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INQUIRY INTO THE CITY OF PERTH

PUBLIC HEARING - DAY 114

MONDAY, 23 SEPTEMBER 2019

INQUIRY PANEL:

COMMISSIONER ANTHONY (TONY) POWER

COUNSEL ASSISTING:

MR CHEYNE BEETHAM

COUNSEL APPEARING:

**MR MATTHEW HOWARD SC and MS PENELOPE FORD (DR Jemma GREEN)
CAV. MARIA SARACINI and MR MARTIN TUOHY (MR Martin
Mileham)**

MR GEOFF BOURHILL (MR Robert MIANICH)

MR NICK MALONE (MR Reece HARLEY)

MS SARAH HARRISON (MS Erica BARRENGER)

MR TIM HOUWELING and MS BROWYN WAUGH (MS Lexi BARTON)

MR PETER van der ZANDEN (MS Lisa SCAFFIDI)

MR TIM RUSSELL and MR JASON HART (MR Paul CROSETTA)

MS JUSTINE SIAVELIS (MS Annaliese BATTISTA)

MR JONATHAN WYATT (MS Rebecca MOORE)

MR ALAN SKINNER and MR PETER MARIOTTO (MR Dimitrios LIMNIOS)

MR TIM HOUWELING and MS BROWYN WAUGH (MS Lexi BARTON)

MS RACHAEL YOUNG (MR Steven HASLUCK)

.23/09/2019

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 Mr Beetham.

MR BEETHAM: Thank you, sir. I recall Dr Jemma Green.

15 COMMISSIONER: Thank you. Dr Green, please come forward and take a seat in the witness box.

DR Jemma Marie GREEN, recalled on former oath:

20 COMMISSIONER: Dr Green, you remain under your oath from last week?---Yes.

Mr Howard, you continue to appear with Ms Ford for Dr Green?

25 MR HOWARD: I do, thank you, Commissioner.

COMMISSIONER: Thank you. Ms Saraceni?

MS SARACENI: Sir, I continue to appear on behalf of Mr Mileham.

30 COMMISSIONER: Thank you. Mr Bourhill?

MR BOURHILL: I continue to appear on behalf of Mr Mianich.

35 COMMISSIONER: Thank you. Mr Malone.

MR MALONE: I continue to appear on behalf of Mr Harley, Commissioner.

COMMISSIONER: Thank you. Ms Harrison?

40 MS HARRISON: I appear for Ms Barrenger, Commissioner.

COMMISSIONER: Thank you. Mr van der Zanden?

45 MR van der ZANDEN: For Ms Scaffidi, Commissioner.

COMMISSIONER: Thank you. Mr Hart?

MR HART: For Paul Crosetta, Commissioner.

COMMISSIONER: Thank you. Ms Siavelis?

5 MS SIAVELIS: For Ms Battista.

COMMISSIONER: Thank you. Mr Wyatt?

MR WYATT: For Rebecca Moore, Commissioner.

10

COMMISSIONER: Thank you. Mr Mariotto?

MR MARIOTTO: Sir, I continue for Mr Limnios, Commissioner.

15

COMMISSIONER: Thank you. Mr Houweling?

MR HOUWELING: Together with Ms Waugh for Ms Barton.

COMMISSIONER: Thank you, Mr Houweling. Ms Young?

20

MS YOUNG: For Steven Hasluck, Commissioner.

COMMISSIONER: Thank you, Ms Young.

25

Mr Beetham, are you ready to proceed?

MR BEETHAM: Yes, sir.

COMMISSIONER: Thank you.

30

MR BEETHAM: Dr Green, you will recall last time we were in the hearing room, I was asking you some questions about or you were giving some evidence in relation to a meeting that you had with Mr Mileham, Mr Ridgwell and the Executive on 6 December?---Yes.

35

At which, as I understand your evidence, you were requested to approach the State Government and request a suspension of the Council, is that right?---Yes.

40

And you also gave some evidence that there was an exchange of correspondence, or emails between you and Mr Mileham following that?---Yes.

And that had to do with, if I can paraphrase, you wanting Mr Mileham to substantiate, by reference to documents, complaints about workplace behaviour?---Yes, correct.

45

Madam Associate, could we please bring up the document at 15.0193, TRIM reference, sir, 15386.

COMMISSIONER: Thank you.

5 MR BEETHAM: Madam Associate, if I could ask you just to go down to the bottom of the page. We will start at the bottom, Dr Green, and if I can get you to - you will see there, Dr Green, the start of an email from you on Monday, 11 December, do you see that?---I can see the title of it but I can't see the body of the email.

10 No. Madam Associate, if you could go over to the next page, please, so I could show Dr Green the body of the email. Could I just have you read that to yourself, Dr Green, and let me know when you have?---Yes.

15 Is this one of the emails you were talking about when we met on the last occasion?---It is.

20 Madam Associate, if we could go back to the first page, 193 and if we could perhaps zoom out a little bit. If we are able to go up, perhaps Madam Associate, and have Mr Mileham's email. Thank you. Dr Green, if you could just read that and let me know when you've done that?---Yes.

Could I just ask you, in the bottom sentence of Mr Mileham's email he writes:

25 *Given the feedback you received from the Directors last week and your undertaking to seek specific advice about that feedback, am I to understand that the below - that's your email below - stems from that advice.*

30 Do you see those words?---Yes.

When you received this, what was the feedback or what did you understand Mr Mileham to be referring to when he said "feedback"?---The contents of the conversation from the meeting on 6 December.

35 Other than what you told us on the last occasion, is there anything else from that meeting that would constitute feedback?---My recollection is it centred around two things: one was - three, really - the feeling from Directors that certain Elected Members had been, for an extended period of time, interfering in administrative matters and the way in which they had gone about communicating with
40 Administration they felt was inappropriate and it had been sustained; the second part was the concern in relation to the impending return of the Lord Mayor and the fact that the - how do I explain that - the power that existed within Council had shifted and that it no longer was in with the Lord Mayor and her faction and then the likely actions that would result from that insofar as that she would still want to
45 make things happen and the Council, by majority, would be also directing the Administration and that would be pulling them in two directions and that this was a source of lot of stress to the Directors in the lead-up to her return and could I go

to the State Government and request that the Council be suspended because they felt that the situation was untenable.

5 Was it only suspension that you were requested to seek?---I can't remember if the word "sacked" or "suspended" was used, to be honest with you.

Can you recall whether there was any discussion about show cause notices or warnings?---No.

10 The way I phrased that question meant that your answer was a little unclear, Dr Green?---Sorry.

Do you mean you don't recall whether there was or there was as a matter of fact none?---I don't remember that being discussed.

15 You will see in that email from Mr Mileham, he also refers to "to seek specific advice"; what is that about?---My understanding of that was that it was about me going to the State Government to seek advice about what to do about the situation.

20 Madam Associate, if we could go just to the top of the page, please, so we can see Dr Green's reply. If I can ask you to read that to yourself, Mr Green, to confirm that you recall that and that is the reply you sent to Mr Mileham?---Yes.

25 That document could come down now, Madam Associate. Dr Green, my recollection of your evidence last week was that we started talking about this meeting on 6 December and what followed from that as part of the context as to why, in your view, Mr Mileham took leave in February?---Yes.

30 Is that your recollection?---Yes.

That discussion came out of, again from my recollection, some questions I was asking you about, and some evidence you were giving in relation to the CEO Performance Review Committee meeting on 16 February?---Yes.

35 As at that date, 16 February, did you have a particular view about Mr Mileham's performance as CEO?---Yes, I did.

Was that a view that you had shared with any of your other Councillors?---Yes.

40 At that time?---Yes.

45 What was the view that you held?---I believed there were several instances where he had been untruthful in his dealings with the Council and myself and that he was not managing the performance of his staff adequately or appropriately, and that he was not really listening to the views of Council and was largely relating to Council as though we were irrelevant.

When you were nominated - I will withdraw that and rephrase that. I think your evidence was Councillor Limnios nominated you to be Chair or recommended you to be Chair of the committee?---Yes.

5 And were those things that you've just mentioned, were they motivations for you to accept that nomination or to take a nomination up?---There were many things that were put before me in relation to the performance of the CEO and I felt that they were assertions and they needed to be looked at and looked into and the appropriate forum to do that was the CEO Performance Review Committee.

10

As Chair of that committee, do you have any particular advantage in pursuing the way in which the review is undertaken of the CEO's performance, over other people on the committee?---I don't believe so. I think that in the way that the CEO Performance Review Committee had functioned previously, which was with three people - three Elected Members forming part of the committee, it appeared to me that was actually occurring but we had changed the rule so that the entirety of Council would be on the CEO Performance Review Committee and so - - -

15

Can you indicate when that rule change happened?---I can't recall exactly when it occurred.

20

Did it occur during your time on Council?---Yes. So the CEO Performance Review Committee, when I was appointed, was the entirety of Council.

25 When you were appointed to be a Councillor or when you were appointed to be Chair of the committee?---Chair of the committee.

Did you seek out the nomination to be Chair of that committee?---I did.

30 And you sought that from whom?---It was in discussion with Councillors Limnios, Harley, Hasluck and Barton.

Those are the Councillors with whom, as I understand it, there was something of a new majority on Council?---Yes.

35

Together with you, is that right?---(No audible response).

Are those discussions that you had with those Councillors in the lead-up to the committee meeting on the 16th?---Yes. I believe that it was on the 13th and the 14th.

40

It might be suggested, Dr Green, that that group of Councillors and yourself held the view that Mr Mileham shouldn't be the CEO any more, held that view prior to 16 February; can you comment on that at all?---That was never discussed.

45

As to whether or not Mr Mileham should hold the position?---It was never discussed

[10.15 am]

5 When you say "never discussed", just so I can get the timing right, do you mean never discussed at all during your time as a Councillor or do you mean prior to 16 February?---It was never discussed or at least I never had any discussions with any Elected Members in relation to sacking the CEO or removing the CEO. I did - - -

10 That's at any time?---No. I did - the extent of my involvement with the CEO in this regard was, I actually wrote to the Department of Local Government in the last few days before Council was suspended to get advice on suspending the CEO with full pay, pending the outcome of an investigation.

15 Investigation into what?---His conduct in relation to Project Douglas.

Is that the name given to the review that Mr Douglas undertook of the Project Percy review?---Yes.

20 And prior to the 16th or on or prior to 16 February, was there any discussion that you had or any thought that you gave to arranging affairs to suspend Mr Mileham?---Not at that point, no. It was really only, I think, after the 16th. I can't remember the exact date but after that - I think around the 21st, I came to understand a couple of things: Mr Ridgwell was actively involved in Project Douglas when he had been one of the people involved in the Project Percy process and it struck me as entirely inappropriate and a conflict of interest and something that may compromise and jeopardise an objective assessment report in Project Douglas, and that also I came to understand that Mr Mileham was directing Mr Mianich and Neil Douglas in relation to Project Douglas and that struck me as entirely inappropriate as well, given that he was in a contractual dispute with the City in relation to his employment contract, and I formed the view at that point that he - at that point I think he had said that he was indefinitely on sick leave. I think later on he said he was coming back on the 6th but at least at that time, and it appeared to me that he was trying to shore up his personal position by orchestrating this process with the City and there were several staff members complicit in that process. I formed the view that he should be suspended pending the outcome of an investigation into his conduct more broadly and in relation to this.

