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INQUIRY INTO THE CITY OF PERTH

PUBLIC HEARING - DAY 102

THURSDAY, 5 SEPTEMBER 2019

INQUIRY PANEL:

COMMISSIONER ANTHONY (TONY) POWER

COUNSEL ASSISTING:

MS KATE ELLSON

COUNSEL APPEARING:

MR SAM VANDONGEN SC and MR ALAN SKINNER (Mr Dimitrios LIMNIOS)

MR NICK MALONE (Mr Reece HARLEY)

CAV. MARIA SARACINI (MR Martin MILEHAM)

MS ALENA ZORIC (Mr Gary STEVENSON)

MR JOEL YELDON (Ms Janet DAVIDSON)

MR MATTHEW CORNISH (DR Jemma GREEN)

MR TOBIAS BARRIE (Ms Judith McEVOY)

MR PETER van der ZANDEN (Ms Lisa-Michelle SCAFFIDI)

HEARING COMMENCED AT 10.02 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 10 Ms Ellson, you recall Mr Limnios?
- MS ELLSON: I do, yes, Commissioner.
- 15 15 COMMISSIONER: Thank you, Mr Limnios. Please come forward and resume your seat in the witness box.
- MR Dimitrios Athanasios LIMNIOS, recalled on former oath:**
- 20 COMMISSIONER: I will take appearances.
- 20 MR VANDONGEN: Commissioner, with your leave, I appear for Mr Limnios.
- COMMISSIONER: Thank you very much, Mr Vandongen.
- 25 MR MALONE: Commissioner, today I appear for Councillor Harley.
- COMMISSIONER: Thank you very much, Mr Malone.
- MS SARACENI: Sir, I continue to appear on behalf of Mr Mileham.
- 30 30 COMMISSIONER: Thank you, Ms Saraceni.
- MR SKINNER: May it please the Inquiry, I appear with Mr Vandongen.
- 35 35 COMMISSIONER: Yes, indeed.
- MS ZORIC: May it please you, Commissioner, I appear for Gary Stevenson.
- 40 40 COMMISSIONER: Thank you, Ms Zoric.
- MR YELDON: For ex-Councillor Davidson, with your leave, Commissioner.
- COMMISSIONER: Thank you, Mr Yeldon.
- 45 45 MR CORNISH: Thank you, Commissioner. I appear for Dr Green, with your leave.

COMMISSIONER: Thank you, Mr Cornish.

MR BARRIE: Commissioner, Barrie on behalf of Ms McEvoy.

5 COMMISSIONER: Thank you, Mr Barrie.

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

10 COMMISSIONER: Thank you, Mr van der Zanden. Ms Ellson, are you ready to resume?

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

15 COMMISSIONER: Thank you.

MS ELLSON: Madam Associate, if the witness could please be provided with documents from 9.0672 to 9.0679 - sorry, 710.

20 Mr Limnios, can you see there in front of you the documentation we were talking about late yesterday afternoon?---Yes, ma'am.

Just to remind you, you accepted that you couldn't complete a comparison by looking at that documentation, do you recall that?---Yes, ma'am.

25 Assuming the documentation in front of you is a complete record of what occurred during the second presentations - I withdraw the question. Is what is in front of you, a complete record of what occurred during the second presentations pertaining to the recruitment of Mr Mileham?---I'm not sure if this is the complete record, if there was other - but if this is what you have, I accept this is the only thing, yes.

Assuming that it is the complete record, Mr Limnios, do you accept that the process to recruit Mr Mileham is not transparent?---No.

35 Why not?---Because I wanted to ensure that my fellow Councillors had the opportunity to meet the prospective candidates that the committee had interviewed previously.

40 I'm not sure you understood my question, Mr Limnios, from your answer?---Okay.

Just take a moment. If what is in front of you is a complete record of what occurred during the second presentation, do you accept that the process to recruit Mr Mileham was not a transparent one?---Just for clarity, do you mean the whole process or the second part of the process?

45 The second part of the process?---I accept that it wasn't as good as it could be.

And it wasn't as good as it can be because there's not a complete record, do you accept that?---Yes.

5 The documents can be returned, please, Madam Associate. Mr Limnios, what happened at the end of Mr Mileham's presentation? Was there a meeting?---I don't remember that far back.

10 Do you remember a point in time at which Council agreed to appoint Mr Mileham?---Yes.

When did that happen?---I don't remember specific dates, I'm sorry. That's a few years ago now.

15 Was it after the presentation and before the next CEO Recruitment Committee meeting?---It would have been after the presentation but I'm not sure as to the second part of your question.

20 Did Ms Howells, the Manager of Human Resources, ask for more time to complete some tasks before Mr Mileham's appointment was finalised?---I don't remember that, but I wouldn't be surprised. If there's documents to suggest so, I wouldn't be surprised.

25 Why wouldn't you be surprised?---Because of the initial request for more time that we discussed yesterday.

Madam Associate, if I could ask you for you to bring up 9.0731. Do you see here, Mr Limnios, an email from Ms Howells to yourself, Ms Scaffidi and Mrs Davidson?---Yes, ma'am.

30 The Lord Mayor Scaffidi and Councillor Davidson, I should say. Yes?---Yes, ma'am.

That's 29 August 2016 at 6.36 pm?---Yes, ma'am.

35 You accept that is after the presentations had occurred during the day on 29 August 2016?---Yes, ma'am.

Just take some time to read that to yourself?---Yes, ma'am.

40 Does this help you to remember when Council reached a view about appointing Mr Mileham?---Possibly during the presentations, I think the group that was at the meeting would have reached a conclusion that out of the two presentations they preferred Mr Mileham.

45 Do you remember that happening now?---I don't remember it, unfortunately.

I see. It appears that Ms Howells is indicating that, "Mark" - Mr Ridgwell?---Yes.

The Manager of Governance?---Yes.

- 5 "Has recommended that we push the appointment of Martin to Council next Tuesday between the two committee meetings", do you see that?---Yes, ma'am.

Would you accept that next Tuesday is 6 September, looking at the date, Monday, 29 August 2016?---I will take your word for it.

- 10 Can you tell me whether or not that occurred, do you know?---I don't remember.

Did you discuss it with your fellow committee members?---My memory isn't clear, ma'am, I'm so sorry.

- 15 And looking at this email doesn't help you?---I very vaguely remember an email coming to us but I don't remember what was done with this information - this advice.

- 20 Ms Howells has indicated that a number of tasks needed to be completed?---Yes.

Before Council met next Tuesday, as she suggested, including reference checks or qualifications checks. Do you recall talking to your fellow committee members about the need for the reference checks for qualifications checks to be done before 25 Mr Mileham's appointment?---I do not clearly remember but it wouldn't surprise me if I did ask those questions.

- 30 Can you tell me why you say that?---Because previously I had questioned this whole process and wanted to ensure that we were following best practice and due process.

In what ways weren't you doing that, Mr Limnios?---I asked that question initially, when we initially started this process, that's what I meant

- 35 [10.15 am]

How important, in terms of best practice and due process, was it for the references and qualification checks to have been done before Mr Mileham's appointment?---Very.

- 40 Why?---Because it's the administrative leader of the City of Perth.

Ms Howells goes on and indicates that a paper for Council needed to be prepared "and negotiation with Martin" - Mr Mileham?---Yes.

- 45 "Regarding the terms and conditions of the contract needed to occur", do you see that?---Yes, ma'am.

How important was it, in terms of best practice and due process, for the terms and conditions of Mr Mileham's contract to have been negotiated before his appointment?---Very.

5

Why?---Because it is a significant contract and a significant obligation for the capital city and again, he's the leader of the administrative aspect of the City.

10 Ms Howells is also suggesting that time was required to develop the contract of employment, do you see that? The fourth point?---Yes, ma'am.

And "to develop internal and external communications"?---Yes, ma'am.

15 And in evidence before the Inquiry, that is communications to staff and the media in relation to the appointment?---Yes, ma'am.

Ms Howells suggests that there was going to be a meeting the next day, on 30 August 2016?---Yes.

20 When she says:

Can I suggest that when we meet tomorrow we can discuss these elements and ascertain the most appropriate timing.

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

Do you remember meeting with Ms Howells and other members of the CEO Recruitment Committee to talk about the timing of these things?---We met on a few occasions so it would not surprise me if we did. I don't specifically remember if, but it wouldn't surprise me at all.

30 Ms Howells says that, "Mark" - Mr Ridgwell - "recommends this as it will ensure good governance and ensures that all of the relevant activities have been completed prior to Council appointment"; do you see that?---Yes, ma'am.

35

Do you accept that the items Ms Howells has set out in her email here, conducting the outstanding reference checks, to development of internal and external communications, are things that would or that do reflect best practice and due process?---Yes, ma'am.

40

Mr Limnios, do you recall having a meeting at 2 pm on 30 August with Ms Howells and Mr Ridgwell and members of the CEO Recruitment Committee?---I don't remember, but as I said earlier, it wouldn't surprise me if it happened and I was there.

45

Madam Associate, that document can be taken down, please. Commissioner, TRIM 17411.

COMMISSIONER: Thank you.

5 MS ELLSON: Mr Limnios, do you recall Ms Howells circulating a memorandum with respect to the recruitment process on Tuesday, 30 August 2016?---I don't recall specific dates but I think we looked at a recruitment process email yesterday.

Do you recall Ms Howells circulating a draft contract?---Now that you say it, I think we did receive a draft contract, but I don't clearly remember.

10 Madam Associate, if you could bring up 9.0737, TRIM 17413. Mr Limnios, do you see there what looks like a memorandum to yourself, Lord Mayor and Councillor Davidson?---Yes, ma'am.

15 Copying in the Manager of Governance, from the Manager of Human Resources who was then Ms Howells?---Yes, ma'am.

Just take some time to look through that?---Yes, ma'am.

20 Madam Associate, if you could turn the page, please?---Yes, ma'am.

Mr Limnios, do you recognise the document as a memorandum you received from Ms Howells on 30 August 2016 for a meeting with her and Mr Ridgwell on the same day?---I don't remember it. I wouldn't be surprised if I received it. It 25 definitely is - very similar documents that I have received. My memory isn't that clear. I'm very sorry, I'm not trying to be difficult.

At some point, Mr Limnios, was Mr Mileham potential salary discussed?---Definitely. That was part of the process, the remuneration.

30 What is your memory of when it was discussed?---I don't remember specifically. It would probably have been around this particular timing, from the memo here.

I see?---We were getting to the pointy end of the acceptance of the role.

35 Evidence before the Inquiry, Mr Limnios, suggests that a meeting occurred with Ms Howells and Mr Ridgwell on 30 August?---Okay.

And that the topic of the salary was discussed during that meeting?---I accept that.

40 Ms Howells indicates that she said to the meeting, with respect to the salary, to match his salary, do you accept that?---I would accept that.

45 And looking at the page in front of you, the offer of employment contract, the total package there, \$364,457.66, do you see that?---Yes, ma'am.

As at 30 August 2016, did you know the Lord Mayor's view about what salary

Mr Mileham ought to be paid at?---I don't remember.

- Was there a discussion about paying him at the top of the band, on 30 August 2016?---I remember that we were discussing - I don't remember exactly at which 5 meeting but I remember the word "band" and that we are the capital city and he should be, you know, at the higher end of the scale and I also do remember - it's obvious because it's here in writing - being advised that we should keep the salary where it was, what he was currently being paid, but I don't remember exactly when the "band" conversations were happening.
- 10 Did you have anything to do with negotiating the terms of Mr Mileham's contract?---As a committee member I would have assumed that I had some involvement but specifically, I don't recall but I'm happy if there's some documentation that suggests that I did.
- 15 So you don't know?---The specific - I don't remember but I would assume that I would. As a member of the committee, I would have formed an opinion.
- I'm not asking you about an opinion about what should be in there?---Yes.
- 20 I'm asking you about negotiating, so taking an active part in the negotiations of the terms of the Mr Mileham's contract, with Mr Mileham or other members of the Recruitment Committee?---Ma'am, I don't remember. I'm very sorry.
- 25 Can you tell me who negotiated the terms of Mr Mileham's contract?---Look, the prime person that was involved was the Lord Mayor and Councillor Davidson in this. I didn't have any experience in this particular area. As the Deputy Lord Mayor you're automatically on this committee and that was the reason I was on this committee.
- 30 For that reason, Mr Limnios, did you leave the specifics to the other members of the committee?---Possibly.
- Madam Associate, could you bring up, please, 9.1301. You recall, Mr Limnios, 35 Ms Howells indicated there was an attached recommendation for the CEO contract?---Yes, ma'am.
- Do you see here an employment agreement?---Yes.
- 40 Between the City of Perth and blank?---Yes, ma'am.
- Madam Associate, if you could turn to page 9.1302. Do you see the index there, Mr Limnios ?---Yes, ma'am.
- 45 Do you recognise this document at all?---It looks familiar.
- 9.1303. Can you tell me why it looks familiar?---It's an employment agreement.

Have you seen it before?---I assume I have, if it was attached to the email that was circulated to us.

- 5 Ms Howells has given evidence to the effect that this was the contract that she attached to her memo, will you accept that?---Yes, I will accept that.

10 MR VANDONGEN: Commissioner, can I raise an issue? It's all right if the witness stays. I just note a date at the bottom of that page. It's not clear to me where that date comes from.

COMMISSIONER: At the very bottom of the page?

15 MR VANDONGEN: Yes.

COMMISSIONER: Yes. Thank you. Ms Ellson, are you able to deal with that in the presence of the witness?

20 MS ELLSON: I can. There are four dates that I see, Commissioner.

COMMISSIONER: Yes.

25 MS ELLSON: Five, actually, but the COP SA5C, 0041005703, 20 November 2017 is one that has not been created by an external electronic process. That's part of the document.

COMMISSIONER: May I suggest for a moment, as I suggested the other day, Ms Ellson, that you confer privately at the Bar table with Mr Vandongen. It's a process that worked well just two days ago, it might work well today.

30 [10.30 am]

MS ELLSON: Yes.

35 COMMISSIONER: Thank you both. Ms Ellson, was that helpful?

MS ELLSON: Yes.

40 Mr Limnios, you have no memory of receiving a contract of employment and this doesn't help you?---I don't have specific memory but if it was attached to an email that I have received, I accept that I've received it.

45 Madam Associate, the document can be taken down, please. Mr Limnios, do you recall a CEO Recruitment Committee meeting on 30 August 2016? Do you have any memory of attending one at all on that date?---No.

Madam Associate, if you could bring up page 9.1387. Do you see here CEO

Recruitment Committee meeting minutes approved for release for 30 August 2016?---Yes, ma'am.

5 And Madam Associate, if you could bring up page 9.1390. Do you see here an indication of members in attendance which include you?---Yes, I accept I was there, ma'am.

10 You do. Madam Associate, if you could turn, please, to page 9.1391. Do you see here an item relating to the employment of the Perth Chief Executive Officer?---Yes, ma'am.

Does looking at these minutes now assist you to recall what occurred at this meeting or not?---No.

15 It appears that a motion was moved by Ms Scaffidi, seconded by yourself, do you remember it?---I accept it because I see it here but the details behind it I don't remember.

The motion is that:

20 *Council, in accordance with section 5.36 of the Local Government Act, by an absolute majority decision, appoints Mr Martin Mileham to the position of Chief Executive Officer for a period of five years under the contract of employment for a Chief Executive Officer.*

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

This was a recommendation the CEO Recruitment Committee wanted to make to Council on 30 August 2016, is it?---Yes, ma'am.

30 You were provided with a Confidential Schedule 1, preferred candidate application documentation, is that right?---I'm very sorry, can you please repeat that again? I'm sorry.

35 You were provided with a Confidential Schedule to this item, being preferred candidate application, do you accept that?---Yes, I do.

Madam Associate, if you could - TRIM 22090, Commissioner.

