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INQUIRY INTO THE CITY OF PERTH

PUBLIC HEARING - DAY 117

THURSDAY, 26 SEPTEMBER 2019

INQUIRY PANEL:

COMMISSIONER ANTHONY (TONY) POWER

COUNSEL ASSISTING:

**MR CHEYNE BEETHAM
MR PHILIP URQUHART
MR NICHOLAS PARKINSON**

COUNSEL APPEARING:

**MS JENNIFER PRIESTLEY (MR Mark RIDGWELL)
MR JASON HART (MR Paul CROSETTA)
MR PETER van der ZANDEN (MS Lisa SCAFFIDI)
MR GEOFF BOURHILL (MR Robert MIANICH)
MR PETER MARIOTTO (MR Dimitrios LIMNIOS)
MR JONATHAN WYATT and MS ALENA ZORIC (MS Rebecca MOORE)
CAV. MARIA SARACINI and MR MARTIN TUOHY (MR Martin Mileham)
MR MICHAEL HARRIS (MS Erica BARRENGER)
MS PENELOPE FORD (DR Jemma GREEN)
MS JUSTINE SIAVELIS (MS Annaliese BATTISTA)
MR TIM HOUWELING and MS BROWYN WAUGH (MS Lexi BARTON)
MR NICK MALONE and MR JASON O'MEARA (Mr Reece HARLEY)
MS LORNA CLARKE (MR Steven HASLUCK)
MS AMANDA BLACKBURN (MR Yit Kee YONG)
MR JOEL YELDON (MS Janet DAVIDSON)**

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 Just so that everyone understands the procedure I am going to follow this morning, I will make a direction shortly and after I have made that direction, I will then have Mr Ridgwell 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. I now move to the direction.

15 I direct that during Mr Ridgwell's evidence, 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 the sake of clarity, not just those at the Bar table, but any assistants, whether they be
20 legally qualified or not, who are in the public gallery and who are rendering assistance to those who are at the Bar table. This direction does not exclude officers of the Inquiry.

25 Mr Beetham.

MR BEETHAM: Sir, I call Mark Hunter Ridgwell.

30 COMMISSIONER: Thank you. Mr Ridgwell, would you please come and take a seat in the witness box. Mr Ridgwell, would you like to take an oath or make an affirmation?

MR RIDGWELL: I would like to take an oath, please.

35 COMMISSIONER: Thank you. Madam Associate.

MR Mark Hunter RIDGWELL, sworn:

COMMISSIONER: Thank you. Take a seat, please, Mr Ridgwell. Ms Priestley?

40 MS PRIESTLEY: May it please the Commission, I appear for Mr Ridgwell.

COMMISSIONER: Thank you. Is there any objection to leave?

45 MR BEETHAM: No, sir, and there will be no objection to the other applications.

COMMISSIONER: Thank you. I grant you leave, Ms Priestley. Mr Hart?

MR HART: Commissioner, I seek your leave to appear for Paul Crosetta.

COMMISSIONER: Thank you. Leave is granted, Mr Hart. Mr van der Zanden, you've made a return.

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MR van der ZANDEN: Yes. Thank you, Commissioner, I seek leave to appear on behalf of Ms Scaffidi.

COMMISSIONER: Leave is granted. Mr Bourhill?

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MR BOURHILL: I seek leave to appear for Robert Mianich.

COMMISSIONER: Leave is granted.

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MR BOURHILL: Thank you.

COMMISSIONER: Mr Mariotto?

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MR MARIOTTO: May it please, Commissioner, I seek leave to appear on behalf of Mr Linnios.

COMMISSIONER: Thank you, Mr Mariotto, leave is granted. Mr Wyatt?

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MR WYATT: I seek leave to appear on behalf of Rebecca Moore.

COMMISSIONER: Thank you. Leave is granted. Ms Saraceni?

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MS SARACENI: Commissioner, I seek leave to appear, together with Mr Tuohy, on behalf of Mr Mileham.

COMMISSIONER: Thank you. Leave is granted. Mr Harris?

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MR HARRIS: Yes, thank you, sir. I seek leave to appear on behalf of Ms Barrenger.

COMMISSIONER: Thank you. Leave is granted. Ms Ford?

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

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COMMISSIONER: Thank you, Ms Ford, leave is granted. Ms Siavelis?

MS SIAVELIS: Commissioner, I seek leave to appear on behalf of Ms Battista.

COMMISSIONER: Leave is granted, Ms Siavelis. Mr Houweling?

45

MR HOUWELING: May it please the Commission, I seek leave to appear for Alexis Barton, together with Ms Waugh.

COMMISSIONER: Leave is granted, Mr Houweling. Mr Malone?

5 MR MALONE: Thank you, Commissioner. I seek leave on behalf of Councillor Harley, with Mr O'Meara.

COMMISSIONER: Thank you, leave is granted, Mr Malone. Ms Clarke?

10 MS CLARKE: Thank you, Commissioner. I seek leave to appear on behalf of Mr Hasluck.

COMMISSIONER: Leave is granted, Ms Clarke. Mr Beetham.

15 MR BEETHAM: Mr Ridgwell, I want to ask you some questions today about effectively two topics. Those are the enactment of the Crisis Management Plan on 27 February 2018, do you remember that?---Yes, I do.

20 And the Special Council Meeting that was held the same day, do you remember that?---Yes, I do.

Madam Associate, could we please have on the screen the document 12.0677. Mr Ridgwell, I want to ask you questions about those topics but I will start by going backwards a little bit in time to a letter that was sent to the Department of Local Government. So the TRIM is 19360.

25 COMMISSIONER: Thank you.

30 MR BEETHAM: Mr Ridgwell, is that document large enough on the screen for you to read?---Yes, it is.

Can you see at the top of the document it's dated 12 February and it's addressed to the Director-General of the Department of Local Government, Sport and Cultural Industries?---Yes, I do.

35 Have you seen this document before?---Can I just have a quick read?

Yes, and if you want us to go over to the next page, please let me know ?---Next page if I can, please.

40 Please, Madam Associate?---Thank you.

And Madam Associate, if we go over to the last page, please?---Thank you.

45 Having read that, Mr Ridgwell, do you recall seeing this document before?---Not that I recall, no.

No? Given that, is it fair to say Mr Mileham, to your recollection, has never

shown you this document before?---Not that I recall, no.

5 One witness to this Inquiry has given some evidence that this document was kept or stored by you or kept safe by you after it was signed and sent off to the Department; does that trigger any memories for you at all?---I had possession of another correspondence earlier on from the Executive.

Was that - - -?---That was not related to this.

10 - - - correspondence also to the Department?---Yes, I believe so, yes.

Can you remember roughly when that correspondence was dated?---No, I cannot. It was much earlier, probably six months.

15 About six months did you say?---That's correct.

This document is dated February of 2018?---Mm hmm.

20 Would mid to late 2017 be about right?---Yes, that would be - would seem about right, mid.

Did you say that was a document from the Executive?---Yes.

25 Can you remember if that document was signed by all of the Executive?---Yes, it was.

Was it also signed by Mr Mileham as the Chief Executive?---Yes, I believe it was all of the Executive.

30 Can you remember what the document was about, what the letter said?---I might be able to get access to it for the Inquiry but it was about the context of their concerns with respect to the current situation at the City of Perth. I don't remember all the details.

35 Was it similar in the topics it addressed to what's in this letter in that respect?---Yes, that's correct.

40 When you say you had possession of it, are you saying you had a hard copy or was it electronically stored with you?---Hard copy stored with me.

And do you know whether that was also stored on the City's electronic database?---I'm not too sure.

45 The hard copy stored with you, did you store it somewhere in particular in your office?---Yes, in my office, yes.

And I think you indicated that you can provide a copy of that or you might be able

to provide a copy of that?---Absolutely, yes, if I hadn't already. I thought I had, but - - -

5 It could be that the Inquiry has it or, if it doesn't, you would be able to provide a copy?---Absolutely, yes.

Madam Associate, if I can just ask you to go a page to 678 and if I could ask you, Madam Associate, just to zoom in on the paragraph commencing, "Notwithstanding" after the dot points. Mr Ridgwell, I appreciate you've not seen this document before but could I ask you just to read that paragraph that commences, "Notwithstanding" for me; do you see that?---Yes, thank you.

Just read that to yourself?---Thank you.

15 The letter that you're talking about, the other one that you've seen that was in your possession, do you remember if it had a similar paragraph or sentence in it to this one?---No, I can't recall.

You do not remember?---No.

20

Do you remember whether that letter that you have seen invites or encourages the Department to intervene at the City?---No, I don't, sorry.

25 In respect of that letter - Madam Associate, this letter can be taken off the screen now as well - that you do remember seeing and you had possession of, were you involved in the preparation of the letter?---No, I was not.

30 Were you involved in any discussion leading to the letter?---I was not aware of a letter being created but I was in discussions with the Executive from time to time, based on my experience and in my role as the Manager of Governance at the City, about the ongoing relationships and issues at the City

[10.15 am]

35 Can you remember, to the best you can, when those decisions started taking place?---I think that was around 20 - mid-2017.

Were these discussions held in regular meetings?---I would say ad hoc. I think there may have been a couple of specific meetings that were held.

40

To deal with that particular topic?---Yes.

45 When you say ad hoc, do you mean that the topic would just come up in a meeting that wasn't convened for that purpose, or do you mean - - -?---No, I believe there were a couple of meetings that were convened for those purposes.

In respect of the ad hoc part of your response?---In the context that they weren't

regular, they were just as it was deemed necessary to have the meeting formally called.

5 Was all of the Executive, to your recollection, present at those meetings?---Yes, I believe that they were but there could have been someone on leave at the time, or something. I don't recall the exact amount but I thought for the purposes of what those meetings were, I think a full attendance was seen.

10 During these meetings, was there any discussion about whether, and if so how, the Department or the Minister could become involved with the City?---There was discussion about what sort of assistance could be provided to the Administration to try to address the relationship issues and some of the concerns and the CEO had, over time, met with various key stakeholders to see how assistance could be brought about.

15 When you say key stakeholders, who are you referring to?---I think it was the Public Sector Commission, I think it was the Department of Local Government and the Minister's office for Local Government. WorkSafe was another agency that we wanted to understand our obligations as an organisation.

20 Did you understand Mr Mileham to have had some engagement with WorkSafe?---Yes, that's correct, yes.

25 Did you yourself have any involvement with any of these stakeholders?---Just the WorkSafe one.

30 When the discussions were being had about assistance, what assistance was discussed amongst the Executive?---In the context of the WorkSafe, it was about our obligations and how we can address some of the concerns. That eventually led into other initiatives, such as trying to have a session with the Elected Members and Executive about relationships and trying to improve those, was one of those. How we can assist with the Employee Assistance Programs and the sort and yes, that sort of information.

35 What about in relation to the Public Sector Commissioner, was any particular assistance discussed in respect of that organisation?---Not that I recall. There was very limited that could be undertaken.

40 By the PSC?---Correct, at this point.

What about in respect of the Minister's office?---No, I wasn't privy to the conversations, only that there had been some conversations.

45 Sorry, what I mean to ask is, in these discussions you were a part of with the Executive when you considered what assistance could be sought?---M'mm.

Did anyone express a view as to what assistance could be sought from the

Minister's office?---From my understanding, it was to improve the relationships that were going on. It's in the context of the protracted issue with the Lord Mayor's voluntary suspension and suspension that took place and we had a successive change in our Acting Lord Mayor through that period of time, so it was quite a transitional period of time.

Did anybody in that group mention having the Minister intervene in any way in the City?---Not that I recall, no. I mean, there was general discussion about, are we at a state of dysfunction, and I recall providing advice to say, at this point in time, I did not recall it being a level of dysfunction that would constitute, you know, a suspension of Council during that period of time.

Can I interrupt you there?---Yes.

I just want to clarify a couple of things coming out of that. The first is, can you tell the Inquiry what time you're talking about when you provided this advice?---It was about July last year, but I did acknowledge the challenges that were being faced by our Executive at that time, it was quite significant.

COMMISSIONER: In July last year?---2017.

MR BEETHAM: Thank you, sir.

I think your evidence was your advice was to the effect of, the dysfunction hadn't reached the point where a suspension, for example, was something that could happen or should happen?---Mm hmm.

That suggests to me, and I'm curious about your views about this, Mr Ridgwell, that suspension was something that was talked about in about mid 2017, is that right?---I believe so, Yes.

Was that a discussion that you were involved in or that anyone had with you?---It was in the context of the broader - what would be - what does the City need to be able to move on, and it was in the context of, does there need to be a re-set? What can be done to address the eroding behaviour that was taking place. It was seen as only one of many options trying to address.

Are there other options, and am I right in understanding your evidence to include, speaking to the Public Sector Commissioner, engaging with WorkSafe, those types of things?---Yes, and finding other tools that we could use to assist. So as an example, introduction of a buddy system with the Elected Members of the committees was one. I know one had worked quite well between Mr Mianich and Councillor Davidson and that was one of the examples of an initiative that we were looking at to try to improve that relationship.

If I can just focus on the Minister for the moment, what the Minister could do in terms of assisting the City, one of the things we have spoken about is suspension.

Did the idea that the Minister might issue a warning to the Council come up in discussion?---Not that I recall but I know that's an avenue that could - - -

You're aware that that's an avenue that's available?---Correct, yes.

5

You don't remember if that came up?---No, no. As I say, I think the conversation was not as mature as what it eventually got to. At that stage it was just purely a discussion point.

10 Are we still talking about mid-2017?---I think so, yes. Yes.

Did the conversation then mature at some point, did it, where it became a bit more focused?---Yes, it did, because of the fact that the relationship did continue to deteriorate between the Executive and the Elected Members.

15

When did this more mature conversation start taking place?---Probably around, maybe mid to, say, September/October.

2017?---Yes.

20

Did those conversations continue in that vein up until the suspension of Council in March of 2018?---Yes, correct.

25 Were those discussions that you were involved in?---Only to the point of exercising caution against it going to that point or going to an Inquiry.

30 Going to an Inquiry, did you say?---A suspension of Council and then ultimately would lead to an Inquiry. I did have concerns at the time because of the fact that, my previous experience having worked at the City of Belmont, I had gone into an organisation that had just been through an Inquiry and whilst I acknowledged that the City was better for it in its structures and systems, there was also a lot of broken people in that process. It's an unpleasant process but it is a process that goes on for the City and it has a lot of implications on people and others, and personal implications, impacts.

35

Is that the reason why you were advising caution around this time, don't go full steam ahead for a suspension?---Correct. So that's why I was not part of any focus to go through a request.

40 To the Minister?---To the Minister.

Do you know if a request was made to the Minister?---I think, was that letter just then just one request to the Minister? I didn't see the signatory.

45 I'm asking whether you know yourself?---Sorry. No, I don't think so.

Do you remember having a conversation in December of 2017 on or about 6

December, if that helps?---Mm hmm.

5 At a meeting at which at least Mr Mileham was present and I think some of the Executive, perhaps all of the Executive and Dr Green was present, about what Dr Green could do or how she could facilitate contact with the Department or the Minister in respect of the issues at the City?---I believe there was a discussion had with the Deputy Lord Mayor at the time and I'm not too sure, but if I recall correctly Mr Mileham said that he was prepared to bring the Executive upstairs to meet with the Deputy Lord Mayor to discuss such matters.

10 So is it your understanding or your recollection that that meeting was a meeting with yourself, Mr Mileham and the Deputy Lord Mayor at that stage?---No, I don't believe I was at that meeting.

15 How do you know about Mr Mileham indicating bringing people up?---I was told about it afterwards.

By?---Mr Mileham.

20 So were you involved in a discussion - do you remember being involved at all in a discussion with Dr Green about what Dr Green might be able to do by way of facilitation or assistance?---No. I recall only some emails in respect to it with Deputy Lord Mayor Green asking what she could do to provide assistance or what she could do, and I don't know if that was what prompted the meeting or not.

25 You just remember some emails from Dr Green?---Yes, correct.

30 Madam Associate, if we could change to brief 15, please. I will just show an email, Mr Ridgwell, and ask you if this is what you're talking about. 15.0193, please, Madam Associate, and the TRIM reference, sir, is 15386.

COMMISSIONER: Thank you.

35 MR BEETHAM: Madam Associate, could I ask you just to enlarge the start of the last email from Dr Green at the bottom of the page. Mr Ridgwell, unfortunately this is one of the emails that cuts over a page and I will have to show you two pages?---Sure.

40 Do you see there from Dr Green to Mr Mileham, copied to you on 11 December 2017?---Yes.

You will see the title there, it's, "Safe workplace at the City"?---Mm hmm.

45 Madam Associate, if I could ask you to go over to the next page, please. Is that large enough for you to read, Mr Ridgwell?---Yes, it is, thanks.

Could I just ask you to read that to yourself, please?---Thank you.

Do you remember receiving this email?---Yes, I was CCed in that. That's the one I was talking about.

5 Is the one you were talking about?---Yes.

Dr Green's evidence about this time and this email is to the effect of, she had a meeting and was asked at that meeting to approach the Minister to ask the Minister to suspend the Council and that she wrote this email having consulted, as you see,
10 with the Department a couple of days later?---Mm hmm.

Does me telling you that remind you at all of any discussions you were involved in about that topic with Dr Green?---Well, yes. The nature of it, yes, correct.

15 So did you have a discussion with Dr Green yourself or is it just these emails?---No, just these emails from what I recall.

Madam Associate, could we go back to 193, please. If I can just ask you to scroll up a little bit, please, Madam Associate. That's great, thank you, Madam
20 Associate. You will see there at the top of the page, Mr Ridgwell, there's an email from Mr Mileham?---Mm hmm.

And you see he writes, "DLM", which I understand is Deputy Lord Mayor?---Correct, yes.

25 If you can read this to yourself, do you remember being copied into this email as well?---No, not that I recall, no.

Do you see in the last line of the email commencing, "The language, given the feedback you received from the Directors"?---Yes.

30 "And your undertaking to seek specific advice about that feedback", do you have any understanding as to what the feedback Mr Mileham is talking about is?---No.

35 [10.30 am]

And do you have any understanding as to what the specific advice is?---No.

40 Madam Associate, if we could just go to the top of the page, just to complete the chain. You will see, Mr Ridgwell, an email, a response from Dr Green and it's copied to you?---Yes.

And it's on the same day, 11 December. Do you have any recollection of discussing this email or the content of it or what it talks about with Mr Mileham
45 ?---No, I don't.

In this period of time in mid to late 2017 that we have been talking about where

you had these initial discussions and they became, I think your word was a bit more mature as time went on?---Mm hmm.

5 Did anyone express to you in that time a preference for the Minister to intervene and suspend the Council?---No.

10 Did anybody express a preference for that thing, for the Minister to intervene and suspend Council, to you in January or February of 2018. Not that I'm aware of, no. I think it was more about just an intervention which I saw could eventually result in a potential suspension of Council, the Inquiry and the effects that that would have on the City.

15 Which are the ones you've spoken about a little moment ago?---(No audible response).

20 Is that a view, the view you've expressed about the impact of an Inquiry, or a suspension and an Inquiry on the City and your advice about cautioning an approach that would lead to a suspension, is that a view you maintained up until Council was suspended?---No, my view changed soon after a call for a Special Council Meeting was held.

Is that the Special Council Meeting on the 27th?---Correct.

25 When you say your view changed, what do you mean?---I believe that there was factionalising of Council that was taking place and including potentially a member of the Executive being included in it.

Who is the member of the Executive you're talking about?---Annaliese Battista.

30 Why did that change your view about suspension and Inquiry?---Because the relationship had deteriorated so much that I didn't see a real viable way that the City could recover its relationship in that period of time, given what I thought was the motivation for calling of that Special Council Meeting.

35 Perhaps we will go through that - - -?---Later.

40 No, we will go through it now, Mr Ridgwell, but in a bit of detail. The first question I have for you is, what was the motivation you thought was behind the calling of the Special Council Meeting?---The CEO was on leave at the time, personal leave.

45 Mr Mileham?---Mr Mileham, sorry. Then our Acting CEO, Mr Mianich, was performing the duties during that period of time and completed a, or was really the signatory to some work that had been undertaken in respect to some Elected Members' behaviour that was being assessed and being submitted to the Standards Panel.

You will appreciate the Inquiry's heard quite a lot of evidence about quite a lot of things. Am I right in understanding that you are referring there to complaints lodged by Mr Mianich, or signed by Mr Mianich to the Local Government Standards Panel about Councillors Harley and Green?---Correct.

5

Are you also referring to or are you aware of a letter to Councillor Limnios?---Yes, correct.

10 Is there anything else you're referring to or is it those three things?---Just those three things.

You were explaining, as I understood it, what you thought the motivation for the Special Council Meeting was, so you've told us about Mr Mileham taking leave and Mr Mianich taking leave and these complaints?---Yes.

15

Can you continue from there?---Yes. So Mr Mianich was - the timing of when the letters came through for formal submission to the Standards Panel was requested that Mr Mianich sign those letters as the Acting CEO so that they could be submitted to the Standards Panel.

20

Were you involved in that process?---Yes, I was.

And did you request Mr Mianich to sign the letters?---Yes, I did.

25 Did anybody ask you to ask Mr Mianich to sign the letters?---Sorry, could you repeat that?

30 Yes. I will put it perhaps in a different way: why did you ask Mr Mianich to sign the letters at that time?---Because he's the reporting officer as the Chief Executive Officer, the acting at the time, but previous to that, this process had been going for a little bit under the Chief Executive Officer, Mr Martin Mileham.

35 And had the process concluded under Mr Mileham or did it continue for a few days into - - -?---It continued into a few days and that's why Mr Mianich was to sign the letters.

Did he sign them - do I understand your evidence to be in effect that he signed them on or about that day, the 22nd, 23 February?---Correct.

40 Because that's when the process had actually completed?---Correct.

45 So how does that tie into the motivation for the Special Council Meeting?---So on that weekend a call for a Special Council Meeting with a notice of motion to amend the senior employees' Council Policy was put forward by Councillor Hasluck and it was signed by five of the Elected Members, three of which were signatories to the letters that had only just been received and would have been received by those Councillors, and the timing of it just seemed very - it didn't seem

appropriate, or it came out of nowhere that such a motion would come, other than from the fact of almost retribution for referring these matters to the Standards Panel.