40 Can I just explore a couple of those things with you? The first is that you, I think your evidence was, gained an appreciation or an understand that Mr Ridgwell was involved in Project Douglas?---Yes.

Where did you get that understanding from?---Annaliese Battista.

45 Ms Battista told you what?---That Mr Ridgwell was involved in Project Douglas and she wrote to me and told me about that and she said that it was entirely inappropriate for him to be doing - he shouldn't be conducting an investigation on

a topic that he was a part of.

5 Did Ms Battista give you any detail as to what she said Mr Ridgwell was doing?---Not on that but on some other topics subsequently related to that, on the Directions Notice that was issued by the Department to the City.

Can we just stay with Mr Douglas' review for the moment?---Sure.

10 Did Ms Battista - as I understand your evidence, Ms Battista did not give you any detail as to what she said Mr Ridgwell's involvement was?---She said that he was involved with it. She also said that she had raised it with Mr Mianich.

15 Raised what with Mr Mianich?---The issue that Mr Ridgwell - it was a conflict of interest for Mr Ridgwell to be involved in Project Douglas when he was involved in Project Percy.

Did you discuss this issue with Ms Battista? I think you said you received an email or some correspondence from her?---Yes.

20 Do you recall discussing it with her?---I may well have done but I can't recall.

25 Do you have any recollection - I will go back one step. One suggestion as to why Mr Ridgwell might have been involved in the second review is that Mr Ridgwell was the Manager of Governance at the City?--- Yes.

30 And in that role, it might be suggested that it was appropriate for him to be involved. Do you recall that being the subject of discussion between yourself and Ms Battista, or anyone else?---I think that - I don't recall that but I think that is an assertion that needs some validation.

35 In the context where - let me try and understand that. Are you saying it requires validation in the context where it might otherwise be seen as a conflict of interest given Mr Ridgwell's involvement with Project Percy?---Yes.

40 The other piece of evidence you gave a little moment ago was that you formed the view that Mr Mileham was directing, I think was your word, or involved with Project Douglas and Mr Mianich in respect of that?---Yes.

45 What brought you to that view?---I formed the view after Mr Mianich completely accepted that allegations that Mr Mileham had made and I - - -

What allegations?---That the Council had breached the terms of his employment contract and that he had gone on leave in relation - on sick leave or personal leave as he put it, in relation to Project Percy, and that he didn't seek to validate that. He completely accepted it as fact, and then set about undertaking a process that looked to me to be very flawed, and it seemed to be that it was in concert or in liaison

with Mr Mileham and I later made an application, for Freedom of Information request and received correspondence between the two where they were coordinating their efforts in this regard.

5 You gave some evidence that Mr Mianich completely accepted an allegation made by Mr Mileham and just so it's clear, is that allegation that the City breached Mr Mileham's employment contract, is that what you understand Mr Mianich to have accepted?---That is part of it but not all of it.

10 What other parts of the allegations are you saying Mr Mianich accepted?---That I had acted improperly in procuring the advice from Freehills in relation to Project Percy.

Mr Mianich, did he express that view to you?---Me?

15 Yes?---Yes.

And you understood, did you, that Mr Mianich had formed that view based on something Mr Mileham had told him?---I think so - well, that was part of it and then also what Neil Douglas had said to him. There were two meetings with Mr Douglas and the initial one, he kind of framed that it in absolute terms that his view was that way although then he subsequently suggest that it was his initial view but the views were nonetheless expressed in absolute terms - - -

25 This was Mr Mianich?---No, Mr Douglas, and then subsequently in the follow-up meeting where they had concluded the Project Douglas report and that was later expressed but on the 16th, the conversation with - in the CEO Performance Review Committee meeting, this was a view that was expressed by Mr Douglas and I'd subsequently had a phone call with Mr Mianich where he echoed the sentiments and then I wrote to Mr Mianich immediately after the call and said - repeated in the email what he had said to me which was, "Quite frankly, I think you are - were inappropriate" or some words to that effect.

35 Can you explain to the Commission how you formed the view though that Mr Mileham was directing Mr Mianich with respect to the Project Douglas review or how he was otherwise involved with Mr Douglas?---I think at that point I probably just suspected it to be - I didn't have any evidence, it was more - it was my hypothesis. I did know that Mr Ridgwell was involved in the process but I didn't know, like grounded in evidence that Mr Mileham was involved but I strongly suspected it.

40 Based on what?---The way that Mr Mianich was behaving and Mr Douglas was behaving, it was so emphatic. Then on the one hand they were saying, "We are just doing a desktop review of written evidence" but then there were so many other factors that they were obviously taking into consideration and it just appeared that - it seemed to me that they were procuring information from various sources, not just from written correspondence.

And one of those sources you assumed was Mr Mileham?---Yes.

5 Is that because, if I understand your evidence correctly, Mr Mianich and Mr Douglas were expressing views that you think Mr Mileham would have shared or expressed?---Yes.

10 Other than that reason, was there any other reason to suspect that those gentlemen were acting on the direction of Mr Mileham or parroting Mr Mileham's views or anything else you can actually point to?---Yes. In the meeting, I had asked for Mr Mianich to obtain advice about the allegations made by Mr Mileham insofar as that the City of Perth had breached the terms of his employment contract and I said that that advice you had should be procured from independent counsel that wasn't advising the City and making millions of dollars from the City from other legal
15 work, and he entirely ignored this request and instead, just continued with preparing the Project Douglas report, denied all requests to speak to Freehills or even myself, and I just thought, this thing's been cooked up to slam me.

20 In relation to that suggestion that Mr Mianich ignored the request for the City to take advice on the breach of contract claim, are you aware that the City did take that advice?---No.

25 So me telling you or suggesting that to you is the first time you've heard about that?---Yes.

Just to close out on that last piece of evidence, Madam Associate, could we please bring up the document at 12.0752. I just want to ask you to identify this email, Dr Green. This is 19392, sir.

30 COMMISSIONER: Thank you.

WITNESS: Yes.

35 MR BEETHAM: Can you read that at the bottom there, Dr Green, you will see an email from you, 17 February 2018 at 7.42 am?---Yes.

To Mr Mianich. Is that large enough for you to read on the screen?---Yes.

40 COMMISSIONER: Can we have it enlarged for counsel though, please.

MR BEETHAM: Yes, sir.

COMMISSIONER: Thank you.

45 MR BEETHAM: Thank you, Madam Associate.

This email cuts off here, Dr Green, but you will see in the first paragraph you write

to Mr Mianich:

5 *Assertions were made yesterday by you (the Administration) and
McLeods were that I acted improperly and inappropriately in my
handling of this matter.*

?---M'mm.

10 That's the discussion you were talking about a moment ago, is it?---No, I don't
think so. I think there's another email.

In which you say? Perhaps, Madam Associate, if you can go forward to
751?---Yes, that one there, "Quite frankly, I think you were inappropriate", yes.

15 That's the email you're talking about?---Yes.

Do you recall receiving a response to that email?---No, I don't.

20 Is this the comment you were referring to when you said in evidence that
Mr Mianich said to you that was his initial view and that view might have
changed, is that right?---That was - the initial view and the view might have
changed was in relation to Neil Douglas because he gave that view on the 16th but
then he subsequently prepared the report with what I would consider to be his
considered view.

25 I understand?---But in relation to Mr Mianich, he didn't express it as an initial
view, he said that was his view

[10.30 am]

30 That can come down now, Madam Associate. I want to move on in a moment,
Dr Green, to events following the CEO Performance Review Committee meeting
but can I ask, Madam Associate, for you to bring up the email at 12.0709, and we
will move shortly away from matters related to Project Percy as well, Dr Green, to
35 another topic. Can I ask you, Madam Associate, just to enlarge that email on the
screen for the benefit of counsel, please?---Yes.

Take a moment to read that to yourself, Dr Green?---I'm familiar with this email.

40 That's an email you recall receiving?---I do.

And that's an email, is it, from Elizabeth Macknay at Herbert Smith
Freehills?---Yes.

45 And the person to whom that's copied, is that another solicitor, to your knowledge,
at Herbert Smith Freehills?---I don't know who that person is.

You've not met Mr Hicks?---Not to my knowledge.

You see at the top of the email, Ms Macknay writes, "Dear Jemma, I refer to our calls today"?---Yes.

5

Do you have any recollection of that call?---Absolutely.

Can you tell the Commissioner about it?---Sure. After the CEO Performance Review Committee meeting, I called Ms Macknay and said that I'd just been ambushed in this meeting and them suggesting that I have acted improperly in relation to the Project Percy advice and they have gotten lawyers involved and they are now conducting an investigation into this process.

10

Did Ms Macknay saying anything to you about that?---I said that, "I think I need to get a lawyer and I know that's not going to be you" and I think she - she said something along the lines of, "Let me just talk to someone about this" or "look into this and I'll come back to you." Then she called me back, I think it would have been quite quickly afterwards, maybe like half an hour or an hour, and she said, "I'm about to send you an email and it's quite a formally worded email but I think this maybe will cover things off for you", or something, words to that effect. Then she sent this email afterwards, and I haven't spoken with her since.

15

20

Did you respond to this email, to your recollection?---I don't think I did. I can't remember if I did.

25

You didn't speak with Ms Macknay after that, is your evidence?---No.

And did you speak with anybody else at Freehills?---About this.

30

Yes?---No.

Thank you, Madam Associate, that document can come down. Sir, the TRIM reference for that if I didn't say it was 19377.

35

COMMISSIONER: Thank you.

MR BEETHAM: Dr Green, I now want to ask you some questions about the leap-up to the Special Council Meeting and the Special Council Meeting that was held on 27 February 2018?---Sure.

40

You will recall that Mr Mianich commenced as the Acting CEO of the City, would you accept that that happened on around about Monday, 19 February?---Could you say that again?

45

Do you recall - I will put it in the other way: do you recall when Mr Mianich became the Acting CEO of the City?---I thought that he was the Acting CEO from when the CEO went on leave.

Your understanding, I think, from evidence last time we were here is that that happened on about the 14th?---Yes, although I didn't learn of it until the CEO Performance Review Committee meeting on the 16th.

5

So is it the case then that you considered Mr Mianich was likely or was the Acting CEO from the 14th, possibly the 16th?---Yes.

When you learned about it in that meeting?---Yes.

10

And that Mr Mianich, you're aware, went on medical leave from the City on 26 February, do you recall that date?---Yes.

Between those two dates, assume for the sake of the argument, 14 February to 26 February, do you recall exchanging some correspondence with Mr Mianich about some of the topics we have talked about and some other topics?---Yes.