40 COMMISSIONER: Thank you.

MS ELLSON: Madam Associate, if you could turn to page 9.1365. Do you see here confidential agenda item 1, employment of City of Perth Chief Executive Officer?---Yes, ma'am.

45 Madam Associate, 9.1366. Just take a moment to read that, Mr Limnios?---Yes, ma'am.

Madam Associate, 9.1367?---Yes, ma'am.

For completeness, Madam Associate, 9.1368?---Yes, ma'am.

5

9.1369, do you see there Confidential Schedule 1, what appears to be an application by Mr Mileham?---Yes, ma'am.

10 Do you have a memory of receiving a document for the meeting on 30 August 2016?---I don't have a clear memory but if I have received it, I acknowledge that I've received it.

Attached to the application was a curriculum vitae, 9.1378. This is TRIM 22091, Commissioner.

15

COMMISSIONER: Thank you.

MS ELLSON: From the beginning of the schedule.

20 COMMISSIONER: Yes.

MS ELLSON: You see there the first page of Mr Mileham's curriculum vitae?---Yes, ma'am.

25 Going back to 9.1367 or 1366, I'm sorry. Do you recognise this document as a report from Human Resources to the CEO Recruitment Committee, dealing with the employment of the City of Perth CEO?---Yes, ma'am.

30 9.1367, please, Madam Associate. Mr Limnios, do you see here some discussion or some information relating to salary bands which are set by the Salary and Allowances Tribunal?---Yes, ma'am.

35 A description of Band 1, with a remuneration package between \$247,896 to \$375,774. As at 30 August 2016, did you know what the significance of the Salary and Allowances Tribunal band width was?---The significance in regards to?

The payment of someone's salary?---What the numbers were.

What it meant?

40

COMMISSIONER: Ms Ellson, it might be helpful to articulate the question in a slightly different way so that Mr Limnios knows what you're getting at.

45 MS ELLSON: As at 30 August 2016, Mr Limnios, were you aware as to whether or not a Council could pay someone above the top band?

MR VANDONGEN: That's also a little bit ambiguous, with respect. I think I

know what counsel's getting at.

COMMISSIONER: Yes. Thank you, Mr Vandongen. Ms Ellson, I think you can actually mention the description of the position and that would help.

5

MS ELLSON: Mr Limnios, as at 30 August 2016, were you aware as to whether or not a Council could pay its CEO above the top of the band width set by the Salary and Allowances Tribunal?---I assumed that they couldn't, that's why there was band.

10

Mr Limnios, under the contract provisions here, five year term, six month review period, remuneration package breakdown, there's a suggested total remuneration package of \$364,450, do you see that?---Yes, ma'am.

15

Do you recall discussing Mr Mileham's salary on 30 August 2016 during the Recruitment Committee meeting?---I don't remember specifics but I am sure we did discuss it.

What makes you sure?---Because we were signing off on it.

20

As at 30 August 2016, do you know what Mr Mileham was going to be paid?---Please repeat that question again, as at?

25

As at 30 August 2016, do you know what Mr Mileham's total remuneration package was going to be?---My thoughts were always that it was going to be within the band and in particular, according to the advice from Michelle Howells, what he was currently on.

30

Mr Limnios, did you know as at 30 August 2016 what the provisions of Mr Mileham's contract were going to be, other than those set out here?---I think I would have. I would have been given a copy of the contract but I don't remember specifically.

I can help you with that a bit later, Mr Limnios?---Please.

35

For now it appears here, doesn't it, that the reference checks for Mr Mileham had not been completed by 30 August 2016, do you see that?---Yes.

40

And you agree that's a very important thing that needed to be done before Mr Mileham could be appointed?---Yes, ma'am.

45

And did you know as at 30 August 2016 that Council needed or that you needed to believe that Mr Mileham was suitably qualified for the position before appointing him?---Yes. However, the fact that he was already employed and initial reference checks were done, probably gave a level of comfort, because he was an existing, very senior Director.

Mr Limnios, do you recall receiving a draft CEO contract for your review on 30 August 2016 from Ms Howells?---I don't specifically recall but I would agree if I'd been sent that. It wouldn't surprise me at all

5 [10.45 am]

Madam Associate, if you could please bring up 9.1563. Do you see here an email addressed to you, or addressing you as Deputy Lord Mayor?---Yes, ma'am.

10 Dated 31 August 2016, 4.09 pm?---Yes, ma'am.

Do you accept that this was sent to you by Ms Howells on 31 August 2016?---Yes, do I.

15 There was an attachment that she refers to there and she asks if you were happy with the clauses, specifically clauses 4 and 6?---Yes.

And that she was still getting some feedback in relation to 13.5 and she refers to the industry standard and recommendations by WALGA and the Local Government Managers Association, do you see that?---Yes.

20 Madam Associate, could you turn, please, to page 9.1564. Commissioner, this is TRIM 22116.

25 COMMISSIONER: Thank you.

MS ELLSON: 9.1564, have you read through that, Mr Limnios?---Just - - -

30 COMMISSIONER: Take as much time as you need, Mr Limnios?---Thank you, sir. Yes, ma'am, I have.

MS ELLSON: 9.1565. You see some headings, "Review period" and, "Obligations"?---Yes, ma'am.

35 9.1566, heading, "Duty of confidential and fidelity" - "Duty of fidelity" I'm sorry, at 5.4?---Yes.

"Amendment of Position Description", 5.5?---Yes.

40 9.1567?---You're not expecting me to have read all that though?

I don't want to ask you questions about its content, Mr Limnios?---Okay, sorry.

9.1567, "Code of Conduct", "Performance Review"?---Yes, ma'am.

45 And's reference to key performance indicators and a Position Description?---Yes, ma'am.

9.1568. Do you see there, "Remuneration package"?---Yes, ma'am.

5 There's a reference there to a cash salary component of AUD\$310,000, do you see that?---Yes, ma'am.

There's nothing further with respect to salary there, is there?---No.

10 COMMISSIONER: Take your time to read this page as you need to, Mr Limnios?---Thank you. Thank you, ma'am and sir.

15 MS ELLSON: There's nothing in clause 7 which reflects Ms Howells' information in her report to the CEO Recruitment Committee, you accept that?---The little box that added up the total package, is that what you're referring to?

Yes, and an indication of the total package?---No, that's correct.

20 9.1569, please, "Superannuation contribution and funds", "General leave entitlements" and, "Investigation and suspension", do you see that?---Yes, ma'am.

9.1570, "Termination"?---Yes, ma'am.

9.1571, "Confidential information and return of property"?---Yes, ma'am.

25 9.1572, "Intellectual property"?---Yes, ma'am.

"Inconsistency and validity"?---Yes, ma'am.

30 9.1573, "Miscellaneous"?---Yes.

9.1574, "Schedules"?---Yes, ma'am.

35 Executed by the parties, "The common seal of the City of Perth was affixed by authority of a resolution of the Council in the presence of" - 9.1575 - Lord Mayor and a witness, employee and witness, do you see that?---Yes, ma'am.

40 Can you tell me, Mr Limnios, how it comes to pass that the common seal of the City of Perth is affixed to a document? Do you know how it works?---There's a machine, like an old-fashioned thing and they just stamp it on.

45 Do you know in what circumstances the common seal is affixed to a document?---I don't know of every circumstance but when there's changes of special zoning areas and special changes that the City's done. I've signed two or three of those documents.

Mr Limnios, to execute a document, do you need to affix the common seal?

MS SARACENI: Commissioner, I object. The question's far too wide.

COMMISSIONER: You're appearing for Mr Mileham?

5

MS SARACENI: Yes, sir.

COMMISSIONER: Yes. The question can be narrowed, Ms Ellson.

10 MS ELLSON: Councillor Limnios, to execute a contract of employment, do you know whether or not the common seal needed to be affixed in September 2016?---No.

15 You don't know or no?---No, I don't know if that's formal, by law for employment. I wasn't involved in a lot of employment.

In September 2016 did the use of the common seal require resolution of Council?

MR VANDONGEN: Is that his knowledge or is that as a matter of law?

20

COMMISSIONER: Yes. Thank you, Mr Vandongen. Ms Ellson, which are you seeking?

MS ELLSON: The knowledge, Commissioner.

25

COMMISSIONER: Thank you.

MS ELLSON: Mr Limnios, did you know in September 2016 whether or not the affixing the common seal required a resolution of Council?---I did not know.

30

9.1576, please, Madam Associate. Do you see here, Mr Limnios, Schedule A, "Leave entitlements"?---Yes.

35 "Long service leave, personal carer's leave", both under, "Annual leave"?---Yes, ma'am.

9.1577, do you see there a heading, "Compassionate leave, parental leave"?---Yes, ma'am.

40 9.1578, do you see there a heading, "Community service leave, public holidays, days in lieu"?---Yes, ma'am.

I'm going to come back to this document, Mr Limnios?---Okay.

45 Mr Limnios, following on from this email there was a Special Council Meeting on 1 September 2016, do you recall that?---Yes - Special Council Meeting for the appointment of the CEO?

Yes?---Yes, ma'am.

5 What is it that you remember about that meeting?---That we voted for the CEO to
be officially the CEO.

Anything else?---It wasn't a particularly long meeting. That's about it.

10 Madam Associate, if you could bring up, please, 9.0791. Do you see here,
Mr Limnios, Council minutes, 1 September 2016?---Yes, ma'am.

9.0793, please, Madam Associate. Do you see here Councillors presents includes
yourself?---Yes, ma'am.

15 Do you accept that you attended the Council meeting on 1 September 2016?---Yes,
ma'am.

9.0794, do you see there a matter for which the meeting may be closed, a
confidential item, "Appointment of Chief Executive Officer"?---Yes, ma'am.

20 And the meeting note:

25 *The Council agreed that there would be no discussion on confidential
item 334/16. Therefore, it was not deemed necessary to close the
meeting.*

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

30 Do you have a memory of why that occurred?---That's quite common when the
members of the Council have felt that they have discussed things enough or they
were satisfied with the particular item and we would just put it to a vote.

35 So is it correct to think then that by 1 September 2016, Council were in agreement
to appoint Mr Mileham to the position of CEO?---Yes.

40 9.0795, please, Madam Associate. Just read that yourself, please,
Mr Limnios?---Yes, ma'am

[11.00 am]

40 Mr Limnios, was the process followed to appoint Mr Mileham still being rushed
along on 1 September 2016?

45 MR VANDONGEN: There's a premise in that question that Mr Limnios has not
agreed to, that is, it was being rushed along.

COMMISSIONER: Yes. Ms Ellson.

MS ELLSON: Commissioner.

5 Mr Limnios, was the process being rushed to appoint Mr Mileham on or about 1 September 2016?---Look, I'm not sure because the Council was in agreement. I think the Council wanted stability, make an announcement, we have got a CEO, the ship's back on track. There was a second condition, subject to completing satisfactory reference checks so at that particular point I don't think there was anything being rushed.

10 You don't?---No.

15 The motion moved at the Council meeting on 1 September 2016 refers to "appointing the preferred candidate under the contract of employment for a Chief Executive Officer, subject to the completion of satisfactory reference checks with the Recruitment Committee to negotiate the terms of the contract provisions", do you see that?---Yes, ma'am.

20 Madam Associate, 9.1391. Mr Limnios, the recommendation moved by the CEO Recruitment Committee is different to that, isn't it?---Yes, ma'am.

Can you explain the difference?---There's the clause that says that the reference checks get done.

25 9.0795, please, Madam Associate. Mr Limnios, you'd agree that in having the reference checks outstanding at the time Council's moving to appoint Mr Mileham, that you couldn't be satisfied he was suitably qualified for the position, is that right?---No, I disagree.

30 MS SARACENI: Commissioner, I have an objection to that.

WITNESS: I disagree.

COMMISSIONER: Should I hear this in the absence of Mr Limnios?

35 MS SARACENI: Yes, that would be preferable, sir.

COMMISSIONER: Very well. Mr Limnios, I will have you excused from the hearing room, thank you.

40 **WITNESS WITHDREW.**

COMMISSIONER: Yes, Ms Saraceni.

45 MS SARACENI: Sir, I continue to represent Mr Mileham. Given this is his employment contract we are talking about, that's why I have risen. The question asked by counsel was in relation to outstanding reference checks and then - it was

in relation to that and then she asked the question whether that meant he was suitably qualified. In asking previous questions of this witness she has sometimes referred to reference checks, sometimes to qualifications and checks of qualifications and with respect to previous witnesses, there were other verifications in relation to reference checks, police checks and qualifications.

I just want to ensure that this witness exactly understands what the question is. It is reference checks, dealing with suitably qualified or qualifications; what is being asked for the question as to "suitably qualified."

10 COMMISSIONER: So your objection is that there is some lack of clarity in the form of the question?

15 MS SARACENI: Yes.

COMMISSIONER: Very well. Thank you. Ms Ellson.

MS ELLSON: I withdraw the question, Commissioner and move in a different way towards the point.

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

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

COMMISSIONER: Mr Limnios, in your absence, an objection was made and it was dealt with. It is no reflection on you that you were excluded from the hearing room?---Thank you, sir.

30 Ms Ellson.

MS ELLSON: Madam Associate, going back to 9.1391, please. Mr Limnios, do you see that committee is recommending "the appointment of Mr Mileham to the position of Chief Executive Officer under the contract of employment for a Chief Executive Officer" and there's no reference there to outstanding reference checks or to the contract being negotiated, do you accept that?---Yes, ma'am.

40 So were the reference checks done by 30 August 2016?---From the document I saw before, no.

Was the contract negotiated before 30 August 2016?---From the document I've seen before, not fully.

45 You seconded this motion, Mr Limnios; was it your understanding that the reference checks were done when you did that?---It was my understanding that everything was in train, everything was moving along and that was part of the

process, and I was very confident, being that Mr Mileham was an existing Senior Director that we had worked with for a number of years, everything was moving along fine. He wasn't a stranger to the organisation.

5 Mr Limnios, was it your understanding when you passed this motion that the contract had been negotiated - seconded, I'm sorry, seconded the motion, that the contract had been finalised?---I don't remember but I would think not.

10 You would accept that the motion doesn't accurately reflect the facts around the matter, is that right?

MR VANDONGEN: I object to that. It's such a general question. The witness' attention ought to be directed to any particular part that my learned friend says is not accurate, in fairness to the witness.

15 COMMISSIONER: Thank you, Mr Vandongen. Ms Ellson.

MS ELLSON: Yes.

20 Mr Limnios, the motion doesn't refer to any outstanding reference checks, does it?---No, ma'am.

And it doesn't refer to the fact that the contract is still being negotiated, does it?---No, ma'am.

25 So in that sense it doesn't accurately reflect what was happening?

MR VANDONGEN: It assumes that the motion ought accurately reflect those two things that were happening at the time.

30 COMMISSIONER: Yes, Mr Vandongen. Ms Ellson, are you able to deal with that?

MS ELLSON: Yes.

35 COMMISSIONER: Thank you.

MS ELLSON: Mr Limnios, the recommendation made to Council by the CEO Recruitment Committee is relied upon by Council to make its decisions, is it not?---Yes, ma'am.

And in that sense, Council rely on the recommendations of the committee and their accuracy?---Yes, ma'am.

45 This motion here is not accurate, is it, Mr Limnios?

MR VANDONGEN: Same objection as I made two objections ago.

COMMISSIONER: Mr Vandongen, it may be that the questions that will be asked shortly will deal with that. If not, I will give the evidence the appropriate weight.

5

MR VANDONGEN: Thank you, Commissioner.

MS ELLSON: Mr Limnios, motions or recommendations made to Council should accurately reflect the facts, shouldn't they?---Yes, but they are often changed at 10 Council, or before Council. So one particular motion might start off like this and by the time it gets to Council or we deal with it at Council, it gets altered in several morphs.

COMMISSIONER: I don't understand that, Mr Limnios. Are you saying to me, 15 and I don't believe you are, that the motion that is carried at the committee would change before it gets to Council, or are you saying to me that the facts which might underpin that motion might change before it gets to Council?---Thank you, sir, exactly what you said the second time.