5 Did you ask any of those Councillors whether that was their motivation?---No.

Other than the timing, the fact of the complaints on the 22nd, 23rd and the motion on the 24th, was there anything else that made you think those two things were connected?---No. There was no concerns about Mr Mianich's performance during that period of time.

When you say there was no concerns about Mr Mianich's performance?---Yes.

15 Are you meaning you had no concerns or no concerns were expressed to you, or something else?---No concerns were expressed to me or witnessed, that I was a witness to from other Elected Members or our Executive in respect to Mr Mianich undertaking the role because he was Acting CEO and continuing to perform the duties.

20 It was about this time, was it, that your view changed about the appropriateness of suspension or was it after that?---It had been growing through that previous, probably four to six weeks. We'd had other matters before the City that had also caused a little bit of destabilising effect.

25 What matters are you talking about?---Project Percy.

Anything else?---We'd also had the election that had only just sort of taken place and there was matters still going before a CCC matter between two Elected Members and we have had legal representation costs, and it seemed to be very inwardly focused as a Council at that time, both for the Executive and for the Councillors.

35 When you say inwardly focused in respect of the Executive, what do you mean by that?---Well, trying to address the numerous concerns and issues that were being raised by Elected Members through that process, through those various processes.

40 A little while ago you said that one of the reasons why your view changed was because of the factionalising on Council and the involvement of - what you saw as the involvement of Ms Battista on that?---Mm hmm.

45 Can you elaborate on what you mean by the involvement of Ms Battista in the factionalising of Council?---At that point in time, I wasn't aware of Ms Battista's involvement, it was only that Council motion actually identified a blank as to who would the Acting CEO for that period of time and I saw the impact that that had on the Acting CEO and it was through the next subsequent days that I was of the understanding that Ms Battista had been engaged with other Elected Members in discussions of appointment as Acting CEO.

One of the things you said in that little passage was that you saw the effect of the motion on the Acting CEO, I understand; is that a reference to Mr Mianich?---Yes, it is.

5

When you say you saw the impact, can you explain that a little bit further?---I spoke to him on the Sunday and he just seemed very anxious about the whole notice of motion having come up out of the blue. I think he was concerned about the fact this had only just come out of - only just signing letters, as his duty and responsibility as Acting CEO, to the Standards Panel.

10

Prior to that point, had Mr Mianich indicated to you that he was unwell or under stress or had high blood pressure, prior to that point?---Yes, he had said that he was monitoring his blood pressure.

15

Coming back to Ms Battista, what was the concern? Why did it concern you that Ms Battista was, as you came to understand, corresponding or speaking with Councillors about the Acting CEO role?---It seemed to be an isolation of the whole Executive that remained. I had text messages that were confirming that she was in discussion with Councillors and members of the State.

20

These were text messages from Ms Battista?---Ms Battista, yes.

I think you said it was to the exclusion of the Executive? I might be mistaken in that?---No, I don't think - - -

25

Did it involve the Executive?---No, it did not, no.

And was that a concern?---That was a concern, yes.

30

Why was that a concern for you?---Because it is an Executive Leadership Team, they should be working through all issues together as an Executive should.

How did you come to form the view that Ms Battista had been in discussions with Councillors? Was it simply these text messages you were receiving or were there other reasons?---There was concerns by Mr Mianich that he couldn't get in contact with Ms Battista to try to understand if she had been contacted in respect to being appointed Acting CEO.

35

Yes. Anything else that led you to that view?---No, I think that's it.

40

At about this time when your view started to change in relation to the appropriateness of suspension, did you talk about that view with anybody at the City?---Yes, I did. There was a briefing actually held with the Elected Members that evening at 4 o'clock.

45

Which evening are we talking of?---Of the Special Council Meeting, the 27th, I

think.

5 Yes?---During that meeting, the way that the Elected Members were discussing things, I cautioned them. I said, "Look, if you don't address these behaviours now, then you'll find that the Minister may suspend you", because one of the examples that was used was that they wanted to sight the actual medical certificate of the CEO because they had concerns that it was potentially false.

10 Who asked to do that?---I believe it was Councillor Limnios.

Did you think that was an inappropriate request for Mr Limnios or the Council to make?---To sight a physical medical certificate, yes, I did.

15 Why did you think that?

MS SARACENI: Commissioner, could I just for a moment interrupt to seek clarification in relation to the witness talking about the CEO, which CEO?

20 MR BEETHAM: Of course.

COMMISSIONER: Thank you, Ms Saraceni.

25 MR BEETHAM: Mr Ridgwell, which CEO are you talking about?---Mr Mileham.

So your evidence, is it, just for the sake of clarity is that Councillor Limnios, to your recollection, wanted to see Mr Mileham's medical certificate?---Yes.

30 [10.45 am]

And why did you think that request was an inappropriate request?---I think that delves into operational matters and is not something that I've ever experienced in my 20 years of working in Local Government, that an Elected Member would request to see a medical certificate.

35 Was that a request made at this meeting, at the 4 pm meeting you're talking about?---Yes, correct.

40 Can you remember if Mr Limnios' request was supported by any of the other Councillors?---It wasn't objected to but I think I just went into my discussion straightaway to say, "Look, this is the sort of conversations that can lead to a suspension of Council. These are the sort of things that we must stop having these sort of conversations because it's not appropriate."

45 Did anybody suggest to you or did you consider that a reason it might be appropriate is that in effect, under the statute, the Council employs the CEO?---No, that wasn't part of the discussion, no.

Did you consider that point? Do you remember if you considered that point yourself on that afternoon?---No - sorry, my consideration of it at the time was, thinking about the question, was, well, there are officers within the City that would
5 have sighted that and it's their roles and responsibilities to ensure that there's nothing that would be of concern to then raise to escalate the matter. So it's the role of the Administration to manage those matters.

Yes?---And that if they did have concerns about falsification of anything, then they
10 should be reporting those.

Was the request to see Mr Mileham's medical certificate pressed upon you?---No. It was - I think the comments that were made satisfied the Elected Members in that respect.
15

Did any of the Elected Members at this meeting indicate to you, Mr Ridgwell, that they had doubts or concerns about the sincerity or validity of Mr Mileham's medical leave?---Yes, I do believe that there was doubts.

Did somebody express that to you or is that something you inferred from what was happening?---Inferred.
20

What did you infer that from?---I inferred it from - just the general sort of doubt that was placed upon his illness and the timing.
25

Was some of that expressed, was it? Did somebody in that meeting express that doubt?---I can't recall an Elected Member there that I would - - -

Is your recollection that you had a sense that people were doubting Mr Mileham's leave?---Yes, I did.
30

Can you recall whether you got that sense about anyone in particular or was it a general - - -?---No, I think it would be unfair for me to speculate on that one.

Other than that conversation you had with the Elected Members about suspension, did you speak with anybody else about it, and I'm particularly interested in whether you spoke to any members of the Executive about it, on or about 26 or 27 February?---There was - we were made aware that there was a meeting whereby the Minister had called the Elected Members. We were not aware of what that would entail, whether that would entail a show cause or a suspension or what that conversation would be.
35
40

Am I right in understanding that you found out about that proposed meeting with the Minister and Council during what's been come to be known as the special ELG meeting on the morning of the 27th?---Yes.
45

Do you know what I'm talking about when I say the special ELG meeting?---Yes, I

called that.

5 Can we then talk about that special ELG and what happened at it and we will come back to this proposed meeting with the Minister in the course of that discussion?---M'mm.

You called the meeting?---Yes, I did.

10 Why did you do that?---Because I'd been advised that the Acting CEO, Mr Mianich, had made contact and said that he's unwell and would be on personal leave and he advised - - -

Can I interrupt you from time to time, Mr Ridgwell?---Yes, of course.

15 Sorry, just to clarify. When you said you were made aware, who made you aware?---I think it was either a text message from Mr Mianich, or a phone call or the Lord Mayor may have forwarded me a text, I'm not too sure.

20 It's one of those?---One of those things.

A text from Mr Mianich, a phone call from Mr Mianich or a forwarded text from the Lord Mayor?---Yes.

25 Sorry, go on, you were saying about why you called the meeting?---And what I identified in that was that there was a problem in that - I mean, I was obviously upset for Mr Mianich that he had gone on leave and he was our Acting CEO but what had happened was, in his notice to the Lord Mayor he had actually said, "I will refer the matter to Council to determine the next Acting CEO "and that in itself has some problems because of the fact that, whilst reasonable because he's on
30 leave, it gives us an operational issue that we have to work through at Council because we had many things that were going on at the time."

What's the operational issue?---Operational issues, as an example are - - -

35 Sorry, Mr Ridgwell, what's the operational issue that the text message gave rise to?---Because it didn't actually - he didn't transfer the Acting CEO onto another member of the Executive.

40 Okay, so is the issue that you didn't have - - -?---A CEO between - - -

As operationally on the ground, so to speak, on the 27th?---Correct, yes.

45 But am I right in thinking though that at that time you knew it was likely that the Council would appoint an Acting CEO that afternoon of the 27th?---Correct, yes.

And you knew that, I think, on the 26th when you found out about Mr Mianich's leave?---Correct.

Did you know on the 26th, who Council was likely to appoint to the Acting CEO?---No.

5 When did you find that out?---It was through a text message from Ms Battista because I'd asked the Executive who would be willing to step into the role of Acting CEO.

10 What were you told?---She advised that she had been in contact - she had been contacted by Councillors and also working with the State and that she would be prepared to take on the role as long as there was a commitment to address the issues at the City of Perth.

15 I think you said you asked all of the Directors whether they would be willing to take on the role?---Yes.

Did anybody else express that they would be willing?---No, not that I'm aware of, no. Sorry, to continue on - - -

20 Yes, please?--- - - - with your lines of enquiry. So I felt on that evening that it was important to get the Executive together the next morning, first thing just to update and progress for the day because it was quite a significant day for us. There were quite significant meetings being held, let alone the Special Council Meeting that was being held.

25 What was the purpose of calling the special ELG meeting? Were you wanting to appoint a CEO or what were you wanting to achieve out of that meeting?---We don't have powers to appoint a CEO so that wasn't part of the discussion. It was basically to get the Executive together and plan out how the day would work through the process. So I invited all of the Executive to a discussion.

30 I will just pick up on a thing you said a moment ago, it was a busy day, I think. Am I right, Mr Ridgwell, that your day was particularly busy and it included that special ELG meeting?---Mm hmm.

35 Were you involved as well in the meetings that followed the Crisis Management Team meetings that followed?---All of those meetings, so yes there were meetings that evening, yes.

40 Were you involved in those meetings?---Yes, I was.

There was, as I understand it, a Directions Notice or directions notices issued by the Department in respect of certain things?---Yes.

45 There was the special council meeting?---Yes.

And I understand you also received a copy of and a briefing about Mr Douglas'

work in respect to Project Percy?---Correct.

5 Are those the things that were happening for you that day?---Yes, and then I had a meeting with the Deputy Lord Mayor and her representative with Mr Douglas and then after that, there was - - -

And that's in respect of Project Percy?---Correct. Then on top of that, we then had a briefing session with Council in respect to the Project Percy matter.

10 Is that the briefing session you were talking about earlier?---Correct.

Earlier when you said there was a meeting at 4 o'clock and that's where you expressed these views about suspension?---Correct.

15 What time do you remember was the meeting with Dr Green and her representative?---I think it was 3.30 or thereabouts.

20 If we come back then to the first meeting of the day, the special ELG meeting that you called, were you in that meeting for the duration of the meeting, the whole time? Did you leave the room at all?---Yes, I left the meeting quite regularly, regularly through both the special ELG meeting and the crisis management meeting.

25 And the subsequent meetings after the first meeting, is that what you mean?---Correct, yes. So for those two meetings, I was in and out. So for the special ELG and also for when the Crisis Management Plan was activated, through that process as well.

30 Were you involved in the decision - the actual decision, to enact the Crisis Management Plan?---No, I wasn't.

35 Was your advice sought about enacting the Crisis Management Plan?---My recommendation was to get advice, legal advice from our solicitors on just where we were at during this day because I had never experienced this situation, so I wanted to get advice and guidance from a trusted and knowledgeable legal advisor so we could make contact with Neil Douglas and spoke about the situations that were present before us at this time.

40 We have heard some evidence about that call in the course of this Inquiry, Mr Ridgwell. My understanding is - did you call him or use your phone?---Yes, it probably was my phone. I can't remember whose phone, it might have been mine.

Were you there for the duration of the call with Mr Douglas?---Yes, I was.

45 Do you recall mentioning to Mr Douglas anything about the Crisis Management Plan during that call?---No, I did not.

Do you recall anybody else mentioning it during that call?---I'm not clear whether we did at that point in time or not, or whether it was - the feedback we got at the time was stick to policies and processes that you have at the City for consistency.

- 5 That was essentially, was it, the gist of Mr Douglas' advice to you?---Broad advice, yes, and I do not recall it being specific to - - -

The Crisis Management Plan?---The Crisis Management Plan, I must say.

- 10 Was that the only call with Mr Douglas you were involved in?---I think there was another call in all to - it might have been that same call but we did seek advice in respect - sorry, the Executive sought advice in respect to Ms Battista's contract and if there had been any breach in liaising directly with other Elected Members.

- 15 Why did they seek that advice?---Because they were concerned that there was potential collusion going on with a section of the Council.

- Do you know why it was important to seek that advice that morning when, as I understand it, the point of your meeting was to get the Executive together and plan out the day?---The Executive had concerns about that conduct and that's why they wanted that raised and seek to advice.
- 20

- Did the Executive in the room say or express a view to the effect that they didn't want Ms Battista to be Acting CEO?---I think they had concerns about her acting in the role if she was separation from the Executive and speaking directly with a faction of the Elected Members.
- 25

- So do I understand that to mean they were concerned because in their view, Ms Battista wasn't involving them in the discussions?---Yes.
- 30

And she was out on her own to an extent?---Yes.

- Did anyone talk about, in that meeting - actually, I will go back a step. In the conversation with Mr Douglas, was his advice also sought about how - if the City, the Administration could defer or delay the Special Council Meeting that was going to be held that afternoon?---No, that advice was actually on the Sunday when I was advised about the calling of the Special Council Meeting, there were questions about the validity of it. I provided my own advice to say it was a valid Council resolution to undertake - sorry, Council notice of motion was in compliance and was validated through the second opinion through Mr Douglas.
- 35
- 40

On that weekend?---Yes, that weekend.

- You don't recall that being a subject of discussion during the phone call in the morning of the 22nd?---No, it was already resolved that it's deemed appropriate or in compliance with the Local Government Act.
- 45

Did you express that position to the Executive?---Yes.

So that they were aware?---Yes.

5 And do you remember doing that on that morning or do you remember doing it
some other time?---I think it was even before that, on the Monday when
Mr Mianich was still the Acting CEO but I discussed it with him on the Monday
and said, "We will now activate the process for calling of a Special Council
Meeting."

10

During that special ELG meeting, am I right in understanding that Ms Brandon
was there at the start in her acting capacity as Acting Director of Economic
Development and Activation?---Yes, that's correct.

15 Am I right in that she was asked to leave shortly after the meeting began?---Yes,
that's correct.

And who asked her to leave?---Mrs Rebecca Moore - Ms Rebecca Moore.

20 Ms Moore? Did Mr Crosetta or Ms Barrenger say anything about that?---I believe
there was - no, they didn't object to it and I think they were part of the
decision-making in that respect

[11.00 am]

25

And was a reason given by Ms Moore or the others as to why Ms Brandon was
being removed from the meeting?---Because they wanted to be the Executive that
were full-time Executive members, not actings. I did raise at that meeting that I'm
also an Acting Director of Corporate Services at that point in time and that I
30 should also remove myself but the Executive sought me to stay in the capacity of
Manager, Governance, in my capacity - - -

In your substantive role?---In my substantive role and when that was advised to
Ms Brandon, I actually wanted to make sure she understood why I was staying
35 because it would otherwise look inconsistent.

Other than saying that Ms Moore, Mr Crosetta and Ms Barrenger wanted just the
Executive there, was there any reason given? Was anything expressed that you
heard for why they only wanted the Executive to be there.

40

?---They wanted to have confidentiality through that period of time.

Did they say what about?---Whilst they understand the situation of what they
needed to consider. Sorry, it wasn't my idea so I wasn't clear about - - -

45

I appreciate it's a bit of a difficult question for you, Mr Ridgwell?---Yes.

I'm just curious, I'm wanting to know whether or not Ms Moore, Mr Crosetta or Ms Barrenger expressed verbally a reason for why Ms Brandon should leave, other than they just wanted the Executive there?---One of them mentioned about protection of the individual, so that they are not - - -

5

Ms Brandon?---Ms Brandon, yes.

Did you understand at the time what they were talking about?---To try not to get her involved into the discussions that might compromise her.

10

Did you understand what those discussions might be?---Not, not at that stage.

Do you find that unusual, that Ms Brandon was being asked to leave?---I had actually invited her to the meeting, so it would be inconsistent with what I thought at the time was what an Executive meeting would have as the attendees.

15

I take it, Mr Ridgwell, you've been to a number of meetings of the executive over your time at the City?---Yes, I have.

20

Are those meetings when an Executive, a particular Executive is on leave, attended by the acting Executive?---Correct.

And generally, are those actings asked to leave?---Generally, yes, I would say they would not be asked to leave.

25

They would not be?---No.

Can you recall many situations when the acting has been asked to leave?---No, I can't.

30

Did anybody, other than Ms Brandon during this meeting, query or push back on the exclusion of Ms Brandon?---Yes, I believe so. It was Ms Battista.

Ms Battista wasn't in the meeting at the time, is that right?---No, but we spoke to her over the phone.

35

Was that just after Ms Brandon had left?---Yes, I believe so.

Just bear with me one second, Mr Ridgwell. Can you recall, Mr Ridgwell, whether or how Ms Battista was dialed into the meeting? Did you call her, did she call in?---No, I can't recall if it was on my phone or someone else's.

40

Do you remember if it was an incoming call or an outgoing call?---No, I can't.

Can you remember how long the conversation went for?---I would be guessing and I would be cautious about that but I would say it was a 15 minute call, about there.

45

Was it during this call that Ms Battista pushed back against Ms Brandon's exclusion?---Yes

You hesitated there, you've got a clear memory of that?---Yes.

5

Did anybody in that call say, "All right then, Ms Battista, if you want Ms Brandon there, then we will bring her back", or words to that effect?---The conversation was that we would continue to - "We are contacting you, we are speaking to you right now", is what I heard.

10

Did Ms Battista say, "Can you have Ms Brandon back in the room when I leave" or something like that?---No, I can't recall that. It ended up getting into the outcomes of what the day should be that transferred into that sort of discussion. It may have been that the conversation was that the meeting was about to wrap-up.

15

Can you remember that being expressed?---What, the meeting?

That the meeting was about to wrap-up?---No. I think we were just talking about the outcomes of what would be the end of the day, at that time.

20

What makes you say, as you did just a moment ago, that the conversation might have been about the meeting about to wrap-up?---Because there was a discussion about the Acting CEO and who would - what should happen in respect to appointing an Acting CEO in that interim period and it was agreed that there wouldn't be an Acting CEO because there's no powers for the Executive to appoint.

25

Did you understand that to be, sort of the primary outcome that you were looking for out of that meeting?---And also to have some assistance from the Executive of who I can speak to and liaise with about various things throughout the day. So I was attending the briefing, I needed a person to be present for that that would assist. At the Special Council Meeting you need to have someone there for those processes and if I had enquiries from the Department of Local Government who I could go to to verify and release information, so lots of that practicality stuff that I was trying to understand.

30

35

Was that stuff discussed with Ms Battista on the phone?---Not that I recall, no.

So Ms Battista's evidence, some of her evidence is to the effect of, she was told at the end of that phone call that the meeting was wrapping up?---Mm hmm.

40

I'm paraphrasing, those weren't her exact words but that's the effect of them?---Mm hmm.

45

Do you have any recollection of that or would you quibble with that as a potential thing that was said to Ms Battista?---No, I wouldn't. I would say that we had resolved the issues that had been discussed at that time.

After that call had completed?---Yes.

5 How long did you stay in the meeting for?---I'm not too sure, maybe another 10 minutes and then went out and did work and came back in when I was asked to come back in and provide information.

10 Do you know whether the members of the Executive in the room, Ms Barrenger, Ms Moore and Mr Crosetta, did one of two things, either of two things: brought Ms Brandon back into the room or called Ms Battista back and had her involved in the discussions that were taking place?---I don't believe Ms Brandon was ever called back. I never saw her because my office is located near the (indistinct) boardroom and I recall contacting her as soon as I could with the - when the Crisis Management Plan was activated because she's a member of the Crisis Management
15 Team.

In her capacity as Acting Director?---As Acting Director, yes, and calling Ms Battista back again, no, I don't recall, or I don't - - -

20 You don't recall that happening?---No.

Not while you were there?---No.

25 This may sound like a bit of a strange question, Mr Ridgwell, given some of the evidence you've already given, but at the time where you were there at the meeting at the start and the discussion leading up to the removal - sorry, the request for Ms Brandon to leave the room?---Mm hmm.

30 Did anybody say words to the effect of, "We want to talk about the letter that was written to the Department of Local Government"?---No.

And nobody expressed that talking about that letter was a reason why they didn't want Ms Brandon in the room?---Not that I recall, no.

35 While you were in that meeting, I take it, given you'd not seen that letter before, to your recollection that letter was not discussed at the meeting?---No.

In your presence?---No.

40 Were you present when the Crisis Management Plan, the document itself, was in the room in that first meeting?---That first meeting, I can't recall who identified that could be a potential process that the City could rely on during this period of time, but I do recall it being in the room when I either returned or - yes, I think it was when I returned into the room and they were discussing it and I was
45 supportive of the idea of activating it.

I will just take this in turn?---M'mm.

I take it you didn't bring the Crisis Management Plan into the room?---No. My Risk Management Coordinator may have been called into the room to do that.

5 Who is that?---Desmond Ngara.

He may have been called to do it but do you know whether he did or didn't?---I believe he did come in to provide advice, whether it was appropriate or not.

