about the records that were kept of the presentation by the Elected Members?---Yes, sir.

Do you understand that? When you were being asked questions by Counsel Assisting, she asked you whether you were responsible for ensuring records were kept as part of the recruitment process, do you remember being asked that question?---Yes, sir.

And do you remember being asked whether you were partly responsible for the records that were being kept for that day being inadequate, do you remember being asked that question?---Yes.

And I think you said you accepted you were partly responsible for the inadequacies of those records?---Yes, sir.

25 I just want to show you a document and if Madam Associate wouldn't mind showing Mr Limnios 9.0319.

COMMISSIONER: 319

30 [3.45 pm]

MR VANDONGEN: You can see there, Mr Limnios, the first page of the Council minutes for 7 June 2016?---Yes, sir.

35 And you understand that these were the minutes before the process began, for the recruitment of Mr Mileham?---Yes, sir.

If we could turn to page 9.0330, and can I direct your attention to the part labelled, "2.1. Internally managed recruitment process", do you see that there?---Yes, sir.

40 And it's your evidence, I think, that this was the option that was selected upon by the Council in terms of the recruitment of a new CEO, is that correct?---Yes, sir.

45 When you look at that part of the report, can you see that the recommendation - the option was "to utilise the City of Perth's internal Human Resources team"?---Yes, I do, sir.

"Which has the capabilities to manage the following administrative activities", do you see that?---"Administrative elements of the recruitment" - yes, sir.

5 And there are a number of dot points, I think there are about eight dot points underneath that, is that right?---Yes, sir.

10 Against that background, when you were going through the process for the recruitment of the CEO, who in your mind was responsible for providing advice or guidance to the Elected Members about the administrative activities that should be employed in the recruitment process?---The Human Resources team and Manager.

Did anybody tell you from the Human Resources department within the City, what records should be kept for 29 August?---No, sir.

15 Who did you rely upon to tell you what records should be kept for that process?---The Human Resources Manager and their team.

20 Did you have any experience yourself in being involved in the recruitment of somebody for employment?---Not at this level, sir, at levels to do with my occupation, sales people in the past, and secretaries.

Had you ever been involved yourself in the process for the recruitment of a senior public servant?---Never.

25 I'm going to ask you some questions about some other topics now. If Mr Limnios could have a look at 9.0800. Mr Limnios, these are minutes and motions that were passed by the Council on 1 September 2016, do you understand that?---Yes, I do, sir.

30 And it's in relation to the appointment of a preferred candidate for the position of Chief Executive Officer, do you understand that?---Yes, sir.

35 We have heard evidence that on the previous day, on 30 August 2016, there was a meeting of the CEO Recruitment Committee, do you remember that?---Yes, sir.

And in the course of that meeting or at the conclusion of that meeting, a recommendation was made to Council in the form of a motion, do you remember that?---Yes, sir.

40 The motion that was put by the committee was in the form of the motion that you see on page 9.0800 at paragraph 1 only, do you remember that?---Yes, sir.

45 And paragraph 2 did not form part of the committee's motion, do you understand that?---Yes, sir.

You were a member of the CEO Recruitment Committee?---Yes, sir.

And you were present at the meeting on 30 August 2016?---Umm - - -

You were?---Yes, I was, sir.

5 When you were a member of that committee on 30 August 2016, did you believe that the committee motion needed to expressly refer to the matters that are in paragraph 2 of the document in front of you?---Yes, sir.

10 Did you, at the time of the meeting on 30 August 2016. They weren't in that motion, can you explain why not?---Okay. I think it was between the - I'm sorry, I'm very tired at the moment.

15 That's all right?---I would have insisted or spoken about this - maybe insisted is a harsh word - but I would have asked for something like this to occur anywhere between - because I felt that at the meeting I would have ensured that it was drafted at the meeting. It would have been in between the time of the meeting and Council that I would have supported something like this.