20 Thank you?---Thank you, sir. Sorry, about that.

MS ELLSON: Mr Limnios, the facts underpinning this motion - actually, I will go forwards, Madam Associate. 9.0795.

25 Mr Limnios, thinking about the answer you just gave to the Commissioner with respect to the facts underpinning the motion?---Yes.

Can you explain why the motion at the Council meeting is different to the motion 30 at the Recruitment Committee meeting?---Because of the addition of point 2 which would have been something that I would have insisted on, in between the time that we voted at the committee meeting and it coming to Council, based on the advice we were receiving, just to make sure that we completed everything as best as we could.

35 Can you tell me why the Council meeting occurred on 1 September instead of 6 September which was recommended by Mr Ridgwell and Ms Howells?---It was put to us or it was put to me around that period, from what I remember that it was very important to stabilise the City and to make an announcement as quickly as possible that we had engaged a CEO and the ship was moving forward.

40

What difference would five days have made, Mr Limnios?---I'm not sure.

MR VANDONGEN: Commissioner, can I raise a matter in the absence of the witness.

45

COMMISSIONER: Yes, of course.

MR VANDONGEN: I just understand we are moving on to a different topic. I just want to do it before we move on to that topic.

5 COMMISSIONER: Yes, of course, Mr Vandongen. Mr Limnios, I will have you excused from the hearing room?---Thank you, sir.

WITNESS WITHDREW.

COMMISSIONER: Yes, Mr Vandongen.

10 MR VANDONGEN: It relates to the questions that were being asked a few moments ago about the differences between the motion that was put on 30 August and the motion put at the full Council meeting on 1 September 2016 and I wanted to raise this before we move away from that because in fairness to the witness, and
15 I could deal with this in re-examination, but rather than do, we will do it now. I just draw your attention, and my learned friend's attention to 9.0800.

COMMISSIONER: I will just get Madam Associate to put it up on the screen.

20 MR VANDONGEN: This is part of the confidential annexure to those minutes.

COMMISSIONER: Just give me a moment, Mr Vandongen, I will have it brought up. Thank you.

25 MR VANDONGEN: And I draw your attention and my learned friend's attention to the "Comments" section at the top.

COMMISSIONER: Yes.

30 MR VANDONGEN: In terms of why there may have been a difference between the two.

COMMISSIONER: Yes. Thank you, Mr Vandongen.

35 MR VANDONGEN: My learned friend may wish to ask questions about that.

COMMISSIONER: Ms Ellson.

[11.15 am]

40 MS ELLSON: In response to my friend's remarks, I would also invite - - -

COMMISSIONER: It's an objection.

45 MS ELLSON: I'm sorry, yes, objection - a consideration of 9.1367.

MR VANDONGEN: I don't have that.

COMMISSIONER: Do you want 9.1367 brought up?

MS ELLSON: Yes.

5

COMMISSIONER: Thank you, Madam Associate.

MS ELLSON: At the bottom.

10 COMMISSIONER: Thank you. Yes. That deals with your concern?

MR VANDONGEN: Thank you.

15 COMMISSIONER: Thank you very much. Madam Associate, would you please have Mr Limnios brought back into the room. Mr Limnios, please resume your seat in the witness box. Thank you.

MR Dimitrios Athanasios LIMNIOS, recalled on former oath:

20 COMMISSIONER: Mr Limnios, in your absence, your counsel's objection was heard and addressed and your exclusion from the hearing room, as I said before, is no reflection on you whatsoever?---Thank you, sir.

Ms Ellson.

25

MS ELLSON: Yes.

30 Mr Limnios - Madam Associate, 9.1368. You see here the motion seconded by yourself in relation to the CEO Recruitment Committee meeting, 30 August 2016?---Yes, ma'am.

You voted in favour of that?---Yes.

35 And it was to appoint Mr Mileham to the position for five years under the contract of employment?---Mm hmm.

9.1367, please. Mr Limnios, do you see there the comments? This is a page we were looking at before as part of the officers' report to the committee?---Yes.

40 You see there the recommendation was for Council "subject to the satisfactory completion of reference checks, to appoint Mr Mileham to the position and approving the CEO Recruitment Committee to negotiate the terms of the contract", do you see that?---Yes, ma'am.

45 The motion that you seconded appears to be contrary to that, does it - I withdraw the question.

COMMISSIONER: The document speaks for itself.

MS ELLSON: Can you tell me why the motion was moved in the terms that it was at the Recruitment Committee on 30 August 2016?---The committee was

5 satisfied that the processes were being undertaken and they were proceeding.

You'd been asked by Ms Howells on 29 August and 30 August for more time, hadn't you, Mr Limnios?---Yes.

10 What made you think that the process would be completed by 1 September when the Administration was asking for the matter to be deferred to 6 September?---The process was in train, was my understanding. It was all moving forward and as I said earlier, Mr Mileham was an existing, previously reference checked, successfully operating Director of a very important division of the City of Perth, so
15 we weren't feeling - I personally, sorry, was not feeling at that particular point in time that he was not the right person and was not capable.

That's not the point though, is it, Mr Limnios? The point is that the Administration needed more time to dot the Is and cross the Ts with respect to his appointment,
20 isn't that right?---Yes, ma'am.

And they had asked for the matter to be deferred to 6 September, hadn't they?---Yes, ma'am.

25 That's not too far away from 1 September, is it?---Yes, ma'am.

So why was the matter dealt with on the 1st when the Administration recommended they be given more time to complete the necessary actions for Mr Mileham's appointment?---Okay. I think it was the overwhelming view of the
30 Elected Members that we needed to show stability in the capital city and have a permanent CEO in place as quickly as possible.

Surely that could wait five days, Mr Limnios?---We felt, or I felt at the time it was in the best interests of the capital city to show stability as quickly as possible.

35 It's also in the best interests of the City for legislative requirements and administrative requirements to be complied with, isn't it?---Legislative, yes.

Administrative as well?---It depends on the specific. Like I said earlier, we were satisfied that Mr Mileham was an existing staff member, hadn't given us any reason for concern, was the preferred candidate from all the Elected Members. So in this particular instance, we felt that he was the right person and we weren't doing anything wrong.

45 You were rushing the Administration through a process that hadn't completed, weren't you, Mr Limnios?---I personally wasn't, ma'am.

You were part of the process, weren't you?---I was a member of the committee, due to my role as Deputy Lord Mayor.

5 And the Council? You were a member of the Council as well, weren't you?---Absolutely, yes, ma'am.

And you were rushing the Administration through the process for no good reason, weren't you, Mr Limnios?---We felt it very necessary - - -

10 I'm asking about you, Mr Limnios?---I was not.

In the very early stages of the process, Mr Limnios, in June 2016, you had a view that the process was being rushed, do you recall that?---Yes.

15 That didn't change, did it? It was always a rushed job, wasn't it?---As time progressed I was given advice that was making me feel that everything was under control. Initially, yes, that's how I felt but as time moved on, I felt that everything was under control.

20 The advice you were given by Ms Howells and Mr Ridgwell was to the effect that it wasn't under control though, wasn't it?---No.

MR VANDONGEN: Well - - -

25 COMMISSIONER: I think - - -

MR VANDONGEN: That's obviously - - -

30 COMMISSIONER: Mr Vandongen, I understand the problem. Ms Ellson, you need to be more careful with your choice of words here.

MS ELLSON: The effect of what Ms Howells and Mr Ridgwell were telling you was that things weren't completed, isn't that right?---They needed more time.

35 They needed more time to complete things and one of those things was to complete some reference checks?---Yes, ma'am.

40 And the negotiation of the terms of the contract, isn't that right?---They weren't negotiating the terms of the contract to the best of my knowledge, I think it was the - the committee was.

You were involved in doing that, were you?---I don't remember specifically. I think it was taken on by the Lord Mayor and the Chair of the committee, Councillor Davidson.

45 Mr Limnios, on 1 September 2016 were you aware that reference checks and the terms of the contract had not yet been finalised?---From the documents I've read,

yes.

Did you say to anyone, "Look, we need to wait for the Administration to finish this, we need to wait for the committee to finish negotiating the terms of the contract"?---I don't remember doing so.

Do you think you should have done that?---I was satisfied with condition 2 of the Council meeting, that said that his appointment is subject to those matters being completed.

10 COMMISSIONER: Indeed, a short while ago, you told me that you insisted on that?---Well, I remember being involved, because that was one of the things that I was pushing, sir.

15 Can you tell me why you insisted on it?---Because I wanted to ensure that we had done the checks that we needed to do.

Did you want to make sure that those things were done because you regarded them as important?---Yes, sir.

20 Did you also regard them as necessary?---Yes, sir.

Thank you. Ms Ellson.

25 MS ELLSON: And they weren't done on 1 September 2016, were they?---No, ma'am.

And they should have been, shouldn't they?---It would have been better practice, yes, ma'am.

30 Mr Limnios, as at 1 September 2016, were you aware of an obligation to form a view that the person being appointed to the position of CEO was suitably qualified for the position?---Yes, I am.

35 When you voted in favour of the motion on 1 September 2016, did you believe Mr Mileham was suitably qualified for the position?---Yes, ma'am.

Even though no reference checks had been completed - I'm sorry.

40 MR VANDONGEN: I think there's two different issues there. The Commissioner knows what I'm saying.

COMMISSIONER: I do understand, Mr Vandongen. Are you going to raise the same point, Mr Yeldon?

45 MR YELDON: In the absence of the witness I have a point to raise by way of objection to the whole line of questioning.

MS SARACENI: And I was about to rise as well, Commissioner.

5 COMMISSIONER: In that case, Mr Limnios, I'm sorry to have to ask you again to leave the hearing room but it's necessary?---Fine. I've been to the toilet, it's good.

Thank you for that.

10 **WITNESS WITHDREW.**

COMMISSIONER: Yes, Mr Yeldon.

15 MR YELDON: Yes. I would ask you to open page 9.0800.

15 COMMISSIONER: Just give me a moment, please. Madam Associate, 9.0800, please.

MR YELDON: Counsel Assisting has been proceeding - - -

20 COMMISSIONER: Just wait a moment until we get it up. Yes, okay. Thank you.

25 MR YELDON: In my submission, Counsel Assisting has been proceeding on the basis that Council was appointing Mr Mileham by this resolution. That is plainly not so. By the very terms of the resolution, all that is done in paragraph 1 is an acceptance of the recommendation to appoint and - - -

COMMISSIONER: I understand the construction argument, yes.

30 MR YELDON: Yes, and the second paragraph adds to that construction because the whole thing is conditional. So to put to the witness that it was not satisfactory to pass this resolution to appoint - - -

35 COMMISSIONER: I do understand the point.

MR YELDON: Yes, thank you.

40 COMMISSIONER: Ms Saraceni, your objection?

[11.30 am]

45 MS SARACENI: Commissioner, in relation to the reference checks, my learned friend has asked several questions about it. How many reference checks needed to be done as at 1 September is still not clear and on my instructions there was only one outstanding reference check, not reference checks, plural. So perhaps if that could be clarified because that would obviously impact on timing.

Then in relation to negotiating the contract terms, as I understand the evidence, it was a pro forma WALGA contract. Exactly which terms were being negotiated, if my learned friend is suggesting that it was only the remuneration terms, then

5 perhaps that should be made clear because again, the time to negotiate that would be different to time to negotiate terms as to termination, et cetera.

COMMISSIONER: Is it your understanding that reference checks had not been completed and that the terms of the contract had not been negotiated to finality? Is
10 that your understanding?

MS SARACENI: My understanding is that only one reference check was outstanding and that was the United Arab Emirates one.

15 COMMISSIONER: So the answer to my first question is, yes.

MS SARACENI: One reference check, not checks, sir.

20 COMMISSIONER: What about the second part of my question? Is it your understanding that the terms of the contract had not been negotiated - I add the words, to finality but they are probably unnecessary.

25 MS SARACENI: In relation to the contract provisions, my understanding is that they were standard pro forma, there was nothing to negotiate there. It was only the quantum that was being negotiated, sir.

COMMISSIONER: So the answer to my second question is also yes?

MS SARACENI: Yes, but limited in relation to clauses in the contract.

30 COMMISSIONER: Ms Ellson, what do you say in response to Mr Yeldon's objection on construction?

35 MS ELLSON: I can ask the witness an open question with respect to his understanding about that, Commissioner. I can see Mr Yeldon's point with respect to the way point 2 is phrased.

40 COMMISSIONER: Yes. Mr Limnios has already given some evidence about his understanding of the effect of the first and the second of the two motions which you've taken him to, and at the end of the day this might well be a matter for submissions rather than for probing a witness.

MS ELLSON: Yes.

45 COMMISSIONER: Do you want to respond to Ms Saraceni's objection?

MS ELLSON: I can be more precise in my questions, Commissioner, with respect

to referring to terms and provisions.

COMMISSIONER: Yes, I think that would be of some assistance and it would be fair. Very well. Ms Ellson, it's now 11.33, so this is about the time when the

5 Inquiry would have a short mid-morning break. I might just have Mr Limnios brought back in so that what has happened in his absence can be explained briefly to him, and then the Inquiry can take the morning adjournment. Madam Associate, would you please bring Mr Limnios back in. Mr Limnios, please resume your seat in the witness box.

10

MR Dimitrios Athanasios LIMNIOS, recalled on former oath:

COMMISSIONER: Mr Limnios, in your absence two objections were heard and addressed and again, it's probably not necessary for me to say it, but your exclusion from the hearing room is no reflection on you whatsoever?---Thank you, sir.

15 Is it also now time for the mid-morning break, so I will adjourn the Inquiry for 15 minutes?---Thank you, sir.

20

WITNESS WITHDREW

(Short adjournment)

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HEARING RECOMMENCED AT 11.50 AM.

MR Dimitrios Athanasios Joe LIMNIOS, recalled on former oath:

5 COMMISSIONER: Yes, Ms Ellson.

MS ELLSON: Commissioner.

10 Mr Limnios, I took you to the Council meeting on 7 June 2016 where the internally managed recruitment process was discussed, do you recall that?---The minutes?

15 Yes, do you recall me taking you to some minutes in June 2016 relating to the discussion about the recruitment process?---If you did, I accept it.

16 Do you accept that the recruitment process to replace Mr Stevenson began in June 2016?---Yes.

20 And the position had become vacant on 20 January 2016, do you accept that?---If they are the dates that we have looked at before, yes, I do.

25 In the context of the Administration asking for five days to complete their processes, you mentioned that there was an overwhelming view that Perth as a capital city needed stability?---Yes, ma'am.

26 Given the position had been vacant for six months, what had changed in terms of the need to provide stability to the City by September?---No, nothing changed. We were in a difficult patch from that time that we said in January, and the sooner we could stabilise things, the better it was.

30 You hadn't started the process for six months. The process began, the Administration asked for five days, and yet they weren't given it; how can you explain that, Mr Limnios?---From - - -

35 MR YELDON: I object.

COMMISSIONER: Yes.

MR YELDON: The witness will have to go out.

40 COMMISSIONER: Very well. Mr Limnios.

MR YELDON: Just in fairness to Counsel Assisting

45 **WITNESS WITHDREW.**

MR YELDON: It's to the words "and the Administration have asked for five days

and they weren't given it" or words to that effect, and I don't recall - what's being used as the suggestion for, they weren't given the extra days? Is it by some comparison with Ms Howells' email and the resolution on 1 September? So in my submission, there's a premise in the question and it should be set up carefully with the witness.

5 COMMISSIONER: Is that all you wish to say, Mr Yeldon?

10 MR YELDON: Yes.

10 COMMISSIONER: Thank you.

15 MR VANDONGEN: Can I join in the objection, Commissioner? When you look at the resolution that was passed on 1 September, it was clearly conditional upon negotiating the terms of the contract provisions and conducting satisfactory reference checks which were the subject of at least two items on that memo which I don't have access to but which I've seen for the first time this morning.