10 Do you know whether or not he brought the document in?---I'm sure he would have.

But you didn't see that happen yourself?---No, no. Sorry, that's speculating.

15 As I understood your evidence earlier, you weren't involved in the discussion that led to the decision to enact the Crisis Management Plan?---No, that's right but I was supportive.

You were supportive of it when you found out?---Yes.

20

The Crisis Management Plan a document with which you are familiar?---Yes.

Was it a document with which you were familiar then?---Yes.

25 Can you explain, if you're able, why you thought it was appropriate to enact that plan to deal with the circumstances of that date?---Because the purpose of the - when the idea was raised and you had a look at the document, the purpose that's stated in the document is to effect good decision-making during difficult periods of time and also to try to minimise reputational harm and damage to the City. It's got
30 many other aspects to it, crisis being people and the sort, but it has a scope within it that is quite broad.

I can take you to the document but if we can avoid doing that, I will?---Sure.

35 Would you agree with me that generally the Crisis Management Plan is a plan that's activated in the event of a crisis as sort of colloquially understood, things like fire, flood, terrorist attack, a bomb going off, a building burning down or the Council House building otherwise being rendered inhospitable, those kinds of things?---Yes. That is an element that can certainly be utilised and that's what we
40 practice for, for those sort of exercises.

So you've done simulations of those types of things?---Correct, yes.

45 Would you agree with me that that's its prime purpose, to deal with event where there has been significant disruption to the operations of the City?---Yes.

Did you think that the absence of a CEO for the day was so significant to warrant,

or to be of a level of that type of disruption?---I did in the context of - look, it's within my remit as Manager, Governance, of Crisis Management Plan and Business Continuity Plans.

5 So is that a document that you're responsible for?---Correct, yes and it was a good mechanism and tool to utilise for us. It brought the right people into the room, assisted with documenting what we were doing and going through and it brought some immediate reduction in anxiety about what's happening and greater coordination.

10

[11.15 am]

15 In respect of my question, did you consider that the absence of the CEO presented the same level of significant disruption to the City as would as Council House burning down or a bomb going off or the building being flooded?---No, definitely not. I just wanted to use - I liked the fact that it was being used for the purposes of its structure more so, and that's why we, throughout that day, we were trying not to use the word "crisis" but business continuity, to say that the organisation is continuing on through this process.

20

And business continuity, there is a Business Continuity Plan, isn't there?---Correct.

That's in the suite, together with the Crisis Management Plan?---That is correct, yes.

25

So was there a conscious effort within the Administration to avoid the word "crisis" that day?---Correct.

30 I understand - I think I understand your evidence to be in effect, the Crisis Management Plan, the initiation of that, gave the City a process to follow, a documented process to follow. Is that why you thought it was appropriate?---Yes.

Is that it in a nutshell?---As the Manager of Governance, I like process, so yes.

35 Yes, and is there any reason why the Executive couldn't do all the things that needed to be done without enacting that Crisis Management Plan?---It would be without process and this gave us a plan straightaway to just follow.

40 Since this enactment of the Crisis Management Plan - you've been at the City since then?---Yes.

45 Has the plan been amended or changed in any way to deal with more specifically the types of issues you faced on the 27th?---Yes, it has. So there was criticism levelled at the activation of the Crisis Management Plan and I find it regrettable that to be the case but with it, with those concerns that were raised, I recommended that we get an independent assessment done as to its appropriateness of activation.

Was this the Riskwest review?---That's correct, yes, and that report came back to say, yes, it was appropriate to have enacted it, utilising the terminology that was prudent, over-reaction, so it was quick escalation and de-escalation of the Crisis Management Team, which happened the next day and then we had an internal debrief from all members to see what worked well, what didn't work well, what we can improve.

Has the document been amended?---Yes, it was.

Is that what you were about to say?---I was going to say, one of the recommendations from Riskwest was that, whilst it was appropriate to activate it, the policy - sorry, the Crisis Management Plan escalation rules weren't clear on other elements such as media and comms, so it has been amended since that time.

Would you accept that there's some validity to the view that the Crisis Management Plan as it existed at the time was not really the appropriate plan to deal with the issues that you were dealing with on the day, on the 27th?---No. When you go back to the purpose of the document, it does talk about reputational harm to the City and that's why I deemed it appropriate at the time and I do feel it was beneficial to us for that day.

Because of the process that it gave?---It gave a structure, yes.

This Riskwest review you're talking about, I might show you the document and just ask you to confirm a couple of things. Madam Associate, could we please have 11.0645 brought up. Actually, Madam Associate, I might ask you to bring up 11.0629 first. Just while that's being brought up, Mr Ridgwell, can I ask you a couple more questions about the Crisis Management Plan activation. At the meeting you were at, was there any discussion about activating the Crisis Management Plan to achieve the outcome of deferring or delaying the Special Council Meeting?---No.

Preventing Ms Battista from being appointed as the Acting CEO?---No.

Having the City in the state of a declared crisis in advance of the meeting with the Minister the following day?---No.

Did anyone express any view to you, that you heard, about activating the Crisis Management Plan, other than to deal with just the events of the day?---That's correct.

Did anybody express any view that it was enacted for some other reason?---No, only other than to respond to - coordinate primarily the media responses and enquiries that we were receiving.

I understood your evidence there to say that it was enacted for that reason as well,

to help coordinate responses to the media?---Because it was mostly reputational, it was to get coordination, so that set up our Corporate Communications sub-team to
- - -

5 Who does that team ordinarily report to? Who does the Media Team ordinarily report to?---It's changed to so many places within the City.

Does it or has it at all times reported to a Director?---Not at all times, no.

10 Do you remember on the 27th?---It would have reported to the CEO's office.

The Media Team would have reported to the CEO's office?---Yes.

15 Is that a reason why the absence of the CEO took on some significance on that day, because there was no person to whom the media could directly report?---Part of it, yes.

20 Could in that instance the media report to somebody else, one of the other Directors or the Directors as a group?---I think it was more the release of information and the sort.

The release of information by the City?---By the City, yes.

25 And does that require the CEO sign-off, does it?---Input, yes, but I think it's the Lord Mayor that is the spokesperson for the City.

30 So did the Crisis Management Plan, the activation of it, in your view, permit the City to do anything that it couldn't have done as a business as usual process?---It would have incorporated business as usual as well. You know, as an example, walking the floors and just speaking to staff to make sure that there was not any concerns through that process.

35 That could have been done without enacting the Crisis Management Plan?---That could have been, yes.

And responding to media could have been done without enacting the Crisis Management Plan?---Yes.

40 Is there anything that happened on the 27th that could not have been managed without, in your view, the enactment of the Crisis Management Plan?---No, only other than it gave us good process and structure.

It gave you a path to follow?---Yes.

45 You will see here, Mr Ridgwell - Madam Associate, could I ask you to enlarge that first email, please. You will see an email there, Mr Ridgwell, from - can you help me pronounce this gentleman's last name?---Kenny Seow.

Seow?---Yes.

Do see this email from Mr Seow to Mr Ngara copied to you?---Yes.

5

And somebody called Ms Halley?---Yes.

Does Ms Halley work with you?---She was a part-time risk and business continuity officer at the City, she's no longer there.

10

Do you recall receiving this email?---Yes.

Madam Associate, if we could go down a little bit further to Mr Ngara's email.

Perhaps not all of the email, Mr Ridgwell, the email goes over the page, it just says, "Thank you, regards, Desmond Ngara." If you can just read that to yourself, please?---Thank you.

15

The TRIM reference for this document, sir, is 14342?---Thank you.

20

You will see that is an email from Mr Ngara to Mr Seow, copied to you and Ms Halley?---Yes.

Do you remember that email?---Yes.

25

Were you involved in the preparation of the email?---Not the preparation of the email, no, but I had given advice to the Risk Management Coordinator about the elements that were of concern at the time.

You didn't settle this email, is that right?---No.

30

And you didn't draft it or have any involvement in drafting it?---No, but I had requested the Risk Management Coordinator to get an external assessment undertaken.

35

So was the first time you saw this email to your recollection, when it landed in your inbox as part of a CC?---Yes, I believe so.

Madam Associate, could we now please go forward to the report at 645, TRIM reference, sir, 14345.

40

COMMISSIONER: Thank you.

MR BEETHAM: Is this the report that you received, Mr Ridgwell?---That is correct.

45

Am I right in understanding that you signed off on the engagement of Riskwest?---Yes.

Were you involved in providing any information to Riskwest as part of this review process?---No, not that I'm aware of.

5 Were you involved in preparing the scope for their works?---Only in discussion with the Risk Management Coordinator.

Mr Ngara?---Yes, which was those two earlier bullet points.

10 And do I understand it to be that you didn't provide Riskwest yourself with documentation? You weren't the liaison with Riskwest to provide City documentation?---No, not that I recall.

15 Were you interviewed by Riskwest as part of their review?---No, I don't recall if I was. I've read the document, it talks about the interviewees but I can't recall.

You're not listed as one, I was just wondering - - -?---Okay, then no.

20 Do you remember being present at some of the interviews, the other interviews with other people?---No.

25 Can you give the Commission a fulsome understanding of what your involvement was in this report?---Yes. So to - exactly at that first email is to address the appropriateness of activating of the Crisis Management Plan and also the second part of it or the two bullet points, but also any lessons learned that we can learn for future process improvement.

30 And in terms of things that you did in connection with the report and the review that was undertaken that led to the report, was there anything that you did?---Not that I recall, no.

Madam Associate, could we please go into the document a little bit at 651. Did you read this report when it came in?---Yes.

35 So you read the report before today?---Yes.

40 Madam Associate, could we just enlarge the number 1, under the words, "It was observed that" and then there's a number 1. If I can just ask you to read the dot points or read number 1 and the dot points, Mr Ridgwell?---Yes.

You see in that first dot point the author of the document writes, if we include the chapeau in 1:

45 *The ELG arrived at the decision that acting the CMP was the best option given their concerns over the Acting CEO having taken sick leave the day before, leaving CoP without a leader in the midst of serious ongoing issues that needed attending to.*

?---Mm hmm. Yes.

5 Would you agree with me that tells only part of the story and the part that's missing is that Council was intending to and then did appoint an Acting CEO that afternoon?---No, that was a process that would actually then address the issue which would be that we would have a CEO at that stage, which we did.

10 That's sort of the point I want to make, Mr Ridgwell?---Yes.

Would you agree with me that it would have been relevant to Riskwest when undertaking the review to know that a CEO was going to be appointed that afternoon?---Mm hmm.

15 And that ELG knew that a CEO was going to be appointed that afternoon?---I would have thought that would have come out in the interviews.

Yes, but just to go back to that?---Sorry.

20 Would you agree with me that that would be relevant, that fact?---Yes.

Were you ever asked - I'm going to expect the answer is no, but were you ever asked by Riskwest about when a CEO was appointed or if one was appointed, an Acting CEO?---No

25 [11.30 am]

30

35

40

45

If the author of that document was not told at any point during the review, either that Council had appointed an Acting CEO, or that the ELG know when it enacted the Crisis Management Plan that an Acting CEO was going to be appointed, that might affect the view reached by the author in the preparation of this
5 document?---I don't know if it would or wouldn't. From my aspect of it all, it was to get through the day, so that's what I was trying to get the understanding of.

So hypothetically if you were conducting the review?---Yes.

10 It's the fact that there was no CEO for the day that's the critical fact, is it?---Yes.

Would you think that the return of an Acting CEO that afternoon was relevant to that assessment, as to whether the enactment of the Crisis Management Plan to deal with that day?---It was never definitive that we were definitely going to have a
15 CEO at that time. The circumstances were always changing as well, so is it most likely that there was going to be a CEO, but - an Acting CEO appointed but there was never an absolute that that was going to take place.

Do you think knowledge of that, that that was possible that an Acting CEO would be appointed, was relevant to the task that these people were carrying out, that the
20 author was carrying out?---Yes, and I would have thought that they would have known that information when they were doing that.

If I told you that the author of the report has given some evidence to the effect that they didn't know that, would that surprise you?---That would surprise me, yes.
25

And you don't have any recollection, as I understand your evidence, of telling Riskwest yourself or being involved in an interview where that was told to them?---No.
30

Sir, I note the time. I would like to ask Mr Ridgwell just a few more questions, just generally about his observations of the culture of the City and its change since the Council has been suspended. Those questions will only take, I imagine, 10 minutes. With your indulgence, perhaps we could sit for those 10 minutes.
35

COMMISSIONER: Before we do that, Mr Ridgwell, how are you bearing up?---I'm okay, thanks. Thank you.

40 Would you like a short break? It can be done if you need it?---Are we having a break after the 10 minutes?

Yes?---Okay, then. No, I can stay.

45 Are you sure?---Thank you.

Please continue.

MR BEETHAM: I've dealt with all of my specific questions for you now, Mr Ridgwell. I just want to ask you generally about your observations of the culture of the City. You gave some evidence a little earlier that your view about suspension changed on about 27 February?---Mm hmm.

5

Was that at all tied to any observations you made about the culture of the City at the time?---Of our Elected Members at that time or Executive or - - -

10 However you want to define it, Mr Ridgwell?---I think the relationship had broken down so much over that period of time that it wasn't reparable. One of the situations that we have in Local Government is that you have a Lord Mayor who's leader of the Council but in that instance there, there was not the majority of Council that were aligned to what the Lord Mayor's thinkings were, and the remainder of the Council was - had the numbers and that was challenging in itself
15 with the Council.

Why was that challenging?---Because it's a change of the guard that was going on.

20 We have had some evidence in the course of this Inquiry that the Administration at times felt pulled in a couple of different directions. Is that reflective of your experience around this time?---Yes, it is. There was a bit of a belief that you were loyal to one side versus another, but the role is, you're loyal to the position that you're fulfilling. So that's how I took it, that there was no favourites amongst any of the Elected Members, there was just basically trying to address whatever issues
25 were coming up from Council at that time.

This is your view about yourself, is what you mean?---Myself, sorry, yes.

30 Did you observe behaviour that didn't accord with that view amongst other people?---There was enormous stress and pressure at that time and the pressure placed on my CEO was quite upsetting to see and that also my direct - no, it wasn't my direct report at that point in time but the Director of Corporate Services, seeing that emotional toll was quite upsetting and still is today, about the pressures that were being faced.

35

Where were those pressures coming from, in your view?---From both Elected Members and internally of the Executive.

40 The culture of the City, you might have heard or read around this time has been described in various ways. Some of the words that have been used are, a toxic culture, a culture of entitlement; are either of those adjectives you would have used, or you would use to describe the City at that time?---I have used the words, culture of entitlement before in respect to the benefits of Elected Members at that time. From my observations of working in other local governments, it seemed
45 disproportionate to other Local Governments. That being said, their response was that it was a capital city and that it performed different functions than that of other local governments.

And did you understand that to be a reason why the people who held that view, that those entitlements were appropriate?---Yes, correct.

5 Has there been a shift or a change in your experience in the culture of the City since Council has been suspended?---In respect of entitlements with, say, Commissioners, yes it has changed. It's very much focused in on engaging with relationships with key stakeholders, to activate the City and the sort.

10 So that's entitlements you say, did you say, has changed?---Yes. So it's about - there's been a significant reduction, or there has been the removal of review of clothing allowances and the sort that have taken place and there's plans to do so of further policies and procedures before Council returns.

15 What about in respect of interpersonal relationships? I think you described the breakdown of the relationship between the Council and the Executive?---Yes.

Has that relationship been better, bearing in mind the Councillors aren't there?---Yes, it's a difficult question because of the fact that we are engaged with
20 Commissioners as opposed to Elected Members. It has improved in that respect, that professional conversations are being had, respectful dialogue is being had over emails and through our formal meetings.

Are you able to offer any, because you've been in Local Government for a long time, Mr Ridgwell, insights to the Commission about ways in which good
25 governance or local governments can be improved?---Clarity about roles and responsibilities is important. In the time that we have been with Commissioners, we have developed a Corporate Governance Framework that outlines the good pillars of good governance and we are developing our processes. We have got
30 time to be developing processes to really support a strong way forward for the City.

You mentioned there clarity around roles and responsibilities. One view that's been expressed to the Inquiry is that the separation between Councillors and the
35 Administration led to a number of problems and there's been a view expressed that bringing those relationships closer together, if possible, would be of benefit; do you share that view?---Yes, as long as it is clearly defined - through this process, through this Inquiry, we are actually going through legislative changes as well that are addressing a number of these issues, such as - we have had changes such as the
40 appointment of senior employees and designated senior officers of the City has been removed, so legislative changes are happening that will support that. There is a Model Code of Conduct that's being developed. So there's changes that are coming forward through the Department of Local Government and State
Government to actually address a number of these issues, but not all.

45 Are there any other changes that you think might be beneficial to Local Government generally?---I think we need to have a more dynamic and robust

Standards Panel or a mechanism in place earlier on that is not about necessarily - trying to intervene when there are disputes with a breakdown in relationship rather than it being - sorry, I used the words Standards Panel, but I see that as a last resort process. I would like to see some sort of intervention that takes place earlier on. I
5 would also like to see - when I first started in Local Government, the Department of Local Government was actually a mix of capacity building and compliance. It's more compliance focused now than capacity building and I would love to see that sort of support to Local Governments that we try to address the issues really early on before they get too expensive, and then you lose your Elected Member
10 representation and the sort, so.

Sorry, are you suggesting that you would like to see more in the capacity building aspect of the Department?---Correct, yes, because - - -

15 COMMISSIONER: Of the Department or of the Local Governments?---Sorry?

Capacity building of the Local Government or of the Department?---Capacity building within the Department of Local Government so that it can support all Local Governments and intervene where - before a problem becomes too great that
20 it gets into either a Departmental inquiry or a formal inquiry. I think the Department's somewhat under-resourced in that respect for it all. I'd just love to see a mechanism that Local Government could have, that where it's in trouble it can be tried to be resolved earlier on before this, because this has been a very difficult and emotional time for all people that have been through the process.

25 Mr Beetham, do you mind if I just ask a question here?

MR BEETHAM: Of course.

30 COMMISSIONER: Just listening to what you've been saying to me, Mr Ridgwell, have you, for example, given consideration to whether it would be useful for the Department to make available to Local Governments an early intervention advisory process whereby if a Local Government needs advice on a particular matter, it can go at an early stage to the Department and get that advice and be
35 guided by it, rather than allowing a problem to occur and then going to the Department to see what can be done?---That is correct, that's one part of it but also when the breakdown in relationship starts happening, at an early stage, such as what I would call, say, 2017, that there could be some mechanism that you could have facilitation and work, to work with all of the Council because it is unique in
40 this respect, that all of Council are individuals with individual - they are not parts of groups per se and it's really important to try to see if you can get some way that you can address and overcome the issues so that you can be more focused on the community, is what I have observed as being - and in other Local Governments, is that it becomes very internally focused with the internal politics, and trying to
45 re-set that at a very early stage is to say - one of the big drivers of working in Local Government is you want to be working on benefits to the community, not to be dealing with internal disputes and the sort. So that's from that side of it, and same

with Elected Members is, you want to be doing things that are positive to the community rather than being in dispute with each other, because I've worked in a Local Government that has been like that, when it's been operating beautifully and it's a beautiful thing. The Elected Members are great, the staff morale is great, the community's really positive; that's what I would like to see us get back to and I just think some sort of intervention earlier on would be brilliant.

Thank you, that's very helpful. Mr Beetham.

MR BEETHAM: Thank you, sir. No further questions.

COMMISSIONER: Thank you. What I would normally do at this stage is take an adjournment for 15 minutes. Will that be sufficient for you, Mr Ridgwell?--- Yes, thank you.

I will adjourn the Inquiry for 15 minutes, which will mean that we will resume at noon.

WITNESS WITHDREW

(Short adjournment).

HEARING RECOMMENCED AT 12.04 PM

MR Mark Hunter RIDGWELL, recalled on former oath:

COMMISSIONER: Ms Zoric, I understand you're here in place of Mr Wyatt?

MS ZORIC: Yes, thank you, Commissioner. The application was filed yesterday afternoon.

COMMISSIONER: Yes, I will just your appearance, and Ms Blackburn?

MS BLACKBURN: Yes, with Your Honour's leave, I seek to appear for Mr Yong in accordance with the application filed yesterday.

COMMISSIONER: Leave is granted.

MS BLACKBURN: Thank you, sir.

COMMISSIONER: Mr Beetham.

MR BEETHAM: Sir, there's just applications for examination to go and then Mr Urquhart and I will swap places.

COMMISSIONER: Yes. What I was giving consideration to was whether I should hear all the applications at the end; do you have a view on that,

Mr Beetham?

MR BEETHAM: No, sir. I'm in your hands. My sense is there's unlikely to be an application arising out of my examination but - no, I'm wrong about that, sir. So
5 I'm in your hands.

COMMISSIONER: In that case, I will hear those applications now. Thank you, Mr Beetham. Ms Clarke, do you have an application?

10 MS CLARKE: No, Commissioner.

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

MR MALONE: No application to make, Commissioner.

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

MR HOUWELING: We do, Mr Commissioner.

20 COMMISSIONER: Very well. In that case, Mr Ridgwell, I'm going to ask you to be excused from the hearing room while I hear the applications?---Okay. Thank you.

WITNESS WITHDREW.

25 COMMISSIONER: Mr Houweling.

MR HOUWELING: Thank you, Mr Commissioner. Mr Commissioner, the witness has given evidence that, firstly, the proposed motion of 24 February was
30 by way of retribution and further spoke and said that Battista was speaking to a faction on Council. He was asked, but didn't - Counsel Assisting didn't press the question of how a Chief Executive Officer is then appointed. My point, and wish to examine the witness in respect of the matter of the faction question, when he was really speaking about a majority on Council, not a faction, and the Councillors
35 wished to give effect to section 5.36 as was identified, right at the top of the proposed motion which was signed by them on 24 February, and then gave rise to the Special Council Meeting of 27 February. So that's the compass; it's a fairly narrow compass.

40 COMMISSIONER: How do you think your questions will assist the Inquiry?

MR HOUWELING: Thank you, Mr Commissioner, and that is of course the gravamen. Central to the evidence of this witness was the question of whether or
45 not there was one or another faction that was getting along or not getting along and there was a suggestion of an effective shift of power in or around the middle of 2017. There was an election in October of 2017 and that resulted in what would have been seen, at least by some within the Executive and certainly other

employees within the Local Government, as a change in that power relationship. Rather what was being done, in ultimately our submission, was that some within the Executive were becoming political through such things as enacting the CMP.