20 So in between 30 August and 1 September?---Yes, sir.

When you were a member of a committee on 30 August 2016 and I think you were the one who moved the motion on 30 August 2016?---Yes.

25 Did you deliberately not refer to the question of whether or not reference checks needed to be done in that motion?---Absolutely not.

And did you deliberately fail to refer to the need to negotiate the terms of the contract provisions?---Absolutely not, sir.

30 When it came to the following day, 1 September 2016 when it was the full Council meeting, do you see on that page, 9.0800 that the motion in the form that it appears there was moved by Councillor Davidson, do you see that?---Yes.

35 Who seconded that motion?---Me, sir.

Thank you. Looking at that motion there, you were asked questions by Counsel Assisting about whether that motion that you see at page 9.0800 was a motion that resulted in the appointment of Mr Mileham, do you understand that?---Yes, sir.

40 Was it your understanding that that motion resulted in the actual appointment of Mr Mileham?---No, because there was a condition 2 "subject to the completion of".

45 What were the things that needed to happen before the formal appointment of Mr Mileham?---Satisfactory reference checks and to negotiate the final terms of the contract.

In your mind, back in September of 2016, sitting in that meeting, who was going to negotiate the terms of the contract with Mr Mileham?---The Lord Mayor and Councillor Davidson.

5 You were asked some questions by Counsel Assisting about, if you might remember, a memorandum was provided by the staff asking for the question of appointment to be delayed by five days?---Yes, sir.

Do you remember that being put to you?---Yes, sir.

10

And it was suggested to you that perhaps there was no reason why you could not wait from 1 September until 6 September, do you remember that being put to you?---Yes, sir.

15 In that context, you were asked questions about the fact that, as of June 2016, Mr Mileham had been in the position for six months?---Yes.

As an Acting CEO?---Yes.

20 And the implication behind the questions was why, if there was such an urgency, it had not been dealt with during those six months?---Yes, sir.

Do you remember those being put to you?---Yes.

25 Can you have a look at 9.0327, please?---Is it 327, please?

9.0327.

30 COMMISSIONER: The wrong page is up, 0327, thank you, Madam Associate. There you go.

MR VANDONGEN: Can you see a section there headed, "Legislation - Strategic Plan Policy"?---Yes, sir.

35 Can you see the paragraph immediately above that, that begins, "Currently the City of Perth has appointed an Acting CEO"?---Yes, sir.

Can you just read that paragraph to yourself?---Yes, sir.

40 Can you see in that paragraph that there's reference there to Mr Mileham having been appointed to the Acting position on 20 January 2016 for a minimum period of six months?---Yes, sir.

Was that your understanding at the time, in June 2016?---Yes, sir.

45

Thank you. I've finished with that. I want to take you to 27.0501. This is the front cover of the minutes of the Council for 17 March 2015, do you understand

that?---Yes, sir.

These minutes concern - we will come to it. If we can just turn to page 27 - - -

5 COMMISSIONER: 515.

MR VANDONGEN: 27.0515. Thank you, Commissioner.

COMMISSIONER: It's a pleasure.

10

MR VANDONGEN: I just want you to read at the top of the page, the reason, to yourself?---Yes, sir.

15 And do you see in that reason that was given for the motion that we will come to in a moment, that there was concern amongst the Council that consultation with the people affected or potentially affected had not taken place, do you see that?---Yes, I do, sir.

20 Could we go back to 27.0514 and can I ask you to read to yourself number 2 in the middle of the page?---Yes, sir.

25 Do you understand that questions were put to you by Counsel Assisting that suggested that there was a tension between the idea that further consultation was required as a reason for sending the matter back to the committee, and the fact that consultation already appeared to be built into the process recommended by the committee, do you understand the implications of the questions?---Yes, I do, sir.

That there was a tension between those two things?---Yes, I do.

30 Perhaps I can ask you, was there a tension between those two things in your mind?---No.

35 Why?---Because it was a different form of consultation. I believed that before we decided to put people's properties on the Register, we could either write to them or make contact with them through our communications department and say, "Hey look, we don't want you to be surprised, we are intending to go down this track; what are your thoughts? ".