15

And if I suggest to you those topics were a request by you to have the City fund or make a contribution to legal expenses that you would incur associated with the Project Douglas review?---Yes.

20

Some concerns/complaints you had in relation to the maintenance of the confidentiality in the Project Percy report?---Absolutely.

And an exchange or a couple of exchanges about when you would get a copy of the Project Percy report?---Yes, and a meeting.

25

And a meeting to discuss that?---Yes. I think there were some other things too.

During this period when Mr Mianich was the Acting CEO?---M'mm.

30

What were those other things?---I think it also ended up in the WA Parliament and I spoke with Mr Mianich about that on the phone.

Is that the exchange in the parliament in relation to you and Mr Fini, is that what you're talking about, or are you talking about something else?---No, I think it was the Minister for Local Government talking about what was happening in Council.

35

And you think you discussed that Mr Mianich as well?---I think so, yes.

40

Is there anything else that you can recall in that week?---Not right now.

In relation to the - putting that matter to the side about the parliament, in relation to those other matters that I've raised with you, the request for access to funds for legal assistance, that was, as I understand it, during that period declined by Mr Mianich, is that right?---Yes.

45

Did you receive, during that period from Mr Mianich a response that was satisfactory to you about the confidentiality of the Project Percy report?---No. I was told to go away.

5 And did you receive a copy of the report during that period?---I've never received a copy of the report.

Is it the case that also during that week, Mr Mianich lodged with the Local Government Standards Panel some complaints, one of which related to you, is that right?---Two.

Two related to you?---Yes, and a very patronising letter attached to it.

That was sent to you attaching the complaint, is that right?---Yes, I would say amateur and patronising.

Was that received by you, or was that complaint made, to your recollection, on or about Thursday, 22 February?---Yes, I think so, because I got it in the afternoon and then it was on the news at 7 am the next day.

20 Do you recall if that news was weekday news or weekend news?---It was Friday morning, on ABC Radio.

Is it fair to say that during this week or by the end of this week, you weren't particularly pleased with Mr Mianich as a result of those things?---I was fairly frustrated with his conduct.

The following morning, on the 24th?---Yes.

30 The Commission's heard some evidence that there was a meeting in the backyard of your house, Mr Harley describes it as?---That was actually the following day, on the Saturday.

35 Yes, on the Saturday morning, and who was at that meeting?---Mr Harley and Mr Hasluck.

40 What was the purpose of that meeting?---I don't think it was like expressly - like, we didn't have an express intent from the outset but I think during the course of the conversation, we decided to evaluate the way in which Acting CEOs were appointed and see if we were able - within the Act, it actually provides for the Council to determine who both the CEO is and the Acting CEO and that we had delegated some - we discovered that we had delegated those responsibilities to the CEO via a policy and that we came to understand that we could revoke some of those delegations and in doing that, choose who we would like to be the Acting CEO.

45 Did any of those discussions, or were any of those discussions prompted by the

sense of frustration that you had about Mr Mianich at the time?---Absolutely.

5 Were any of those discussions or was that discussion in any way connected to the fact that Mr Mianich had made complaints to you about the Local Government Standards Panel?---No. I found those complaints to be, as I said, amateur and patronising but my primary concern originated from the 16th when he offered no explanation - well, although you've just told me that he did get advice about the CEO's breach of his employment conditions, at the time he offered no information to Council in that respect. He failed to respond to my questions in relation to confidentiality and Mr Ridgwell was involved in Project Douglas, and any attempts to remove him from that process were met on deaf ears and it seemed to me that he was undertaking his work in a way that was not appropriate or professional.

15 Is one of the ways that he was, in your view, undertaking that work in a way that wasn't appropriate or professional, the fact of or the content of the complaints made about you?---No. I actually didn't think that he was behind them, so to speak, because they would have been in the works for quite a while and that would have just come out at the time when he happened to be the Acting CEO but I saw Mr Mileham as being behind those.

25 I will rephrase that and see if I understand that correctly. Did you see Mr Mileham as the principal also behind those documents and Mr Mileham simply carrying it out because he was in the seat at the time?---Yes, absolutely, and that was further emphasised because I had spoken with - in the patronising letter, there was some stuff from certain Directors and I actually called one of them, Ms Battista, up and said, "Did you know about this" and she said, "No, they have obviously been accessing my emails without my knowledge or consent" and I thought, this is quite interesting, the staff don't even know about this at all.

30 It's a good segue, Dr Green to asking you about Ms Battista?---M'mm.

35 As you know now, Ms Battista was appointed to the Acting CEO on the 27th?---M'mm.

40 We have heard some evidence about how that came to be. Did you have a view at that stage, and was that a view that you discussed with Councillors Hasluck and Harley, about who should be the Acting CEO, whether it should be Ms Battista?---We certainly did discuss it in that meeting but we thought we needed to discuss it with her before we could progress that idea further.

45 In this conversation that you've just spoken about with Ms Battista, was that one that you had on the Saturday?---No, I think in relation to the complaints, I think I would have spoken with her quite soon afterwards, maybe on the Thursday evening or even the Friday, and then in relation to the motion to change the Acting CEO, I can't remember exactly when we ended up speaking with her about it but I do remember that we had a conversation with her - - -

If I could just interrupt you just quickly there?---Yes.

5 When you say "we", who had the conversation?---I can't remember if we called her then and there but I - - -

10 On the Saturday?---Yes, I can't remember but maybe - I can't remember if I attempted to call her or we actually spoke to her there, but I remember making an attempt to speak with her and then I think when I spoke with her, she said she'd think about it and then she wrote an email saying that she didn't want to do it.

Who did she write the email to?---She definitely wrote it to me but I can't remember if other people were CCed in the correspondence.

15 This conversation that took place with Ms Battista about whether she wanted to be CEO, you were - - -?---Actually, I think we did speak to her on the phone.

On the Saturday?---M'mm.

20 And when you say "we", do you mean yourself, Councillors Harley and Hasluck?---Yes.

25 Do you recall all three of you discussing, sitting around the speaker phone or something like that?---Yes, I do now, because I remember Mr Harley saying that, "We are not asking you at this point, we are just ascertaining, if we were to ask you, what would be your reaction."

[10.45 am]

30 My recollection of your evidence is that she said she would come back to you and then you received the email saying she didn't want to be CEO?---M'mm - yes.

In that email, to your recollection, did she give reasons why?---Yes.

35 What were they?---She thought that she would only be the Acting CEO for three days and it would result in significant retribution from Mr Mileham to her.

40 Can you recall whether you received that email on the Saturday, the Sunday, the Monday or the Tuesday?---It must have been on the day, on the 17th because at that point - on the day - maybe even on the actual, the 28th, because at that point Mr Mileham had said emphatically that he intended to return on the 6th and I think there was a weekend in between that so it might have than been that there would have been only three business days during which she would be the Acting CEO.

45 So your best recollection, as I understand it, is that you may have received the email on the 27th or the 28th. The 27th was the day that the Council met to be - - -?---Yes.

- - - to appoint Ms Battista, does that help?---Yes. Then it would have been on that day or the day prior that she sent that email.

5 Other than the two discussions you've told us about with Ms Battista and the email, did you have any other discussions with her in that period about being CEO?---Yes.

10 Can you tell me about those?---On the night of the Council meeting we made numerous attempts to get hold of her to ascertain whether she would accept the nomination and I think after she sent that email, we spoke on the phone again and I asked her if she would reconsider it because the City needed to have a leader in place that was going to do the right thing and that there was not anyone that I could see that had the capability and had the integrity to steady the ship at that
15 time.

Just to come back to the email, my very helpful solicitor has handed me a note, the email that you say you received from Ms Battista, do you recall whether you received that at your personal email account or your City of Perth email?---I can't
20 remember exactly but I would say, most likely my personal email.

And that's the one we have seen in some of these - is it the one at
[REDACTED]?---Yes.

25 You've just given some evidence, I think, to the effect that Ms Battista - you could see no-one else with the capability to be the Acting CEO. Is that a discussion that had you with other Councillors about who else might have that capacity or capability?---I think in the meeting Mr Harley and Mr Hasluck on the Saturday, we did discuss who would be an appropriate person.

30 Was any consideration given to anybody else, other than Ms Battista?---I think we did discuss - I think there was a discussion about both whether Ms Battista would be appropriate and who else could potentially be the Acting CEO.

35 Can you remember if any names were mentioned?---I can't remember explicitly discussing the other Directors' names. In terms of evaluating the capability of the Directors, I do recall that on the Monday after Mr Mianich went on personal leave that we did have a discussion around the appropriateness of Director Moore being in charge of the City.

40 I will come back to that discussion in a moment. To be clear, on the Saturday when you were discussing who might be Acting CEO, did you recall discussing Mr Crosetta, Paul Crosetta?---I can't remember explicitly discussing Mr Crosetta.

45 Madam Associate, could we please have the motion up at 11.0415, and if I could ask you, Madam Associate, to enlarge that please. Is that large enough for you to read, Dr Green?---It is.

You see at the top of the document, and I can tell you that this is a document that's attached to an email from Mr Hasluck to Mr Mianich in the afternoon of Saturday, 24 February. You will see at the top of the document, it's dated 24
5 February?---Yes.

And we have heard some evidence from other people about how this document came to be?---Yes.

10 Can you describe from your recollection how this document was generated?---Yes. The actual wording of it was developed by Mr Harley and myself and then I think it was circulated, maybe as a screen capture, and so then I think Mr Hasluck typed it up and then confirmed that Mr Limnios, Ms Barton, myself, Mr Harley were okay and we added our digital signatures and then he submitted it to Mr Mianich.

15 Can you recall - I think your first piece of evidence was it was developed by yourself and Councillor Harley and circulated as a screen capture?---M'mm.

20 Can you remember when that happened, when that first development occurred?---It was on the Saturday. I think that Mr Hasluck was there but in terms of understanding the sections of the Act and the relevant things, Mr Harley had the most knowledge about that and then he and I worked on the wording of it, together.

25 Was a first draft done by somebody, or who - - -?---Maybe, but I can't - maybe Mr Harley had developed something before, but I can't recall. What I do remember is that we worked on crafting the wording together.

30 And that wording is in relation to both the substantive, if I can call them that, words, so item 1, "That Council Policy 12.6 be amended to state"?---Yes.

And item 2, "That Council appoints blank to the role of Acting Chief Executive Officer"?---Correct.

35 And does it also relate to the actual amendments to the policy that are contained in that sort of slightly smaller font?---Yes.

40 Was there any, to your recollection, involvement in the preparation of this document, other than signing it, by Councillors Limnios or Barton?---We were definitely speaking with them about it on that day and I had invited them all to come to discuss what might be our next steps but I think that Mr Limnios and Ms Barton had some other things on that day, and so we updated them by telephone call.

45 Do you have a specific memory of speaking yourself with either Councillor Barton or Councillor Limnios?---I remember speaking with Councillor Barton and I can't remember if I spoke with Councillor Limnios.