5 I'm not intending to cross-examine about that but it really is the role of the
Manager of Governance who needed to assist the Chief Executive Officer, who has
a role to advise the Council in respect of their responsibilities under the Act, and
particularly section 5.36 of the Act. A lot of what this witness has given evidence
10 about all relate to the central power of the Councillors themselves to appoint the
Chief Executive Officer, whoever that might be from time to time.

Rather what this witness is suggesting is that it wasn't for the Executive to appoint
a Chief Executive Officer, but he wasn't pressed a little further than that to
ultimately accept and give evidence that it was the role of the Council itself, and
15 that he knew, particularly at that point, that it was the role of the Council and it
wasn't a small group or a small faction who were seeking retribution but rather it
was a group of the majority of Council, when Council had changed and
Councillors who were part of that change stood on a platform of transparency, who
then held the majority to give effect to really what was contained within the Act.

20 So it wasn't political play, it was giving the direct effect to what was contained in
section 5.36 of the Local Government Act.

COMMISSIONER: Thank you, Mr Houweling. Mr Beetham, do you wish to
25 respond to that?

MR BEETHAM: Briefly, sir. In my respectful submission, sir, I'm not sure those
areas will advance the work of the Inquiry to the extent that I understand the areas
in which questions will be directed. In respect of Mr Ridgwell's view about the
30 reasons for the motion, that's just Mr Ridgwell's view, whether he held that view
wrongly or rightly. In respect of the power to appoint a CEO or an Acting CEO,
that's just simply a question of law, sir, and the Commission is in as good a
position as any to read the Act and reach a view about that question. Unless I'm
missing something in particular, sir, I'm not sure that it will advance the work of
35 the Inquiry.

COMMISSIONER: Thank you, Mr Beetham. Mr Houweling, this is one of those
rare occasions where I'm going to refuse your application. I've given you every
other one but on this occasion, I should say to you that there are matters about
40 which this Inquiry is already quite well informed. Some of those matters will be
known to you because you have been present while the evidence on them has been
led; others will not be well-known to you, but in considering whether your
questions will advance the purposes of the Inquiry, I of course am entitled to, and
do take into account all of that which the Inquiry is aware of. So on this occasion,
45 I'm going to refuse your application.

MR HOUWELING: Thank you, Commissioner. I take it that's on the basis really

that matters that I would have asked questions about have properly been addressed?

COMMISSIONER: That's right.

5

MR HOUWELING: Thank you, Mr Commissioner.

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

10 MS SIAVELIS: No, thank you, Commissioner.

COMMISSIONER: Thank you. Ms Ford?

MS FORD: Sir, I do on this occasion.

15

COMMISSIONER: Thank you.

MS FORD: There's three matters and I would intend to be very brief, Commissioner. Having heard what you said about Mr Houweling's concerns, there were similar but not identical to those concerns. The first was the suggestion by Mr Ridgwell that the motion of 24 February came out of nowhere. That seems inconsistent with his evidence that there was growing concern about instability or dysfunction within the Council through to February, and I would like to raise that inconsistency with him.

25

The second issue was that the motion was brought by way of, and this is my paraphrasing, forgive me, by way of retribution. I wanted to raise with him in his position as Manager of Governance whether in fact Standards Panel complaints are common place or serious matters, and make the point that not all of the persons that sign the motion were the recipient of Standards Panel complaints or a letter. I have heard, Commissioner, what you said in relation to Mr Houweling's similar points on that so perhaps I don't press it as heavily as the first point.

30

The third is simply, Mr Ridgwell gave evidence about his role as Manager of Governance and in fact, he went so far as to say "Process is very important to me", and yet at a time when he said he had concerns about certain Councillors' motivations in respect of bringing the motion, he was asked, "Did you raise those concerns with the Councillors" or, "Did you raise those concerns" and he says, "No", but the next question wasn't asked which was, "Why didn't you raise those concerns if you were concerned about process and good governance." Those are the matters I wish to raise, Commissioner.

40

COMMISSIONER: Thank you, Ms Ford. Mr Beetham, may I hear from you in respect of the first and third matter, please.

45

MR BEETHAM: No objection to those two, sir.

COMMISSIONER: Thank you. In that case, I am going to give you leave to ask questions on the first and third matter but not the second.

MS FORD: Understood, Commissioner, thank you.

5
COMMISSIONER: Can I just indicate to you, Ms Ford and to anyone else who has an application to make, that I will follow the usual practice and that is that you will be able to ask those questions of the witness at the conclusion of questions from both Counsels Assisting, so not straightaway. The reason I'm hearing from
10 you now on these applications is because Mr Beetham is here and it's convenient do that.

MS FORD: Thank you.

15 COMMISSIONER: Thank you. Mr Harris?

MR HARRIS: No application, sir.

COMMISSIONER: Mr Tuohy?

20
MR TUOHY: No applications, Commissioner.

COMMISSIONER: Thank you. Ms Zoric?

25 MS ZORIC: No applications, Commissioner.

COMMISSIONER: Thank you. Mr Mariotto?

MR MARIOTTO: No applications, Commissioner.

30
COMMISSIONER: Ms Blackburn, you've just arrived so I imagine the answer is no application?

MS BLACKBURN: Unsurprisingly, no application.

35
COMMISSIONER: Thank you. Mr Bourhill, do you have an application?

MR BOURHILL: I don't, Commissioner.

40 COMMISSIONER: Thank you. Mr van der Zanden?

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

COMMISSIONER: Thank you. Mr Hart?

45
MR HART: I don't have an application, sir. I would like to say though, I would seek your leave to be excused from the Bar table once the applications are

complete. I think the topics don't concern my client after now.

COMMISSIONER: You can be excused now.

5 MR HART: Thank you.

COMMISSIONER: Ms Priestley, do you have an application?

MS PRIESTLEY: No application, Commissioner, thank you.

10

COMMISSIONER: I will indicate to all counsel that at the conclusion of the questions from the next Counsel Assisting, I will invite further applications. Thank you. Do you wish to be excused now, do you, Mr Beetham?

15 MR BEETHAM: If it please, sir.

COMMISSIONER: Thank you. You are excused from the Bar table.

MR BEETHAM: Thank you.

20

MR BOURHILL: Commissioner, I will just ask to be excused.

COMMISSIONER: You are excused, thank you, Mr Bourhill.

25 MR BOURHILL: Thank you, sir.

[12.15 pm]

30 COMMISSIONER: Madam Associate, would you please bring Mr Ridgwell back into the hearing room. Mr Yeldon, you make a return?

MR YELDON: I do, for ex-Councillor Davidson and may I say, Commissioner, I'm sorry for my unexplained exit yesterday. I had another pressing engagement and I didn't want to interrupt the flow of my learned friend.

35

COMMISSIONER: There's no need to apologise, first of all, Mr Yeldon, and the only reason I recorded your absence from the room was so that there would be an accurate record of who was and who wasn't at the Bar table. That's all.

40 MR YELDON: Jolly good. Thank you, Commissioner.

COMMISSIONER: It was not criticism of you at all.

MR YELDON: Thank you.

45

COMMISSIONER: Is there any objection to Mr Yeldon being given leave, Mr Urquhart?

MR URQUHART: There is not, thank you, sir.

5 COMMISSIONER: Thank you. Leave is granted. Mr Ridgwell, please resume your seat in the witness box.

MR Mark Hunter RIDGWELL, recalled on former oath:

10 COMMISSIONER: Mr Ridgwell, in your absence I heard some applications to examine you and I have given leave to Ms Ford who appears for Ms Green, to ask you some questions at the conclusion of questions by Counsel Assisting, Mr Urquhart. So it will not happen now, it will happen at the end of his questions?---Okay, thank you.

15 At that time I will hear further applications, if there are any, to ask you further questions and you will need to be excluded from the hearing room if that takes place?---Thank you.

20 Mr Urquhart will now ask you some questions on a different topic or topics. Are you ready, Mr Urquhart?

MR URQUHART: Thank you, very much, sir.

25 COMMISSIONER: Thank you

EXAMINATION-IN-CHIEF BY MR URQUHART

30 Mr Ridgwell, I gather you are aware of the topic that I wish to ask you some questions about?---Gifts at - - -

Obligations on Councillors to disclose financial interests or other interests with respect to sponsorship applications made to the City?---Mm hmm.

35 All right?---Yes.

Are you aware that some material was provided by the Inquiry to your lawyers last week?---No, I don't recall that, I may have received something.

40 You don't have a recollection of receiving some material regarding applications that were made by the City for Ministerial exemptions under the Local Government Act?---No, I don't recall, I'm sorry.

45 Can I just confer with my counsel for a moment. Notwithstanding that, Mr Ridgwell, I will be showing you some of those documents. It's regrettable that you haven't had an opportunity of looking at them, but never mind. Can we just recap for the moment. You are currently the Manager of Governance at the City of Perth?---Yes, I am.

Can you just remind of us how long you've held that position for?---Since October 2013.

5 Thank you. My questions are mainly going to be in that period that's covered by the Terms of Reference of this Inquiry, from 1 October 2015 through to 1 March of 2018?---Mm hmm.

10 So just to put it in that time frame. How many staff worked in Governance at the City of Perth? If you don't know the exact number, just an approximate would be find?---Specific to this sort of matter?

No, just Governance in general?---Governance in general, there's about 15, but in a broad range of services.

15 Yes. Who did you directly report to?---Through that period of time, I reported through to the Chief Executive Officer - sorry, I started off reporting to Robert Mianich, Director, Corporate Services and then through a restructure, reported through to the CEO, Mr Martin Mileham and currently I'm returning to reporting under the Director of Corporate Services.

20 Can you recall when it was in that time frame that there was that changeover from Mr Mianich to the CEO?---It might have been about July 2017.

25 So it was certainly when Mr Mileham was CEO?---Yes.

Can I ask you another general question?---Sure.

30 Within that time frame, October 15 through to March 18. What was your personal workload like?---It was full-on. I had a lot of work to undertake at the City of Perth in the role, lots of matters to be dealing with and it was quite full-on, and it continues.

35 And on average, how many hours per week would you be committing to your job as Manager of Governance?---50 hours, 55 hours.

Did it require any weekend work?---Yes, it did, definitely.

40 Were you able to cope with your work load?---I believe - I tried to, as best to my abilities. It was just long hours through that period of time but, yes.

45 Did you regard the number of staff that you had in Governance adequate?---Again, Governance is so diverse with what it does. You're talking about different aspects of it all, and I have the print room, I have staff that report to the Lord Mayor's Office and the sort so in Governance specific to probably the terms of this Inquiry, there's two, three officers, so I felt it was reasonable.

Was it sufficient?---Sufficient, yes.

It was?---Yes.

5 Did you have need to raise any concerns you had with staffing levels or workloads of anyone in Governance, including yourself?---No, I just generally got on with the business of what needed to be done.

10 Again, with that timeframe of 2015 to 2018, I'm just going to ask you some questions now and we will go through legislation and there's various sections of the Local Government Act and its regulations that are devoted to gifts offered to Elected Members. You are no doubt familiar with those provisions?---Yes.

15 And what an Elected Member is to do when offered a gift by a third party?---Mm hmm.

Yes?---Yes.

20 And so these provisions cover things like whether the gift can be accepted or not, is that right?---Correct, yes.

Whether it has to be declared or not?---Correct.

25 And timeframes as to when it's offered to the Elected Member, is that right?---That is correct.

30 Did you believe you had a good understanding of the legislation relating to gifts?---It was quite complex and changing and we did seek advice from time to time in respect to it because some of the implications were unknown. The legislation, as I say, changed but I tried to, to the best of my abilities.

35 I was going to ask you something about what you regarded as the complexity of this legislation. You obviously felt it was complex?---Yes, it was, and it, rather than becoming an ethical sort of question that you needed to ask yourself, it became more of a compliance tool with it all and it became quite problematic in respect to - it became quite a bit of workload in just managing the Gift Declarations that we did have at the City of Perth, and we were aware of the concerns of that ticketing and sponsorship and that's why we were putting in a lot of processes in place to underpin and support that.

40 You mentioned the legislative changes that were made in this particular area; did that make it less complex or more so?---I think it made it more so, because where it was previously that you would have it - I mean, some understand some of the intents of the legislation, I think some of it was quite good to be introduced, like having information presented online for disclosures, I think that was great
45 transparency, but it did bring complexity to it.

How many within your section of Governance were responsible for this particular matter, Gift Declarations?---One.

5 Who was that?---That would be - a bit of one - two people. One would be an administration officer that would input the data into registers, and the Governance Coordinator would do some assessments in respect to that.

10 And the Governance Coordinator was?---We had, unfortunately, a series of Governance Coordinators during that period of time, so there was a transition. So there were about three officers.

15 Three, and did that cause a problem in itself, that there was this regular changeover?---Somewhat, yes. You would always prefer to have some stability, especially in those changing environments.

20 Was the Compliance Officer responsible for ensuring that the details on Gift Declarations were complete and accurate?---To say that they were complete was a requirement that we went to but not just necessarily say that it was accurate because we are using a declaration based on what the individual has submitted.

25 Yes. So with respect to the accuracy of the document, was there a reliance - and I'm not being critical at all about this, but was there reliance placed on the person completing the form?---The only reliance was on that person - yes, the reliance was on the person completing the form, absolutely.

And you're referring to there, the fact that there was a declaration that was accurate and they were complying with various provisions of a legislative nature?---And our Code of Conduct, yes.

30 And your Code of Conduct, yes. So if parts of such a form had not been completed when submitted, what should be done? I know that's a general question and I suppose it all depends on what part hasn't been completed, but were there some sections that, if they hadn't been completed, they would need to be returned to the Elected Member completing the form?---Yes. They should be, yes,
35 particularly when it comes to values and also whether they were a person undertaking a discretion for the City of Perth.

40 Yes. If I could use an example, please, and then ask for your comments on that. Madam Associate, that would be 16.6341, TRIM number, sir, 21271. I've just chosen this as an example of, there were some details there that are not completed. It's in the name of Ms Scaffidi and Ms Scaffidi has signed the form but you can see there that there are a number of areas that haven't been completed?---Mm hmm.

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

For example, "Is this the first gift you have been offered by this person/organisation" and it hasn't been marked whether it's yes or no?---Mm hmm.

In your view, is that a part of the declaration that's important enough for it to be completed?---Yes, it should be. When we first introduced this, bearing in mind it's not a statutory form, we have now sort of introduced it to say, all parts need to be completed, but there was a period of time where we were just receiving Gift Declarations and they were being acknowledged and registered accordingly

[12.30 pm]

I see. So in fact, was this an occurrence that occurred not infrequently, that all the details hadn't been completed?---Yes, that's right. So that's why we wanted that to then become one that's fulsome with the completion of the report - the declaration.

And is the importance of ticking whether it's yes or no as to whether this is the first gift that's been offered by this person or an organisation is so that an accurate record could be kept of how often and when gifts have been offered by a particular group or person?---That is right, but those ones there are actually really prompts and drivers for the person making the disclosure, and I say this in the context of even officer Gift Declaration forms too. So it's really for them to be able to monitor and maintain because of the cumulative values that can take place in the legislation.

Certainly. Then alongside that row there's another question, "Who will benefit from acceptance of the gift"?---Mm hmm.

And again, that hasn't been completed. Is that something that you would regard as an important piece of information that needs to be recorded?---Yes.

Then, if we go to about halfway down the form in the box, "Are they likely to be subject of a future decision of the City", they being the organisation or person offering the gift, and again that section hasn't been completed?---Mm hmm.

Is that an important piece of information for Governance to know?---Yes, it would be an important piece of information for the person who's makes the disclosure.

Again, it's - we have a work flow for decision-making so it's actually a tool for the Elected Member or the officer to know, well actually, how does this work in relation to it? It is important in many respects if they are going to be a person undertaking duties that are related to Local Government. So it would be important.

And particularly for an organisation that regularly makes sponsorship applications, for example?---Yes.

Would you agree with that?---Yes, I agree.

Mark Ridgwell, I can advise you that around this time, towards the end of March of 2016, there was a great influx of Gift Declaration Forms being completed and I

will get to the reason for that in a moment but you may well recall why that was the case. There may not have been the opportunity to scrutinise every declaration form carefully but in an ideal situation, ought that form have been returned to the Elected Member to complete those details that I've taken you to?---Yes.

5

There's just one other matter I want to raise with you with respect to this form: do you see there, "Description of gift: attend the Telstra Perth Fashion Festival Closing Night, Wheels and Dollbaby with guest", do you see that?---M'mm.

10 And then with respect to the value of gift, it just says, "Tickets, \$201.86"?---Mm hmm.

If in fact that was the individual price for a ticket, then that amount might not be correct either?---Yes. So if that's tickets being both tickets, that's \$201 but if it was tickets being individual, then it would be \$402 or \$403, yes.

15

And that could be relevant because of the categories that are given for gifts, and we can see that on the far left-hand column?---Correct.

20 So \$201 would bring it within dot point 2 whereas \$300 or more, it would be dot point 3?---Yes, understood.

Thank you, Madam Associate, that can come down now. Mr Ridgwell, if I can ask you this question, it's a rather precise one: if a Councillor was to receive gifts over a multiple of days from the same person or organisation offering the gift, and if declaration forms were to be completed for that, should a separate Gift Declaration Form be completed for each day a gift has been offered?---There have been times where a Gift Declaration Form, and again it's an internal form, has been used for multiple things to include, or they have been laid out separately over different days. The important part of it is the 10 day notification period to the CEO.

25

30

But getting back to my original question, if all the gifts are lumped into one form, it may be difficult to work out what the value of each gift was, if each value's not specified?---Yes, I understand.

35

To use the example there that we saw of Ms Scaffidi, the then Lord Mayor, with respect to that Perth Fashion Festival event, that was just one of about five that she attended within the period of a week and the Lord Mayor actually completed a Gift Declaration Form for each event she attended?---Right.

40

That would be a better practice, would it not, rather than just submitting one form to cover all the five or six events that she went to?---Yes.

45 Would you agree with that?---Yes, that would be an approach, yes, for sure.

45

Mr Ridgwell, is it important - I think we have already gone through this but it's important that the value of the gift is accurately recorded?---Yes, that's correct.

We can see there - it's come down now but the Gift Declaration Forms from 2016, they had an estimated value and an actual value?---Mm hmm.

5 And you could cross or tick one box or the other?---Mm hmm.

Do you recall that?---Yes.

10 For some gifts it might be difficult to determine the actual value, would you agree with that?---That is correct, yes.

For example, a bowl or a vase, it would be hard?---Correct.

15 So in those circumstances the City would be happy to accept an estimated value for those types of items?---Yes.

What about - but others though, would be easier to determine the value, wouldn't they?---Correct, yes.

20 Like, for example, a bottle of wine, a Councillor could do a quick Google search for that wine and determine what the price is at a liquor store here in Perth?---Yes.

Would that be fair to say?---That is.

25 Would another example where a price would be easier to determine than say for a bowl or a vase would be a ticket to an event?---That can be easy because if it's a paid event and you're getting tickets that are available to the public sale, that is easy.

30 Yes?---But when it's a VIP section and member exclusive, that does become quite challenging.

Right. Nevertheless, that challenge could be overcome by a phone call to the organisation that provided the ticket, would you agree with that?---Yes.

35

I just want to use an example, another example for you. This is 16.6375, thank you, Madam Associate, TRIM number, sir, 21256.

COMMISSIONER: Thank you.

40

MR URQUHART: Mr Ridgwell, this is a declaration, Gift Declaration that was made by then Councillor Davidson in the date there that Mr Mileham processed it was 30 March of 2016, and it's to do with the same event that the previous Gift Declaration I showed you, and that is attendance at the Perth Fashion Festival. I will just give you a moment to absorb the information there?---Yes, thanks.

45

For example, you see at the top there, "Date gift was offered: 17, 18, 19 times 2,

20 September 2015." It is difficult there to determine what exactly was offered, do you agree with that, or at least we know when but if we go to the next, "Description of gift: Telstra Perth Fashion Festival"?---Mm hmm. Yes. I do note in this one here that these are for gifts from some time previous to that.

5

Yes?---And I don't know if you're going to go to there - - -

Yes, I am?---About our advice.

10 I'm going to go to the advice, yes, but just for the moment I'm just dealing with this particular Gift Declaration?---Sure, thank you.

15 And then, "Value of gift", it's there written in, "\$100-plus" and it looks like a line's been drawn across the box that says, "Estimated value". So is there sufficient information there for the City to keep an accurate record of exactly what this was?---Yes, I believe that would be then put on to the register as \$100 on our Gift Register.

20 So it would only be put down as \$100?---Yes. I'm not too sure about this one specifically, if there was a query raised on it or not.

No?---But there was an influx of these at that time.

25 Yes, I understand the time. There would have been, as I said to you already, that's a given. Then, "Organisation/person offering the gift: TPF sponsorship. Contact person and contact details", there is no detail there. If the City wanted to make further enquiries, it would be a bit difficult to do so, would you agree with that?---Difficult, but not impossible.

30 Not impossible?---Yes.

Then, "Relationship with City: sponsorship." At least on this occasion regarding, "Are they likely to be subject to a future decision of the City", that's been ticked?---Mm hmm.

35

As has, "Is this the first gift you have been offered by this person/organisation", the box is ticked there, "No"?---Yes.

40 So given that fact, that there have been previous gifts provided by the Perth Fashion Festival, the need to get as accurate as possible value of these gifts becomes more significant, does it not?---Yes.

45 So again in an ideal situation and from a governance perspective, ought clarification have been sought regarding this Gift Declaration Form?---I'm not too sure in this instance whether one was or was not sought but I do know that over time we were sending them back, it could have been later into the 17 or 18, sending it back to say, "No, you need to complete all aspects of it."

5 But if clarification was sought for this particular Gift Declaration, there would either be changes made to this particular Gift Declaration or a substitute one would be prepared?---Correct, and in the TRIM reference up the top, there would be a note to that effect.

Of course, if these gifts had a combined total of \$300 or more, did you understand the significance of that?---That's correct, yes, they would be a prohibited gift.