40 Can I ask you to turn to page 27.0513 and can you see the two large paragraphs beginning, "In accordance with the above, the City has prepared a list of Heritage Places that have been identified"?---Yes, sir.

Could us just read those two paragraphs to yourself?---Yes, sir.

45 So in the reasons for the referral, the decision to refer back to the committee, there was a reference to consultation?---Yes.

In those two paragraphs, the first paragraph talks about a list and further investigation, do you see that?---Yes.

5 And the second paragraph contemplates consultation as part of the assessment process, do you see that?---Yes.

10 In your mind, the reason for the motion to refer back to committee and the reference to consultation, what part of that process were you intending to refer to?---I wanted consultation. I put myself in the position of those owners and I would hate to have to be sprung upon with a formal letter from the City of Perth saying, "We have made this decision and we have picked your property" and so on and so forth.

15 And "picked your property" to do what?---To list it on a Heritage Register, and in particular, on a register that the National Trust or the State Trust has said, "No, we don't think there's any significance", but all of a sudden the City of Perth says, "We want to." That's not best practice, in my view.

20 So the implication behind the questions, as I apprehend it, about why the matter was referred back to the committee, was that you were doing that, you individually, as part of the Council, were doing that in order to advance the Lord Mayor's personal interests, do you understand that to be the implication?---I do, sir.

25 Did you join in a vote in Council to refer the matter back to the Planning Committee in order to advance the Lord Mayor's personal interests?---No.

That completes my questions, thank you, Commissioner.

30 COMMISSIONER: Thank you very much, Mr Vandongen. Ms Ellson, do you need a moment to reflect on whether anything arises out of those questions and answers for you?

35 MS ELLSON: No, Commissioner. Nothing does.

COMMISSIONER: Nothing more?

MS ELLSON: No.

40 COMMISSIONER: Thank you very much. In that case, Mr Limnios, I excuse you from further attendance for the time being and I want to thank you for your evidence and your assistance to the Inquiry?---Thank you, sir

45 [4.00 pm]

WITNESS WITHDREW.

5 COMMISSIONER: What I will now do is adjourn the Inquiry for a short time - I won't specify that time because during that time, I expect that Counsel Assisting will make some arrangements and then advise me of how the balance of the afternoon will be spent.

MR VANDONGEN: Commissioner, sorry to interrupt. You said "for the time being", do I take it he's still under his summons?

10 COMMISSIONER: He is at the moment but he won't be recalled tomorrow.

MR VANDONGEN: Thank you, sir.

15 COMMISSIONER: I will adjourn now.

(Short adjournment)

20

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45

HEARING RECOMMENCED AT 4.14 PM.

COMMISSIONER: Mr Urquhart, I understand you are going to recall Mr Adamos.

5

MR URQUHART: I am, thank you, sir.

COMMISSIONER: Just so that everyone understands the procedure I am going to follow, I will make a direction shortly and after I have made that direction, I will then have Mr Adamos come forward and take a seat in the witness box. I will then have him sworn or affirmed, whichever he prefers, and then I will hear applications and take appearances.

10

MR URQUHART: In that case, sir, I just formally recall Jim Adamos, please.

15

COMMISSIONER: Thank you. Mr Adamos, would you please come forward and take a seat in the witness box.

I direct that during Mr Adamos' evidence, that the only persons who will be permitted to remain in the hearing room are the legal representatives of those persons who have been given leave to appear and be represented. So that would include, for sake of clarification, not just those at the Bar table, but any assistants, whether they be legally qualified or not, who are in the public gallery and who are rendering assistance to those who are at the Bar table, and of course, that does not exclude the officers of the Inquiry.

20

25

Mr Adamos, do you wish to take a oath or make a affirmation?

MR ADAMOS: I will take a oath.

30

COMMISSIONER: Thank you, Mr Adamos. Madam Associate.