20 COMMISSIONER: Yes. Thank you, Mr Vandongen. Ms Ellson.

20 MS ELLSON: Commissioner, I'm trying to get to the heart of why the Administration or why the Council did not wait until 6 September when they were asked by the Administration to wait until 6 September, in circumstances where it's clear that there were outstanding terms to be negotiated and reference checks to be completed. I'm asking for the witness to explain evidence he has already given about the fact that there was an overwhelming view that the City required stability, for the five days not to be granted to the Administration. In doing so, I believe that I'm putting the timeline to the witness.

30 COMMISSIONER: Yes, Ms Ellson. I don't think there's any misunderstanding about what you're trying to do, on anyone's part. The objections are based on the route that you are taking to get to that point and if you want to put it a different way, it is, the assumptions that are involved in your question and the characterisation of the evidence that has been led. So if you are able to approach 35 your objective in a different and more precise way by reference to the evidence that has been given, I am relatively confident that there would not be objection to that approach. Are you able to do that?

40 MS ELLSON: Commissioner, I can.

40 COMMISSIONER: Thank you very much. Madam Associate, could you please have Mr Limnios brought back into the hearing room. Thank you, Mr Limnios, please resume your seat in the witness box.

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

COMMISSIONER: Mr Limnios, in your absence two objections were heard, one

by Mr Yeldon on behalf of Ms Davidson, and one by your counsel, and both objections were addressed and again, I say, although it's probably unnecessary, your exclusion from the hearing room is no reflection on you?---Thank you, sir.

5 Ms Ellson, are you ready to proceed?

MS ELLSON: Yes, Commissioner.

COMMISSIONER: Thank you.

10 [12 noon]

MS ELLSON: Mr Limnios, the position of CEO of the City of Perth became vacant when Mr Stevenson left, didn't it?---Yes, ma'am.

15 And you accept that was on 20 January 2016?---Yes, ma'am.

The process to replace Mr Stevenson was decided upon at a Council meeting on 7 June 2016, we have seen that already, do you accept that?---Yes, I do.

20 You raised your concerns about the processing being rushed on 8 June, do you recall giving evidence about that?---If I did, yes, ma'am.

25 On 30 August a memorandum was circulated from Ms Howells asking for more time to complete a number of tasks, do you accept that?---Yes, ma'am.

And a request was made by Ms Howells for the committee meeting, or sorry the Council meeting to occur on 6 September 2016?

30 COMMISSIONER: 6 September?

MS ELLSON: Sorry, a request was made for the Council meeting to occur on the next Tuesday, 6 September 2016?---Yes, ma'am.

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

And the Special Council Meeting occurred on 1 September 2016?---Yes, ma'am.

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

40 And there were still matters outstanding at that point?---Yes, ma'am.

45 In explaining why the Council meeting occurred on 1 September on not 6 September, you said that there was an overwhelming view, or words to the effect that there was an overwhelming view that the City required stability?---Yes, ma'am.

Why was it so important for there to be stability in September?---It was always important and in particular, the issues and the media attention surrounding the capital city during that period of time.

- 5 Which period of time?---That whole few months surrounding various Inquiries and the leaving of the CEO and all of those issues.

COMMISSIONER: I don't understand that answer, sorry. Would you explain that to me, Mr Limnios?---Sorry, sir.

- 10 There's no need to apologise. It's my fault, I don't understand it, that's all?---What I meant by that was that the capital city had a lot of media attention on it at that particular point in time.

- 15 Which point in time are you referring to?---I'm referring, from when the CEO left - Mr Stevenson left and then it just continued and I felt - a lot of us felt that we just needed to try and get this cloud off us so we can move forward, from a media and publicity perspective.

- 20 Was that feeling one that you had from the time of the departure of Mr Stevenson up until this point in time, September 2016?---Yes, sir.

Thank you. Ms Ellson.

- 25 MS ELLSON: Mr Limnios, if it was always important, why did the process to replace Mr Stevenson not start before 7 June 2016?---The Acting CEO at the time was doing a good job and we were comfortable, or I was comfortable.

- 30 Did that change in September 2016?---Did it change whether I was comfortable with the CEO?

Yes, the Acting CEO?---I was comfortable for him to be made the CEO.

- 35 If the Acting CEO was doing a good job and you were comfortable with him, Mr Limnios, wasn't that a stable situation for the City?---It was still an acting environment. So the Directors, the Administration, it was very important for our 750-odd staff to have some completion, some closure. It was a six month period where everything was, from an Administration point of view was unstable because they only had an Acting CEO who was a former colleague, Director. Then we 40 needed to fill that position in Planning as well. That's how I saw it.

Again, Mr Limnios, in those circumstances, why not start the process to replace Mr Stevenson permanently earlier?---I don't know.

- 45 Mr Limnios, by the end of September 2016, were you aware of how much Mr Mileham had been offered by way of a total remuneration package?---By the end of September 2016? From the documentation that I've seen, I assumed it was

what I've seen today.

Which was?---A total package of \$364,000-something cents, I think.

- 5 Mr Limnios, following on from Mr Mileham's appointment, did you form a view about the assessment of his performance within his probationary period?---Yes, I did, ma'am.

What was your view?---I felt that he hadn't completed the KPIs.

- 10 Did you express that view to others?---Yes, I did, ma'am.

Can you tell me when?---Specifically, no, I can't, ma'am, sorry.

- 15 Can you tell me who they were?---I think my opinion was known to the whole of Council.

Did you express your views to the Lord Mayor and Councillor Davidson?---Yes.

- 20 And as part of the CEO Performance Review Committee process?---I'm not sure whether we had a formal meeting afterwards. I think we did at one - I did. I am sure I have advised of my position to the Lord Mayor and Councillor Davidson.

- 25 Can you tell me why you believed Mr Mileham hadn't completed the KPIs within his probationary period?---I can't remember exactly which ones but there were some outstanding that hadn't been met.

COMMISSIONER: Are you asking about why or which, Ms Ellson?

- 30 MS ELLSON: Why.

Can you tell me why you formed the view Mr Mileham hadn't completed the KPIs?---Because at the time I was of the view that what the KPIs that we had set weren't - hadn't been finalised, hadn't been met and - yes.

- 35 Can you tell me which KPIs you didn't feel Mr Mileham had met within his probationary period?---I can't remember clearly but some around financial - some around the financial KPIs, others around a 360 degree feedback process with his subordinates, and I can't remember the others.

- 40 A 360 feedback was not a KPI for Mr Mileham, was it?---I thought I had added - we had added KPIs and that was one of them.

Madam Associate, could you bring up, please, 9.0951, TRIM 17431.

- 45 COMMISSIONER: Thank you.

MS ELLSON: Mr Limnios, do you see here CEO Performance Review Committee minutes, 7 March 2017 and 8 March 17?---Yes, ma'am.

9.0953, please, Madam Associate. Do you see here members in attendance, 5 yourself?---Yes, ma'am.

And then the heading, "7 March 2017"?---Yes, ma'am.

It's a motion in relation to some minutes, do you see that?---Yes, I do.

10 In March 2017 were you aware of the requirement for minutes to be confirmed at the first meeting following on from a committee meeting?---May you please ask that question again. I'm so sorry for this.

15 In March 2017, you were you aware of a requirement for minutes to be confirmed at the next meeting following on from a committee meeting?---That is something that we did in our committees, we would confirm the previous minutes.

20 Can you see here that minutes of meetings of the CEO Performance Review Committee held on 28 October 2014 were confirmed at the meeting in March 2017?---Yes, ma'am.

Together with some other minutes, 19 January 2016, do you see that?---Yes, ma'am.

25 In March 2017, Mr Limnios, were you aware that a committee was required to confirm minutes at its next meeting?---Formally not, but I thought that was the process.

30 Do you accept that the minutes for 28 October 2014 should have been confirmed at the meeting on 19 January 2016?---Yes.

[12.15 pm]

35 Madam Associate, if you could bring up, please, 9.0954. Just take some time to read through the reports, confidential item 6.1, please, Mr Limnios ?---Yes, ma'am.

40 Mr Limnios, the meeting on 7 March 2017 was adjourned to provide you the opportunity to conduct your own individual assessment, is that right?---Yes, ma'am.

Had you done that by the meeting on 8 March 2017?---Yes, from what I'm reading.

45 And you accept from what you're reading here that you attended a CEO Performance Review Committee meeting on 8 March 2017?---Yes, ma'am.

Does what you've read on page 9.0954, Mr Limnios, assist you in recalling what

your concerns were with respect to Mr Mileham completing his qualifying period?---I think what I said earlier, that I felt that he hadn't completed the KPIs.

5 And you had some concerns about the process relating to how Mr Mileham's performance was assessed with respect to it being restricted to the opinion of just three Elected Members?---Yes, ma'am.

10 Can you tell me why you had a concern that Mr Mileham's performance was only to be assessed by three Elected Members?---I didn't think that that was fair, or appropriate. The other Elected Members are elected by the people as well. To have three people's opinion only dominate everybody else's view I didn't think was right and that's why I was pushing to open this up.

15 You raised it with your committee members in this meeting, is that fair to say?---Yes, ma'am.

20 And what response did you receive, if any?---Not supportive of my point of view. From what I remember, I was always told, "No, we are the committee, that's how it's done. We have been given the authority to make these decisions", basically just not supportive at all of my point of view.

Mr Limnios, do you know what railroaded means?---I think so.

25 Did you think you were being railroaded by the other members of the Performance Review Committee?---Yes, ma'am.

What happened after you raised your concerns at the meeting on 7 March 2017?---After I raised my concerns on the 7th?

30 I'm sorry, on the 8th?---I can't really remember but there was a couple of times when I threatened to walk out of the meeting and not participate and what have you. I remember that happening once or twice because I didn't feel that there was fairness but I don't remember if that happened after the 8th or before the 8th, I can't specifically remember, to answer your specific question, ma'am.

35 Perhaps the next page may assist you. 9.0955, please, Madam Associate?---Okay. Yes, ma'am.

40 Turning over the page, Madam Associate. 7 March 2017, 9.0956, do you see there a motion that was moved?---Yes, ma'am.

And you voted against it?---Yes, ma'am.

And the meeting concluded at 3.10 pm, do you see that?---Yes, ma'am.

45 And we have seen that it began at 3 pm, do you accept that?---Yes, ma'am.

So the meeting was 10 minutes long, do you accept that?---(No audible response).

Did you walk out of the meeting, Mr Limnios, because you were being railroaded by Councillor Davidson and Lord Mayor Scaffidi in this meeting?---I don't

5 remember if I walked out in this meeting but did I feel railroaded in this meeting?
Yes.

To what extent, Mr Limnios?---This whole process was dominated by Lord Mayor Scaffidi and Councillor Davidson, from day dot.

10 The document can be taken down, please, Madam Associate.

COMMISSIONER: Before you do that, I just wonder if I might just have it left up for a moment. I have some questions of you, Mr Limnios. When you say that you
15 felt railroaded and the whole process was dominated by the Lord Mayor and Councillor Davidson, what process are you referring to?---This particular - being from time I became involved in this committee. I didn't have any experience of being involved in the employment subcommittee and I was regularly reminded that I didn't know and I didn't have the experience and this is how things are done.

20 Who reminded you of that?---The Lord Mayor and Councillor Davidson.

And you're talking about the CEO Performance Review Committee, are you?---Yes.

25 Can I just take you back, please, to 9.0955. Thank you, Madam Associate. If you look at the first four paragraphs which are in italics and quotation marks at the top of the page, they give the impression that those are the words you used verbatim. Do you recall if those were the words you used verbatim?---I don't recall if it was
30 verbatim but it is very much how I felt and something that I would say.

Believe me when I tell you, Mr Limnios, that in the course of this Inquiry I have seen many, many Council minutes and I look at these four paragraphs and I am not sure that I have seen too many Council minutes which have what appear to be
35 verbatim extracts in them?---Yes.

Do you know why these four paragraphs were put in, in this way?---If I remember clearly, I would have ensured that the minute taker there at the time recorded that I was not happy about what was happening.

40 Why did you do that? Why did you ask for it to be done in this way, please?---Because I wanted my opinion as to why I wasn't supporting the extension on the record.

45 Why was that important?---Because I didn't agree with it, sir. I felt that the KPIs hadn't been finished and I felt that the fact that we were pushing this through without those KPIs having been completed was inappropriate.

Yes. Thank you. Ms Ellson.

MS ELLSON: Madam Associate, could you bring up 9.0979, please, TRIM

5 17432. Mr Limnios, do you recognise the handwriting on this page as your own?---It's not very good, but yes.

Is this a note that you made on 8 March 2017 about your involvement with the CEO Performance Review Committee?---Yes, ma'am.

10 On that date?---Yes, ma'am.

When did you make the note? Were you in the meeting or were you somewhere else?---I don't know whether this was in the meeting or just prior to the meeting
15 where I was putting bullet points down to remind me.

Just take a moment to read through the note, Mr Limnios?---Yes, ma'am.

Does the note accurately reflect what you said to the meeting?---If you compared
20 the two documents, yes.

COMMISSIONER: When two documents?---The one that I just read, the one that you questioned me on, sir.

25 Yes.

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

COMMISSIONER: Sorry, can we just put that back up? Just looking at this,
30 Mr Limnios, bearing in mind, of course, that I didn't write it, to the extent that it reflects your thoughts and not what was said at the meeting, does it accurately reflect your thoughts at that time?---These notes?

Yes?---Yes, sir.

35 To the extent that it reflects your thoughts at that time, did you make those thoughts known to the other members of the Performance Review Committee at that time?---Yes, sir.

40 Thank you. Ms Ellson

[12.30 pm]

MS ELLSON: Mr Limnios, as at 8 March 2017 did you consider that there was not proper and thorough due diligence with respect to the assessment of
45 Mr Mileham's performance?---Yes.

In what way?---I felt that the expectation and the KPIs that we had set, and the expectation we had, or I had, had not been achieved and all I was asking for was an extension of the probation.

- 5 Is that all you wanted, Mr Limnios, some more time to consider Mr Mileham's performance?---No, for Mr Mileham to be able to complete his KPIs.

And for that to occur, you were asking for an extension of his probationary period, is that right?---Yes, ma'am.

- 10 And it wasn't given?---Two against one was the vote, so they didn't.

- 15 The document can be taken down, please, Madam Associate. Did you discuss your concerns or did other Councillors raise similar concerns with you at about the same time this meeting occurred?---Yes, ma'am.

Who were they?---Councillors Harley and Green, that I remember.

- 20 Can you tell me when Councillor Harley raised it with you?---Specifically, I don't remember. We were quite regularly chatting.

Do you know when Councillor Green raised it with you?---Again, the same answer as what I just said, probably around that period, ma'am.

- 25 Madam Associate, if you could bring up 9.0983. Do you see at the bottom of the page an email from Ms Pember, 9 March 2017, "Dear Councillor Green"?---Yes, ma'am.

Can you read through that?---It stops at, "I am unable to".

- 30 Madam Associate, 9.0984?---Yes, ma'am.

- 35 Back to page 9.0983, please, Madam Associate. Above the email from Ms Pember dated 9 March 2017, do you see an email from Councillor Green to Ms Pember, copying in Mr Ridgwell?---Yes, I do, ma'am.

Just take a moment to read through that?---Yes.

- 40 Above that is an email from Councillor Green to yourself and Councillor Harley, 9 March 2017, 9.17 pm?---Mm hmm.

:

- 45 *James, did you know that the previous CEO's probation review was undertaken by an expert external consultant?*

Do you recognise that as an email Councillor Green sent to you on that date?---Yes, ma'am.

Do you have a memory of reading it?---No.

5

Looking at it now, does it help you to remember discussing your concerns with Councillor Green and Councillor Harley?---Yes, I think this is a good document.