10 And also potentially, it could give rise to a financial interest between the organisation offering the tickets and this particular Councillor?---That's correct, yes.

15 Which will provide me with a good segue to ask you now some questions regarding financial interests and what that meant. Madam Associate, that can come down now, thank you. Again, I'm going to ask a similar question to the one that I asked you regarding gifts. Did you believe as of that time period of 15 to 18, that you had, whether it was - whether someone in your position would be able to have a thorough, comprehensive, good understanding of the Local Government Act and the legislation relating to financial interests?---Yes, I believe so.

20 You did, right. Did you regard the provisions there as being to the same degree of complexity as the legislative provisions relating to gifts?---Not as much changes but still, when it comes to gifts, there's some complexities

25 [12.45 pm]

30 Then I was going to ask you, what about when financial interests became relevant to gifts being provided to a Councillor?---That's right, that affected the decision-making processes.

Yes, and of course, as I understand it, there's a number of ways you can have financial interests. You can have a proximity interest?---Correct.

35 That's relatively straightforward, would you agree?---Yes.

40 But what about with respect to a financial interest that arose because of gifts being accepted by the Councillor?---Yes, you could be regarded as a closely associated person.

Did you believe you had a good understanding of those provisions in the sense that they were clear and easy to work out?---Yes, to the best of my ability, yes.

45 I know that but I'm just asking you, as I've reminded witnesses throughout, a lot of the time the questioning of witnesses is to assist the Inquiry as to whether it ought to make recommendations, including changes to legislation?---Mm hmm.

So I'm just asking you what your understanding was of the legislative provisions relating to financial interests, particularly with respect to gifts?---I don't think the disclosure of interests were necessarily an issue, I think it's more the gifts and when they were - how they were introduced and the changes that took place.

5

Can you amplify that for us, please?---I think if an Elected Member or a staff member provided a - the definitions of proximity, direct financial interest, indirect financial interest and impartiality interest are fairly stable and clear and constant.

10 In your experience, did you believe that the Councillors had a - I know I'm saying this generally, but had a good understanding of what was and what wasn't a financial interest with respect to the receipt of gifts?---Yes. We provided documentation to Elected Members over the period of time, access available on our Council hub and onboarding as well, and also training with Elected Members that were existing, had been there for a period of time.

15

Can you then tell us and help us out with what's the difference between direct and indirect financial interest?---So direct financial interest is something where moneys are directly being received by an individual; an indirect one would be in the context of other groups that you would have, or relations that would have a benefit in respect to a financial benefit.

20

I see. When you say "moneys", do you mean gifts, including gifts?---Yes, correct. Benefits.

25

Benefits might be a better term for it, yes. What was your understanding, and I know you've mentioned this already, of when a person or an entity was a "closely associated person" with an Elected Member?---So in that respect is that if a gift was presented or benefit was presented, then you would do an assessment based on a work flow that would actually look at it and say, is this a closely associated person. A closely associated person was whether they were undertaking a matter before a Local Government.

30

Were you able to follow and understand the provisions that related to the providing and acceptance of gifts that would trigger that relationship existing, i.e., a closely associated person and an Elected Member?---Yes.

35

You had a good understanding of that?---Yes, I believe so, yes.

40 You didn't have any difficulties - - -?---Look, there's two elements to that. The legislation was complex and as an industry we were coming to terms with it at the time of the changes and also what the ramifications of the changes were, but it's also, your advice is as good as the information that's produced to you to provide advice on, so on those declarations.

45

You mentioned that word "complex"?---Yes.

I just want to explore that a little bit further. Did you find these provisions relating to closely associated persons and when gifts were provided which triggered that description of an entity as being complex?---Yes, I believe so.

5 Do you have an understanding that it depended on, firstly, the amount of the gift?---Yes.

When it was provided?---Yes.

10 Whether it was before or after the Elected Member was last elected?---Yes.

And various other tests. Did you find that you had to look up one section of the Local Government Act which referred you to another which then referred you to the regulations and then back to other sections and the like?---And the two
15 regulations that are there for that, so yes, it was complex. That's why we took some advice to get ourselves - I needed that assistance to be able to provide the information to Elected Members to be able to say, "Okay, here is a clear breakdown of decision-making on how you can go about making a determination, appropriateness or otherwise of accepting a gift."

20 Are those two regulations you're referring to the Rules of Conduct Regulations?---Yes.

Is one?---Yes.

25 And was the elections regulations another?---Yes.

And were there any other regulations that you can think of offhand?---So Financial Management Regulations, I think it is.

30 Again, was there a path that often required you to seek legal advice to clarify?---Yes, which is unfortunate for such - like I say to you, it became more of a legal, complex - legal compliance matter as opposed to it actually being used as, is this ethically right to accept this gift or not, is one of the things in my industry
35 that we have been talking about.

Mr Ridgwell, who was responsible then for determining whether an Elected Member had a financial interest in a matter before Council?---That would be the individual is, but we can provide support and assistance. The registers are
40 available but we did try to identify, where we could, where we were going to have an issue with a sponsorship agreement and we might not have a quorum because of the financial interests provisions.

45 So there would be occasions when the City, and probably more specifically, Governance, would be proactive to a matter rather than reactive?---Yes.

So you wouldn't necessarily wait for a Councillor to ask you if they had a financial

interest or not?---Yes.

If you were aware that they may well have, you would bring that to their attention?---Of their own financial interest disclosure?

5

Yes?---I always tried to avoid that process because it's the individual's responsibility because as much as you want to be able to provide - if you miss something, the implication is not on you, it's on the individual, so that's why you wanted to always have the responsibility on each individual. So as an example, myself, I have to do Gift Declarations but I need to make sure that whenever I'm considering items that report, agenda items that are coming up, that I look at them and assess whether I have a financial interest, and we would get enquiries like that.

10

Just exploring what your answer was a bit further, and again this is no criticism but I just wanted to clarify this: if you or somebody else in Governance or in the CEO thought that there was a financial interest that an Elected Member had, which had not been declared, what did you regard as your responsibilities then?---If it was something that we didn't believe had been declared, yes, but not when people had declared and then how they managed those declarations.

15

20

I see?---That's what I'm talking about there.

So for example, if they made a Gift Declaration with respect to a gift with a certain value?---Mm hmm.

25

Governance or the City wouldn't necessarily question that value?---No. If it was seen to be - there were checks that were being done on values where they could be. So officers would assist with the Elected Members with checking on those difficult ones that we were talking about where it's not a ticketed event. I know that was being undertaken by Governance staff in the Elected Members support areas, and that continues to this day, is trying to get people to say, well, what is the value of the catering, what is the value of the event? It's quite difficult in that process.

30

Yes?---So supporting an Elected Member in getting the information is something that they would assist with, but the actual assessment of, "Hey, just to let you know, you have a financial interest in this one here", we wouldn't proactively be checking that for them, that's their responsibility.

35

I see?---Purely because of the fact that if you were to miss it, and we have had similar situations before of talking about annual reports, it's the responsibility of the person who makes the declaration to be accountable for it and by doing that, it makes them more accountable to make sure that it's accurate and that they are keeping an eye on them.

40

Of course, I gather this is a given for you, if an Elected Member had a financial interest which had been declared, they were required to leave the meeting when that matter in which they had a financial interest was being considered?---Yes.

45

There were though exceptions to that, weren't there, under the Act?---If you were under the amount, then yes, you could.

5 That wouldn't necessarily trigger the financial interest though, would it?---Correct, that's right.

The exceptions as I understand it was, one, if the Council or the committee agreed that the person could remain and participate but that was subject to the extent of
10 that person's interest and the like, are you aware of that section of the Local Government Act?---Yes, trivial and insignificant.

Yes, that's it. Then the other section immediately after that was if the City, through it's CEO sought an exemption to allow that Elected Member who had the
15 financial interest to participate?---Yes.

We are going to get to that, probably after the lunch break now but I if I can just ask you a few other questions. In circumstances where the financial interest has arisen from the receipt of a gift or gifts by the Elected Member, so that's what
20 triggered the financial interest, did you know whether there was a timeframe on how long after that the Elected Members was required to disclose that financial interest?---How long after the gift had been received?

Yes?---10 working days, it was introduced.

25 That's for the declaration?---Yes.

And if it was determined following that declaration that there was a financial interest due to the receipt of a gift or gifts, how long from that time on did the
30 Elected Members actually have to disclose that financial interest if the matter was then to come up for consideration at a meeting?---At a meeting, at any time from when the agenda was published, up until the item.

We are at cross-purposes, I know all that, but say a member had a financial interest with respect to another entity, say, 1 March?---Mm hmm.

Was there a timeframe thereafter that that person had to declare that financial interest and exclude themselves from a consideration of that matter?---You're
40 talking about when the legislation was changed?

Yes?---Yes, so there was that period of time then, yes.

Can you recall what that meant then?---That they would have to fill out declarations - sorry, I'm - - -

45 Yes, I know, they are within the 10 days, yes.

COMMISSIONER: Can I assist? You're being asked a number of questions about a disclosure obligation?---Mm hmm.

5 For how long after the financial interest arose did the disclosure obligation continue?---For the reporting of it was, for a closely associated person was 12 months and if it was undertaking activities, it was six months, within six months and \$300, but we did get advice in respect to it being the term of office of an Elected Member.

10 MR URQUHART: Yes, not 12 months?---That's right, yes.

I was just going to ask you, where did you get this notion that it was only 12 months?---In the work flow that we had for the Gift Declaration process that we had.

15 So the work flow?---The Gift Declaration work flow that we had prepared for our Elected Members.

20 Yes?---And it was within there about closely associated persons and the cumulative value

[1.00 pm]

25 Wouldn't the answer be found in the Local Government Act?---Yes.

That dealt with closely associated persons?---Yes.

All right then. In that case - if I can deal with this, sir, just before the break.

30 COMMISSIONER: Of course.

MR URQUHART: Madam Associate, would you be able to bring up the Local Government Act, please. I understand that is available there.

35 COMMISSIONER: If there's a difficulty, Mr Urquhart, I have a hard copy.

40 MR URQUHART: I see. Would Madam Associate prefer if the hard copy is provided? Thank you, sir. Madam Associate, if we can get to section 5.62, thank you. So for the purposes of this exercise, Mr Ridgwell, we are just concentrating on those provisions of that section that relate to when a financial interest arises by virtue of the fact of the provision of gifts, okay?---Mm hmm.

45 That might well be found at subsection (1) and then (ea) in brackets onwards?---Yes, thank you.

Have you had an opportunity of reading the sections that are relevant there?---Yes.

Would you agree with me that there, there's no timeframe that specifies 12 months?---Yes, correct.

5 When you mentioned that the reason why you thought it was 12 months was from work flow, were you referring to an automated process within the City?---No, this was one that we had developed in association with McLeods, our solicitor firm, about our work flow for processing of Gift Declarations.

10 I see, but do you see there that someone becomes a closely associated person if it relates to gifts, including gifts that were provided when the relevant person was last elected?---Yes.

15 So when you're talking about McLeods, you're talking about the law firm McLeods?---Correct, yes.

Are you saying that you obtained some advice from them?---Yes.

20 That specified it was only 12 months?---No. I think - I'm aware the situation was, that advice was good for the purposes of whether you decide to accept or reject a gift, the appropriateness, not necessarily the provisions that are in here about how it's conducted for financial interests.

25 I see. So do you agree with me there that there might have been an error made within the City regarding this timeframe of 12 months?---Yes.

And I'm talking about financial interests that arise because of the closely associated person connection?---Yes.

30 With the relevant Elected Member?---Yes.

Thank you for that, Mr Ridgwell. You can hand that back to Madam Associate. Sir, that might be an appropriate time.

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

WITNESS WITHDREW

(Luncheon Adjournment)

40

45

HEARING RECOMMENCED AT 2.17 PM.

MR Mark Hunter RIDGWELL, recalled on former oath:

5

COMMISSIONER: Before you begin, Mr Urquhart, Mr Ridgwell, how are you bearing up?---I'm okay, thanks. Thank you, I appreciate that.

Mr Urquhart.

10

MR URQUHART: Thank you very much, Commissioner. Of course, Mr Ridgwell, if you want to have a break at any time, you just let me know?---Thank you.

15

And we can do that?---I appreciate that.

I'm thinking you may recall - I think we just touched on it briefly this morning about the investigations undertaken by the Public Sector Commission, first with Healthway?---Yes.

20

And then more generally with government agencies regarding the supply of free tickets to government agencies for events that they had sponsored?---Mm hmm.

25

Just to put it in context, the second report regarding the more broader consideration of government agencies was made public in February of 2016?---Mm hmm.

30

So far as the City was concerned, I understand it was realised that Councillors who had received free tickets to City sponsored events might be excluded from participating in future sponsorship applications by the organisers of those events, is that a fair summary of it?---To the extent of how you manage the ticketing and the transparency was one of the key drivers for it. So one of the Governance team did work to look through those reports and actually identified it wasn't transparent on how the allocation of tickets were being undertaken. So one of the recommendations was that we actually detail those in the Council recommendations, so that it was open and transparent. Second to that was also then that the monitoring of actually where the allocation of tickets went to.

35

40

And did this also lead to a request from the City to Councillors that they should retrospectively complete Gift Declarations for events that they had previously attended?---I think it was just during that time that we actually got legal advice that actually identified that the relationship is actually the conferral - the contractual arrangement is the City of Perth itself as opposed to Council and Council members and the sponsorship agency and that the relationship of Elected Members and staff are secondary to that and that they need to then undertake Gift Declarations.

45

And were a large number prepared and provided to Elected Members to complete?---Yes.

5 I know there would be staff members as well but I'm just concentrating more on Elected Members?---Yes, there was. There was a significant - - -

I think there were two examples of those that we showed on the screen earlier today?---Yes.

10 We saw on those Gift Declarations that that particular event was the Perth Fashion Festival but can you recall whether another event was the Hopman Cup?---Yes.

15 And the reason - another reason why these Gift Declarations were sought to be filled out was, it would be, as I understand it, that Elected Members might be excluded from future considerations of sponsorship applications because of potential financial interests?---Yes. Two parts to that, if I may.

20 Certainly?---One is for the disclosure on our online registers was an important one for transparency.

Yes?---And the second one was for the identification of the disclosures for the registers.

25 We discussed before the lunch break in circumstances where a Councillor could be exempted from excluding themselves from a matter in which they have a financial interest?---Mm hmm.

30 Just with respect to that, I'm going to ask if you recall preparing a letter for the CEO to sign in around the middle of 2016 seeking exemptions for various Councillors in a number of matters?---Yes, I do recall that, and assisting in the preparation of that, yes.

35 Excellent. I'm going to show you a copy of that letter and that's, Madam Associate, at 16.6669. That's the first page and am I right in saying, unfortunately you haven't you haven't had an opportunity of looking at this letter in recent times?---No, during the break I was able to be provided copies.

40 So your lawyer did provide you with material that the Inquiry had forwarded to her last week?---Yes.

Excellent. So I'm glad that you've had an opportunity of looking at this letter. It's dated 7 June of 2016 and it was addressed to your counterpart, it would seem, at the Department of Local Government and Communities?---Yes.

45 The first paragraph reads:

The City of Perth (the City) has recently obtained legal advice on its

Sponsorship and Partnership Agreements. The outcome of this legal advice has identified that where tickets/invitations have been given to Elected Members these are actually gifts and needed to have been declared.

5

Then the second paragraph reads - I'm not going to go through every single paragraph, Mr Ridgwell?---Sure.

But the second paragraph:

10

Due to the long-standing nature of some of these partnerships practices and the interpretation of gifts not including sponsorship tickets/invitations, members were not declaring these as gifts.

15

I will just ask you a question, you may or may not be able to help us with this, but prior to 2016 when all these matters came to light and the legal advice was sought, did you ever consider that interpretation of the gifts were not to include sponsorship tickets or invitations, that might not be right?---When I first commenced I asked about this because there were a number of these sort of events that were going on and was advised that this had been a long established process and that's why it was part of a contractual arrangement.

20

Can you recall who it was who gave you that advice?---Mr Robert Mianich.

25

So it was a matter that you thought required clarification?---I did seek clarification, yes, and we were advised it was part of the contractual arrangements.

So therefore, the advice you received was that it didn't need to be declared as a gift?---Yes.

30

Obviously you accepted that advice?---Yes.

This letter set out, did it not, a number of areas in which sponsorship had been provided where there might well be a financial interest?---Correct.

35

With Councillors considering any future applications of sponsorship, would that be right?---That is correct.

40

We will go now to page 6670, thank you, Madam Associate. If I didn't say the TRIM number, sir, it's 24321.

COMMISSIONER: Thank you.

45

MR URQUHART: I know there were a number of organisations listed in this letter but I just want to draw your attention to two or three, the first being that appears on that page, the Hopman Cup, do you see that there?---Yes, I do, thank you.

And you actually drafted this letter for Mr Mileham to sign, is that right?---In combination with my Coordinator of Governance.

5 Certainly. In the Hopman Cup there, the last paragraph just before the table that appears:

10 *The following members have a closely associated person interest, a financial interest in this matter each year until the end of their terms and for their full length as serving members as they accepted the following gifts from the Hopman Cup exceeding \$200.*

Do you see that?---Yes.

15 And then four Councillors are listed. Is it your recollection that these were tickets from the Hopman Cup that was held just in January of that year, January 2016?---No, I could not tell you, sorry.

20 Then if we go to 6671, the matter was raised regarding potential financial interests regarding Councillors who had attended events put on by WASO, WA Symphony Orchestra?---Yes.

25 I will come back do that probably in a moment. So there's that one there, and then the next page, 6672, there was the Perth International Arts Festival, or PIAF I think is the acronym used?---Mm hmm.

And you identified, or this letter identified three members who had financial interests in this matter each year for their full - - -

30 COMMISSIONER: Just pause for a moment. Sorry for the interruption, Mr Urquhart.

MR URQUHART: That's fine.

35 Madam Associate, we have now got that door locked, have we? Excellent, so that won't happen again. Thank you, sir.

40 Where were we? Yes, the Perth International Arts Festival and you've identified three members there who might have financial interests in this matter each year for their full length as serving members "as they accepted the following gifts from PIAF" and you've listed Councillors Harley, Adamos and Davidson, and then you've also further identified that Councillor Adamos is a closely associated person with an interest in this matter, "each year until the end of their term as they accepted the following gifts from PIAF exceeding \$200", do you see that?---Yes, I do.

45 Then the last two I want to take you to is 6673, thank you, Madam Associate.

There's the Telstra Perth Fashion Festival and four Elected Members are listed as having financial interests "as they accepted the following gifts from the Perth Fashion Festival" and then you identified Councillor Yong as having a closely associated person interest, is that right?---Yes, that's correct.

5

And is the distinction made as to whether someone had a closely associated person interest in addition to the financial interest, is the value of the tickets that they had received, is that right?---Yes

10 [2.30 pm]

What was that - can you recall what it was that you regarded of that value before someone had an interest defined as closely associated person?---\$200.

15 Thank you. Very last one, 6674, thank you, Madam Associate. The last one I want to take you to is WA Business New - that might be Business News, there's a typo there with the heading?---Yes, possibly.

20 And again it referred to five members having a financial interest in this matter "each year for their full length as serving members" and then on the next page, 6675, it's identified, "The following members have closely associated person interests in this matter each year until the end of their terms as they accepted the following gifts from WA Business News exceeding \$200", and again four of the five who were listed on the previous page are again listed there?---Mm hmm.

25

Mr Ridgwell, I just want to ask you then, this letter doesn't state anything about that 12 month period that we discussed just before lunch?---It does above, "The following members have closely associated persons interests in this matter each year until the end of their terms."

30

Yes, but the end of their terms might exceed 12 months, might it not?---I think that was terms of office was what I thought that to be.

That's what you were trying to - - -?---I believe so, yes.

35

"Each year until the end of their term"?---Sorry, it's not clear, is it?

Yes. So - - -?---Normally we refer to terms as terms of office, rather than a notification period, but I'm not too sure.

40

Yes, there seems to be some confusion there about the notification period?---Yes.

When you say "end of terms", if you could help us given the fact that you were one of the two who drafted this letter?---Mm hmm.

45

Were you talking about the end of their current term as a Councillor?---Yes, current terms.

Would you agree with me that depending on when they were elected, that could well be longer than 12 months?---Correct, yes.

5 So for example, this is June 2016, so if they were elected at the October 2015 elections, the end of their terms, provided they served a full term, wouldn't be until next month, 2019?---Mm hmm.

10 And if they were elected in October of 2013, then it would be October of 2017 which is more a year after this letter had been drafted?---Yes.

Do you accept that?---Yes.

15 Thank you. I'm grateful that you had the opportunity of having a look at this material so it might be the case that I could summarise this rather than go to each and every document but is it your recollection now that you'd had an opportunity to read the material, that the Department of Local Government wrote back and advised that they would not consider a block application regarding a number of matters but there had to be a submission individually with respect to each
20 one?---Yes, that's correct. We did get that advice and I understood that advice, or accepted it.

Sir, just for the record, this is 16.6679, a letter from Mr Ron Murphy, Acting
25 Director of Local Government Regulation and Support.

25 COMMISSIONER: Thank you.

MR URQUHART: Do you recall that that letter also stipulated that approvals can only be granted when it is known that a quorum would not be present?---Yes, that's
30 correct.

I will also say, as a result of that advice you received about the fact if there were already a quorum, and for the City of Perth, that would be five, a minimum of
35 five?---For a decision, yes.

Yes, for a decision it had to be five. As a result of that and what you had worked out would be the financial interest of members, was it the case that an application for an exemption was only made regarding the WASO sponsorship
40 application?---That's correct, yes.

And indeed, the response that came back was that of those four - four or five Councillors?---It might have been five.

One was exempted, which then gave the quorum number of five?---Yes, and it was
45 given to the one that had the least financial value interest.

Yes, Councillor McEvoy, is that your recollection?---Yes.

So we have now reached a point in time where it's June/July where there was this correspondence been exchanged between the City of Perth and the Department of Local Government. So I now want to move to 9 August of 2016. That was the night of an Ordinary Council Meeting, but do you recall that there was actually a Council briefing session that took place before that meeting in which ticketings and what the requirements were, was discussed amongst - there was a session involving Elected Members?---Yes, I do, yes.