MR JIMMY ADAMOS, sworn:

COMMISSIONER: Thank you. I will now hear applications and take appearances. Ms Thornton.

35

MS THORNTON: Thank you, Commissioner. You will have received a application yesterday from my instructors seeking leave for myself to represent Mr Adamos at this hearing, and I seek that leave.

40

COMMISSIONER: Thank you, Ms Thornton. I can't imagine there would be any opposition to that.

MR URQUHART: No, there's not, sir.

45

COMMISSIONER: Thank you, Mr Urquhart.

MS THORNTON: Thank you, Commissioner.

COMMISSIONER: Leave is granted, to you and to Mr Hood. Ms Saraceni.

5

MS SARACENI: I seek leave, sir, in relation to Mr Mileham and I seek leave also for my instructing solicitor, if that's necessary, Mr Tuohy.

COMMISSIONER: Yes, of course. Is there any opposition?

10

MR URQUHART: There's not, sir.

COMMISSIONER: Thank you. Leave is granted. Mr van der Zanden.

15

MR van der ZANDEN: If it please you, Commissioner, I seek leave on behalf of Ms Scaffidi to appear.

COMMISSIONER: Thank you. Is there any opposition?

20

MR URQUHART: No objection, and no objection to the balance of the applications that I anticipate will be made.

COMMISSIONER: Thank you, that helps. Leave is granted, Mr van der Zanden.

25

MR van der ZANDEN: Thank you.

COMMISSIONER: Mr Barrie.

30

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

COMMISSIONER: Leave is granted. Mr Cornish.

35

MR CORNISH: Thank you, Commissioner. I seek leave to appear on behalf of Dr Green.

COMMISSIONER: Thank you, Mr Cornish, leave is granted. Mr Yeldon.

40

MR YELDON: Yes, with my instructor, Ms Chappelow for ex-Councillor Janet Davidson, with your leave.

COMMISSIONER: Thank you, leave is granted. Ms Zoric.

45

MS ZORIC: Thank you, Commissioner. I seek leave to appear for Gary Stevenson.

COMMISSIONER: Thank you, Ms Zoric. Mr Mariotto.

MR MARIOTTO: If the Commission pleases, Mariotto on behalf of Councillor Limnios, and Mr Purdy.

5 COMMISSIONER: Yes. Thank you very much, leave is granted. Mr Malone.

MR MALONE: Commissioner, with your leave, I appear for Mr Harley with my instructor, Mr O'Meara.

10 COMMISSIONER: Is there a seat at the Bar table for you?

MR MALONE: There is. I'm happy to leave it free for the solicitor assisting to have some room to leave.

15 MR URQUHART: That won't be necessary, I will speak on his behalf.

MR MALONE: No problem.

20 COMMISSIONER: You best take the seat, in that case, Mr Malone. Very well, leave is granted.

MR URQUHART: Thank you very much, sir.

EXAMINATION-IN-CHIEF BY MR URQUHART.

25

Mr Adamos, I've only just got a handful of questions to ask you and it's just in fairness to you, regarding a document that the Inquiry has uncovered since your evidence, last month now. It's to do with the Adagio matter?---Yes.

30 And just to put you in the picture as to where I'm going with this, I'm just going to ask Madam Associate to put up 21.1153 and whilst Madam Associate is doing that, Mr Adamos, this is the email that Ms McEvoy sent to you after the Ordinary Council Meeting in which the application was declined, do you remember that?---Yes.

35

We will just wait for it to come up for one moment. Then you indicated to the Inquiry that that wasn't in fact your email address. So there we go, you see that one?---Yes, that's right.

40 Just have a look at that, and you remember what I'm talking about there?---Yes, that's right.

And you told us, correctly, of course, that the email address there "@", there should have been a S rather than a X?---That's true.

45

I then asked you - thank you, Madam Associate, that can come down. Of course, this is the very short email - Madam Associate can bring it back up again?---That's

all right.