What do you now remember about discussing your concerns with Councillor
10 Green and Councillor Harley?---My memories are quite sort of generic, just what I had written in my notes, that I wasn't satisfied with - the KPIs were not met, I wasn't satisfied with that and you know, as I have said before, I just thought that the process could have been just better.

15 Mr Limnios, did you know that Mr Stevenson's probation review was undertaken by an expert external consultant?---No, ma'am. I don't remember that.

You don't remember? Did you discuss with Councillor Green and Councillor Harley the possibility of engaging an external consultant to undertake future
20 Performance Reviews?---I don't remember that either, sorry.

The document can be taken down, please, Madam Associate. Mr Limnios, do you recall a Council meeting on 14 March 2017 where your assessment of Mr Mileham's performance with respect to his KPIs was presented to Council?---I remember a meeting where those discussions were - a Council meeting, yes.

Madam Associate, if you could please bring up 9.1014 - my apologies, that's not the first page of where I'm going, Commissioner.

30 COMMISSIONER: That's all right, no apology necessary.

MS ELLSON: 1007, please, Madam Associate.

Do you see here, Mr Limnios, an Ordinary Council Meeting, 14 March
35 2017?---Yes, ma'am.

9.1009, please. Do you see there, "Councillors present", you're among them?---Yes, ma'am.

40 Do you accept that you attended the Council meeting on 14 March 2017?---Yes, I do, ma'am.

Madam Associate, if you could turn, please, to 14 March 2017.

45 COMMISSIONER: Sorry, turn to what?

MS ELLSON: I'm sorry, 9 .1011.

COMMISSIONER: Thank you.

MS ELLSON: TRIM 17442.

5

COMMISSIONER: Thank you.

MS ELLSON: You see here, Mr Limnios, a confidential item, "CEO probation review" with two attachments?---Yes.

10

13.20A and B?---Yes, ma'am.

Madam Associate, if you could turn, please, to page 9.1052. Mr Limnios, do you see here a probation period review form?---Yes, ma'am.

15

Do you recognise this form as a form you completed on 7 March 2017?---Yes, ma'am.

20

And you've indicated against - I will back up. In section A, "CEO Employment Committee Member reflection of KPI achievements", do you see that?---Yes, I do.

And underneath that, there's a KPI set out and, "Performance not yet satisfactory", you've checked that box, have you?---Yes.

25

Madam Associate, 9.1053. You see there two KPIs set out and you've checked a box, "Performance not yet satisfactory"?---Yes.

Madam Associate, 9.1054. Do you see here a strategic planning item and you've checked, "Performance not yet satisfactory" box?---Yes.

30

Madam Associate, 9.1055. Do you see here two KPIs, Mr Limnios, and you've checked boxes, "Not yet satisfactory"?---Yes.

35

And the score 6 out of 6 in the, "Not yet satisfactory" is checked for you?---That's correct.

9.1056, do you see there, "CEO Employment Committee Member's Assessment"?---Yes, ma'am.

40

Can you just take a moment to read through that for me, please?---Yes, ma'am.

You have put as one of Mr Mileham's most important achievements, "Surviving the environment", Mr Limnios. Can you explain that to me in a little bit more detail?---Well, at that particular point in time, we had - I can't remember, I think we had a new government and it was threatening to sack us from before. There was a lot of media publicity around the City of Perth. The Lord Mayor was undergoing her particular issues with the various authorities and the publicity was

very, very negative. I was hearing regularly from the staff that they were very disheartened and it was a very, very difficult time, probably the hardest time of my life

5 [12.45 pm]

In the next box, Mr Limnios, you've indicated, "Where does he need more development", and in the second sentence you say, "Not being so defensive. Reducing the perception of aggression when feeling under pressure or challenged",
10 do you see that?---Yes, ma'am.

Were there times when Mr Mileham raised with you aggression he felt from
you?---I think maybe once, but that was in response to - usually, it was always in
response to me saying to him - saying something to him, like, "Why are you so
15 defensive", or something like that. It was - I don't recall it being just
straightforward to me.

I'm not sure what you mean by that. You've said you think it happened once, then
you went on to say "usually always in response"?---In response. So I would say
20 he's raised it once or twice possibly, but it was never him coming to me and
saying, "Look, I feel you are being aggressive here", it was when I would say to
him, "Look, I think that this isn't right or you're being a bit aggressive" or, "I'm
feeling this way", he would say, "Well, I'm feeling this way too", that sort of thing.

25 It's not really an area relevant to the assessment of key performance indicators, is
it, Mr Limnios?---I think as a leader of the capital city, you need to be able to be
calm and communicate effectively and have a good working - professional
working relationship with all the people that you deal with.

30 As at 14 March 2017, did you not think you had a professional working
relationship with Mr Mileham?---I thought I did.

9.1057, please, Madam Associate, "CEO self-reflection", do you see that?---Yes.

35 And Mr Mileham has - - -?---Would you like me to read it, ma'am?

I don't intend to ask you questions about the specific content of it, Mr Limnios. Do
you recognise that Mr Mileham has set out in here his self-reflection with respect
to him meeting the KPIs, do you accept that?---Yes, ma'am.

40 COMMISSIONER: May I just have a moment to read it, please, Ms Ellson.

MS ELLSON: My apologies, Commissioner, yes.

45 COMMISSIONER: There's no need to apologise. Yes, thank you.

MS ELLSON: 9.1058. Mr Limnios, have you had the opportunity to read

through that page?---Yes, ma'am.

1059, please, Madam Associate. Have you had the opportunity to read through that page, Mr Limnios?---Just a little bit more. Thank you, ma'am.

5

9.1060, please, Madam Associate?---Yes, ma'am.

9.1061?---Yes, ma'am.

10 9.1062?---Yes, ma'am.

9.1063?---Yes, ma'am.

9.1064?---Yes.

15

9.1065 - actually, back to 1064, please, Madam Associate. A heading at the very bottom of the page, "Employment Committee Member comments", do you see that?---Yes.

20 9.1065?---Yes.

With respect to your - do you recognise what's on page 9.1065 as your comment with respect to Mr Mileham's probation period review?---Yes, ma'am.

25 And is this your overall impression of Mr Mileham in the position of CEO?---Generally, yes.

Can you tell me what you mean by:

30 *I feel he needs more time under probation so that I feel comfortable that the best interests of the capital city stakeholders and Elected Members can be served.*

What does that mean, Mr Limnios?---I felt that he hadn't completed his KPIs.

35

Is that all?---And what I expected from the presentations and the decision that I made, that he provided and the decision that I had made for him to be appointed - sorry, that's what I meant. Would you like me to clarify that again?

40 Yes, please?---Okay. I felt that he hadn't completed his KPIs according to the KPIs that were there but also, when there was the presentation made to us about what his vision was and thoughts were, I thought that that had not yet been completed.

45 Are you talking about the presentation that he made in the second round interviews?---Yes, the overall vision, yes, the overall vision that he was discussing with us.

Mr Limnios, you go on to say that:

5 *Overall I have felt not informed enough, or being provided insufficient background on issues. Not respected as I used to feel I was under with the past leaderships since 2009.*

?---Yes.

10 Can you tell me more about what you mean by that?---Okay. When I was first elected to the capital city, we had a CEO by the name of Mr Frank Edwards who, in my view, was an absolute statesman and a gentleman who would really work closely with the Elected Members and ensure that the relationship was very positive. He ensured that we were briefed on matters regularly, that we were very much part of the importance of the capital city's issues and that's what I was used to

[1.00 pm]

20 You mentioned since 2009, does that include Mr Stevenson as well?---No.

So is it fair to think that you wanted Mr Mileham to be more like Mr Edwards?---I was used to Mr Edwards' style and I appreciated it and yes, it is fair to say that, ma'am, yes.

25 You go on to say:

I don't like the confrontational dialogues that sometimes occur with Martin.

30 Being Mr Mileham?---Yes, ma'am.

Did you and Mr Mileham have a confrontational relationship in the workplace?---Not in the workplace.

35 Outside of the workplace?---Not outside either. Occasionally, probably there would be a misunderstanding of some sort and I just didn't feel comfortable with that.

40 You've used the phrase "confrontational dialogues" though?---Yes, okay. So for example, the tones were - I might say something and there would be an immediate bounce-back response like, "What do you mean by that" or "no, it's not like that", or whatever. That's just an example. I can't remember specifics but it wasn't a situation - in some instances where it was just calm, you know, take what I'm saying on its merits and respond.

45 Madam Associate, 9.1066. Do you recognise this as your overall result for

Mr Mileham?---Yes, ma'am.

And you've checked the box, "Qualifying period not yet satisfactory, further review needed", do you see that?---Yes, ma'am.

5

8 March 2017?---Yes, ma'am.

Did the other members of the committee share your views with respect to Mr Mileham's satisfactory performance?---Do you mean not yet satisfactory performance, you mean?

10 Yes?---No, I don't think they did.

COMMISSIONER: Have you finished with this document?

15

MS ELLSON: Yes, thank you.

COMMISSIONER: Would this be a convenient time?

20 MS ELLSON: Yes, Commissioner.

COMMISSIONER: Thank you. I will adjourn until 2.15.

WITNESS WITHDREW

25

(Luncheon Adjournment)

30

35

40

45

HEARING RECOMMENCED AT 2.16 PM

MR Dimitrios Athanasios LIMNIOS, recalled on former oath:

5 COMMISSIONER: Yes, Ms Ellson.

MS ELLSON: Commissioner.

10 Madam Associate, could you bring up page 9.1018, please. Mr Limnios, do you see here confidential attachment 13.20A?---Yes, ma'am.

Do you recognise it as an employment contract between the City of Perth and Mr Mileham?---Yes, I do, ma'am.

15 Madam Associate, 9.1019, an employment contract with "Review period" and "Obligations" headings?---Yes, ma'am.

9.1020, the heading at the bottom, "Performance Review"?---Yes, ma'am.

20 9.1021, "Remuneration package" at point 7?---Yes, ma'am.

9.1022, "Expenses, motor vehicle"?---Yes, ma'am.

25 9.1023, "Superannuation contribution, general leave entitlements, investigation and suspension"?---Yes, ma'am.

9.1024, "Termination"?---Yes, ma'am.

30 9.1025, "Confidential information and the return of property and intellectual property"?---Yes, ma'am.

9.1026, "Inconsistency and validity"?---Yes, ma'am.

9.1027, "Miscellaneous"?---Yes, ma'am.

35 9.1028, "Employment contract - schedules"?---Yes, ma'am.

9.1029, and a page bearing signatures, the Lord Mayor, Mr Mileham and a witness?---Yes, ma'am.

40 9.1030, "Schedule A - contract details"?---Yes, ma'am.

"Annual remuneration: \$379,950"?---Yes, ma'am.

45 9.1031, "Schedule B - leave entitlements", do you see that?---Yes, I do, ma'am, sorry.

9.1032, "Compassionate leave, parental leave"?---Yes, ma'am.

9.1033, "Community service leave"?---Yes, ma'am.

5 "Public holidays, days in lieu"?---Yes, ma'am.

9.1034 is blank?---Yes, ma'am.

10 Madam Associate, could you bring up, please, 9.1012. The reference to confidential item 13.20 being bound in confidential minute book, I've taken you to the confidential items, do you accept that?---Yes, ma'am.

There's a motion that:

15 *Council approves the satisfactory conclusion of the review period of six months for Martin Mileham, Chief Executive Officer.*

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

20 9.1013, a motion to amend was put and lost?---Yes, ma'am.

And you seconded that?---Yes, ma'am.

You didn't have the numbers to carry the motion, is that right?---Yes, ma'am.

25 Did you hear Councillor Green move an alternative motion, "To revert the matter back to the committee"?---I don't remember, ma'am.

Another motion or the primary motion was put and carried?---Yes, ma'am.

30 And that was the motion we had seen on 9.1012?---Yes, ma'am.

And you voted against that?---That's correct.

35 It was a motion to re-open the meeting?---Yes, ma'am.

You weren't asked to vote at all on the contract, is that correct?---Yes, ma'am.

40 The document can be taken down, Madam Associate. Mr Limnios, do you recall a decision being made in the CEO Performance Review Committee meeting in May 2017 for future reviews of the performance of the CEO to be conducted by an external facilitator?---I again apologise, please repeat your question. I'm sorry.

45 Do you recall attending a CEO Performance Review Committee meeting in May 2017 where a decision was made for future reviews of the CEO's performance to be conducted by an external facilitator?---I don't remember.

9.1117. The TRIM for the last documents, Commissioner, was 17442.

COMMISSIONER: Thank you.

5 MS ELLSON: 9.1117.

Mr Limnios, do you see here CEO Performance Review Committee minutes, 26 April 2017, 29 May 2017?---Yes, ma'am.

10 Madam Associate, 9.1118. Do you see here that you're in attendance?---Yes, I do, ma'am.

On 7 March 2017, do you see that?---Yes, I do, ma'am.

15 There was a motion to accept some minutes or confirm some minutes?---Yes, ma'am.

9.1119?---Would you like me to read it, ma'am?

20 Confidential item 6.1, "CEO Performance Review. Interim adjustment to key performance indicators", do you see that?---Yes, ma'am.

Yes, please read through that.

25 MR VANDONGEN: While Mr Limnios is reading that, can I just approach Ms Ellson?

COMMISSIONER: Yes, please do. Thank you. Thank you, Mr Vandongen.

30 MR VANDONGEN: Thank you.

MS ELLSON: Mr Limnios, do you see the heading at the top of the page, 26 April and 29 May 2017?---Yes, I do, ma'am.

35 And do you see a motion to move minutes of a meeting from 7 March 2017 and 8 March 2017 - I'm so sorry, 9.1118?---Yes, I do now, ma'am.

40 I may have misled you when I suggested you were at a meeting on 7 March 2017, although we have seen that you were. These minutes though must relate to a meeting on 26 April 2017, do you accept that?---Yes, I do, ma'am.

And you accept you were present at a CEO Performance Review Committee meeting on 26 April 2017?---Yes, ma'am.

45 9.1119. Have you had the opportunity to read through the meeting notes, Mr Limnios?---I just got to 19 May. I will just read the last two paragraphs.

I will ask you some questions about 26 April 2017?---Sorry.

Were you in agreement that an external facilitator would be used for future Performance Reviews?---Yes, I would have been.

5

And the minutes indicate:

10 *The Deputy Lord Mayor raised concerns that no financial indicators were listed in the key performance indicators and he wished to have time to consider an appropriate measure for the committee to consider.*

?---Yes, ma'am.

15 Did you come up with one?---Yes, I think I remember I did. Reduce costs, I think that was one of them, operational costs by a certain percentage per annum.

The meeting was adjourned. Were you given extra time to consider the matter?---Yes.

20 A meeting was convened on 29 May 2017?---Yes, ma'am.

And you indicated that:

25 *During these difficult financial times it is incumbent on Council to demonstrate sound financial management, including constraint on employee costs, increasing staff productivity, exploring opportunities for greater revenue returns, whilst ensuring services to the community continue.*

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

9.1120, please, Madam Associate?---Would you like me to read all of this, ma'am?

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

Can you tell me why the CEO Performance Review Committee resolved to adopt an alternative recommendation in this case?---Because I wanted to have financial indicators, KPIs included

40 [2.30 pm]

Was your suggestion later adopted?---I think it was. It was accepted, I don't know if it was actually adopted.

45 You had no other difficulty or you had no difficulties with the members of the CEO Performance Review Committee in getting your views across in respect to this matter, is that fair to say?---No, I did have. That's why they gave me time,

from the 26th, because I wasn't satisfied and I said, "I need some time to think" and they gave me this particular time, because I wasn't satisfied with the original motion. I didn't think it covered.

- 5 Did you have enough time to consider it between 26 April 2017 and 29 May 2017?---Yes.

And did you consider that your views were given adequate consideration in the meeting in May?---The one where we have put the - yes.