10 I think you might have mentioned that, that there were briefing sessions?---Yes, throughout time there has been training and updates to Elected Members.

I just want to show you a document now in relation to that. I don't think you've had the opportunity of looking at this beforehand?---No, I did.

15 You've had a look at this one as well?---Yes.

I stand corrected, that's good?---I think it is the one.

20 Have a look now, 16.6715, thank you, Madam Associate. TRIM number, sir, 24533.

COMMISSIONER: Thank you.

25 MR URQUHART: So this is just titled, "Special Council Briefing notes" from Tuesday, 9 August 2016. Can you remember having a look at this?---Yes.

You have?---Yes.

30 This is a four page document and obviously someone who was present at the meeting was taking notes; can you recall who that might have been?---Yes, it's always in our processes, the bottom officer in attendance so that would be Ms Denton, the Governance Coordinator.

35 I see. It looks like all the Elected Members were present, save and except for Councillor Green, although accepting that some Elected Members arrived later than others, do you see that?---Yes.

40 If these notes are correct. Thank you. If we go to 6716 now, please. There are some notes taken there. Do you have a recollection of this meeting?---Yes, I do.

Would I be right in saying that some of the Elected Members were expressing frustration with what was required now and what had been required in the past?---Yes, there was frustration, correct.

45 For example, there's a quote here that's the third dot point down that hasn't been coloured in black. Do you see the quote, "The Administration is just complying

with legislation and not doing anything about changing the legislation"?--Mm hmm.

5 Do you remember whether you made a response to that or anyone made a response to that?--Only in the fact that there were still changes of legislation continuing to go through this period of time. We are not the driver, we can have a voice in respect to legislative change, but we are only one authority in many, 140-plus.

10 It's the job of Administration, is it not, to comply with legislation?--Correct.

Rather than try and change it?--Yes. I think in that instance there was frustration about the impact it had on their role as an Elected Member.

15 Yes. Can you remember presenting a PowerPoint presentation at this meeting?--Yes, I do.

20 Can you tell us, please, what the purpose of that was?--The purpose of that was, there had been a fair bit of criticism levelled on the fact that we had - that the volume of Gift Declarations that were being recorded, if you compare it to other Local Governments, I think you'd find that City of Perth's Gift Declaration Forms were quite significant and what I went about doing was to actually explain to them that not all Gift Declarations needed to be completed because they didn't actually meet the requirement, so there was that element to it, and also talking about a process that could be considered that would be still in compliance with the
25 legislation as a proposal that could be considered to address some of these issues, because we'd had some advice in respect to the terminology of "consideration". If an Elected Member was performing a role and they were undertaking duties and there was consideration in their own time, then that could be considered as being an element that would not necessarily be seen as a gift.

30 Right?--But it was a proposal at this stage only.

35 Indeed, with respect to that PowerPoint presentation, did you address those matters to the Councillors?--Yes, I did.

I will take you an example of what you did there at 16.6724. I'm going to ask you if you can recall this was part of that PowerPoint presentation. 6724, thank you, Madam Associate. Do you recall that?--Yes, I do, thanks.

40 So this was, I gather, a guide as to what an Elected Member should do in the event of being offered a ticket without charge?--Not necessarily without charge. So in this instance, this was a proposed process that could be considered by Council. It still had a number of things that needed to be considered. One was that we wanted a peer review by the Department of Local Government to make sure that they were
45 satisfied with this process because we did not want to give advice that was contrary to the legislation or the intent, and the second part of it is that it required changes to our Council Policy, so it would have needed to go to Council for

amendment.

But was this flow chart prepared with the legislation in mind as to what was required?---Yes, definitely.

5

I just note there on that flow chart at the top there, it says, "Refer to hand-out"?---Mm hmm.

10 So was a hand-out also provided to Elected Members?---Yes, which was a reverse of it with steps, I believe - yes.

We might be able to find out. I will just show you this document?---It might be a breakdown of the steps of each of those that are itemised.

15 Let's have a look at 16.6734, please, Madam Associate. Is that what you're referring to there?---No - sorry, that might have been attached to it as a breakdown. This was the Gift Declaration Form to give some idea to them.

Yes?---It may have been, yes. Just excuse me for a second.

20

Certainly?---I'm not too sure if this one was - it was one that we drafted or the one that we attached. I had the feeling the steps were of those numbers that we talked about before.

25 All right then. If we can just go over to 6725, then, Madam Associate?---Yes, that's - - -

That's the one?---Yes, that's the one.

30 So it sets out a step by step procedure as to what the obligations of a Councillor was in the advent of a "free" ticket being offered to them?---Yes.

Just going back then to the table at 6734 that I asked you to look at a moment ago, can you help us out as to whether that subsequently appeared on the back of Gift Declaration Forms at some point in 2016?---No, I can't, sorry. I remember - we certainly had one similar to this for officers of the City of Perth but I'm not recalling having done this for Elected Members but it's not a decision-making process for the CEO to accept - approve of it or not. It may have been.

35

40 Do you see the heading there, "Declaring and managing gifts and benefits/Elected Members"?---Yes. The officer one was definitely different to this. It said, "Not allowed" or something along those lines.

45 The information obtained by the Inquiry is this document was available at the time of this briefing session on 9 August 2016?---Right, okay.

[2.45 pm]

5 But again, it does set out a number of circumstances and a recommendation as to whether, given the circumstances, the gift should be declined or accepted?---Yes.

Do you agree with that?---Yes.

10 I will just take you to (e) there, we see there in the second column under the heading, "Type of gift/benefit", we can see there, "Gift of influence, hospitality, i.e., private hospitality, sponsored corporate box, discounted or free"?---Mm hmm.

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

15 Then the recommendation is, "Decline", do you see that?---Yes.

20 And then under the fourth column, which is titled, "Declarations are mandatory for gifts valued between \$50 to \$300. However, disclosure in all circumstances is encouraged as a course of prudence. Any gift valued at \$300 or more is prohibited and must be declined"?---Yes.

25 In the box that relates to that one that I've drawn your attention to, "Elected Member has discretion in regard to the entity or may be required to be involved on a future decision. Perceived as an influence on future dealings"?---Mm hmm.

Are you able to assist us as to who was responsible for the preparation of either this document or the document that you've identified that was available for staff?---It would have been myself and the Governance Coordinator, together.

30 For both of them?---Both of us, yes, in both of them.

35 Thank you. Then we can just go back to the briefing notes that were prepared for this meeting at 6718, thank you, Madam Associate. Right there before the bold type that appears, "The briefing session concluded", there's a note which says, "Manager Governance returned to the meeting and provided a brief overview about the disclosures of interests required at the Council meeting"?---Mm hmm.

Do you have a recollection of doing that?---Yes, yes.

40 Was that with respect to the Ordinary Council Meeting that was about to start at 6 o'clock?---Not specific to that meeting but all future ones as well.

All future ones as well?---Yes.

45 Can you recall the gist of what you advised the Elected Members?---About the identification of closely associated persons, the implications of that and the importance to when, early on in the Council agenda is published, inform the CEO

or myself of a disclosure of interest because of, in the instances here, there could be a number of disclosures of interest and that may trigger a lack of a quorum and that we might need to seek Departmental exemption, or ministerial exemption through delegation of the Department.

5

Was your overview confined just to financial interest or did it also extend to another interest, for example, an impartiality interest?---I outlined all types - always take the opportunity to explain all four types of interests.

10 All four?---Yes.

So we have got the proximity interest?---Yes.

The financial interest, and there's a subgroup of that, indirect and direct?---Correct.

15

And then we have got the impartiality interest?---Yes.

So is that the four that you just mentioned there?---Yes.

20 Can I just ask you something about impartiality interests. Again, this is for the purpose of getting someone with some expertise in this area and who's had experience with impartiality interests. The present legislation says that certainly an Elected Member ought to disclose an impartiality interest if certain circumstances arise, for example, membership of the association that might have a matter before Council or a friendship of a person who has a matter coming before Council. It's evident from the legislation that impartiality disclosure can be made, nevertheless, the member can still participate in the decision-making process of that matter?---Yes, that's correct.

30 Would you agree with me, there's varying degrees of an impartiality interest a member might have?---Yes, there is and I've seen advice coming out that does challenge that an Elected Member should have the right to be able to, where they believe that their interest is conflicting, be able to remove themselves.

35 Was it your understanding from the legislation that they did not have that right?---They did not have that right, no.

That's your understanding of the legislation?---Yes.

40 What are your views on this?---I think - no, I think it should be a right of a person to actually, if they feel that they are going to be conflicted, is to remove themselves because it - there's such a broadness of it all. I mean, you could say, "I want to disclose an impartiality interest because I once worked with a guy eight years ago and he's an applicant here today", versus only three years or something like that.

45 So I think it's up to the individual in that instance. I mean, you could easily also just go for a toilet break and avoid voting. You know, that's why I've always been of the opinion that unless it becomes a continual, habitual problem with it all that

could be seen, is that it should be allowed.

But of course, an Elected Member might want to remain?---Yes.

5 Even though they have an impartiality interest?---Yes.

Would you see some scope for provisions that, given the impartiality interest or the extent that they have, that the decision that they ought to remove themselves be given to somebody else?---So what you're saying, in the context if someone has
10 such a significant impartiality interest that they probably should be removed?

Yes?---They should be removed?

15 Yes?---That's not the legislation at the moment.

I know that, that's why I'm asking you, is it your personal view that there could be a change for the better of the legislation in such a circumstance?---I think it would end up being more complication to the legislation and then there would be more legislation changes to address those complications and we could end up with Gift
20 Declaration processes. I think it's prudent that a declaration is made by an individual to say, "Hey, I am a patron of something", or "I am a member of that sports club" or "my son goes to that community association", so it's just sort of identified.

25 What would you think to, say, a provision that it is up to the other members at the meeting to decide whether that person should remain or not, because that certainly does extend to the exemption for a financial interest, as you're aware?---Mm hmm.

30 Do you think something similar could extend to a member making an impartiality interest disclosure?---Yes. I've used those provisions before and it is quite an effective tool to be able to - it assists the person also with the interest to be able to have that - Council's endorsement, positive or otherwise to - - -

35 Or in this case, their lack of endorsement?---Yes, both ways, yes, that's right. Yes, I agree.

40 So again, someone who's been in the area of governance for many, many years, you would consider favourably some sort of change to that effect?---Only if it was of a significance. That's the only thing, otherwise you're going to be doing it for - it's going to hold up Council meetings with impartiality interests, so it would have to be something that would be more on that.

45 Because I can use an example that has arisen here. We had the Lord Mayor, Ms Scaffidi, declaring an impartiality interest for the Perth Fashion Festival on the basis that she was a board member of the Perth Fashion Festival. So she remained, as she was perfectly entitled to do, and deliberated on the sponsorship application for one particular year regarding the Perth Fashion Festival?---M'mm.

5 But Councillor Yong who had just attended the Perth Fashion Festival the previous year, once, or maybe twice, no more than once or twice, but because he was beyond the threshold of the closely associated person provisions, it seems, he declared a financial interest and then excused himself?---Yes.

10 So in those circumstances, and indeed the Lord Mayor agreed with this, that he in that situation would be better placed to consider the matter completely objectively and impartially than maybe someone in her shoes?---No, I think it's a good point. You'll have actual Elected Members appointed by Council to some of these boards from time to time.

15 Yes, that's an exception, of course?---And I think that would probably protect any Elected Member, of perception or otherwise, if that sort of mechanism was available.

That's an important consideration, isn't it, this perception of a potential bias?---Yes.

20 I just want to take you now to the minutes of that Ordinary Council Meeting that took place on 9 August 2016. Madam Associate, that will be 16 .6637. So this is the meeting that took place straight after the briefing session, Mr Ridgwell, to put it in context. There we go, that's just the front page to confirm we have got the relevant meeting, if we can go now, please, to 6638 so we can just have a look at the agenda items and just below the, "Marketing, Sponsorship, International
25 Engagement Committee reports", one of the matters to be considered is the event sponsorship partnership, for in fact the Perth Fashion Festival?---M'mm.

30 Now if we can go, please, to 6640, so we can just see who was in attendance. We can see that you're there, Mr Ridgwell, third from the bottom there in attendance and all the Councillors would appear to be present, save and except for Councillor Green, okay?---Correct.

35 And then at 6641 there was a disclosure of members' interests and would I be right in saying that from about this time onwards, there was far more members disclosing particularly financial interests than previously?---Yes, correct.

40 Thank you. Indeed, this is the example that I was giving you just a moment ago. Councillor Yong there had a direct financial interest, "Nature: attended event. Extent: less than prescribed amount" and that was regarding the Perth Fashion Festival matter that was coming up for consideration. So he actually excused himself when that item was called and then the Lord Mayor declared an impartiality interest on the basis that she was a board member but nevertheless remained?---Mm hmm.

45 Then over the page, 6642 now, and sir, this is TRIM number 23763.

COMMISSIONER: Thank you.

MR URQUHART: We can see various other disclosures, either of a financial interest or of a proximity interest, do you see that?---Yes, I do.

5

The reason why I'm going through this is to just draw your attention to what happened regarding the WASO matter. So that appears then at the bottom of that page:

10

The Chief Executive advised that in accordance with section 5.65 of the Local Government, disclosures of interest have been received from Councillors Adamos, Davidson, McEvoy and Yong in relation to the sponsorship application regarding WASO.

15

There we had Councillor Adamos making a direct financial interest. If we go to the next page, 6643, Councillor Davidson, Councillor McEvoy and Councillor Yong all made the direct financial interest disclosures. Then it reads:

20

In accordance with section 5.69 of the Local Government Act 1995, the Minister for Local Government and Communities granted approval dated 9 August 2016 for Councillor Judy McEvoy to participate in discussion and decision-making at this meeting.

25

Relevant to this particular item, and that was in order to get the quorum up to five, is that right?---Yes

[3.00 pm]

30

With respect to the direct financial interest for the Perth Fashion Festival, it was only Councillor Yong that made that disclosure?---Mm hmm.

35

I just want to now, Madam Associate, that can come down and can I just take you to a portion of that letter that Mr Mileham sent to the Department of Local Government and Mr Murphy in particular, as to what that letter stated regarding financial interests regarding the Perth Fashion Festival?---Mm hmm.

6673, thank you, Madam Associate. Do you see there about halfway down the page, just past halfway down:

40

The following members have financial interests in this matter each year for their full length of serving members as they accepted the following gifts from the Telstra Perth Fashion Festival.

45

?---Yes.

The Lord Mayor and Councillors Harley, Yong and Davidson were listed and then Councillor Yong was the one that was identified as having a closely associated

5 person interest. So Mr Ridgwell, are you able to help us as to why it was that the three, apart from Councillor Yong, did not make a financial interest declaration at the meeting a couple of months later?---Had they submitted the declaration at the meeting, would be what I would ask, that included these tickets? So there's two parts of it. So you've got a Gift Declaration and then you've got a disclosure of interest that you would complete prior to the Council meeting.

10 It would appear from the records that they didn't actually make a declaration of a direct financial interest, save and except for Councillor Yong, and in the Lord Mayor's case, she made an impartiality interest declaration?---Right.

15 But there doesn't seem to be a record, and nor is it recorded in the minutes, of either the Lord Mayor or Councillor Harley or Councillor Davidson making any interest declarations?---Yes. So the declarations weren't made so they weren't listed in that item. The WASO one was because of the fact we identified that we don't have a quorum, so that's where Administration was trying to address the issue there.

20 So if in fact those - there should have been more direct financial - let's just say financial interest declarations made and there weren't, who what is responsible for that oversight?---I believe it to be the individual.

25 But in this instance here, the City staff, because of this letter, would have had notice because the City itself has identified what it regarded as a financial interest just two months earlier?---Yes. So we were trying to address what implications, that's what the more global approach to the Department of Local Government was, to say, "Hey, we have identified this issue, how do we best overcome that" and they provided advice to us on an individual approach.

30 I appreciate all of that, Mr Ridgwell, but if in fact the contents of that letter is correct regarding the Perth Fashion Festival, then it would seem declarations of a financial interest should have been made by four Councillors rather than just the one?---Yes, I would agree with that.

35 And if that had been done, there would not have been a quorum?---Correct.

Because only eight Councillors were present at that meeting?---Yes, because one Elected Member was on a leave of absence.

40 So if in fact that was the situation, then the decision that was made regarding the Perth Fashion Festival sponsorship, for want of a better word, wasn't valid?---Yes, I would say that would be the case, yes.

45 Again, I know I asked you more generally as to who was responsible for declaring a financial interest, so if there has been an oversight here, does the obligation still rest with the Elected Members?---This is a very difficult one in this regard because if we take, as Administration, the responsibility of this and this has been - I use the

example of other officers that have - we have a transfer of officers, so transfer of knowledge, it needs to be on the individual and even to the extent that we were providing information and tools to Elected Members, and I've got to say also, the same rules were applying to staff as well, is, it's your responsibility so if you miss an element in respect to this process, then the responsibility is on you as an individual. Like the WASO one, we identified that there because just going to be no quorum because there was five people, whereas in this instance here, it was four. So if at the time the Deputy Lord Mayor Green was present, there could have been a quorum achieved.

10 Of course, there wasn't?---So you based it on the disclosures of interest that are received for the meeting.

15 I think, with respect to Councillor Green, the reason why she had the leave of absence, was she not on maternity leave?---Yes, that's right.

20 So it would have been known that she would not likely to be at that meeting?---Yes. I don't know when she went on maternity leave or she was coming off it, I don't know the time for that.

25 So maybe one way of resolving this might have been to have some sort of a table prepared that, say, Councillors and Governance Officers could have access to which listed what sort of interest, if any, Councillors had with respect to a matter?---Did you say Councillors and officers?

Yes, that could have access to?---We did have that.

You did?---Yes.

30 There was a table that was - - -?---Yes, there is always registers for these. You're required to have gift registers.

Yes, I know, gift registers, but this is in circumstances where a financial interest had to be declared?---Yes.

35 Because of - so a separate table or file which clearly sets out those Councillors that might have or would have a financial interest in a matter, so therefore both the Elected Member, or a Governance Officer could check?---If we were, and we did have from time to time an Elected Member ask us for a summary and we did provide those. So that is a service that was provided but not the proactive checking on their behalf.

40 COMMISSIONER: That's what Mr Urquhart's asking you about. What he's suggesting to you is, would it not be helpful if there was a ready reckoner, if you want to call it that, to which officers and Elected Members could have immediate access?---Yes, there was - that register was available. It was a Excel spreadsheet so you could actually break it down by value, you could break it down by - - -

So if you were an Elected Member, could you access that without going through the Administration?---That information was available - I would have to check if it was on the Council hub, which was a tool for advice.

5

If it was on the Council hub, if you were an Elected Member, would you be able to access it immediately without going through anyone else?---If it was on the hub, yes, it would be.

10 That's what Mr Urquhart is asking about?---Mm hmm.

Can I just clarify one thing while I've interrupted him. You've spoken twice about, in the context of answers to questions from Mr Urquhart about Elected Members' responsibilities and the Governance Officers' responsibilities, you've used the phrase "the responsibility is on you as an individual." When you gave those two answers, were you talking about Elected Members as individuals?---I was talking about Elected Members as individuals and officers, if you had delegated authority and were part of that. At the Council meeting, the same rules apply for officers. They need to, if they have got delegated authority, to apply the same processes to it.

20

I understand. Thank you?---Thank you.

Mr Urquhart.

25

MR URQUHART: Thank you, sir.

That hub that you've described and the information on it, is it your recollection that information as to who had a financial interest in the matter would have been on the hub as at the time of this meeting?---I would have to check. I certainly know that the online register was available for Elected Members. I would have to check on the Council hub.

30

I see. Just getting back to this particular meeting, and I don't want to harp on it for too much longer?---No, that's fine.

35

But clearly there's a number of people who have made declarations of various interests?---Mm hmm.

And you have, just a little time earlier, at the last bit of the briefing session, advised Elected Members of what interests they might have in matters coming up, not just for the Council meeting that evening, but for subsequent ones as well, do you agree with that?---Yes, I do.

40

It will be testing your memory now but would you have, might have you overlooked these stated financial interests that officers had other than Councillor Yong regarding the Perth Fashion Festival?---The presentations were about saying

45

that as the items come up, so as you go to - an agenda comes up, you need to read the agenda and this is not just in the context of gifts, this is all declarations, proximity and the sort, is to get through and review those. You've got up until the item to disclose an interest in something but what we did talk about in that meeting
5 was that we had tried to see if we could get an en bloc sort of approval from the Department and they said no, so it was really important for the City to have disclosures of interest early on, as early on as possible, so that we could then go on the Department of Local Government and seek, if there was a lack of a quorum, the ability to allow for an exemption to be applied. I do recall that.

10 So again using this example with what may well have been an oversight of some Councillors to declare a financial interest regarding the Perth Fashion Festival - this now is into a hypothetical - if you or another member of staff knew that those Elected Members had a direct financial interest but no disclosure was either done
15 before the meeting to the CEO or at the time in which such a disclosure would have been made at the meeting, what would be the obligations upon that staff member?---If you recalled it at the time, I would have been encouraging them to actually - to fill out the disclosure of interest form.

20 Even if it was at the time of the meeting?---Yes, because the mechanism there would be, if we failed to have a quorum and we didn't have the approval of the Department of Local Government, the matter would simply have to be adjourned, deferred to the next meeting to allow for either a sufficient quorum, or that exemption to apply.

25 Which I suppose begs the question now for this particular meeting, can you offer any explanation as to why the Perth Fashion Festival item was not deferred, if in fact there were four Councillors that had the financial interest?---Because - what would have been absolute for us was a disclosure of interest being completed
30 would have brought it to our attention.

And in the absence of it not being brought to your attention?---And you remembered this issue, then you may have brought it to the Elected Members' attention.

35 But if the information was available on the hub, it would be a relatively easy exercise for a staff member to check?---Yes. Look, I'm not disagreeing with you but I just - it's going to be something that needs to be carefully considered, is that the officer's responsibility to do those checks or not? That's one of the things that
40 needs careful considering because the consequences of an administrative oversight, or the responsibility then transfers - seems to transfer a little bit to the officers or the Administration as opposed to the individual.