That Ms McEvoy sent to you with that phrase, "In like Flynn"?---That's right.

5 After you had explained to the Commissioner that that wasn't your email address and therefore you would not have received it, I did ask you though at page 106, sir, of the transcript from 8 August of 2019, just above line 25, I asked you:

10 *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.*

15 Mr Adamos, I can tell you, at the time I wasn't aware whether there was any other email that Ms McEvoy had forwarded on to you but I thought I would just ask you that question to see if you had a recollection of that, and it seems to be that you didn't?---That's right.

20 Some further investigations were undertaken and of course, you can understand, there's a large volume of documents that the Inquiry has and this email was found, that was from your City of Perth email address. I'm just going to ask Madam Associate to put up on the screen 21.1423?---Right.

25 So again, Ms McEvoy, it seems from this, has now sent this email from Ms Noble to you on your City of Perth email address, do you see that?---Yes, I do.

I can you tell you, it's the same date, Wednesday, 25 February 2015, to the last email and it reads there 18.36.26, i.e., 6.36 pm?---Mm hmm.

30 Which was 30 minutes after she sent that other one to you that clearly didn't get to you?---Right, yes.

35 So having a look at that there now, correct me if I'm wrong but I think Ms McEvoy has got you are correct City of Perth email address there, has she not?---Yes, she does.

So it would appear then that this one was at least sent through to you successfully?---Mm hmm.

40 Would you agree with that?---Yes, I would.

Again, I will have to ask you now, do you have a recollection then of seeing this particular email?---I don't remember seeing it, I'm sorry. I don't remember seeing this email, although it would have come to my email address.

45 Given what the title was of the email, "Thank you", can you see that at the top there?---Yes.

It's something that you may well have, or in most likelihood would have read?---Most likelihood, yes.

5 So having seen that there now, and if you had read it, would I be right in saying that Councillors did place some emphasis on the outcome of this vote against the application and the ramifications that would have for Councillors who were contesting the elections later that year?---That's right.

10 MR YELDON: Objection.

COMMISSIONER: Just hold on a moment.

MR YELDON: I thought he'd finished, sorry.

15 COMMISSIONER: Have you finished your question?

MR URQUHART: Yes, and we have got the answer. This has absolutely nothing to do with Councillor Davidson. As I understand it, Mr Yeldon is acting for Ms Davidson and if he wasn't here on the last occasion back in August, I asked a
20 extremely similar to this witness without any objection at all.

COMMISSIONER: Yes.

25 MR URQUHART: But if my learned friend wishes to maintain his objection in light of those facts, I shall take a seat.

COMMISSIONER: Do you wish to, Mr Yeldon?

30 MR YELDON: Yes, I do, notwithstanding my friend's peremptorily dealt with it.

COMMISSIONER: Should I - - -

35 MR URQUHART: I won't ask my learned friend to repeat what he said because I heard him quite clearly.

COMMISSIONER: Let's do this without the commentary, please. Do you want to make the objection in the absence of Mr Adamos?

40 MR YELDON: It's not necessary.

COMMISSIONER: Very well.

MR YELDON: Perhaps it is out of prudence.

45 COMMISSIONER: Ms Thornton, I thought I also saw you rising, am I right?

MS THORNTON: Yes.

COMMISSIONER: Did you also want to make a objection?

MS THORNTON: Yes.

5

COMMISSIONER: Did you also want to make it in the absence of Mr Adamos?

MS THORNTON: Yes, thank you, Commissioner.

10 COMMISSIONER: Very well.

MR van der ZANDEN: I also have a objection if it's not dealt with in my learned friends' objections, in the absence of the witness.

15 COMMISSIONER: Is it a similar objection to Mr Yeldon's?

MR van der ZANDEN: I didn't hear what the content of his objection was.

COMMISSIONER: All right. You haven't conferred at the Bar table about it?

20

MR van der ZANDEN: Not yet, no, but I will hear it and then - - -

COMMISSIONER: That's fine.