- 10 Mr Limnios, key performance indicators weren't developed for Mr Stevenson, do you agree with that?---I don't know because I wasn't part of the committee at the time.

- 15 You became part of the CEO Performance Review Committee after the October 2015 election, didn't you?---That's correct, ma'am.

Do you recall dealing with key performance indicators for Mr Stevenson after that time?---No, ma'am.

- 20 I would like to talk to you now, Mr Limnios, about the Grand Central Hotel. Were you involved in March 2015 in a Council meeting which considered the Grand Central Hotel and its potential listing on the City's CPS 2 Heritage Register?---I don't clearly remember but if there's minutes to say that I was there, I accept them.

- 25 Madam Associate, if you could bring up 27.0501, please. Do you see here some Council minutes for 17 March 2015 which have been certified?---Yes, ma'am.

27.0504, "Councillors present", you among them?---Yes, ma'am.

- 30 Do you accept you attended the meeting?---Absolutely.

- 35 Can you see, although there are no apologies, that Councillor Adamos or Jim Adamos, and Councillor Chen, Lily Chen, and Rob Butler, Councillor Butler, aren't there?---Yes.

27.0507, TRIM 17167?---Would you like me to read that, ma'am?

Yes?---Yes, ma'am.

- 40 Does that remind you that the CPS 2 Heritage Register was being considered with respect to a number of properties?---Yes, it does, ma'am.

- 45 Do you recognise the material on the page as being a report from the Sustainable City and Development Unit in the City?---Yes.

27.0508, please, Madam Associate?---Would you like me to read that as well?

Do you see there legislation, Strategic Plan Policy, and some legislation set out?---Yes, ma'am.

5 27.0509. Do you see there some details and a methodology and a heading, "Identifying Heritage Places"?---Yes, I do.

27.0510, "Progressing assessments. Heritage Assessment criteria and levels of significance", do you see that?---Yes.

10 27.0511, "Adding, deleting and amending register entries" and a bold heading, "Associated CPS 2 amendments", do you see that?---Yes, I do ma'am.

15 27.0512, "Draft Planning and Development, Local Planning Scheme Regulations 2014"?---Yes, ma'am.

Introduction of the heading "New Planning Policy"?---Yes.

20 Would you read under that heading for me?---Yes, ma'am.

Madam Associate, 27.0513. Read this page for me, please, Mr Limnios.

25 You've read that?---Yes, ma'am.

27.0514, would you read through that for me, please?---Yes, ma'am.

I'd like you to talk me through what happened there, Mr Limnios, and I would like 30 to start to talking to you about 27.0513, two particular paragraphs here?---Where?

In the middle of the page?---We are on 14.

I'm sorry, 0513, please, Madam Associate, middle of the page, the paragraphs 35 which start:

In accordance with the above, the City has prepared a list of Heritage Places that have been identified for further investigation on the basis that they are/have a construction date prior to 1940, have been classified by the National Trust and/or where the Heritage Council has determined that the place does not meet the threshold for entry into the State Register (refer to Confidential Schedule 11).

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

45 Confidential Schedule 11, Madam Associate, please, 27.0518. Do you see there a list of properties?---Yes, I do, ma'am.

Including Rosie O'Grady's, the Motor House, Grand Central Hotel, Kastellorizo, for example?---Yes, I do, ma'am.

- 5 27.0519. I won't go through them all, Mr Limnios, but there were some photos attached to the Confidential Schedule, do you accept that?---Yes, ma'am.

Going back to 27.0513, in the middle of the page:

- 10 *The City wishes to compile assessment documentation of these places in the context of the State Heritage Office's assessment criteria, and consult with the owners with respect to the possibility of listing the properties in the City's Heritage Register. The assessments and results of consultation will be presented to the Council for a decision on whether the possible registration should progress to formal owner consultation in accordance with the CPS 2 requirements or not.*
- 15

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

- 20 So is it correct to think that Grand Central Hotel was one of a number of properties being considered for entry on the CPS 2 register at this stage?---Yes, ma'am.

- 25 And that the City was seeking Council's approval to conduct assessments of the places and to consult with the owners with respect to the possibility of listing the properties?---Yes, ma'am. Sorry, can you take me - - -

27 - - -?---Sorry.

27.051 - - -

- 30 COMMISSIONER: Mr Limnios, did you want to look at something again?---Yes, please.

- 35 Yes?---Can I have a look at the beginning of the - what it is, just in case I've misunderstood because of the amount of documents that you've taken me through. I'm very sorry, ma'am.

There's no need to apologise, Mr Limnios. You're entitled to look at these things properly?---In relevance to your last question.

- 40 MS ELLSON: Which beginning, Mr Limnios?---The one where you stated that we were voting on the Council approving for the Administration to do assessments, that particular question. I think it was your last one. I just want to see whether this document at the beginning relates to that so I can agree with you.

- 45 I see?---That's all.

Perhaps 27.0514 will assist you?---Okay.

Is that what you meant, Mr Limnios?---Yes.

- 5 So is it correct to think that the Administration were seeking Council's approval for further assessment of the properties?---Yes, ma'am.

As well as consultation?---Yes.

- 10 Is it correct to think then that the further assessments would not occur if Council did not approve for that to occur?---I think so, yes.

The motion you moved, Mr Limnios, that:

- 15 *Council refer consideration of the report titled, "Proposed principles of new City Planning Scheme No 2, Planning Provisions and Policy, Heritage Assessments and Registrations back to the Planning Committee.*

- 20 Are you able to tell me why you moved that motion?---I personally have a property background

[2.45 pm]

- 25 Sorry, you have a property background?---I have a property background and I have experienced over time the difficulty that property owners could face if careful consideration has not been given and just blanket type of approvals or administrative concepts come up and say, "Well, we think this has got heritage significance", for whatever reason and then all of a sudden the owner of that

- 30 property has to go through a whole lot of red tape to be able to - whether it is renovate, demolish and redevelop their properties. It incurs, in many instances, a reduction of property value. It incurs issues and costs associated with that particular property that otherwise wouldn't be there. So I wanted to ensure that we were really looking at this very carefully and that we weren't opening a situation where a member of Administration or a member of the public could just say, "That's very heritage significant for me, so therefore put it on the Register."

The City was going to conduct further assessments and consult with the affected owners if it went to Council though, wasn't it?---Yes, ma'am.

- 40 Did you think that the matter was not being looked at carefully?---I was very, and I become very careful and concerned when a local authority is given power to just go and put something under a particular register or give it a classification that could negatively affect it. So that's all I was worried about.

- 45 That wasn't going to happen without further assessment and consultation though, was it?---In the marketplace, if you do your due diligence and a particular property

is under consideration for Heritage Listing, it could affect the way that property's handled in the market, or the desirability of it. That is my experience.

5 The properties weren't going to be de-identified for potential heritage registration by sending them back to committee, were they?---No.

So what your last point was, is really a moot one?---Sorry, what do you mean by "moot"?

10 Ineffective, doesn't make sense?---I think, in my opinion it does. I'm sorry if it comes across as it doesn't.

15 COMMISSIONER: Can you explain that to me, please, Mr Limnios?---What I was trying to say before was that if a property is seen as very much identified as going to have Heritage Listing or heritage issues associated with it, it creates a market perception that it's going to lose value or become more difficult to use. So the fact that Council, as Elected Members, in my view, was showing that we were being very careful about how we were treating the officers' recommendation, would give confidence that we weren't, as an elected body, or me as an Elected
20 Member, going to start being just very flippant and blatant about which properties we would allow or want to see on the Register. That's what I meant by it, sir.

I understand, thank you.

25 MS ELLSON: Mr Limnios, as at March 2015, the 17th, were you aware the Lord Mayor had a financial interest in the Grand Central Hotel?---Yes, because she excused herself from the meeting.

30 She excused herself from the item which dealt with a number of properties. Did you know that she had an interest in the Grand Central Hotel specifically before or as at 17 March 2015?---I think as at, I knew, and it could have been before as well, I just don't clearly remember when I found out.

35 27.0515. A reason is recorded for the motion being different from the officers' recommendation:

40 *As Council were concerned that consultation with the people affected or potentially affected had not taken place and therefore agreed that the item should be referred back to the Planning Committee for further consideration.*

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

45 Mr Limnios, consultation was going to take place if Council approved the officers' recommendation, do you accept that?---Yes, I do, ma'am.

So there was no reason for Council to be concerned that consultation with the

people affected was not going to take place, was there?---I think our concern was "had not", because it hadn't taken place yet. Anyway, that was my position. I just didn't think that it should be sprung on the landowners.

5 Initial consultation was going to occur one way or the other, wasn't it?---Yes, ma'am.

By referring the matter back to the Planning Committee, the assessment of the properties was delayed, wasn't it?---Yes, I would assume.

10 Do you consider the delay in the assessment of properties to be in the best interests of the City when we are thinking about a Heritage Register?

15 MR VANDONGEN: I object. That's a very general, open-ended question.

COMMISSIONER: Thank you, Mr Vandongen. Yes, Mr Yeldon.

MR YELDON: I have another point to raise by way of objection in the absence of the witness.

20 COMMISSIONER: Very well. Mr Limnios, you might be excused?---Thank you.

WITNESS WITHDREW.

25 COMMISSIONER: Yes, Mr Yeldon.

MR YELDON: Thank you, Commissioner. At this point in time these minutes verify that the Heritage Planning Policy of the City was not finalised. There could 30 be no assessment finalised before the Heritage Planning Policy was established. Counsel's questioning is therefore proceeding on an improper basis.

COMMISSIONER: I understand. Ms Ellson, first of all, can you deal with the objection raised by Mr Vandongen with a more precise set of questions?

35 MS ELLSON: I can be more precise, Commissioner, yes.

COMMISSIONER: Very well. What do you say about the objection raised by Mr Yeldon?

40 MS ELLSON: I'm not asking the witness about anything more than the delay, the reason for it and for his comments in relation to his reasons for it.

45 COMMISSIONER: Mr Yeldon's point is, as there was no procedure, there could be no consultation which you anticipate. Am I right, Mr Yeldon?

MR YELDON: Yes. The whole - - -

COMMISSIONER: I understand.

MR YELDON: Yes.

5

MS ELLSON: I can ask the witness about that by referring him to 27.0513 and the two paragraphs I've already taken him to, Commissioner.

10 COMMISSIONER: Madam Associate, can I just have you bring up 27.0513, please. Which part do you intend to take him to, Ms Ellson?

MS ELLSON: 27.0513, the two paragraphs I read aloud.

COMMISSIONER: Yes.

15

MS ELLSON: And to provide context, 27.0512.

COMMISSIONER: Just let me have a look at these two paragraphs first.

20 MS ELLSON: Yes.

COMMISSIONER: Yes, and you want to go to 27.0512 now?

MS ELLSON: Yes, please, under the heading, "New Planning Policy".

25

COMMISSIONER: Yes.

MS ELLSON: And 27.0514 which explains the effect of all of that, second paragraph.

30

COMMISSIONER: What about the first paragraph that refers to, "The draft Heritage and Registrations Planning Policy"?

MS ELLSON: If I may have a moment, Commissioner.

35

COMMISSIONER: Yes.

MS ELLSON: That provides context, Commissioner.

40 COMMISSIONER: The complaint is that the policy wasn't in place yet.

MS ELLSON: The City had interim measures described in the second paragraph on 27.0514, which involved moving the matters along in particular circumstances, which include circumstances in which the properties - - -

45

COMMISSIONER: Just let me look - - -

MS ELLSON: - - - have been identified.

COMMISSIONER: Sorry, I didn't mean to speak over you. Let me just look at that paragraph, thank you. Where does it say the interim measure provides for consultation?

MS ELLSON: It doesn't. I understand Mr Yeldon to be talking about assessments.

10 COMMISSIONER: That is right, Mr Yeldon?

MR YELDON: Yes, an assessment could only be made under the policy. The question wasn't asked on whether it delayed an interim assessment, it was "the assessment".

15 COMMISSIONER: So if the question were framed more precisely, would that deal with your difficulty?

20 MR YELDON: Yes. My point is there could be no assessment until, on this minute, after July 2015.

COMMISSIONER: I see.

MR YELDON: Thank you.

25 COMMISSIONER: Thank you. I'm just pausing, Ms Ellson, because I notice that Mr Vandongen is in conferral at the moment and there may be something arising out of that. Best to deal with all of the objections at the one time.

30 MR VANDONGEN: I don't have anything to say.

COMMISSIONER: Thank you, Mr Vandongen. That simplifies the task. Ms Ellson, on that basis it seems to me that you are able to deal with both of the objections by a more precise set of questions.

35 MS ELLSON: Yes.

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

MR Dimitrios Athanasios LIMNIOS, recalled on former oath:

40 COMMISSIONER: Mr Limnios, in your absence, two objections were raised and dealt with and again, I say that your exclusion from the hearing room is no reflection on you?---Thank you, sir.

Ms Ellson.

[3.00 pm]

5 MS ELLSON: Commissioner.

Mr Limnios, if you could turn your attention, please, to the first two paragraphs under the two dot points on 27.0514?---Yes.

10 Please tell me when you've read them?---Yes, ma'am.

15 Mr Limnios, reading that, does it change your response to my question asking you whether you understood the assessment of a property to be delayed because the matter had been referred back to committee?---I agreed for it to go back to committee.

And that delayed an assessment, did it?---That would have delayed an assessment, yes.

20 COMMISSIONER: Mr Yeldon.

MR YELDON: It's the same point. Counsel Assisting is referring to it as "an assessment" without qualification. That is my objection.

25 COMMISSIONER: Yes. Ms Ellson, I know that you've taken Mr Limnios to the second full paragraph on that page but we may be able to move through this more quickly if you are even more precise in your questions.

MS ELLSON: Mr Limnios, do you see here:

30

Once the West Australian Planning Commission has finalised the draft Planning and Development Local Planning Scheme Regulations the City will be informed of what changes will be required to the CPS 2.

35 Do you see that?---Yes.

:

40 *Given this, and that possible CPS 2 amendments are also being investigated as part of finalising the new policy, it is considered premature to finalise the new Heritage Planning Policy.*

Do you see that?---Yes.

45 :

The City proposes interim measures. In the interim, the City will only

progress Heritage Assessments where a landowner nomination or Development Application involving demolition has been received, or where information suggests that a place may be of cultural heritage significance to the City.

5

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

10 Do you understand that the officers' recommendation for Council to approve further assessment would occur in the interim manner suggested in the paragraph I've just read to you?---Yes, ma'am.

:

15 *In each instance Council will determine when an assessment will progress to the formal owner consultation stage prior to a declaration being made, which is a current CPS 2 requirement.*

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

20 Is it the case, Mr Limnios, that a Heritage Assessment for the Grand Central Hotel and other properties would be delayed as a result of the matter going back to committee?

COMMISSIONER: When?

25

MS ELLSON: From 17 March 2015?---I don't know how long the delay would be, and even if there would be a delay. I'm not sure.

30 It's for Council to determine when an assessment will progress, is that right?---Yes, ma'am.

So the matter would need to go back to the - the matter's being referred back to a committee, do you accept that?---Yes.

35 The Heritage Assessment would only progress "where information suggests that a place may be of cultural significance" and it's for Council to determine when an assessment will progress, do you understand that?---Yes, I do, ma'am.

40 So if the matter goes back to committee, no decision will be made by the committee to determine that an assessment will progress, do you accept that?

COMMISSIONER: No decision will be made by who?

45 MS ELLSON: The committee. The committee's not involved in determining when an assessment will progress, do you accept that?

COMMISSIONER: Just ask that last question again, the one before the one

you've just asked.

MS ELLSON: In the case of the Grand Central Hotel, Mr Limnios, you accept that information suggests that it may be a place of cultural heritage significance to the City?---Yes, ma'am.

And the matter is being referred back to the committee, yes?---Yes, ma'am.

And it's for Council, not the committee, to determine when an assessment will progress to the formal owner consultation stage?---Yes, ma'am.