45 Yes?---And that's where I've always been very cautious about that because, I'm just trying to say it because the Administration has staff turnover, people on annual leave and these things and you can't rely on that system. It's got to be ultimately the individual's responsibility

[3.15 pm]

5 COMMISSIONER: But responsibility doesn't need to be exclusive, does it?---No.

And responsibility must depend on the circumstances, mustn't it, in particular what you know?---Correct, yes.

10 So that if a member of staff knows something of this kind and does not do something about it when an opportunity presents itself, then in those circumstances, would you not say that the staff member has some responsibility to do something?---If you recalled a disclosure of interest at the time or that we introduce that process, and that may be a recommendation from the Inquiry Panel that we do that.

15 Let's take this instance here, and I'm not being critical of you or anyone else on your staff for that matter, but if a staff member, for example, had access to this information and therefore knew about it, then that person ought to have done something about it, rather than just letting it through to the keeper, wouldn't you agree?---Yes, I absolutely agree and as officers of the City, we do try to be proactive in informing people about anything, but I can see in this instance here, this has been missed, from what I can see.

20 Again, I'm not being critical because I understand that there are all sorts of factors intervening on that sort of decision-making, but if you know something like what is displayed on 16.6673, about financial interests and there is one or more opportunities to bring that to the Elected Member's attention, because you as a staff member know about it or should know about it, then it seems to me, and I may be wrong, it could be said there's some responsibility on the staff member to do something about it?---I agree with you. If you remember that there is something and you do in your processes identify it, it's that working relationship with Elected Members to bring it to their attention. I definitely agree on that.

25 By saying that, Mr Ridgwell, I'm not saying, for example, that there's no responsibility on the Elected Member. It can be shared, can't it?---Yes.

30 Thank you. I'm sorry for the interruption, Mr Urquhart.

35 MR URQUHART: No, that's fine, Commissioner.

40 I suppose just with respect to that last question asked by the Commissioner, in this instance here, there was an Elected Member who had disclosed a financial interest because he had attended an event put on by the Perth Fashion Festival and then at the very least, those other Councillors who had attended the same event, may well have had their memory jogged as whether, "Oh, I might have to declare a financial interest as well", would that be fair to say?---Yes, that is fair to say.

So, Mr Ridgwell, that's 9 August of 2016. I want to take you now to an email exchange you had with Councillor Yong on 10 October of that same year. So this is a couple of months later. I'm hoping that you might have had an opportunity of looking at this as well. This is to do with some advice you provided him as to when it was a Councillor was required to make a disclosure. If you haven't got a memory of it, that's - - -?---No, I don't recall. If I can have time to look at it, I can - - -

Certainly we will do that. This was a document that was provided a little later than the others sent last week, so that might be the explanation for it - when I say sent, sent to your lawyer. So Madam Associate, this is at 16.0947, thank you, and we just need to start at the bottom of the page and work our way up. As you can see there, it was 10 October 2016 and this would seem to be a good example of where you actually put Elected Members on notice about necessary disclosures, so you can see that?---Mm hmm.

In the second paragraph there:

Responsibility to complete a declaration rests with each of us individually. However, please do not hesitate to contact me directly should you wish to discuss a particular matter.

Then you've indicated there, or in the email, "See attached file, disclosure of interest form." So that was the email you sent at 10.47 am and then you sent a further one at 10.55 am. Madam Associate, if we can now look at 946. Sir, the TRIM number for all these pages is 24889.

COMMISSIONER: Thank you.

MR URQUHART: You've written another email on the same day:

Dear Councillors, it has been identified that you have a direct financial interest in item 13 of the Council agenda. Can you please complete the attached disclosure of interest form and return to myself.

And you refer to that as being Hopman Cup tickets for a corporate box attendance. You provided a very helpful table to these Councillors indicating what the value was and what it related to, do you see that? So you've identified Councillor Yong, and if we go to the next page now, please, Madam Associate, 947, thank you, Councillor Adamos, Councillor Chen and Councillor Davidson, do you see?---Yes, I do see.

Do you have a recollection or not?---Yes, I do.

Good, because then Councillor Yong raises or forwards you an email and it was sent at 11.04 am. If we go back to 946, please, Madam Associate. Thank you. Just at the top there it starts, "Hi Mark":

5 *Hi Mark, for clarification purposes, please advise if all EMs previously attended City sponsored event must declare interest for the rest of their term as Councillors. Interested to know the reason. Much appreciated, Kind regards.*

Do you see that?---Yes.

10 Based on the contents of Mr Mileham's letter to Mr Murphy several months earlier, if those contents are true and accurate, the answer would be yes?---Yes.

Do you agree with that?---Yes.

15 If we go now to 945, you've responded just 31 minutes later with this, and you've also CCed the other Councillors for which there was a declaration of an interest regarding the Hopman Cup. Thank you, Madam Associate:

20 *Hello Cr Yong, on those Elected Members who have received a gift over \$200 in value in the past 12 month period -*

I think that should read:

25 *Only those Elected Members who have received a gift over \$200 in the past 12 month period.*

?---Yes.

30 Again, I don't wish to criticise you in any way, Mr Ridgwell, because I do understand from a personal aspect of attempting to get my head around these financial interest obligations when they arise and when they don't arise, but given the legislation I took you to this morning, would you accept that maybe that advice wasn't entirely accurate?---I think I may have interpreted that to be for tickets going forward, is what it is.

35 Right. I see, yes?---That may have been where - it might not have been clear.

Yes?---It was a pretty short, quick response, I've got to say for something that - - -

40 That's right. That's why I noted that you responded in just over half an hour to a matter that may have ordinarily required some further consideration?---Yes, I was probably in the meeting at the time.

45 And the fact that you had that typo there was well maybe would confuse things even further as to what you were attempting to convey?---Yes.

So I get it clear now, have you misread Councillor Yong's - - -?---I thought after all

of what we'd gone through, this was just talking about going forward.

I see. So you responded on the basis that, what, if he was to receive a gift - -
-?---Forward, going forward.

5

- - - in the future?---Yes.

Can you see how that could be read by a Councillor as believing he only had to
declare a financial interest if that financial interest was received in the previous 12
10 months?---Yes, I could see that.

Because here, in this instance here, all four Councillors did excuse themselves
from consideration of the Hopman Cup sponsorship application at the Ordinary
Council Meeting the next day, on 11 October 2016?---M'mm.

15

So they declared their financial interests for that meeting and they excused
themselves, but none of them disclosed a financial interest at the Ordinary Council
Meeting the following year, on 6 June, regarding the item that considered the
Hopman Cup sponsorship application?---Mm hmm.

20

So might that be the explanation as to why?---Yes, I will accept that advice might
not have been clear.

That's fine. Would you like a break now?---How much longer have we got, can I
25 ask that question?

COMMISSIONER: The way I see that, if it's of any value to you at the moment,
and it's a preliminary view only of course because I've not heard all the evidence, it
seems to me that it was an email that was sent when you may not have had a lot of
30 time and it's been written in a way that is, what I would call shorthand and because
of that, it's capable of more than one interpretation and obviously the meaning you
intended, as you've just described it to me, was not necessarily the meaning that
others attached to it. So that's the way I viewed that. Are you going to be much
longer?

35

MR URQUHART: I was trying to work that out.

COMMISSIONER: The fact that you turned a page indicates to me you will be.
I'm going to adjourn just for a short time so we all get a chance to clear our heads
40 but would 15 minutes be sufficient for you?

MR URQUHART: That would be fine, thank you, sir. I would expect we would
comfortably be able to conclude Mr Ridgwell's evidence today.

45 COMMISSIONER: Excellent. I adjourn - - -

MR YELDON: In that case, should I tell Mrs Davidson that she is not required

today? She's waiting outside.

COMMISSIONER: Why don't you confer with Mr Urquhart privately and it can be dealt with in that way.

5

MR YELDON: Thank you.

COMMISSIONER: I will adjourn for 15 minutes.

10

WITNESS WITHDREW

(Short adjournment)

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HEARING RECOMMENCED AT 3.45 PM

MR Mark Hunter RIDGWELL, recalled on former oath:

5 COMMISSIONER: Yes, Mr Urquhart.

MR URQUHART: Thank you, Commissioner.

10 Mr Ridgwell, I just want to take you now back to a passage from Mr Mileham's letter once more, to the Local Government representative, Mr Murphy. Madam Associate, this is 16.6672, TRIM number again, 24321.

COMMISSIONER: Thank you.

15 MR URQUHART: I know we have already been through this, these are the matters that Mr Mileham raised about PIAF, the Perth International Arts Festival, and there Councillor Adamos was described as having a financial interest and also, can you see there, a closely associated person interest in this matter and obviously that's due to the value of the tickets that he had received that was provided to him
20 by the organisers of PIAF. Mr Adamos was also CCed in on that email you sent to Councillor Yong back on 10 October of 2016 and the PIAF sponsorship application for the next one that they made after 2016 was considered at an Ordinary Council Meeting on 1 August of 2017. Madam Associate, if we can go please now to 16.0937. That's just the covering page for that particular meeting
25 and if we can just over the page now to 938. Sir, this is TRIM number 24803.

COMMISSIONER: Thank you.

30 MR URQUHART: There are eight Councillors present, including Councillor Adamos and we can also see that your in attendance as well. I don't expect you to have a recall of this particular meeting, particularly if you haven't had the opportunity of looking at it in more recent times but one of the matters that was going to be considered, as I said, was the sponsorship application by PIAF. If we could go now, please, Madam Associate, to 0940 and under the heading,
35 "Disclosure of members' interests", we can see a number of members have made a disclosure of interest, including Councillor Adamos but that was respect to the Perth Public Art Foundation funding review and he declared an impartiality interest, that he was a board member of the Perth Public Art Foundation,
40 okay?---Yes.

Now if we just go to 941, please, Madam Associate. At the very bottom, 13.11, we can see there it was the annual arts sponsorship, Perth International Arts Festival 2017. We will go over to the next page, 0942. The Marketing Committee was recommending to the Council is the same as that recommended by the
45 officers. It's been moved by Councillor Chen and Councillor Yong and we can see there the motion was put and carried and there we see the votes were recorded as follows, and as you can probably see what I wanted to draw your attention to is

that Councillor Adamos has participated in the voting and voting for. It would appear that if the details in that letter were correct, he's had an ongoing financial interest that extended into this period of time as well, being 1 August 2017 because the next Council elections would not have been until October of that year, do you agree with that?---That's correct.

Of course, we can see there that if he had declared a financial interest, if in fact that's what he was supposed to do, then it wouldn't have made any difference in the outcome of the voting, as you can see?---It was fine.

It was unanimous?---Yes.

Mr Ridgwell, if you will just bear with me one moment, I just want to check to make sure I've asked you everything. Thank you, sir, and thank you, Mr Ridgwell, that's all the questions I have for you.

COMMISSIONER: Thank you, Mr Urquhart. What I will now do is I will now see if there are any applications to ask questions of Mr Ridgwell about those matters on which he has been questioned by Mr Urquhart, as opposed to Mr Beetham, and I will start with you, Ms Clarke.

MS CLARKE: No application, thank you, Commissioner.

COMMISSIONER: Thank you. Mr Malone?

MR MALONE: There is an application, Commissioner.

COMMISSIONER: Very well. In that case, Mr Ridgwell, I'm going to have to ask you to excuse yourself from the hearing room. Thank you.

WITNESS WITHDREW.

COMMISSIONER: Yes, Mr Malone.

MR MALONE: Commissioner, I would seek leave to examine the witness on one discrete issue, that issue being the advice that was received from McLeods and when that advice was received by the City. I say that in the context that Counsel Assisting has taken the witness through in some detail August 2016 but there, in my submission, hasn't been an explanation from an administrative staff in a public setting, and there might have been a private setting, an answer as to why all Councillors, it appears, were made to sign Gift Declaration Forms in March. What I want to examine the witness on is what gave rise, from the administrative side, to that then occurring from all the Councillors.

COMMISSIONER: Yes, thank you. Mr Urquhart, what do you say about that?

MR URQUHART: I don't know whether any further clarification can be sought

with respect to that and I should also just remind my learned friend that the Councillors weren't made to do anything. The evidence was that they were requested to complete Gift Declarations. I must confess, it was my understanding that the reason for those Gift Declarations were because of the reports that had
5 been handed down by the Public Sector Commission, but it would appear that there was also another explanation given by the witness, that being some legal advice that was obtained from McLeods and from memory, that might have also appeared in the letter to Mr Murphy by Mr Mileham. So in those circumstances, I won't make an objection to it.

10

COMMISSIONER: You won't?

MR URQUHART: I won't.

15 COMMISSIONER: Mr Malone, I have to say, I'm in the balance on this one because I'm not sure that whatever the answer, it's going to advance the purposes of the Inquiry that far but because I'm in the balance, I'm going to grant you leave.

MR MALONE: Thank you, sir.

20

MR URQUHART: Sir, just for the record, it does appear in the first paragraph of that letter to - that was Mr Patton rather:

25

The City of Perth has recently obtained legal advice on its Sponsorship and Partnership Agreements. The outcome of this legal advice has identified that where tickets/invitations have been given to Elected Members, these are actually gifts and needed to have been declared.

30 COMMISSIONER: Yes, I recall that and I'm sure Mr Malone does as well, but as I understand it, he's looking to explore the mechanical process that followed that.

MR MALONE: I am, Commissioner, and I could explain it a touch further.

COMMISSIONER: You don't need to.

35

MR MALONE: Thank you.

COMMISSIONER: I understand the point.

40 MR MALONE: Thank you.

COMMISSIONER: Thank you. Mr Houweling?

MR HOUWELING: Happily, no application, thank you, Mr Commissioner.

45

COMMISSIONER: It's neither happy nor unhappy for me. Mr Houweling, thank you. Ms Siavelis?

MS SIAVELIS: No application, Commissioner.

5 COMMISSIONER: Thank you. Ms Ford, you already have of course an application in which I've granted you leave in respect of the last body of evidence. Do you have an application in respect of this?

MS FORD: Not in respect of Mr Urquhart's questions, Commissioner.

10 COMMISSIONER: Thank you very much. Mr Harris?

MR HARRIS: No application, sir.

COMMISSIONER: Thank you. Mr Tuohy?

15

MR TUOHY: No application, sir.

COMMISSIONER: Thank you. Ms Zoric?

20 MS ZORIC: No application, Commissioner.

COMMISSIONER: Thank you. Mr Mariotto?

MR MARIOTTO: No application, commissioner.

25

COMMISSIONER: Thank you. Mr Yeldon?

MR YELDON: Yes, I do, happily, Commissioner. I want to explore this form, the disclosure of interest form because - - -

30

COMMISSIONER: Can we bring it up.

MR YELDON: 16.6374 is the page I'm interested in.

35 COMMISSIONER: We will have it brought up and you can develop your submissions with it in front of me.

MR YELDON: I truly hope to do so.

40 MR URQUHART: Are these minutes or something else?

MR YELDON: No, it's this - - -

COMMISSIONER: We have it now. Right.

45

MR YELDON: I'm seeking to understand - - -

COMMISSIONER: Don't let Mr Urquhart distract you, Mr Yeldon. Carry on.

5 MR YELDON: I don't wish to do combat with Mr Urquhart today. The form here looks as if, in this universe, it's one-sided but I'm seeking to explore with the witness whether in fact it may have been two-sided and I do that by reference to the evidence.

COMMISSIONER: You don't need to remind me, I recall the evidence.

10 MR YELDON: Yes.

COMMISSIONER: Is that the only topic?

15 MR YELDON: It goes a little deeper and I intend to transgress the usual rule but to show that in fact the box that - - -

COMMISSIONER: That's not a wise submission to be making when you're applying for leave.

20 MR YELDON: I'm just still hoping to persuade you nevertheless. Could you open 16.6380.

COMMISSIONER: Thank you, Madam Associate. Yes.

25 MR YELDON: Counsel Assisting may direct me to the page that the witness was taken to but something like this was shown to the witness. I'm getting a nod. Do you see the word next to F and it says, "As defined in the City of Perth Code of Conduct and any benefits by received by an Elected Member in accordance with the terms of a sponsorship or other commercial" - - -

30

COMMISSIONER: Yes, I see. You're referring to the last column, yes.

35 MR YELDON: Yes. It looks to me as if this may have been an aide de memoire on the back of the disclosure of interest form and if that was the case, what is the provenance of the document, in light of - - -

COMMISSIONER: This document you mean?

40 MR YELDON: Yes, 16.6384. I won't go to that moment, Madam Associate, but do you remember, Counsel Assisting asked a question of the witness, "Might this have been attached to the PowerPoint presentation."

COMMISSIONER: I do recall that, yes.

45 MR YELDON: Yes.

COMMISSIONER: And I recall the answer.

MR YELDON: I'm attempting to develop a different proposition because if you do now in fact look to 16.6384 - - -

5 COMMISSIONER: We will have it brought up, just wait a moment.

MR YELDON: You will see that the words next to paragraph F are different.

COMMISSIONER: In the final column, is that what you're talking about?

10

MR YELDON: In the final row.

COMMISSIONER: F is the row.

15 MR YELDON: Yes, and do you see the words, "Only where acceptable"?

COMMISSIONER: That's the final column.

20 MR YELDON: Yes. Sorry, you're right, Commissioner, as usual, but do you notice, Commissioner, those two forms of different.

COMMISSIONER: Yes.

25 MR YELDON: What's written in that box is different.

COMMISSIONER: Yes, it is.

30 MR YELDON: So there is presently no clarity about the provenance of this document from the witness and I'm seeking to take the witness, to try and make it clearer, and do I need to go further, Commissioner?

[4.00 pm]

35 COMMISSIONER: Only to tell me, are these the only matters on which you wish to examine the witness?

MR YELDON: That is correct, in light of Mr Malone being cut down, Commissioner, on his - - -

40 COMMISSIONER: Sorry?

MR YELDON: In light of what you said to Mr Malone, that is correct, Commissioner. I've noted what transpired between you.

45 COMMISSIONER: How did I cut him down? Remind me, because I don't recall that bit.

MR YELDON: I seek to strike that from the transcript.

MR URQUHART: Can you strike another phrase - - -

5 MR YELDON: Yes.

MR URQUHART: - - - for the record?

MR YELDON: Which is what?

10

COMMISSIONER: Mr Yeldon, I told you not to be distracted by him. I've heard your application and I'm going to give you leave on all matters.

MR YELDON: Thank you, Commissioner.

15

MR URQUHART: Sir, before you do that, it might be that Mr Parkinson might be able to clarify something - - -

COMMISSIONER: No, I'm going to give him leave.

20

MR URQUHART: - - - for my learned friend.

COMMISSIONER: I'm going to give him leave.

25

MR URQUHART: But it might have a bearing on whether he wants to pursue it or not.

COMMISSIONER: I'm going to give him leave.

30

MR URQUHART: Okay then. Very good.

MR YELDON: I'm content to move on, Commissioner. I do intend to explore with the witness, but I wouldn't like to slow anything down.

35

COMMISSIONER: No, you're not slowing anything down. I've given you leave and you can explore those matters.

MR YELDON: Thank you, Commissioner.

40

COMMISSIONER: Mr van der Zanden?

MR van der ZANDEN: No application, thank you, sir.

COMMISSIONER: Thank you. Ms Priestley, do you have anything?

45

MS PRIESTLEY: No, no application, Commissioner, thank you.

MS BLACKBURN: Nothing from me either, sir, thank you.

5 COMMISSIONER: Thank you very much. All right. Madam Associate, can we have Mr Ridgwell back in the hearing room, please. Ms Ford, I'm going to call on you first and then, Mr Malone, I will call on you second and Mr Yeldon, last but not least.

MR YELDON: Thank you, Commissioner.

10 COMMISSIONER: Thank you, Mr Ridgwell, please take a seat.

MR Mark Hunter RIDGWELL, recalled on former oath:

15 COMMISSIONER: Mr Ridgwell, first and foremost, your exclusion from the hearing room while I heard the applications is no reflection on you whatsoever?---Thank you.

20 Secondly, I have granted leave to three counsel on their applications to examine you. You should not assume that means you're going to be in the witness box for a long time, and those counsel will examine you in this order: first of all, Ms Ford who represents Ms Green, will ask you some questions. She will be followed by Mr Malone, who acts for Mr Harley, and he will be followed by Mr Yeldon, who acts for Ms Davidson?---Thank you.

25 Ms Ford.

MS FORD: Thank you, Commissioner

EXAMINATION BY MS FORD.

30

Mr Ridgwell, my questions arise out of the evidence you gave this morning, rather than the evidence you gave this afternoon in response to Mr Urquhart's questions?---Thank you.

35 They will be quite brief. This morning you gave some evidence about, and I'm paraphrasing, forgive me, without the benefit of transcript, so feel free to disagree with how I've characterised this - this morning you recall that you gave some evidence about growing concerns regarding Council dysfunction in the period December 2017 through to February 2018, is that correct?---Yes.

40

And that culminated or reached a crescendo with the events of late February 2018 and the Special Council Meeting on the 27th?---That's correct, yes.

45 I also understood that you gave evidence to the effect that the concerns about dysfunction were concerns held by both the Executive Group and the Councillors?---Yes.

5 It's not the case then to say that the motion of 24 February, which I believe was the Saturday on which it was forwarded by the Councillors back to the Administration came out of nowhere, is it?---In the context of - my comments were made in the context of not understanding or recognising any concerns raised specifically about Mr Mianich's performance of duties of Acting CEO. I meant it in that context.

10 I see. You also gave some evidence, or on a number of occasions it came out of your evidence that you've got a long involvement in Local Government. Can I ask how many years you've been involved in Local Government?---Since 1996, so almost 25 years.

15 And your role with the City of Perth as at February 2018 was Manager of Governance?---It sort of interchanged during that period of time as Acting Director Corporate Services as well.

20 But during the period, say, December 2017 to February 2018, Manager of Governance was one of the roles you held?---Yes, correct.

25 And prior to holding that role with the City of Perth, have you always had a governance role for a substantial part of your career?---Yes, that's correct.

30 How many years would you have been in governance matters?---I started off in a cadet administration officer position - sorry cadet program at City of Mandurah in 1996 for two years and that encompassed getting broad experience in other elements of the organisation, so planning as well, planning clerk, customer service and sort, but since that period of time, went into corporate support, administration and then core governance.