25 MR URQUHART: If it's going to be a objection along the lines of, this witness doesn't know the state of mind of other Councillors, we would need to go through the process of showing this witness a number of emails which would suggest that that was the case. I don't want to go down that path again.

30 COMMISSIONER: Mr Urquhart, I understand what the consequences of upholding any objection would be, as I'm sure does everyone else at the Bar table but the objections have been raised so I need to deal with them.

MR URQUHART: I won't pursue the question, how about that?

35

COMMISSIONER: No, I will deal with the objections, Mr Urquhart. Mr Adamos, I'm very sorry to have to ask you to do this, but I'm going to ask you to just leave the hearing room for a short time and in that time I'm going to hear the objections that have been made. I want you to understand this before you leave the hearing room: the fact that you're leaving the hearing room is no reflection on you whatsoever, do you understand?- - -Thanks.

40

Thank you. Madam Associate.

45

WITNESS WITHDREW.

COMMISSIONER: Mr Yeldon, I know you're first to your feet but I'm going to

hear from Ms Thornton first.

MR YELDON: Jolly good.

5 MS THORNTON: Thank you, Commissioner. The question was "Councillors would place emphasis" or "would place some importance on the question." My client can only answer in regard to his own views or his own importance that he would place on it, not what other Councillors may or may not have thought about the issue that was being put to him.

10

COMMISSIONER: Strictly speaking, Ms Thornton, I would normally agree with you. This, of course, is a Inquiry and as you know, as I'm sure all counsel know, the rules of evidence don't apply. That doesn't mean they have no place in guiding the conduct of the Inquiry, I accept that but there are times when questions which would normally be objectionable should be permitted because they might inform the investigative process.

15

MS THORNTON: Yes, I understand that, Commissioner.

20 COMMISSIONER: And this may be one of those occasions. If it's not one of those occasions, then the answer will be given the weight it deserves.

MS THORNTON: Thank you, Commissioner.

25 COMMISSIONER: Thank you, Ms Thornton. Mr Yeldon, I will hear from you next.

MR YELDON: Yes. The question going to the minds and thoughts of other Councillors is not compellable from this witness, he can only answer for himself. I make that objection on behalf of my client, Janet Davidson. It's an ambush. This witness is going to be asked to slag off the other Councillors by answering the question.

30

COMMISSIONER: Mr Yeldon, language, please, and a appropriate sense of decorum.

35

MR YELDON: Sorry.

COMMISSIONER: That's all right. Your objection is the same, in substance, as Ms Thornton's is, is it?

40

MR YELDON: And I want to develop - - -

COMMISSIONER: Is the answer to my question yes?

45

MR YELDON: Yes.

COMMISSIONER: Yes. Go on.

MR YELDON: Even though this is a Inquiry interested at the truth, it has to deal with witnesses and their own evidence as they turn up in the witness box.

5

COMMISSIONER: That doesn't really present an obstacle to what I have indicated is the ability of this Inquiry to hear evidence from witnesses which would normally be objectionable. Is there anything else you wish to say?

10 MR YELDON: Other than to apologise for my earlier language.

COMMISSIONER: There's no need to apologise.

MR YELDON: Thank you.

15

COMMISSIONER: It's just important we all keep things in balance, that's all.

MR YELDON: Yes. In light of the hour, I think it slipped out.

20 MR URQUHART: I take it that apology includes a withdrawal of that emotive term "ambush", to which I - - -

MR YELDON: Absolutely.

25 MR URQUHART: Thank you.

COMMISSIONER: Thank you. Mr van der Zanden, is your objection of a similar nature?

30 MR van der ZANDEN: It is, but can I make one further point?

COMMISSIONER: Of course.

[4.30 pm]

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MR van der ZANDEN: And that is that in addition to what my friends say, the question also was compounded by the general nature of the opinion, perhaps I could describe it, that was sought. That's all I intend to say.