So while the matter sits with committee, a decision is not being considered as to whether an assessment will progress, is that right?---Yes, ma'am.

So for as long as the matter sits with the committee, there's no assessment, is that right?---Yes, ma'am.

COMMISSIONER: Mr Yeldon.

MR YELDON: No assessment on what?

COMMISSIONER: Mr Yeldon.

MR YELDON: Is this the Grand Central Hotel or all the properties?

COMMISSIONER: I understand the point, but really.

MR YELDON: Thank you.

COMMISSIONER: You had better ask, make it clear, assessment by whom and then we will move on.

MS ELLSON: Mr Limnios, do you accept that while the matter sat with the committee, there would be no Heritage Assessment of the Grand Central Hotel for the duration that it was with the committee?

COMMISSIONER: By the Council.

MS ELLSON: By the Council?---Yes, ma'am.

I will move on now, Commissioner.

COMMISSIONER: Yes, please.

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

Mr Limnios, did you move the motion to return the matter back to committee

because the Lord Mayor suggested that you do that?---No.

Are you sure, Mr Limnios?---To the best of my knowledge, no, but if there is any documents pertaining to me that says otherwise, I will agree, but I don't remember,
5 sorry.

Does that seem something that you'd be likely to do, Mr Limnios?---Not usually,
no, but there was - - -

10 But sometimes?---No - in terms of what, sorry? But sometimes, in terms of?

Would you sometimes move a motion because it was what the Lord Mayor asked
you to do?---I may have in the past. I don't remember specific motions.

15 Why would you do that, Mr Limnios?---Because I could be - I would be in
agreement with the thinking.

Mr Limnios, had the Lord Mayor, before the meeting on 17 March 2015, told you
what her thinking was with respect to the Grand Central Hotel item that Council
20 considered that day?---Yes, in the whole of the item, not specifically to Grand
Central, from what I recall, in a WhatsApp. It was to do with the whole item, not
specific to her property.

What is it that you recall in a WhatsApp, Mr Limnios?---I think she brought to my
25 attention, because I saw it recently, she brought to my attention, "Have you seen" a
particular item on the agenda? It was about a blanket sort of listing, or a potential
listing of all these different properties and I think I responded, "Look, I haven't
seen it yet, where is it", and then I managed to see what it was and I think she
referred to John Kanis' property and a couple of other properties. That's what I
30 recall.

You have a very good memory about an event - - -

MR VANDONGEN: With respect, Mr Limnios said he had seen it just recently.

35 COMMISSIONER: Yes, and it's a comment, Mr Vandongen and I take on board
the objection.

MS ELLSON: Mr Limnios, the specifics of the conversation, are you recalling
40 that without the aid of looking at anything?---No. What I did recently was I looked
at my mobile phone, my WhatsApp messages and I tried to look at things that were
relevant to what I knew I was going to be questioned on, and I found that in there,
and I remember that. That's why I remember those details, but I can assure you, I
have the worst of memories, for a variety of reasons.

45 It seems to be a problem among several of the witnesses before this Inquiry.

COMMISSIONER: Ms Ellson, I don't think that's necessary. Thank you.

MS ELLSON: Commissioner.

5 Mr Limnios, did you move the motion to return the Grand Central Hotel back to the committee because the Lord Mayor suggested that you did it?

MR VANDONGEN: I object.

10 WITNESS: It wasn't the - - -

COMMISSIONER: Just hold on. Please wait?---I'm sorry, sir.

That's all right. Yes, Mr Vandongen.

15 MR VANDONGEN: The motion was not in relation to the Grand Central Hotel.

COMMISSIONER: Ms Ellson.

20 MS ELLSON: Commissioner. Would you like me to respond to the objection?

COMMISSIONER: If you wish to, yes. I'm giving you the opportunity.

MS ELLSON: I can move on, Commissioner, and rephrase my question.

25 COMMISSIONER: All right, thank you. That will be helpful.

MS ELLSON: Mr Limnios, on 17 March 2015 when you proposed the motion to return consideration of a number of properties back to committee, did you do so 30 because the Lord Mayor had asked you to?

MR VANDONGEN: Again, I object. The motion is quite clear, it's referring consideration of the report back to the Planning Committee.

35 COMMISSIONER: Thank you, Mr Vandongen. Ms Ellson.

MS ELLSON: I will be clearer.

COMMISSIONER: Thank you.

40 MS ELLSON: Mr Limnios, on 17 March 2015 did you move a motion to refer back to the Planning Committee consideration of the report titled, "Proposed principles of new City Planning Scheme No 2, Planning Provisions and Policy, Heritage Assessments and Registrations" back to the Planning Committee because 45 the Lord Mayor asked you to?---I don't recall the Lord Mayor asking me to specifically do that, but again, if there is a message or something that I haven't seen or don't remember, I will not deny it.

Did you speak to the Lord Mayor about her property on or around 17 March 2015 - I'm talking about conversation face-to-face?---I can't remember if I did, ma'am. I can't remember.

5

Was it something that from time to time you did speak to the Lord Mayor about?---Not that I remember.

10 Did you raise the subject of the properties proposed for consideration for further assessment and consultation on 17 March 2015 with the Lord Mayor the day before?---I don't remember if I raised it, but there was a - I don't know the dates but I recall a WhatsApp message. I don't know what date that was. That's all I remember

15 [3.15 pm]

Mr Limnios, you've mentioned a WhatsApp message; would you from time to time communicate directly with Ms Scaffidi using your telephone?---Absolutely, yes.

20 Ending in number █?---Yes, ma'am.

On WhatsApp?---Yes, ma'am.

25 Madam Associate, if you could bring up, please, 14.1721. Do you see here, Mr Limnios, something entitled, "Chat 154"?---Yes, I do, ma'am.

With the start time 11 March 2015, last activity, 22 April 2016?---Yes, ma'am.

30 And underneath that do you see, "Participants." You recognise Ms Scaffidi's name, do you recognise the number?---I recognise mine. I don't remember her number off by heart but I think it could be.

Do you recognise your own number next to that?---Yes, I do.

35 Underneath do you see a stream of messages, ostensibly between yourself and Ms Scaffidi?---Yes.

With a source app, WhatsApp?---Yes.

40 Do you accept that this is a record of your WhatsApp chats between yourself and Ms Scaffidi?---Yes, ma'am.

I will just ask you to consider a message or the messages on this page, Mr Limnios?---Yes, ma'am. There's some that don't have anything there. It just says, "Body", and it's blank.

45 It appears that sometimes any pictures or links that are attached don't show up,

Mr Limnios, would you accept that?---Yes.

Mr Limnios, in the middle of the page do you see there:

- 5 *Boss, did you read my response to Louise who took some time to respond to my initial email.*

Do you see that?---Yes.

- 10 Do you accept that's a message directed to Ms Scaffidi?---Yes.

Can you tell me why you refer to Ms Scaffidi as "boss"?---It was a bit of a joking thing. She was the Lord Mayor, the boss, so call her boss.

- 15 It wasn't because she directed you what to do from time to time?---That's one thing that would never happen. I don't - I would never accept that.

- 20 In relation to the events concerning Mr Mileham's appointment, you described the Lord Mayor and Councillor Davidson as railroading you?---That's correct, in that process.

Did that kind of conduct not extend beyond the process concerning Mr Mileham?

- 25 COMMISSIONER: Just before you answer that. I'm not sure I understand that question.

MS ELLSON: Yes, Commissioner.

- 30 Were you ever railroaded - I withdraw the question. From time to time the Lord Mayor would express her wishes to you, would she?---Yes.

Would you she do that quite firmly in some instances?---In some instances she made her opinion known and she didn't shy away from it.

- 35 When that happened, would you go along with her opinion?---Not necessarily, unless she had a good enough explanation.

Madam Associate, if you could bring up, please, 14.1722. Mr Limnios, I will ask you to read from time stamp 16 March 2015, 9.47 pm.

- 40 COMMISSIONER: That's the one in the middle of the page, is it?

MS ELLSON: It's the fourth segment down, just above the middle, Commissioner, yes.

- 45 COMMISSIONER: Thank you.

WITNESS: Yes, ma'am.

MS ELLSON: You say:

5 *Lisa, I can't see the list of proposed properties for consideration in Heritage List in schedule?? Should we return this to Planning Committee for further discussion.*

?---Yes.

10 Can you tell me why you asked those questions?---As I've said earlier, I have concerns when properties are going to be put under Heritage Listing. I hadn't, at that particular date, up to that particular point, I wasn't even aware of what was going on and in my view, trying to rush, or trying to put something as serious as 15 this through without the time to reflect upon it, was not something I would want to support.

What made you think that the process was being rushed, Mr Limnios?---I didn't know about it.

20 Just because you didn't know about it doesn't mean the Administration or the committee were rushing though, does it?---That was the first time I had heard about it, when it was brought to my attention, so I needed time to know what's going on, what is it?

25 So you were in a rush to find out more information, that's a better way of thinking about it, isn't it?---No, I tried to find out information.

30 Mr Limnios, you said that you weren't even aware of what was going on. How did you know to ask Ms Scaffidi a question about the consideration in the Heritage List in the schedule?---Because there is - there must have been a message from here. I think where these ones are missing, must be voice messages and there must have been a voice message that I heard or was brought to my attention, or I saw it somewhere. I don't know.

35 Mr Limnios, had you spoken to Ms Scaffidi about her property in the evening of 16 March 2015?---I don't remember, ma'am.

Ms Scaffidi replies to your message by writing:

40 *It's in the Confidential Schedule, not attached to the other public schedules. Lily and Rob away tomorrow. Best thing is deferral to committee for discussion after property owners have been contacted and not before, as they are suggesting!!!! It's a weird approach. Talk to Janet ahead of meeting tomorrow night. Also, a Chair will be needed for that item so probably best to nominate her, L.*

Do you see that?---Yes.

Mr Limnios, did you defer the matter to committee for discussion?---I think that's what we saw in the minutes before, that I moved a motion to defer it for - back to committee.

5 Was that because Ms Scaffidi had told you that it was the best thing to do?---No, I agreed with her because - and I sort of made my position clear here: "Okay, I didn't have that list in my pigeonhole. I am concerned at the cost to owners and red tape this will create", so I agreed with the sentiment of the pushing it back.

10 Just to be clear, your reply says: "Okay, I didn't have that list in my pigeonhole. I am concerned at the cost to owners and red tape this will create?---Yes.

15 15 What list in your pigeonhole are you talking about, Mr Limnios?---The list of proposed properties for Heritage Listing, as part of that general, broad motion.

The conversation goes on, 9.51 pm, "Thanks, agree"?---Where's that?

20 20 I'm sorry, 9.51 pm, Madam Associate, 14.1723. For the transcript, Commissioner, TRIM 22552?---Yes, ma'am.

And the message underneath that from Ms Scaffidi:

25 *It's not saying they will be listed. It reads like someone creating work for the admin. Whole thing is weird. The properties listed include Rosie O'Grady's, Chris Brockwell, John Kanis' property, Plaza Arcade and others.*

30 30 Do you see that?---Yes, ma'am.

Did you believe that the recommendation for Council to approve Heritage Assessments and consultation for the properties was creating work for the admin?---I never said that.

35 35 Did you share the view expressed in the message?---No, not necessarily. I have no view about it.

40 40 Mr Limnios, is it a coincidence that you had that message exchange with the Lord Mayor the evening before the Council meeting on 17 March where you moved a motion to refer back to the Planning Committee the report titled, "Proposed principles of new City Planning Scheme No 2, Planning Provisions and Policy, Heritage Assessments and Registrations" back to the Planning Committee?---I regularly communicated with Lisa so it doesn't surprise me that I did the evening 45 before that meeting.

It's not a coincidence, is it, that you had that discussion with the Lord Mayor and

then what she had invited you to consider occurred, is it?---As I said, sorry, ma'am, I regularly communicated with Lisa, both on the phone or by WhatsApp or text messages, so it does not surprise me at all.

- 5 Madam Associate, 27.0518 - my apologies, Commissioner. 27.0507. Councillor Limnios, you nominated Councillor Davidson to preside over the meeting, do you see that?---Yes, I do

[3.30 pm]

- 10 Ms Scaffidi had asked you to "talk to Janet ahead of meeting tomorrow"?---Yes.

And also said, "Also, a Chair will be needed for that item so probably best to nominate her", do you see that?---Yes.

- 15 And you did that?---Yes, I did.

Did you do that because Ms Scaffidi asked you to do that?---No, I agreed that Councillor Davidson was one of the most experienced out of all of us and that that would be a good move.

20 Is it a coincidence?---Not necessarily. I agreed with the statement she had made in our communication, so I was happy to nominate Councillor Davidson.

- 25 It's not a coincidence, Mr Limnios, that the evening before the meeting, Ms Scaffidi had said to you, "A Chair will be needed for that item so probably best to nominate her", and you nominated Ms Davidson at the meeting the next day, is it?---No, I agreed with her. I agreed with her.

30 It's not a coincidence, is it?---No, it's an agreement - I was in agreement with the way she was thinking, ma'am.

35 Mr Limnios, did Ms Scaffidi direct you to her property in the Heritage List schedule or the Confidential Schedule attached to the Council minutes?---When? I don't remember that, ma'am.

Before the WhatsApp messaging?---I don't remember that.

Madam Associate, the document can be taken down.

- 40 COMMISSIONER: Before we leave this topic, or this area, Madam Associate, would you just bring up 14.1722 again, please. Mr Limnios, I want you to look at a passage to which you were taken by Counsel Assisting. It's the entry just above the middle of the page at 9.47.16?---Yes.

45 Just take a moment to read that to yourself and tell me when you've done that, please?---Yes, sir.

So you asked the question, "Should we return this to Planning Committee for further discussion", do you see that?---Yes, I do, sir.

- 5 At that stage you hadn't seen the list of proposed properties referred to above it, had you?---No.

So just for my benefit, why did you ask the question in that way?---Because I wasn't aware of what it actually - what the whole proposal was and what the
10 recommendation was - it was commonly done at Council to refer matters back to committees so we could expand on things or find out further information or have the ability to put our views forward, and that was the only reason, sir.

Yes. Thank you. Thank you, Ms Ellson.

- 15 MS ELLSON: Commissioner.

COMMISSIONER: Take that down, please, Madam Associate.

20 MS ELLSON: Mr Limnios, at some point in September 2016, did you become concerned that there was a delay with the proposed registration of the Grand Central Hotel on the City's CPS 2 Heritage Register?---I don't remember specific dates but if you show me the dates I will probably agree with you because there was a time that I was.

- 25 There was a time where you were concerned?---Absolutely, yes.

Before I show you the dates, Mr Limnios, can you tell me why you became concerned?---There was a lot of media publicity again around that time and
30 suggestions that there was interference and that this particular property was being delayed on purpose. I don't remember exactly when but I was sent an email from Councillor Green that stated that she had some information that suggested the same. So I was a little bit concerned.

- 35 Independently of Councillor Green, did you form a view that the potential registration of the Grand Central Hotel was being delayed on purpose?---I did reach that conclusion at some point in time. I don't remember the exact dates but I did reach that conclusion.

40 Before or after Councillor Green raised the issue with you? Did you come up with that view by yourself?---I started feeling that something wasn't right.

Why?---I don't remember specifically. It could have been some of the reporting in the media at the time, conversations with Councillor Harley, Councillor Green. I
45 don't remember when but a member of the Administration brought to my attention that they were concerned that this was happening and I don't remember the specific dates, it's so long now. These are the whole - all of the reasons - not all but the

reasons that come to mind at this particular point in time.

Was there anything that you saw or heard in Council or committee meetings which gave you the impression that the movement of the Grand Central Hotel through the
5 Heritage Register process was being delayed on purpose?---I was told or shown an email, I can't remember, but there was a report that suggested that it needed to go, to get registered and that that report was withdrawn and delayed.

Do you know when that happened?---I don't remember dates, ma'am, I'm very
10 sorry.