We can be confident, can we, that you spoke with Councillor Barton, Councillor Harley and Councillor Hasluck on the day?---Yes.

5 Less sure about Mr Limnios?---Yes. I remember trying to get hold of him but I can't remember if we spoke.

In the discussions that you had with Councillor Bert and Councillor Hasluck, did you in the preparation of this document before its signing, did you mention to
10 either of them that Mr Mianich had lodged complaints against to you the Local Government Standards Panel?---I did. In fact, on the Saturday, Mr Harley and Mr Hasluck and I discussed the fact that the Administration had leaked that to the media.

15 When you say "leaked that to the media", you're talking about your complaints?---Yes.

What made you reach the view that the Administration had leaked it to the media?---Well, it had ended up in the media and normally these kinds of things
20 would just be, like the knowledge of the Administration - well, they'd either leaked it to the media or they told somebody that they shouldn't have and they'd leaked it to the media and I said to Mr Hasluck and Mr Harley that the Administration had sunk to a new low in doing this.

25 In that discussion, did you indicate to Councillors Harley and Hasluck what the complaints were about? Do you recall giving them any detail about the complaints?---I remember saying something to the effect of, that I found that they were vexatious and ridiculous.

30 Do you have any recollection about saying, "And this is the particular complaint they made in relation to this set of facts, and here's another complaint they made", that kind of thing?---I don't recall going into the details about it but I do remember talking about the absurdity of them and that the Administration had leaked them to the media or given them to the Lord Mayor and she'd leaked them to the media.

35 That's in relation - I think those discussions were had with Mr Hasluck and Mr Harley, what about with Ms Barton, do you remember having any conversation with her about the complaints?---Yes, I do.

40 Can you tell me about those?---She told me that Mr Limnios had just had a letter, but not a complaint and I said - I asked her - actually, in the meeting with Mr Hasluck, I did ask him as well whether he had any complaints made about him and he said he'd received nothing. Then when I spoke to Councillor Barton I asked her if she had any, and she said no, but she knew that James, or rather
45 Mr Limnios, had had a letter but no complaints. So I deduced from all of that, that it was, Mr Limnios had a letter, Mr Harley had a complaint and a letter and I had two complaints and a letter.

Do you recall when you spoke with Councillor Barton whether you gave her any detail of the complaints?---No.

5 Do you recall specifically telling Councillor Barton that you had had a complaint made about you?---Two complaints.

Yes, I do?---Was that conversation with Councillor Barton, do you remember, on that Saturday, the 24th?---I think it was on the Saturday.

10

During the course of the Saturday, did you and the other Councillors, and if so who, have a discussion about Mr Mianich's capacity to be Acting CEO?---Yes.

15 And were there views expressed about his capacity to be Acting CEO to you?---Yes.

What were those views?---That he appeared to be undertaking an investigation with an outcome already in mind.

20 Was that, what you're describing is Project Douglas?---Yes.

25 And was that a view expressed to you or was that a view you expressed to others?---It was my view certainly and I was certainly expressing it, but my understanding, and it was immediately after the 16th meeting, we moved into my office and spoke about it then and it was characterised by others in the room that it was an ambush and Mr Hasluck actually said that, "Oh, maybe you should resign as the Chair of the CEO Performance Review Committee" and Mr Limnios said to him, "No, Steve, this is just a big charade to try and scare us all", and then he proceeded to kind of characterise what was going on here from a political perspective.

30

Mr Limnios did?---M'mm.

35 I think you said you met in your office?---M'mm.

40 Was that yourself - who was there?---As far as I can recall, it was Mr Limnios, Ms Barton, Mr Harley, Mr Hasluck and myself. It might have actually been in the room immediately behind the committee room where we'd had the CEO Performance Review Committee.

40

But you had moved out of that committee Performance Review meeting room?---Yes.

Into a separate room?---Yes.

45

Which was either your office or the one next door?---Mm hmm.

To the committee room?---Correct.

5 [11.00 am]

You said a little while ago that there was a discussion about the appropriateness of Director Moore being the Acting CEO?---Yes.

10 Can you recall when that conversation took place?---I recall where, on the Monday, I learned about this and then I wrote an email to - - -

Sorry, when you saw "learned about this", what's the "this"?---That Ms Moore had called the Emergency Response Plan, and appointed herself in charge of the City.

15

Have you heard the phrase "Crisis Management Plan"?---Yes, that's, I think, the technical term for it.

20 And if I suggested to you that happened on the Tuesday rather than the Monday, would you quibble with that?---I would accept that, yes.

And you said the conversation happened following that?---Yes.

25 Who was the conversation with?---I remember that we - there was an email exchange and then I think we also spoke about it on the telephone.

Who is the "we"?---Mr Hasluck, Ms Barton, Mr Limnios and Mr Harley and myself.

30 All fire of the people who signed the motion?---Yes. I think I also spoke with Ms Chen.

With Ms Chen?---Yes.

35 Madam Associate, could we please bring up the document at 11.0517. Sorry, Dr Green, I will just have a short conferral with my instructing solicitor?---Sure.

Can you see at the bottom of this, and if I can perhaps ask Madam Associate to go down to the first email in the chain?---Yes.

40

And just enlarge that. You will see, Dr Green, an email or what appears to be an email from you attaching or linking something?---Yes.

45 I will come back to that email in a moment but if I can ask you, Madam Associate, to look at the document at 495, please. I just want to see if, Dr Green, you can help us with something?---Sure.

You will see this is a memorandum to the Lord Mayor and Councillors from three of the Directors?---Yes.

5 And the subject is, "Enacted Business Continuity Framework"?---Yes.

And it's dated 27 February?---Yes.

10 Can you tell us, do you recall, whether this document is the one you're referring to in that email I just took you to?---It most likely is but I can't remember. I can't remember, I would say most likely it is though.

Madam Associate, would you go back, please, now to the email at 517. So the TRIM reference for the email is 14314 and I can't presently help you with the TRIM reference for the memorandum, sir.

15 COMMISSIONER: That's all right, thank you.

MR BEETHAM: You will see in the order of the emails, Dr Green, Mr Linnios responds to your email?---Yes.

20 And then Mr Harley responds to the people identified in the "To" and "CC"?---Yes.

And you will see that in the middle of that, Mr Harley writes:

25 *Steve/Lexi, if Rebecca is willing to take this extraordinary step despite the clear will of Councillors, that gives you some indication of how she would function in the Acting CEO role.*

30 ?---Yes.

When you said there was an exchange of correspondence and then a telephone call in relation to Director Moore being CEO, is this what you're talking about?---Yes.

35 Were all of you on the phone, do you remember, when that conversation took place, or were you some of you in the same room or were you in the room with another person?---In relation to Ms Chen, my recollection is I had a the conversation with her in the foyer of Council House and in relation to the people on this email chain, I believe it was a - it wasn't a group call, I think there were
40 conversations - I think we had a meeting at Council House before the Council meeting and then there would have, I presume, been also individual phone calls in relation to this. Also, we went to the Administration, I just remembered, and we asked for a copy of the - sorry, I don't know the technical term but the Emergency Response Plan or Crisis Management Plan and we actually met with someone in
45 Governance, I think it was Mr Harley and I, and got a copy of it.

Do you remember who the person was you met with?---It was one person below

Mr Ridgwell.

Do you remember if it was a male or female?---A male.

5 What did you discuss - so if we come back to the conversation that you had about Director Moore, what did you discuss about her?---In concert with having read the actual plan, the Emergency Response Plan, it became clear that there were no valid triggers in that, that could justify her doing this and it seemed to me that this was a stunt.

10

A stunt? What do you mean by that?---An attempt to use this policy so that Mr Mileham and the Lord Mayor could retain control of the City.

15 What led you to the view that it was a stunt to enable Mr Mileham, first, and if it's separate, the Lord Mayor as well, retain control of the City?---Because we had sent the email on the weekend convening the Council meeting, so that the Council, by majority resolution, could appoint a CEO of its choosing and that this was an attempt to thwart that. They didn't want that to happen so they did this as a way of trying to subvert that process.

20

Did you think the Lord Mayor was involved as well?---Yes.

25 What made you think that?---I think Ms Battista expressed a view to me that Mr Mianich was coordinating things in concert with the Lord Mayor in relation to Project Douglas and that when he had gone on leave, the City went and put out a press release in the Lord Mayor's name about this and it seems to me that they were all talking and coordinating their efforts together.

30 So this was something - this was a view you reached by inference rather than direct evidence of actually seeing it happen, is that right?---Well, I think the media statement with her name on it was fairly indicative of her involvement.

35 Other than that?---Well, Ms Battista's view and the - her views expressed in the Council meeting as well, and then also the media release I think were the three sort of pillars of information that I was relying on in forming my view, as well as my suspicions.

40 And the views expressed in the Council meeting, is that the Lord Mayor's view as expressed on the Special Council Meeting on the afternoon of the 27th?---Yes.

45 Is that a view - I'm trying to understand is whether your view that the Lord Mayor was involved is a view you reached before or after the Special Council Meeting?---I thought that it was before because on the 16th, she was very much a protagonist in the conversations in relation to the allegations made to me about the CEO being in breach of his employment contract and then she'd gone out in a press conference the following day and made a big thing of it as well. So it appeared that she was siding with these - the views that were expressed by Mr Mileham and

that she did not want anyone else appointing the Acting CEO, besides the CEO himself.

5 I think your evidence was, Dr Green, that you reached the view that the enactment of the Crisis Management Plan was a way of, and this is where my handwriting gets messy, either disrupting or avoiding the process, the Special Council Meeting?---Yes.

10 Is that a fair summary of your view?---Yes, it is.

15 Are you able to shed any light on, in your view, how the enactment of the Crisis Management Plan could actually disrupt or avoid that process?---Sure. My understanding was that the idea was that you didn't need to have a CEO because this person appointed themselves as the CEO and there wasn't a requirement to have a CEO. That was the inference being made. There wasn't a need for an Acting CEO because this person would ipso facto do that job.

20 So the inference you drew, was it, that they'd enacted the Crisis Management Plan to install this Crisis Manager so that the Executive can say to the Council, "You don't need a CEO, somebody's in the role"?---I do.

And the Acting CEO, somebody's in that part of the role?---Exactly.

25 Madam Associate, could we now go forward to the document at 11.0529, TRIM reference, sir, 14320.

COMMISSIONER: Thank you.

30 MR BEETHAM: If I could ask you to enlarge that, please, as well, Madam Associate. Dr Green, you will see that's an email from Ms Moore to the Lord Mayor and the Elected Members?---Yes.

At 3.25 on Tuesday, 27 February?---Yes.

35 Do you recall receiving that email?---Yes, I do.

And you will see it's an email - it is in effect an email from Mr Mileham, do you understand what you mean by that?---I do.

40 You will see in the italicised part of the email, which is the email which is in effect from Mr Mileham, he indicates that he will be back at work on 6 March?---Yes.