40 COMMISSIONER: Yes. I think everything you say is something that I have already addressed in my response to Ms Thornton's objection.

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

45 COMMISSIONER: Thank you, and I will give it the appropriate weight.

MR van der ZANDEN: Yes.

COMMISSIONER: Do you wish to say anything more in response, Mr Urquhart?

5 MR URQUHART: Only, sir, that the question was simply designed as a preface to my question of the witness, and I wasn't expecting these objections to be taken, otherwise I would have avoided it altogether because it is already evidence before the Inquiry.

10 COMMISSIONER: Yes, indeed. Very well. Madam Associate, would you please bring Mr Adamos back into the hearing room. Ms Thornton, I've made the point to other counsel, some of whom have heeded the advice, others of whom have not, but I should just warn you that you will see there's some baffling on the ceiling above you and what it does is reflect the sound from the Bar table very well up to the Bench. So often I can hear what you are saying to each other. So it's a
15 caution, more than anything else.

MS THORNTON: Thank you, Commissioner.

20 COMMISSIONER: Just so you know what's going on up here.

MS THORNTON: Thank you, Commissioner. Much appreciated.

COMMISSIONER: Mr Adamos, please resume your seat in the witness box.

25 **MR Jimmy ADAMOS, recalled on former oath:**

COMMISSIONER: Mr Adamos, just for the sake of transparency and at the risk of repeating myself, which I will now do, your exclusion from the hearing room is no reflection on you?---Okay.

30 In your absence, a number of objections were heard and they have been addressed. Mr Urquhart, do you wish to repeat the question?

35 MR URQUHART: No, I don't, sir. We can move on to the important question.

COMMISSIONER: Very well.

40 MR URQUHART: Mr Adamos, in light of that fact there that it would seem now that you did receive that email and most likely have read it, can I ask you then when you voted at the Ordinary Council Meeting the day before you got that email, did you regard as a consideration in the way you voted- -?---No.

- - - the - you have to wait until I finish to answer the question?---Sorry.

45 I anticipate you know what the question's going to be, you've probably anticipated it correctly, but was that a consideration, the fact that there could bear an outcome on the voting in October, as to why you voted no?---No.

So you've maintained your evidence from before?---Definitely, yes.

Thank you, Mr Adamos. That's all the questions I have for you.

5

COMMISSIONER: Thank you. Ms Thornton, I'm going to address you now first, if you don't mind. I am conscious of the time. I am also conscious that Mr Adamos has been waiting for a large part of the day to come and give his evidence. I'm not going to raise matters which are inappropriate to raise in this public forum, but do you have a position on whether this hearing should proceed for a little longer, by which I mean another 15 to 20 minutes, or would you prefer that the matter be adjourned now that it's 4.35?

10

MS THORNTON: We did, before, confer about that but now that Mr Adamos has been in the witness box - - -

15

COMMISSIONER: Shall I ask Mr Adamos directly.

MS THORNTON: Perhaps. Thank you.

20

COMMISSIONER: Mr Adamos, do you feel that you're able to continue for another 20 or so minutes in giving evidence?---I'm happy to but at the same time I would be happier, I suppose, to start again fresh for Monday.

25

What would be your preference?---Probably to start from Monday.

Is there any difficulty with that, Mr Urquhart?

MR URQUHART: None whatsoever, sir.

30

COMMISSIONER: Ms Thornton?

MS THORNTON: I appreciate your (indistinct).

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COMMISSIONER: Do any other counsel have any difficulty with that, because if they do, they will have to persuade me quite strongly if they do have a reasonable difficulty? Mr Yeldon, you're sitting down.

MR YELDON: I'm standing up now. I think it's a jolly sensible idea.

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COMMISSIONER: Very well. In that case, what I will do is I will adjourn the Inquiry until 10 am on Monday morning.

WITNESS WITHDREW

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**AT 4.35 PM THE MATTER WAS ADJOURNED
UNTIL MONDAY, 9 SEPTEMBER 2019**