COMMISSIONER: Do you remember what kind of report it was?---The recommendation for the building to be listed, that report, sir.

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

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

Ms Ellson, is this something you intend to explore?

25 MS ELLSON: I'm thinking about that on my feet, Commissioner. I might need to do that a little bit further and come back to it if need be.

COMMISSIONER: I'm proposing to take a short break shortly because Mr Limnios has been in the witness box for now a considerable time. Would it
30 suit you if that break was taken now?

MS ELLSON: Yes.

COMMISSIONER: I will adjourn for 10 minutes.

35

WITNESS WITHDREW

(Short adjournment)

40 **HEARING RECOMMENCED AT 3.54 PM**

MR Dimitrios Athanasios LIMNIOS, recalled on former oath:

COMMISSIONER: Yes, Ms Ellson.

45

MS ELLSON: Commissioner.

Mr Limnios, at some stage did you try to convince Councillor Chen to vote in favour of moving the Grand Central Hotel through the heritage registration process?---I'm not sure if I did. I tried to bring to her attention the facts and best practice.

5

Why?---I was concerned that she possibly would be influenced.

Why?---Because of behavioural patterns in the past on particular motions.

10 Whose behavioural patterns?---Councillor Chen.

In terms of what?---Following the Lord Mayor's lead.

Was there some reason you didn't want Councillor Chen to follow the Lord
15 Mayor's lead with respect to the Grand Central Hotel's movement through the Heritage Register process?---I just thought that it was important for Councillor Chen to realise that this property had to be registered.

Why Councillor Chen?---Because I probably felt at the time that she was reasonable and someone that I could - I had the comfort to communicate with.

Was the Lord Mayor leading the movement of the Grand Central Hotel through the heritage registration process before you decided to ask Councillor Chen to vote with you?

25

MR van der ZANDEN: Objection. That's a very general - - -

COMMISSIONER: I agree, Mr van der Zanden. It's a problematic question, Ms Ellson, for a number of reasons.

30

MS ELLSON: Mr Limnios, did you see or hear anything up to the time you communicated with Councillor Chen about her decision to vote on the Grand Central Hotel that led you to believe the Lord Mayor was taking the lead on the matter?---I don't remember anything specifically, no.

35

Something?---No.

Mr Limnios, from time to time did you communicate with Councillor Chen using SMS messages on your mobile phone?---Yes.

40

And on your wife's mobile phone?---Possibly.

Did you from time to time use your wife's mobile phone to communicate with Councillors, including Councillor Chen?---Not that I remember. I've got two mobile numbers, maybe you could be confused.

I will show you the number?---Yes, okay.

Madam Associate, if you could bring up 27.3455. Mr Limnios, do you see here a document headed, "SMS extract from Councillor Limnios' iPhone"?---Yes.

5 And an identified number ending [REDACTED]?---Yes.

And a note that [REDACTED] pertains to your wife?---No, ma'am. I need to help you here.

10 Good?---That is my number that I've had for 25 years and I have another number which I'm very happy to share with you, that's on my Council card which is [REDACTED]. I'm very happy for you to know that. My wife is Eleanor - - -

15 COMMISSIONER: Just pause for a moment. I just might remind those who are listening to the proceedings live that there is a suppression order in place in respect of personal details, including mobile telephone numbers. Please continue?---Thank you, sir.

20 MS ELLSON: Mr Limnios, did you from time to time use the number [REDACTED] to communicate with Councillors, including Councillor Chen?---Yes, that's my phone number.

Do you see here a list of what appears to be messages, incoming and outgoing?---Yes.

25 Relating to a phone number ending [REDACTED], which you've identified as your personal phone, do you see that?---Yes, ma'am

[4.00 pm]

30

35

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45

Do you accept that this document represents messages between yourself and other people?---Yes, I do.

Madam Associate, if you could turn to page 27.3456, TRIM 23381.

5

COMMISSIONER: Thank you.

MS ELLSON: Mr Limnios, I direct your attention to the first message to the page. Can you just have a read through the row?

10

MR VANDONGEN: May I approach counsel?

COMMISSIONER: Yes, of course. Thank you, Mr Vandongen.

15

MS ELLSON: Sorry, Commissioner, I do apologise.

COMMISSIONER: An extended process, obviously. Thank you, Mr Vandongen.

MS ELLSON: Commissioner, my friend has raised a question with me and has suggested that there be a short adjournment while it be resolved.

COMMISSIONER: Very well. How long do you require?

MS ELLSON: Five minutes, please.

25

COMMISSIONER: I will adjourn for a short time.

WITNESS WITHDREW

30

(Short adjournment)

HEARING RECOMMENCED AT 4.06 PM

MR DIMITRIOS Athanasios LIMNIOS, recalled on former oath:

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MR VANDONGEN: Thank you, Commissioner.

COMMISSIONER: Thank you, Mr Vandongen. Ms Ellson, I assumed you've reached a satisfactory resolution then?

40

MS ELLSON: Yes.

COMMISSIONER: Thank you. Please continue.

45

MS ELLSON: Madam Associate, if you could bring up page 27.3456, please. Mr Limnios, could you read the message in the first row - in fact the information on the first row, to yourself?---Yes, ma'am.

Do you recognise the information in that column as a message to Councillor Chen from yourself on 11 September 2016 at 11.31 am?---Yes, I do, ma'am.

5 And the message says:

10 *Hi Lily, please don't allow pressure to have you go against three independent heritage reports that recommend Heritage Listing and significance. We will potentially look like fools to the public if we blatantly go against the recommended advice. If you read the article carefully, there is potential for other options for them if their development proposal is a significant contribution to the amenity. We can pass this as per the recommendation and not look like puppets. We should also discuss in person together!!*

15 And there's a link to what is described as a PDF article, The Sunday Times reference, do you see that?---Yes, ma'am.

20 Do you have a memory of sending this message to Councillor Chen?---Now I do.

25 What is your memory now?---I was probably a little concerned that Lily could be influenced to not vote for this motion and I wanted to ensure that she thought about it carefully.

30 What motion are you talking about, Mr Limnios?---The Heritage Listing of Grand Central. Now, I don't know whether it was just for Grand Central or Grand Central and other properties, for that particular motion.

You've written here:

35 *Please don't allow pressure to have you go against three independent heritage reports.*

40 What did you see or hear on around 11 September 2016 to lead you to ask Councillor Chen not to allow pressure to have her go against three independent heritage reports?---There was a lot of - as you can see, there was a lot of media coverage and suggestions that there were delays and I don't know exactly where the delays were coming from but I wanted to ensure that she understood what she had - what was being proposed, she knew the importance of this.

45 Why was it important to you, Mr Limnios, in September 2016?---For the reason that I mentioned here. I just wanted it to - I didn't want the public to think that anybody was being treated with - special.

As at 11 September 2016, did you have a reason to think that someone was being specially treated with respect to Heritage Listings of properties?---I referred to an email earlier before we went to a break and there was - in that email trail it spoke

about the withdrawing of it from the agenda and I thought that there was something that shouldn't be happening going on.

5 And that was something you learned about before 11 September 2016, was it?---I assume, yes, ma'am.

COMMISSIONER: Just have a look at that first sentence for me, please, Mr Limnios. When you wrote that, where did you think the pressure was going to come from?---The Lord Mayor and the people supporting the Lord Mayor.

10 By that, do you mean - - -?---The Councillors.

Who in particular?---Councillor Davidson and Councillor Adamos, Councillor Yong, Councillor McEvoy.

15 Just look at the second last sentence there, read that to yourself. It's the one that begins, "We can pass this as per the recommendation", and so on?---Yes, sir.

I read into that sentence that you had a concern that you and Ms Chen not look like puppets?---I didn't - no, the Council.

20 I see?---The Council, not Ms Chen and I.

25 And if that is what you meant, who did you think would look like the puppets?---The Lord Mayor.

Ms Ellson.

30 MS ELLSON: Going down the page, Mr Limnios, to the third message, do you see there a message from yourself to Councillor Green, 11 September 2016, 11.33 am?---Yes, I do, ma'am.

"FYI only at this stage Jemma"?---Yes.

35 You copied in the text of the text message we just looked at?---Yes, ma'am.

Can you tell me, do you recognise that as a message you sent to Councillor Green on that day?---Yes, I do.

40 And can you tell me why you copied her that message?---Because Jemma agreed with me at the time that Lily potentially is someone who would be influenced, potentially influenced and I just wanted to let her know that I had sent this message to her.

45 Was that because you'd been discussing any concerns about pressure from the Lord Mayor and people supporting the Lord Mayor with Councillor Green?---That there was that potential for pressure to be applied to people like Lily.

Had you been talking about that with Councillor Green?---I don't remember specifically but those topics were discussed between Councillor Green and I over time

5

[4.15 pm]

Mr Limnios, what made you say that the Lord Mayor would look like a puppeteer?---That she - what I meant was in response to the Commissioner's - the 10 Inquirer's comment to clarify that and that he then asked me who would the puppeteer be in that instance, and I referred to the Lord Mayor because she would often try to get her point of view across to anybody that would listen.

As at September 2016, was she trying to do that with respect to the potential listing 15 of the Grand Central Hotel on the Heritage Register?---I personally didn't communicate a lot with the Lord Mayor at that time, so I'm not sure.

Why was that, Councillor Limnios?---Why was?

20 Why did you not communicate with the Lord Mayor around about that time?---I did professionally - professionally, but on personal matters, no. There was a time when I publicly announced that I felt that the Lord Mayor should step aside. I thought that it would be best for the capital city if she just sat on the bench for a little bit and allowed the matters before her to settle down. This - it got to the 25 point where - when you become the Deputy Lord Mayor you get to work closer with someone and you get to see their working style.

That someone being who?---In this particular instance, the Lord Mayor, and as they say, I looked behind the curtain and I didn't really like the view and the 30 communication between her and I wasn't one that I - I wouldn't allow the Lord Mayor to push me around and I don't think she liked it either, that I would stand my ground, and that was why. So she turned on me and so did her friends.

Her friends being members of Council?---Members of Council, yes.

35

Councillor Davidson?---Yes.

Councillor McEvoy?---Yes.

40

Councillor Adamos?---Yes.

Councillor Chen?---No.

Councillor Yong?---Yes.

45

What didn't you like about what you saw in the Lord Mayor's working?---She was trying to be dominant and just push her own agenda and I disagree with that sort of

behaviour and as I've mentioned to you before, I'm an independent thinker and I don't like to be pushed around by anybody.

5 Mr Limnios, did you see or hear anything which gave you the impression that the Lord Mayor was pushing her own agenda with respect to the potential listing of the Grand Central Hotel?---Yes, an email document.

10 Can you tell me more about that?---I don't remember it in specific detail but there were showing concern that there could be a form of interference in the listing of that particular building, but I did not personally hear the Lord Mayor say anything.

And did you see the Lord Mayor - - -

15 MS SARACENI: Commissioner, I rise. I have an objection. Perhaps the witness should be asked to leave.

COMMISSIONER: Yes, of course. Mr Limnios, I will have you leave the hearing room, thank you?---Thank you

20

WITNESS WITHDREW.

MS SARACENI: Commissioner, as best I took down the witness' response then is, he saw an email sent to him from Administration. Given that my client, 25 Mr Mileham, was the head of the Administration, it's important, in my view, that Mr Limnios make clear who in Administration sent him the email.

COMMISSIONER: Yes. We may well be coming to that, Ms Saraceni.

30 MS SARACENI: It's been referred to a few times and still it's not mentioned who sent it.

COMMISSIONER: It may still be about to happen, Ms Saraceni.

35 MS SARACENI: Thank you.

COMMISSIONER: But I take your point. Ms Ellson, are you able to address the concern raised in the objection?

40 MS ELLSON: Of course. Now?

COMMISSIONER: Yes.

45 MS ELLSON: I can ask the follow-up question I was waiting for the witness to answer before I explored that area further.

COMMISSIONER: That should satisfy your concern, Ms Saraceni.

MS SARACENI: Thank you, sir.

5 COMMISSIONER: I might add, Ms Saraceni, it is fair and proper for that to be done.

MS SARACENI: Thank you.

10 COMMISSIONER: Would you please bring Mr Limnios - just a moment, there's another objection.

15 MR YELDON: In my submission, it's prudent of counsel to explore this pressure further. If the witness is piling pressure on everyone, perhaps he can condescend to details, but if counsel's not going to go there, I give notice I will be intending to do that.

COMMISSIONER: Thank you for the advance notice.

MR YELDON: Thank you.

20 COMMISSIONER: Please bring Mr Limnios back into the room. Mr Limnios, please resume your seat in the witness box.

MR Dimitrios Athanasios LIMNIOS, recalled on former oath:

25 COMMISSIONER: Mr Limnios, in your absence an objection was heard and addressed. Again, your exclusion from the hearing room has no reflection on you whatsoever?---Thank you, sir.

30 Ms Ellson.

MS ELLSON: Madam Associate, you can take down the document on the screen.

35 Mr Limnios, when you answered my last question, you said you saw an email forwarded from the Administration where there were concerns there could be a form of interference in listing of that particular building, with reference to the Grand Central Hotel?---Yes.

I would like to place that in time and get some more specifics from you if I can.
40 Was that something you saw before sending your message to Ms Chen in September 2016?---I don't remember, ma'am. I don't think so. I don't remember.

Was it something you saw in around March 2018?---It wouldn't surprise me when I saw it. I've seen an email that showed concerns, but I don't remember the specific dates, I'm so sorry.

Did someone send you the email?---Yes, ma'am.

Who sent you an email?---Jemma Green - Councillor Green, to the best of my knowledge, forwarded me the email.

5 Did she forward to you an email sent through the Administration?---I think it is an email through the Administration.

Did someone in the Administration send Dr Green an email which she then sent on to you?---I don't remember clearly but I think that is the case.

10 Who in the Administration had sent the email, Mr Limnios?---If my memory serves me correct, I think it was Director Battista.

15 Did you speak to Director Battista yourself about concerns that there could be interference in listing of the Grand Central Hotel?---I think she spoke to me.

When?---There was a particular time when Director Battista came to me and said words to the effect of, "You're the only person that I feel comfortable or I can trust. I've got some concerns" and I don't remember specifically if it was related to this, 20 "I've got some concerns about how things are going" and I remember saying to her, "I think the best thing for you to do is to report them to the CCC if they are of this magnitude. I don't remember the specifics but over my time as Deputy Lord Mayor, because of the specific Directorship that she had, I did meet with her on several occasions.

25 In your capacity as Deputy Lord Mayor?---As Deputy Lord Mayor, yes.

And was it during one of these meetings that Ms Battista raised a number of concerns with you with respect to her work in the City?---I think so, yes.

30 But you can't say when?---I can't say specifics, ma'am, unfortunately, sorry.

COMMISSIONER: Ms Ellson. I'm mindful of the time of day.

35 MS ELLSON: Yes.

COMMISSIONER: Would this be a convenient time?

MS ELLSON: Yes.

40 COMMISSIONER: Are there any housekeeping matters from any counsel before I adjourn? Mr Yeldon?

45 MR YELDON: Can we hear from Counsel Assisting as to the agenda going forward?

COMMISSIONER: That's a matter for Counsel Assisting and I'm not going to

force her to do that.

MR YELDON: I see. Thank you.

5 COMMISSIONER: You can have conferral with Counsel Assisting, Mr Yeldon, after I've adjourned the Inquiry today, but that's not something that needs concern me.

MR YELDON: Yes. I see your point, thank you.

10 COMMISSIONER: Are there any other housekeeping matters?

MR VANDONGEN: Not from me.

15 COMMISSIONER: Thank you very much, Mr Vandongen. Anyone else? Very well. I will adjourn the Inquiry until 10 am tomorrow morning.

**AT 4.28 PM THE MATTER WAS ADJOURNED
UNTIL FRIDAY, 5 SEPTEMBER 2019**

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