Which is the following Tuesday?---Yes.

45 You've already given some evidence go how your recollection, in conversation or correspondence with Ms Battista, there's only going to be three business days?---M'mm.

Did you at that point, having received that email, pause and think, maybe we don't need to change policy and appoint an Acting CEO?---No.

5 Why not?---Because the mere fact that they had called this Emergency Response Plan under false pretense so that they were not actually operating correctly, and this kind of goes to my point earlier where I said the view of the Administration was that the Council - they were doing fine and the Council is irrelevant and that this is just another example of that perspective, but this was becoming far more
10 perverse because they were using things like Emergency Response Plans to try and thwart the ability of Council to determine who its CEO would be.

Did you have a view yourself, a particular view about the need in particular for an Acting CEO for these three days at that time?---I don't think it was in any way
15 given that the CEO was going to come back in three days, that's the first thing. This is what was being said but he was on indefinite leave, now he's coming back and it just seemed to be a construct so that they could subvert us

[11.15 am]

20 Did you reach that view because of the evidence you've already given about your concern about what was going on in the background at this time?---Correct, but also that the CEO had chopped and changed about how long he was going to be away for. It went from indefinite to - - -

25 I will come back to that in a moment?---Yes.

Other than the chopping and changing that you speak of, and the background concern you had, did you have any other reason to doubt Mr Mileham saying in
30 this email he'd be back on 6 March?---Actually, I just - in relation to what I'd said earlier, which is that I wrote to the Department to get advice on how to suspend him, that I think was part of this as well because I thought that, I wasn't convinced that he would come back on the 6th and I thought if he did come back on the 6th, the Council should suspend him and conduct an investigation into his conduct.

35 Did you have any other reason to doubt what Mr Mileham had told you in this email?---I didn't think that Ms Moore was sending something that wasn't actually what he had sent, is that what you're asking? Did I think that this was actually what the CEO had written?

40 We will take it in steps. Did you think this was what the CEO had actually written?---Yes.

45 Did you have any reason to doubt his sincerity in stating that he will be back on Tuesday, 6 March, other than the things we have talked about?---Yes.

What was that?---I think that - it was just hard to believe what he was saying at this

point.

Did you have any direct evidence to indicate to you that he would not as a matter of fact be back on the Tuesday?---Not - no, I didn't have evidence that would suggest otherwise.

Dr Green, can I show you a document - I'll need to hand you a hard copy because as I understand, it's not a document, sir, that we have yet.

10 COMMISSIONER: Thank you.

MR BEETHAM: Madam Associate, can I ask you to hand a copy to Dr Green, one to the Commissioner and Mr Howard if he needs a copy, but I think Mr Howard has a copy. Can you just take a moment to read that document, Dr Green?---Yes.

You will see it's a chain of two emails?---Yes.

And the first one is from Ms Battista to yourself?---Yes.

And it's at 3.54 pm on the afternoon of 27 February?---Yes.

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

25 You gave some evidence earlier today, this morning, about Ms Battista emailing you saying she didn't want to be CEO?---Yes.

Is this the email you're talking about?---It is.

30 Is that the reference to Ms Battista writing - I will read the whole email out for the benefit of the people in the room. Ms Battista writing:

Martin is returning to work on Tuesday. I'm also advised he's running the show today. I honestly don't think my acting for three days is a good idea. I can only imagine the retribution when he returns. He's already trying to dig up dirt on me. I'm separately advising the Department about this.

?---Yes.

40 So that's the communication to you that you were referring to?---Yes. There was other communication as well which was that Ms Battista had said that Rebecca Moore had gone to HR with Mr Ridgwell and tried to get, like, her personnel file to get dirt on her as well, and that Mr Ridgwell was surveilling her phone.

45 I will take those in turn. I think the first piece was that Mr Ridgwell and Ms Moore had gone to get her personnel file, Ms Battista's personnel file?---Yes.

When did Ms Battista tell you that?---I think it was on an email on the 27th or the 28th.

5 You think that was in another email?---Yes, and then surveilling the phone was another email on the 27th or the 28th.

I see. So none of these pieces of - these communications you're talking about, none of these were over the telephone? To your recollection, these were all email based correspondence?---Yes.

Do you know if you still have those emails, Dr Green?---I do, yes. I believe I would have given them to you but I can re-send them again if you like.

15 You will see, Dr Green, you forward the email to Councillors Harley, Hasluck, Linnios and Barton later that afternoon?---Yes.

At 4.15?---Yes.

20 And you write:

We need to deal with what Martin is doing as a matter of urgency.

?---Yes.

25 What did you mean by that? What were you conveying to these Councillors?---That Mr Mileham was in a contractual dispute with the City and was trying to shore up his personal position, and he was controlling the Administration in order to do that and he was actually attacking Ms Battista and she was fearing retribution for her doing the right thing.

30 What did you propose, or did you have any discussions with these Councillors about what you would do to deal with this concern you had?---Yes. I recall saying that when Mr Mileham returned to work, we should suspend him on full pay and conduct an investigation into his conduct.

35 Do you recall ever receiving an email reply to this chain from any of those Councillors?---I can't remember whether I got an email reply but we certainly did discuss it.

40 Did you respond to Ms Battista in respect of her email below?---I would have done, yes.

45 Do you have a recollection of doing that or is that something you're - - -?---I think it was on the phone that we spoke.

Following her email?---M'mm.

Sir, I would seek to tender that document.

COMMISSIONER: Thank you.

5

#EXHIBIT JMG1- Email from Jemma Green to Reece Harley dated 27/2/2018 at 16.13 forwarding an email from Annaliese Battista to Jemma Green dated 27/2/2018 at 3.54.36.

10

MR BEETHAM: Thank you, sir. Sir, I'm coming to the end of my questions for Dr Green, it might be convenient just to take the morning break a little bit earlier so I can have a discussion with Mr Parkinson, in order to hopefully truncate anything that I have left to ask, if that's convenient to you, sir.

15

COMMISSIONER: That might also be an opportunity to make some enquiries about the other emails to which Dr Green has referred.

MR BEETHAM: Yes, sure.

20

COMMISSIONER: I will adjourn now for 15 minutes.

WITNESS WITHDREW

25

(Short adjournment)

30

35

40

45

HEARING RECOMMENCED AT 11.43 AM

DR Jemma Marie GREEN, recalled on former oath:

5 COMMISSIONER: Yes, Mr Beetham.

MR BEETHAM: Sir.

10 Dr Green, I just want to ask you now some questions about what happened on the day after the Special Council Meeting on the 28th and I understand at least two things of significance happened. The first is that you had a meeting with the Minister - when I say you had a meeting, I mean Council had a meeting, do you recall that?---Yes.

15 At that meeting - can you tell me, what were you told at the meeting by the Minister?---That he was disappointed in the Council, that he intended to suspend the Council.

20 We have heard some conflicting evidence as to what went on at this meeting and I was hoping you could help us. Was it simply that the Minister said he's intending to suspend Council or did the Minister give the Council a range of options that the Minister was considering?---No, I don't recall receiving any options. I recall hearing the news that it was over.

25 Did anybody from amongst the Councillors express any views about this, either before the Minister said this or in the lead-up to the Minister saying it?---After the Minister said that, yes.

Did you express a view?---I did.

30

What did you say?---I said that I am not - "unlike some of my fellow Councillors, I'm not pleased and I'm not satisfied that this is happening. I'm really upset that it's come to this."

35 Did anyone else express a view?---Yes.

Can you recall who those people were?---Yes.

40 Who were they?---The Lord Mayor, Mr Adamos, Mr Harley, I believe Mr Limnios spoke but I can't recall what he said

[11.45 am]

45 Do you remember anybody else amongst the Councillors speaking, or were those the only ones?---They are the only ones I can recall.

What did the Lord Mayor say?---She said, "I'm pleased."

Just those two words?---No, that was how she started the sentence. She went on to say that she thought that this needed to happen and that this was the right outcome.

5 Did she explain - did she say why she reached that view?---I don't recall her saying why.

Did she say anything else?---I can't remember what else she said but I do remember her saying that.

10

And you mentioned Councillor Adamos, what did Councillor Adamos say?---He said, "I'm satisfied."

15 Did he say anything other than that, or just those two words?---I think that he went on to kind of express his disappointment with the way things had been run and he thought that this was the right outcome.

20 I think the other person you mentioned who you recalled saying something was Councillor Harley?---Yes. I spoke next and that's where I spoke in response to what they said and then Councillor Harley - - -

25 Sorry, just hold on. I will correct you then, when you say "in response to what they said", is that a reference to both the Lord Mayor and Councillor Adamos?---Yes.

30 Sorry. Please go on?---And then Councillor Harley spoke as well and he said that he was really disappointed to hear this news and that we were trying to - he said that he recognised that there were issues, but we were doing our best to try and resolve them and he had expressed some dismay that we weren't being given an opportunity - this isn't the words he used exactly but along the lines of - to rectify the situation.

And after that meeting, did you return to Council House?---I think, yes, I did.

35 Do you recall conveying the fact that Council was going to be suspended, did you convey that to anybody at the City on that day, the 28th?---I don't recall doing that. I do recall calling my husband and talking to him about it.

40 You don't recall telling the staff, the Administration about this?---When we got to Council House, I don't recall there being anyone at the desk. So on our floor, there was the offices for the Elected Members and then there was - immediately outside the lift there's the desk for the EA, but I don't remember the EA being there, so I don't think that I saw - I'm not sure that I saw anyone - actually, I just remembered that when we left there was a, like a security guard, he had like a yellow hi-vis jacket on and he made a comment along the lines of, "I know you were trying to" -
45 it wasn't just to me, to Steve and Reece was there as well, and he said along the lines of, "I know you were trying to sort things out and I'm sorry that it's come to

this", or something like that.

So you understood, did you, that that person knew that the Council was going to be suspended?---(No audible response).

5

Was that something you had told that person?---I don't remember telling them.

Did you speak with Ms Battista about the suspension of Council on that day or in the following couple of days?---I am sure that I did but I can't recall exactly - I don't think - she wasn't in the meeting with the Minister. I don't remember seeing her when we got back to Council House so I presume I would have spoken to her on the phone. I would have certainly spoken to her.

10

But you just don't recall doing it now?---Yes.

15

The last thing I want to ask you about, Dr Green is, you gave some evidence earlier about taking some advice, I think was your language, or language to that effect, in relation to whether the Council could suspend Mr Mileham?---Yes.

Following the 27th, on a day after the 27th. Do you recall whether you took that advice or sought that advice by email or on the telephone?---I think it was via email correspondence with Ron Murphy at the Department.

20

Madam Associate, could I please ask you to bring up the document at 11.0671, and I'm sorry, sir, I don't have a TRIM reference for that document at this stage.

25

COMMISSIONER: That's all right.