35 So you're very familiar with Council processes and the bringing of motions and so on?---Yes, that's correct.

40 Indeed, I heard you to give some evidence the morning to the effect that as Manager of Governance you were all about process, or something to that effect?---Yes. That's one of the strong things I believe in, strong processes.

45 And perhaps another way to put that is that proper process was a matter of great concern to you?---Correct, yes.

And that was the case as at February 2018?---Yes.

50 You also gave some evidence that in respect of the motion that lead to the Special Council Meeting on the 27th, that when it was first received, which I believe was either, from your evidence and the evidence of other witnesses, either late on the Saturday afternoon or the Sunday, that you gave some advice about that motion?---Yes, I did. I gave advice that I had no concerns over the content. I did not see it as being unlawful or outside of process in respect to the calling of that meeting.

5 Can I ask, did a particular person enquire of you of whether the motion was in order or what gave rise to you giving that advice?---I was believe it was the Acting CEO and also the Lord Mayor, when she was informed, was also asking that question.

10 To the effect of, "Is this motion in order or appropriate to be brought"?---Yes, and I said yes, and we also got advice from an external solicitor just confirming that and that did come back through.

15 My understanding of your evidence this morning was that you got that advice on a Sunday?---Correct.

20 Is it unusual to get advice about such matters on a Sunday?---Not at the City of Perth. Work does go on throughout, seven days a week in many respects with that. The evidence before the Inquiry will show me working throughout the weekend, much to my wife's anger.

25 It sounds like it was a very busy period?---It was.

30 COMMISSIONER: You're not the only one with that problem.

35 MS FORD: Notwithstanding the advice that you and Mr Douglas gave, I think you said this morning that you had some residual concerns about the motivation of the motion?---That's correct, yes.

40 Do you recall this morning, Mr Beetham asked you if you'd raised those concerns with anyone?---Yes, I had.

45 You recall Mr Beetham asked you that question this morning?---Yes - no, I'm not too sure if he did ask me that question or not but I did raise those concerns, yes.

50 Did you raise them - I think in fact I might clarify that for you. My note suggests that Mr Beetham asked you if you'd raised with the Councillors who had brought the motion. I don't want to misdescribe what his question was but that's my recollection of it?---Yes, okay.

55 Did you raise it with the Councillors who brought that motion?---No.

60 So returning to the discussion we had a few moments ago about process being very important to you and good governance, do you think if you had residual concerns about the motivation of that motion, you should have asked the Councillors why it was being brought?---I was concerned at the time about - of that and that's why I provided advice to the Department of Local Government about my concerns.

65 But as Manager of Governance, you didn't think it was appropriate to raise it with those Councillors themselves?---No, because I was concerned about what

implication it could have on myself.

I've got nothing further, Commissioner.

5 COMMISSIONER: Thank you. Mr Malone.

MR MALONE: Thank you, Commissioner

EXAMINATION BY MR MALONE

10

Mr Ridgwell, I'm just going to ask you a couple of questions about the evidence you gave this afternoon to Counsel Assisting, Mr Urquhart. You gave substantial evidence this afternoon about a briefing session in August 2016 with regard to Gift Declarations and the Elected Members. What I want to do is take you back to earlier in that year, so in say February/March, around that time that Gift Declaration Forms were being lodged by Elected Members with the City?---Mm hmm.

15

Do you remember what caused many of the Gift Declaration Forms to be lodged by the Elected Members with the City?---Yes, I do, because we had received legal advice that determined that this was not part of a contractual arrangement that should benefit Elected Members, it needed to be that Gift Declarations needed to be completed because we had requirements to publish information onto the City's website as part of new legislation for any gift values over the amount of \$200. So that's why Elected Members were responsive in providing that advice and Gift Declarations.

20

25

Just to be crystal clear, that advice was received from McLeods?---Correct.

30

Do you remember if there was a briefing session or other meeting with all Councillors present at which they were told about this advice that the City had received from McLeods?---I believe there might have been. I would have to take that on notice or check, I'm sorry. There was a time where we were getting advice and I'm sure it would have included some sort of educational program for Elected Members.

35

So just to be clear on that point for the benefit of the Commissioner for the Inquiry, you don't have a distinct memory of being at a briefing session with Elected Members in around February or March 2016 about gift disclosures but you believe that may have happened?---That's correct, yes.

40

If it wasn't a briefing session, how would the City ordinarily have informed Elected Members about the advice they had received?---It would have been through a communication via a Council hub which was our communication tool to Elected Members. It's an email alert outlining what the subject matter is and then a detailed memorandum or supply of information would be provided.

45

So on the basis that the City had made the Elected Members aware of gift disclosure and the like in February/March 2016, what is your explanation of why the August 2016 briefing session was required?---Because of the fact that by that stage we had the problems of decision-making as it related to Council meetings and ensuring that we had quorums for the meetings. So you had - you do have, which is typical, Elected Members on a leave of absence, as has been outlined, or illness as well, so we needed to - and when we found out from the Department of Local Government that an en bloc sort of allowance for this could only be considered on a case by case basis, that's where we went to talk to Elected Members about the importance of disclosures and getting them in as much advance as possible

[4.15 pm]

So if I understand your evidence correctly, and correct me if I'm wrong in trying to summarise that, between February/March 2016 and August 2016, the City was receiving advice from various agencies, including McLeods but also the Department, about gift disclosure and because of this fresh advice and new advice that continually was received, that was the reason the August briefing session was required?---Yes - sorry, can I add to that, preface to that is that there was also that proposal of the new Elected Member gift process that we were wanting to consider or have considered by Council, having followed feedback from themselves and also a bit of education about not having to fill out Gift Declaration Forms for \$10 or whatever it be but using an accumulation register. So that was another element to it, probably a primary driver as well.

So you would agree that both the additional advice that was being received, or the fresh advice that hadn't been there in February/March but was there in August, along with the primary driver you've just described a moment ago, they were the two primary reasons that meeting in August was called?---Yes.

No further - sorry?---I will just add that there were other parts to that briefing session that weren't related to this matter.

Yes. So insofar as it relates to gifts and disclosure, thank you?---Sorry.

No further questions, Commissioner.

COMMISSIONER: Thank you, Mr Malone. Mr Yeldon.

MR YELDON: Thank you, Commissioner

EXAMINATION BY MR YELDON

Mr Ridgwell, it's been a long day, are you happy to proceed?---Yes, I am, thank you.

This Elected Members Gift Declaration Form which is up on your screen - you see this form that's up on your screen at the moment?---M'mm.

5 If I were to suggest to you that that is a form that accompanied the Elected Members Gift Declaration disclosure, would you accept that?---Yes, I believe I would. That might be accompanying on the back of the form.

10 I see. I think you said in evidence that you or your Manager of Governance may have drafted this form?---Governance Coordinator.

Governance Coordinator?---Yes, that's correct.

You accept that?---Yes, I do.

15 Do you have a recollection that you changed the information on this form at any stage?---We may have made changes as a result of legislative changes that came into effect, possibly.

20 You don't recall?---No, I don't recall.

Could I show you - just before I move off this form, do you see at the top the procedure for, "All gifts/benefits offered:" do you see that?---Yes.

25 Paragraph 1 says:

*Elected Member must disclose the acceptance of a gift if over \$50.
Please monitor for accumulative gifts within a six month period.*

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

Then it says:

*Elected Member completes and signs declaration and forwards to the
CEO within 10 days of acceptance of gift.*

35 You see that, don't you?---Yes, I do.

And then:

40 *The CEO reviews and provides comments on risks/issues for
acceptance of the gift and submits to Governance Unit for record
keeping.*

45 ?---Mm hmm.

I just ask you to keep those sentences in mind. Could I turn to page 16.6380, please, Madam Associate. You see this is another form which is very similar in

fact to the form we just looked at and do you see that the procedure - - -

MR URQUHART: I think the witness should have an opportunity of looking at it before he agrees to that.

5

MR YELDON: Of course. Please have a look at that, Mr Ridgwell?---Thank you.

You will agree with me, won't you, that what's next to the words, "Procedure for all gifts/benefits offered" is different to the form I just showed you?---Yes.

10

If I was to suggest to you that this was the form that may have existed in 2016, would you agree with that?---Sorry, I'm confused whether you're saying this is the most recent one or the previous one was the most recent one.

15

Are you confused by that?---Yes, I am.

You can't say which one is more recent?---I could only go back on our records to check that.

20

I see, but it's possible - - -?---I - - -

- - - if I ask you another question.

25

MR URQUHART: Allow the witness to finish answering the previous question first, please.

COMMISSIONER: Yes, Mr Yeldon.

30

MR YELDON: By all means, if you wanted to answer further?---Sorry. I think this would be the earlier version.

Are you sure of that?---No, I couldn't be absolutely sure, I'm sorry.

35

I see. Were these forms in paper format?---Yes, they were.

And who was the custodian of the forms?---I'm sorry, they were available both in electronic and paper forms for use by Elected Members.

40

Who was responsible for maintaining the electronic version of the form?---It would be the Governance Unit and myself and the Governance Coordinator.

I see?---Probably the Governance Coordinator would be the one that would be doing the physical changes.

45

Are you able to inform the Inquiry whether a form which was completed was in paper form or in electronic form?---What is submitted into Content Manager, so if it was - sorry, I would say that because of the signing, that they would all be paper.

I see, all paper?---Yes, when they are completed, yes.

5 Can Elected Members print off the form?---Yes, they could, through our Council hub.

Or they could collect a form from you?---The staff that support the Elected Members would have had copies of them.

10 I see. It's possible, isn't it, that these two different Pages that I've shown you could have got mixed up in a bundle of papers?---Yes, it is possible. I can't see the full version of this but we do have versions, normally on forms to see which one is the most up-to-date, but it is possible that hard copies were left in - on a room and could have been used by others.

15 So if a member picked up the form that's in front of you there in a situation at some later time before a legal change, for example, they may not be filling in the form according to the latest legal concepts?---That is correct. I guess the only thing I would add to that is that the full scanning of the document should have occurred or
20 would have hopefully occurred to give the other side of the form.

I see?---So depending on that, that could be checked.

25 So you're telling the Commissioner this is page 2 of every - - -?---Yes, I believe it's page 2 of every disclosure, much like the officer one that we have.

So every disclosure form would have had a version of either this form or the other on its reverse page?---I believe so, yes.

30 And there would be no reason, would there, why the commission could not provide - - -

MR URQUHART: That's not a relevant question for this witness, sir, with respect.

35 COMMISSIONER: It's more like a submission.

MR YELDON: I retract that.

40 If you stay on this page, please, do you see the words next to row F, for Fred, do you see that? It says, "Sponsorship and other City of Perth commercial agreements" and then the, "Type of gift/benefit" is, "Sponsorship/networking benefit", do you see that?---Yes.

45 Would that include attending, for example, the Perth Fashion Festival as an Elected Member?---This is why this is indicating to me that I believe that this was a draft that was part of that process that we were looking at, for the new process.

You don't know if it's a draft or not though, do you?---No, I would have to check that and provide a response to that to confirm, but that's where the sponsorship/networking would come through.

5

Yes, and so I'm suggesting to you that if a Councillor attended, say, for example, the Perth Fashion Festival in their capacity as a Councillor, that would be a sponsorship or a networking benefit?---Correct, in this form.

10 And that would - yes, according to this form and the recommendation of Governance there is that is acceptable, according to this form?---Yes.

And then the commentary is, "As defined in the City of Perth Code of Conduct, any benefits received by an Elected Member in accordance with terms of a sponsorship or other commercial arrangement, need not be disclosed, do you see that?---Mm hmm.

15

That's different, if Madam Associate will turn to page 6384, to row F in this page, isn't it?---Correct.

20

So if a Councillor picked up a form that had a different spreadsheet on the back of it, for want of a better word, they might well have been misled about what in fact they needed to disclose?

25 MR URQUHART: I don't know whether this witness can answer that question, sir, and if he can, I can't see the probative value of it.

COMMISSIONER: Mr Yeldon, what you're putting to the witness is self-evident to me.

30

MR YELDON: Yes.

COMMISSIONER: And his answer is not going to assist me.

35 MR YELDON: I see your point. Thank you, Mr Ridgwell, I have no further questions?---Thank you.

COMMISSIONER: Thank you. Mr Urquhart, do you have any questions in respect of the matters arising from your questions.

40

MR URQUHART: Yes, I do, if I may.

COMMISSIONER: Of course.

45 MR URQUHART: That is this: this is with respect to that last matter that Mr Yeldon's been taking you to, Mr Ridgwell?---Mm hmm.

He has taken to you two different passages that appear on item F there?---Mm hmm.

5 Are you able to tell us which one accorded with the legal advice that you've been referring to that was received from February/March 2016 onwards?---This one here which is "only where acceptance will not create a conflict of interest, e.g., financial impartiality or perceived influence."

10 So that's 16.6384?---Yes, that's correct.

Thank you, Mr Ridgwell. That's the only matter I needed to clarify with you. I understand Mr Parkinson may well seek to clarify some matters arising from questions that arose in the examination by Mr Beetham.

15 COMMISSIONER: Yes, I thought that might be the case. I was coming to Mr Parkinson. Mr Parkinson.

MR PARKINSON: Thank you, Commissioner

20 EXAMINATION BY MR PARKINSON

25 Mr Ridgwell, you answered some questions from Ms Ford who asked you about why you didn't raise your residual concerns regarding the notice of motion, with Councillors and the last thing you said, and my note of what you said is, "Because I thought there would be an implication on myself"; could you explain to the Inquiry what you meant when you said that "there may be an implication on myself"?---That there could be potential consequences on my own job security at the City of Perth.

30 What potential consequences were in your mind at that time?---As I said to you, the Acting CEO was performing his functions and then all of a sudden this motion came in and then, I felt that was retribution against the Acting CEO and my concerns to the Department were they should look at this matter because there had been history with reporting matters and then consequences on employees at the
35 City and I felt like if I raised those concerns with Elected Members, that I would suffer the same fate, so I wanted to go to the Department of Local Government.

40 So as I understand your evidence, Mr Ridgwell, but please correct me if I'm wrong?---Sure.

COMMISSIONER: Best not to lead him, I think, Mr Parkinson.

MR PARKINSON: No.

45 So could you just clarify the basis for your concern?---The basis for my concern on myself?

Yes?---If I raised it with those Elected Members, then there could be pressure placed upon a new Acting CEO or CEO to - for my position because only the CEO or Acting CEO could potentially terminate my employment or take action against me.

5

There's a number of matters arising out of that, Mr Ridgwell, but just to clarify, when you say "those Elected Members"?---M'mm.

[4.30 pm]

10

Which Elected Members did you have in mind?---Well, the Elected Members that submitted the motion would be where I would be concerned.

15 Can you recall which Elected Members submitted the motion?---Yes, it was Councillor Barton, Councillor Hasluck, Councillor Green, Councillor Limnios, Councillor Harley.

Was it all of those five Councillors against which you had those concerns?---No.

20 So of those five Councillors, and I appreciate, Mr Ridgwell - I can see from the expression on your face, it might be a difficult question - were there any Councillors in particular that you had a concern about having potential consequences for your employment?---I guess it would be associated with those that the complaints were lodged, which was Councillor Limnios, Councillor
25 Harley and Councillor Green.

MS FORD: Sir, I rise to object to that and it might be best if it was heard in the absence of the witness.

30 COMMISSIONER: Yes, of course. Mr Ridgwell, this is quite common place, it doesn't say anything about your evidence other than there's an objection noted to it. So I'm going to ask you to excuse yourself from the hearing room, please, while I hear the objection. Thank you.

35

WITNESS WITHDREW.

COMMISSIONER: Yes, Ms Ford.

40 MS FORD: Commissioner, if I may, I consider there's absolutely no basis for the ongoing questions that are being asked in respect of this issue, in the sense that Mr Ridgwell said there had been a history of concerns being made with retribution. There was no follow-up question in response to that that would give any basis to suggest that Dr Green or any of the other Councillors had previously been involved in any conduct of that kind. This is his supposition or speculation without any
45 proper basis and I'm very conscious of the matters that he is addressing at the moment arise from his personal observations without any evidence, any facts supporting them.

They have the capacity to be prejudicial and they are simply mere speculation. There's no history of my client or in fact any of the other Councillors - I'm sure my friends will rise to object to this as well - seeking to obtain or pursue retribution as a result of Standards Panel complaints or any other matters. This is pure speculation and it's being permitted to continue, respectfully, Commissioner, and I don't think there's any basis for it.

COMMISSIONER: Thank you, Ms Ford. I will hear from Mr Parkinson on that.

MR PARKINSON: Commissioner, the probative value of this evidence is not the accuracy of Mr Ridgwell's belief, it is the fact that Mr Ridgwell held that belief. The Inquiry's Terms of Reference direct it to enquire into the relationships between Elected Members and members of the Administration and the questioning by Counsel Assisting of other witnesses and the evidence that has been given, has focused on the motivations of relevant actors for the decisions that they made and two, the beliefs that those relevant actors held as to the motivations of other people.

So I would submit that, and I wouldn't suggest in any way that Mr Ridgwell's evidence could be used as a finding against Dr Green or the other two Councillors that have been mentioned, but to the extent that the evidence gives an insight into Mr Ridgwell's state of mind and to the relationships that existed between him and other Elected Members, I would submit it is relevant. I note my friend's concerns, which is entirely proper, that there may not have been a proper basis for that belief and I'm happy to explore that with Mr Ridgwell.

As I understood his evidence, it was that he felt that the Acting CEO had been - that there had been retribution against the Acting CEO from performing his functions and that Mr Ridgwell thought that there may be similar retribution if he provided advice to the Elected Members around the propriety of the motion. I think that's relatively clear. So those are my submissions for the moment, Commissioner, but it's not a point I intend to pursue much further, so if you have concerns about the line of questioning, I'm happy to leave it where it is.

COMMISSIONER: Thank you. Ms Ford, do you wish to respond to that?

MS FORD: Yes, I may. With the greatest of respect to my friend, it's speculation upon speculation and if he pursues it any further at all, it simply opens the door for more speculation. Mr Parkinson appropriately conceded that the evidence can have zero - my words - but no probative value whatsoever so it ought not be pursued given the potential prejudice in terms of my client's reputation.

MR PARKINSON: Sorry, Commissioner, I didn't concede it had no probative value.

COMMISSIONER: It's all right, Mr Parkinson.

MR PARKINSON: Yes, thank you.

5 COMMISSIONER: I've been listening carefully to both sets of submissions, so I understand. I don't have the benefit of the transcript yet, of course, but I have made notes as I've heard the evidence and, Ms Ford, when you were questioning Mr Ridgwell, one of the last topics - you don't have to stand up - on which you questioned him was, if he had concerns about the motion of 24 February, why did he not raise them with the Councillors who had drafted that motion. I may have that question slightly wrong, but that's my note of it and he gave an answer to that.

10
15 When you ask a question like that, you of course are asking a question that concerns his state of mind and so what Mr Parkinson has done is that he has asked a number of questions to explore the witness' state of mind, that is, why he did not raise the matter with those Councillors. He's done that because it was an area that you opened up with your questions. It has, for my purposes, gone far enough.

MS FORD: Thank you, Commissioner.

20 COMMISSIONER: I now understand his state of mind and why he had that state of mind and so I'm content for it to rest there.

MS FORD: Thank you, Commissioner.

25 COMMISSIONER: That's all right, Ms Ford. Mr Parkinson, I don't need to hear any more from you but that's the explanation for that. Unless you have a pressing need to ask any further questions on the matter, in which case you will have to justify it to me, I strongly urge you to let it rest there.

30 MR PARKINSON: No, Commissioner, I think it's been taken as far as possible, so I'm happy to leave it there.

35 COMMISSIONER: Thank you. Madam Associate, would you please bring Mr Ridgwell back into the hearing room. While that's happening, Mr Parkinson, are there any other areas that you wish to explore with this witness?

MR PARKINSON: No, sir.

40 COMMISSIONER: Thank you. Mr Ridgwell, would you please resume your seat in the witness box.

MR Mark Hunter RIDGWELL, recalled on former oath:

45 COMMISSIONER: For your information, Mr Ridgwell, while you were absent from the hearing room, an objection was made by Ms Ford, who appears for Dr Green and I heard that objection in your absence and it has been resolved satisfactorily. I want to make it clear to you, as I have to all other witnesses, that

your exclusion from the hearing room is no reflection on you whatsoever?---Thank you.

5 I understand from Mr Parkinson that he has no further questions for you, am I right, Mr Parkinson?

MR PARKINSON: That's correct, sir.

10 COMMISSIONER: In which case, that, pending any unforeseen event, means that you have been asked all the questions you are going to be asked this afternoon. Are there any housekeeping matters, Mr Urquhart?

15 MR URQUHART: Just one, sir and that's regarding the matter that I said I would follow up regarding the disclosure of material that I was going to take Mr Ridgwell to. It has been confirmed that the Inquiry, by email last Friday at 3.59 pm, did forward to Mr Ridgwell's legal representative this material, which was available via a link and as I understand it, my learned friend, Ms Priestley, in her discussions with Mr Parkinson regarding this matter, has confirmed that she was in receipt of that email with the link to the documents on that day, the Friday of last week.

20 COMMISSIONER: Thank you. Ms Priestley, do you wish to be heard on that?

25 MS PRIESTLEY: Just very briefly, Commissioner, and that's just simply to say I, over the course of the lunch break, did go through my emails. I had missed the link at the bottom of the email. I do apologise both to Counsel Assisting and the Commissioner for any confusion that causes.

30 COMMISSIONER: You do not need to apologise to me or to Counsel Assisting. It may be that Mr Ridgwell has been inconvenienced though. If there's nothing else?

MR URQUHART: No, thank you, sir.

35 COMMISSIONER: Thank you. Mr Ridgwell, thank you very much for your assistance today, it has been most helpful?---Thank you. Thank you for understanding.

No trouble at all. I will adjourn the Inquiry until 9.30 am tomorrow morning.

40 **WITNESS WITHDREW**

**AT 4.42 PM THE MATTER WAS ADJOURNED
UNTIL FRIDAY, 27 SEPTEMBER 2019**

45