MR BEETHAM: If I could ask you, Madam Associate, to zoom in, just at the very, very bottom of the chain you will see some indistinct words at this stage. I'm just showing you this, Dr Green, to locate you in the document. You will see there it suggests there's an email from you on 28 February?---Yes.

30

If we go over to the next page, Madam Associate, to see that email?---Yes.

35

You will see there's the rest of the sort of header to the email to Mr Murphy and Ms Murphy?---Yes.

Is this an email or is this the email you're talking about when you say you contacted them?---Yes.

40

You will see in the email you start by saying, "Council is considering scheduling a Special Council Meeting for Monday to suspend the CEO", so on and so forth?---Yes.

45

When you say "Council", were you referring to all of Council or were you referring to part of Council?---The majority of Council.

Are those the five people we have spoken about a few times so far already?---Yes.

5 And do you recall having the discussions with those people about suspending Mr Mileham?---Yes.

And do you recall discussing it with each of them?---Yes, I do.

10 Later down in the email you write:

I write to you to seek advice about the appropriate wording for the request for a Special Council Meeting.

?---Yes.

15

And you ask:

20 *Specifically, do we need to state in the agenda our intention to suspend and investigate, or can we keep it generic and say something like, "The CEO Performance Review".*

?---Yes. Would you mind just scrolling up, please?

25 Yes. That's the top of that page?---To the previous page.

I will do that in just one moment, Dr Green?---Sure.

30 Can you recall or can you explain to the Commissioner why it is that you wanted to keep it generic at that point?---Could you just say, generic in what sense?

If you look in the middle of the email, your email, the sentence starting, "Specifically"?---"Do we need to state" - yes.

35 Are you able to give any reasons why at that stage, and I will remind you, this is at 9.55 am on Wednesday, the 28th?---Yes.

Why you appear to have expressed a preference perhaps for keeping the agenda generic?---Yes, I do.

40 And what is that reason?---Because there was so much media around what was going on at Council and a lot of it at this stage - at this stage, there was a lot of media, negative media about what the City was doing and attempts to thwart what were legitimate actions, in my view, by the majority of Council.

45 By the media do you mean, or are you talking about two separate things there?---No, I'm talking about either the Administration or the Administration in concert with the Lord Mayor coordinating their efforts and using the media to

thwart legitimate attempts by the majority of Council to do things.

5 So were you, following on from that, asking if you could keep it generic in order to disguise what was happening or going to be happening at that meeting so that the Administration couldn't take those steps?---I think that "disguise" isn't the language that I would use, I would say for it to remain confidential until the forum in which it would be discussed.

10 Just so I understand the underlying motivation in that, so is it people within the Administration, potentially the Lord Mayor about whom you had concerns, it was kept confidential from them?---Yes.

15 Madam Associate, could we go now back to 671 and this may have been where you wanted me to take you up to before, Dr Green. You will see your email at the top. You take some advice from Mr Murphy and then in your email at the top you say:

20 *Thanks, Ron. This is clear. Can we say that Council suspends the Chief Executive Officer pending the outcome of investigations conducted by relevant State agencies.*

?---Yes.

25 Do you recall getting a response to that?---I think that Mr Murphy did respond but I - I'm pretty sure he did.

30 As I understand it, and I would be grateful if you could confirm this for me, that motion, if I can describe it in that way, was never put because Council was suspended before it could be put, is that right?---Yes.

Those are my only questions for Dr Green at this stage, sir.

35 COMMISSIONER: Thank you very much. I will now hear applications. Ms Young, do you have any application?

MS YOUNG: I do not, Commissioner.

40 COMMISSIONER: Thank you, Ms Young. Mr Houweling, do you have any application?

MR HOUWELING: We do not, Commissioner.

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

45 MR MARIOTTO: No application, Commissioner.

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

MR WYATT: No application, Commissioner.

COMMISSIONER: Ms Siavelis, do you have an application?

5

MS SIAVELIS: No, thank you, Commissioner.

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

10

MR HART: No, Commissioner.

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

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

15

COMMISSIONER: Very well. Dr Green, I'm going to have to ask for you to be excused from the hearing room?---Sure.

Thank you.

20

WITNESS WITHDREW.

COMMISSIONER: Yes, Mr van der Zanden.

25

MR van der ZANDEN: Thank you, Commissioner. The first point that I would seek leave to question the witness on is in relation to - she gave some evidence that she received a copy of the letter that Ms Battista sent to Mr Mileham dated 23 December 2017. My recollection is that she received a copy of that letter, or her evidence was she received a copy of that letter in January 2018, and we have also heard evidence before the Inquiry about a news article on or about 28 February where the contents of that letter were reported and my questions for Dr Green are whether or not she has any knowledge of how the contents of that letter came to be in the hands of the press and whether she had any involvement in that and if so, what her motives were.

35

COMMISSIONER: How many more topics do you wish to examine Dr Green on?

MR van der ZANDEN: One more.

40

COMMISSIONER: Perhaps you could let me have that one as well.

MR van der ZANDEN: That is simply to just put to her that her evidence in respect of what she recalled the Lord Mayor saying at the meeting with the Minister on 28 February, put to her an alternate version which is the Lord Mayor's evidence on that.

45

COMMISSIONER: Yes. Thank you, Mr van der Zanden. Mr Beetham, what do you want to say about those matters?

MR BEETHAM: There's no objection to either of those, sir.

5

COMMISSIONER: Thank you. Mr van der Zanden, I give you leave to examine Dr Green on both matters.

MR van der ZANDEN: Thank you.

10

COMMISSIONER: Ms Harrison?

MS HARRISON: No questions, thanks, Commissioner.

15

COMMISSIONER: Thank you. Mr Malone?

MR MALONE: No application to make, Commissioner.

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

20

MR BOURHILL: No, sir.

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

25

[12 noon]

MS SARACENI: Yes, sir, and if I start from the end, what I would seek leave to ask this witness is, in relation to the emails we have just seen and planning a Special Council Meeting on Monday, 5 March, Monday, 5 March was in fact a public holiday and I wanted to ask the witness how they thought they were going to get people - staff there for the Special Council Meeting and the recording of it and why the 5th? Why the rush for the 5th given that they knew that Mr Mileham was due back the next day, on the 6th, is the first.

30

COMMISSIONER: Yes. How many more topics are there?

35

MS SARACENI: About four, sir.

COMMISSIONER: All right.

40

MS SARACENI: The next one in relation to the attendance before the Minister on 27 February 2018, it's my understanding that Ms Green and the other five held a press corporation outside Dumas House immediately following the meeting when they said publicly what Minister Templeman had said to them. So in relation to knowledge of the security guard or anyone else about what was happening, I think that's a relevant point to put to her, some see if she recalls holding that press conference and making the announcement on the evening of 27 February.

45

COMMISSIONER: Thank you. The third?

5 MS SARACENI: The third one is in relation to Mr Mileham's sick leave, the fact that as the employer, she did not or question whether she actually sighted or asked to sight the medical certificates which provided the dates of the unfitness.

COMMISSIONER: All right, thank you. The fourth?

10 MS SARACENI: In relation to that also, Mr Mileham was actually originally going off on annual leave for a few weeks, just to ask her whether she was aware that he was not going to be there, whether it was annual leave or sick leave.

COMMISSIONER: Thank you.

15

MS SARACENI: Then in relation to the Performance Review Committee, there's been some evidence of this witness in relation to the initial three person CEO Performance Review Committee becoming the whole of Council and what I would like to put to her that that occurred on her first day as the Deputy Lord Mayor, on 20 24 October 2017 at the Special Council Meeting and it was Mr Mileham that put that up.

COMMISSIONER: All right.

25 MS SARACENI: Then also in relation to that Special Council Meeting, at the conclusion of which Mr Mileham actually oversaw her being officiated as the Deputy Lord Mayor, at the end of a long three hour meeting on 24 October 2017, that Special Council Meeting, and at the end of that, Ms Green, I'm instructed, had a conversation with Mr Mileham saying that - shook his hand and said, "Although 30 we have had our differences, I plan to work cooperatively with you in the best interests of the City."

COMMISSIONER: Give me the date of that one again?

35 MS SARACENI: It was 24 October 2017, at the conclusion of the Special Council Meeting.

COMMISSIONER: Yes, I just needed the date, thank you. All right. Are those the four matters?

40

MS SARACENI: I think there might be one or two more, sir. I've been deleting as much as I can. The other one is in relation to the Project Percy report and the communication of the outcome that there was no misconduct, how that was communicated to Mr Mileham and I would like to ask this witness whether it was 45 her that provided the report to Mr Mileham or not, and if it wasn't, what was her intention as the Deputy Lord Mayor to do in relation to having a cooperative working relationship with Mr Mileham moving forward after she had been

involved in this secret investigation into him.

COMMISSIONER: How's that going to assist?

5 MS SARACENI: Well, she has given evidence in relation to, as I understand it,
her professionalism and fairness and no issue of bullying whatsoever in relation to
Directors and CEO and yet what I envisage she's going to say in relation to how
she was going to treat Mr Mileham after this secret investigation is something
10 that's important as to the motivation of both parties doing what they did moving
forward.

COMMISSIONER: All right. Next one?

15 MS SARACENI: The last question, sir, just a very minor point in relation to,
she's given some evidence about, she asked Mr Mileham initially in relation to, she
wanted some law firms that she could get some information or advice from and
that she indicated that there was delay in Mr Mileham complying with her request.
What I would like to do is put to her that the earliest that she could have spoken to
Mr Mileham was the day after she was elected as the Deputy Lord Mayor which
20 would have been 25 October, the day after that meeting that I've just spoken about
and that in fact Mr Ridgwell, within two days, there's an email from
Mr Mr Ridgwell giving her the list, so what delay?

COMMISSIONER: So that's the sixth topic?

25 MS SARACENI: That's it, sir, thank you.

COMMISSIONER: Thank you very much. Mr Beetham?

30 MR BEETHAM: I'm a little nervous you said sixth topic, sir, because I have
seven but perhaps I split one into two so we will see how I go, sir.

COMMISSIONER: I combined two into one.

35 MR BEETHAM: No objection to the first question. I suspect I know the answer
to that but I imagine it will be dealt with very quickly. That's in relation to the
Monday public holiday line of questioning, sir.

COMMISSIONER: Yes, thank you.

40 MR BEETHAM: No objection in relation to the press conference following the
Minister's meeting.

COMMISSIONER: Yes, thank you. That's number 2.

45 MR BEETHAM: No objection in relation to questions about Mr Mileham's sick
leave. Those questions were asked of another witness so it seems to me

appropriate that this witness also be asked.

COMMISSIONER: Yes, I had that down as topic number 3.

5 MR BEETHAM: So far, sir, we are on the same train, which is good.

COMMISSIONER: I think it's 4 where you and I come unstuck, but go on.

10 MR BEETHAM: My understanding of the fourth point, sir, is in relation to the meeting on 24 October 2017.

COMMISSIONER: Yes.

15 MR BEETHAM: At which the CEO Performance Review Committee was expanded and I understand Ms Saraceni wanted to ask about that.

COMMISSIONER: Yes.

20 MR BEETHAM: Or put to this witness that that's when that happened and also, secondly in relation to that, sir, and I had this as a separate item, that Mr Mileham officiated her swearing in as the Deputy Lord Mayor.

25 COMMISSIONER: Yes, I've got that down as the one, you've got it as the two because I put it down as the one because Ms Saraceni linked them in her submissions. So we will call that 4 and 5 just to make it easier.

30 MR BEETHAM: I'm not quite sure what questions in relation to those two items will add to the work of the Inquiry, sir. If the CEO Performance Review Committee was expanded on that date, the minutes of that meeting no doubt will reflect that and the fact that Mr Mileham and Dr Green may have had some discussion about working cooperatively together on that date is reflective of what they perhaps spoke about on that date and I'm not sure if it takes things any further.

35 COMMISSIONER: That's why I asked about the date.

MR BEETHAM: Sir. The only thing perhaps on that, thinking about it now is, it might dovetail into the fact that then there was this advice sought some few days later. So if it's to do with that, sir, I wouldn't object to it on that basis.

40 COMMISSIONER: Ms Saraceni is nodding as you say that so I assume there is that connection.

45 MR BEETHAM: In which case, sir, I only resist the questions about, or putting to Dr Green the expansion of the CEO Performance Review Committee on that date.

COMMISSIONER: Yes.

MR BEETHAM: In respect of that item.

COMMISSIONER: Number 6? Number 6 was the Project Percy point.

5 MR BEETHAM: Yes, I'm just trying to puzzle out my own handwriting, sir. Sir,
that was in relation to, as I understood it, one of the questions was whether
Dr Green provided the report to Mr Mileham. There's material before the Inquiry
to indicate how Mr Mileham, and Mr Mileham's given evidence about that, how he
10 received the report and Dr Green's evidence was she's never had a copy of the
report so I'm not sure that would assist matters.

COMMISSIONER: Yes.

15 MR BEETHAM: That's one aspect of it, sir. In relation to cooperative approach
going forward, I don't have a strong objection to Ms Saraceni asking Dr Green
about that.

COMMISSIONER: Yes.

20 MR BEETHAM: The last point, sir, in relation to the delay, I don't recall whether
or not Dr Green used that word. I'm happy to accept, for the sake of the argument,
that Dr Green did but the documents, sir, will speak for themselves as to the time
between Dr Green was sworn in as Deputy Lord Mayor and when the advice was
25 sought and when Mr Ridgwell engaged the solicitors and any submissions in
respect of the characterisation of the word "delay" can be made on that basis rather
than putting it to the witness, but I will leave that in your hands.

COMMISSIONER: Thank you, Mr Beetham. Ms Saraceni, I'm going to give you
leave to examine Dr Green on all of those matters but the last.

30 MS SARACENI: Thank you, sir.

COMMISSIONER: Because the documents do speak for themselves and there's
really no point in the examination of Dr Green on that matter.

35 MS SARACENI: But I am in relation to the agenda item for the expansion of the
CEO Performance Review Committee?

COMMISSIONER: Yes, everything but the last.

40 MS SARACENI: Thank you.

COMMISSIONER: What's been described as the 7th by Mr Beetham.
Mr Howard, do you have an application?

45 MR HOWARD: Not at this stage.

COMMISSIONER: Very well. I will come back to you at the end of Ms Saraceni's examination and she will be the last.

MR HOWARD: Thank you, sir.

5

COMMISSIONER: At that point, you may or may not have something.

MR HOWARD: Thank you.

10 COMMISSIONER: Madam Associate, can we have Dr Green back into the hearing room, please. Dr Green, would you please resume your seat in the witness box?

Dr Jemma Marie Green, recalled on former oath:

15

COMMISSIONER: Thank you, Dr Green. In your absence, I have heard and allowed applications to examine you by Mr van der Zanden, who represents Ms Scaffidi?---Yes.

20 And by Ms Saraceni, who represents Mr Mileham?---Yes.

Mr van der Zanden, are you ready to begin?

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

25

COMMISSIONER: Thank you.

EXAMINATION BY MR van der ZANDEN.

30 Dr Green, I've got two lines of questions. The first one is in relation to a letter from Ms Battista to Mr Mileham which was dated 23 December 2017?---Yes.

35 That you gave evidence on Friday that you received a copy from Ms Battista in January, is that correct?---I said some time after that and it could be in January, but I did check on the weekend and I discovered that I actually received it on the 23rd and then I received a follow-up on the 3rd, with the response from Mr Mileham in relation to the letter.

40 So you received this letter on 23 January?---December.

23 December, sorry. From Ms Battista?---Yes.

And that was by email, was it?---Yes.

45 The Inquiry's heard some evidence about a news article from on or about 28 February 2018, that's the day after the Special Council Meeting; do you recall that news article?---There were lots, which one are you referring to?

Sorry, perhaps I can give you a bit more context to help. So it's entitled, "City of Perth - an unsafe workplace since 2016, leaked email claims"?---Yes.

5 And then it referenced the letter from Ms Battista?---Yes.

Does that refresh - do you recall the article now?---I do.

10 Do you have any knowledge of how the contents of that letter became known to the journalist?---I do.

Can you tell the Inquiry how?---I sought permission from Ms Battista to provide that to the media and I then forwarded it to Mr John Carey and he, as I understand it, provided it to the journalist.

15

Sorry, you didn't provide it to the journalist?---I did not.

20 You just provided it to Mr Carey?---I asked for permission from Ms Battista in order to share it with third parties and she gave me her permission, and then I provided it to Mr Carey and I understand that he provided it to the journalist.

[12.15 pm]

25 What gives you that understanding ?---He told me.

Why did you give it to Mr Carey?---I was speaking about the matter with him and I asked Ms Battista whether she was okay if I provided it to third parties and I think I discussed including him and she said that she was okay with it.

30 I'm not sure that answers why you provided it to him?---He asked - I said that there was - I think I discussed with him that there was a letter that was talking about this matter and he asked if he could see a copy of it and I said I needed to check with Ms Battista, and I did and then I provided him with a copy of it.

35 Was the purpose of doing so to damage Mr Mileham?---When you say "doing so", what are you - - -

40 Providing it to Mr Carey?---No, I would not - I would say the purpose of providing it to him was so that he could understand the situation insofar as what was actually happening at the City of Perth.

45 Was it the damage the Lord Mayor?---No. It was not to damage anyone in particular. In my view, the City had been run like a closed door club as opposed to an open and transparent layer of government and that this was an example of this occurring.

The second topic, Dr Green, is, you gave some evidence just a little earlier today

about the meeting with the Minister on 28 February 2018?---Yes.

5 You were asked, or you gave some evidence about what you recalled the Lord Mayor saying in relation to the Minister's statement, that he intended to suspend the Council, do you recall that?---I do.

And I think you said - your evidence was you recalled she said, "I'm pleased. It needed to happen. It was the right outcome", in your evidence?---Yes.

10 Is it the case that she said she wasn't surprised?---I don't recall her saying that.

And that she was sad?---I don't recall her saying that in that meeting. I do recall her saying that at the press conference outside.

15 Was it possible that's what she said rather than what you now recall?---Absolutely not.

20 That's over 18 months ago but you couldn't be mistaken in that regard?---No. In fact, I repeated it in a meeting and then I subsequently spoke to Ms Barton, Mr Hasluck, Mr Harley about it in the foyer of Dumas House and we were shocked about this, about her - - -

Well - - -?--- - - - having said that.

25 MR HOWARD: Perhaps let her answer the question you asked.

30 WITNESS: So it was - I think at the time I had a bit of paper and I actually wrote it on - I think I wrote something like, "LM" and "pleased" and then, "Adamos, satisfied" because I was so shocked that they actually would say such a thing.

MR van der ZANDEN: "Satisfied" is not the evidence you've just given previously this morning?---Excuse me?

35 The word "satisfied" is not the evidence.

COMMISSIONER: What Dr Green is talking about is what she wrote on the note of paper.

40 MR BEETHAM: Sir, I think also Dr Green is referring to the evidence on the one hand - sorry, her evidence is in two facets: on the one hand in respect of the Lord Mayor and as I understand it, the word "satisfied" was used in connection with Mr Adamos.

45 COMMISSIONER: That's also my understanding and the evidence Dr Green gave was that was what she wrote on a note that she made.

MR BEETHAM: Yes, sir.

MR van der ZANDEN: Dr Green, I understand you wrote on the note that someone was satisfied with the result; who were you referring to?---I wrote on a note that the Lord Mayor was satisfied and that Mr Adamos was pleased.

5

That's different to your evidence this morning where you said the Lord Mayor was pleased and Mr Adamos was satisfied?---I'm sorry if I'm getting mistaken.

I don't have any further questions, Commissioner.

10

COMMISSIONER: Dr Green, may I ask you a question?---Yes.

This is a handwritten note, I assume?---I think I had like a bit of paper with me. I didn't have a notebook and I wrote it on there at the time and I don't - I have looked in my records and I don't have a copy of it but what would typically be the case is that after meetings and things like this, I would just either write an email follow-up and recycle the bits of paper. I didn't keep bits of paper, so I'm sorry, I don't have it in my records.

15

20 You've anticipated my question, thank you. Thank you, Mr van der Zanden.

MR van der ZANDEN: Thank you, sir.

COMMISSIONER: Ms Saraceni.

25

MS SARACENI: Thank you

EXAMINATION BY MS SARACENI

30

I might just try and re-order them so that I'm not skipping around date-wise in relation to topics. Dr Green, I have a couple of questions to ask you, first, in relation to the evidence you gave just a short while ago about the advice you sought from Ron Murphy at the Department in relation to holding a Special Council Meeting and the date that was in that email was Monday, 5 March, do you recall that?---The 5th of March I don't recall.

35

Perhaps the witness could be shown the document again.

COMMISSIONER: Would you like to call it up?

40

MR BEETHAM: I can assist, sir, it's at 11.0673.

MS SARACENI: Thank you.

45

COMMISSIONER: Thank you, Mr Beetham.

MR BEETHAM: That's Dr Green's original first email to Mr Murphy.

COMMISSIONER: Thank you, Mr Beetham. Ms Saraceni, we will have that up in a minute. Madam Associate, may we have that enlarged, please. Thank you.

5 WITNESS: I can't see the date on this.

MS SARACENI: If you look at Mr Murphy's email, and he gives you a draft of a motion, do you see that? I think it's about halfway down "Cheers, Jemma, here's a draft"?---Sorry, could I just see the date of this correspondence, please? ^ .

10

MR BEETHAM: At the bottom of 671.

WITNESS: So the correspondence is the 28th, you're referring to the - I didn't send the email on 5 March.

15

MS SARACENI: I will ask the question again?---Sure.

If we could go, Madam Associate, to the next page. The Special Council Meeting that you sought Mr Murphy's advice on was due to be held on Monday, 5 March 2018, do you see that?---Yes.

20

When you hold a Special Council Meeting, you need Council staff present as well?---Yes.

25 The record shows that Monday, 5 March 2018 was a public holiday. How was it that you and the others were proposing to hold a Special Council Meeting on a public holiday?---That's a good question. I suspect that I was not aware of that at the time and it would have needed to be convened on a day at which there were administrative staff present.

30

And a date before Mr Mileham was due to return on 6 March, 2018, isn't that right, Dr Green?---Certainly, yes.

35 If I could move to another topic. You spoke about attending on Minister Templeman on 27 February 2018 when the Minister, on your evidence, said that he was going to suspend the Council?---Was that the 28th or the 27th?

27th?---Yes.

40 No, 28th. Sorry, the 28th, I apologise, 28 February, when Minister Templeman said he was going to suspend the Council. Do you recall after that, outside Dumas House, that you and some of the other Councillors met with the press?---Yes.

45 And did you tell the press what Minister Templeman had told you about suspending the Council?---I suspect that I did.

Thank you. No further questions there. Then if I could turn to another topic in

relation to Mr Mileham and we are talking about a period, end of February 2018, start of March 2018, all right?---Yes.

5 Do you recall that Mr Mileham was scheduled to go on annual leave from mid-February 2018 for a couple of weeks?---I heard about that on 14 February and I was a bit shocked because I didn't think he had any leave left and at the same time, I had received some out of office messages from Directors and I became concerned - and they were saying they are out of the office but not saying the dates that they were returning. So I wrote to the CEO on 14 February asking if he was
10 actually going on leave and I did not receive a reply and I separately wrote to the CEO Inbox and asked for Elected Members to be provided details of when Directors and the CEO would be on leave and for them to put in their out of office when they would be returning.

15 Dr Green, I haven't got access to all those documents but you say that you sent Mr Mileham an email on 14 February 2018 and asked if he was going on leave, I heard you say?---Yes.

20 Did you specify your question as to what type of leave he was going on?---No, but I meant in terms of vacation.

Linked to that, did you ever ask anyone in Administration to view Mr Mileham's sick leave certificates for the period - - -?---Not to my knowledge.

25 - - - 14 February 2018 to 5 March 2018?---Not to my knowledge, no.

If I could then turn to another topic, Dr Green and that is, after the 21 October 2017 election, there was a Special Council Meeting held on few days later on 24 October 2017, do you recall that?---I do.
30

That was, on the evidence we have heard, a lengthy meeting at the conclusion of which you were elected Deputy Lord Mayor, do you recall that?---I do.

35 Do you also recall that at the end of that meeting - sorry, before I get to the end of that meeting, at that meeting there were various motions put up by Mr Mileham in relation to various committees and which members of Council would be going on which committees, do you remember that?---Yes.

40 And do you also recall that one of the committees that was discussed was the Chief Executive Officer Performance Review Committee?---I accept that occurred but I don't specifically recall it.

45 Madam Associate, perhaps if we could jog Councillor Green's memory. Special Council Meeting minutes I understand is TRIM 21395. I'm not sure if that's the start of the document or actually, the only bit that I need.

COMMISSIONER: Mr Beetham, do you know the Bates number?

MR BEETHAM: Not off the top of my head, sir, no.

5 MS SARACENI: Perhaps, Madam Associate, if you could bring that up, it's one of the agenda items that was discussed at the meeting. It could be the agenda rather than the actual minutes. Solicitor assisting is telling me TRIM 21395 might assist us.

10 MR BEETHAM: No, I don't think it's in the - certainly it will be in the TRIM database, sir, I don't think it's in my brief with a Bates number.

COMMISSIONER: That's all right. So long as we can find it somehow, that's all that matters.

15 MS SARACENI: Whilst we are doing that, I'm happy to take the witness to the document and perhaps read out a section, if that helps.

COMMISSIONER: Let's have the document up on the screen, in fairness to Dr Green. Is this the one you're thinking of, Ms Saraceni?

20 MS SARACENI: It's agenda item 8.3 of the meeting and there's the report of the Administration officer in relation to the items, so whether that's actually in the minutes or the agenda of the meeting, but if you can look, it's agenda item 8.3. Yes.

25 [12.30 pm]

Dr Green, perhaps you could just take a moment to look through and read to yourself that item 8.3 for the meeting of 24 October 2017?---Yes.

30 Do you accept that it was Mr Mileham that brought this matter to the meeting on that date, 24 October?---I do.

35 And you'd also accept that it was as of 24 October 2017 that all Elected Members became the CEO Performance Review Committee?---Yes.

And you would also accept that Mr Mileham knew that as of 24 October 2017 when this motion was voted on?---Yes, to the extent that he had reviewed this document, yes.

40 And he was present at that meeting?---Yes.

45 And do you also recall, moving on to another topic, that at the conclusion of the meeting, because you'd been voted in as Deputy Lord Mayor, there was a need to officiate for you to officially become the Deputy Lord Mayor?---Yes.

And in fact, it was Mr Mileham that performed that ceremony, if I could put it that

way?---It was, yes.

Was it much of a ceremony?---I think that there's more examples of pomp and ceremony than that, but - - -

5

Dr Green, do you recall at the end of that meeting, when people were leaving the meeting room, that you had a brief discussion with Mr Mileham?---Maybe.

10 Mr Mileham says that after that meeting, you as the newly minted Deputy Lord Mayor shook his hand and said words to the effect that although you've had your differences, you looked forward to working cooperatively with him in the best interests of the City?---Correct.

And that his response to that was, "Ditto"?---Yes.

15

Dr Green, if I could then take you to another topic, related but different in time. This time if I could take you to the start of 2018 and the receipt from Herbert Smith Freehills of the Project Percy report, so-called. Yes?---Yes.

20 And the evidence the Inquiry's heard is that it was not you that provided Mr Mileham a copy of that report, do you agree with that?---I did not provide any - no. Mr Ridgwell wrote to me and gave me a copy of the report and said that Mr Mileham had also been provided a copy of the report.

25 Do you recall when Mr Ridgwell sent you a copy of that report?---Some time on 6 February.

30 Given that you did not give Mr Mileham a copy of the report, was it ever your intention to discuss the contents of that report and why you had requested this advice from Freehills with Mr Mileham?---I was certainly willing to discuss it with Mr Mileham if he had wanted to discuss it with me and I knew from the outset that he would be provided with a copy of it.

35 But given the conversation that you recall having said, as soon as you've become the Deputy Lord Mayor back on 24 October, looking forward to working cooperatively with Mr Mileham, how did you think that could happen given that you had undertaken that secret investigation into Mr Mileham, secret insofar as Mr Mileham - - -

40 COMMISSIONER: Just stop there, please, Ms Saraceni. Don't answer that.

MR HOWARD: I wonder if my friend might just ask a question rather than a submission.

45 COMMISSIONER: Thank you, Mr Howard. Ms Saraceni, what do you say in response to that objection?

MS SARACENI: I setting the footing.

MR HOWARD: You were making a submission.

5 COMMISSIONER: Sorry?

MS SARACENI: I was setting the footing, thank you.

MR HOWARD: Submission.

10

COMMISSIONER: Perhaps you could formulate it more succinctly.

MS SARACENI: Dr Green, given that you had said to Mr Mileham on 24
15 October 2017 that, recognising there had been differences, or words to that effect,
but you were willing to work cooperatively with him?---Yes.

How did you think that was going to take place after the Project Percy report had
been handed down and that you had not given it to him or discussed it with
him?---From my perspective, when I first received that information from Mr Fini,
20 it wasn't my intention to do anything with it. It was only after I had a conversation
with someone that I would consider to be a mentor, who was a lawyer that said,
"You should get advice on this." This person suggested that I ask the City to
procure legal advice about any reporting obligations that I might have to discharge,
and I did that with some reluctance. I wasn't intending to take any action on it, I
25 just saw it as scuttlebutt. What I said to Mr Mileham on that day, and I think it
was even reiterated in the meeting that I had with him on the 6th that was
documented in a file note by Mr Ridgwell where I said that I wanted to work
collaboratively with Mr Mileham, was my true intention. So what happened with
the Project Percy, I wasn't going after Mr Mileham in relation to that report, I just
30 was genuinely trying to get advice about the reporting obligations that I had to
discharge. I think it's pretty evident in the file note that Mr Ridgwell wrote in
December that, the fact that he documented that was my intention, that that was
indeed what I was trying to do.

35 Commissioner, I have no further questions. I think I've asked all the topics that I
was - yes, thank you. I have nothing further, sir.

COMMISSIONER: That is all of the topics that I gave you leave on, yes.

40 MS SARACENI: Thank you, sir.

COMMISSIONER: Mr Howard, do you have anything arising out of that?

MR HOWARD: No, sir, thank you.

45

COMMISSIONER: Mr Beetham?

MR BEETHAM: At least one, sir.

COMMISSIONER: Very well.

5 MR BEETHAM: Dr Green, you gave some evidence in response to questions from Mr van der Zanden about providing a copy of Ms Battista's letter to Mr Carey, do you remember giving that evidence?---I do.

10 My recollection of the evidence - I would be grateful if you could confirm or tell me if I'm wrong - is that Mr Carey requested that from you or requested something from you?---I think I had told him about what was going on at the City insofar as there were allegations that the Lord Mayor was interfering in the Administration and was bullying staff and that the CEO was failing to act in terms of dealing with those issues, and that it had been a point of contention of Ms Battista and she had
15 expressed that to Mr Mileham in her dealings with him, and I - he asked me whether he could get any more details on that and I said I would need to check with Ms Battista, and so I did that.

20 And then you provided him, some time later, I take it, with a copy of that letter and you say you provided that with Ms Battista's consent?---Yes.

Did Mr Carey convey to you why he wanted the letter?---No.

25 Did he say to you or did you ask him whether or not he was going to be providing it to the media?---No.

Thank you, sir. I don't have any further questions.

30 COMMISSIONER: Thank you. Are there any other housekeeping matters?

MR BEETHAM: Not from me, sir, no.

COMMISSIONER: The next witness is not due until 2.15?

35 MR BEETHAM: That's correct, sir.

COMMISSIONER: Very well. Dr Green, I want to thank you for your assistance to the Inquiry?---That's okay.

40 It's very much appreciated. I will adjourn the Inquiry then until 2.15 this afternoon.

WITNESS WITHDREW

45 **(Luncheon Adjournment)**

HEARING RECOMMENCED AT 2.17 PM.

COMMISSIONER: Yes, Mr Beetham.

5 MR BEETHAM: Sir, I now call my next witness, Mr Paul Crosetta.

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

10

MR CROSETTA: Affirmation, thanks, Commissioner.

COMMISSIONER: Thank you. Madam Associate.

15 **MR Luciano Paolo CROSETTA, affirmed:**

COMMISSIONER: I will now take applications and appearances, starting with you, Mr Russell.

20 MR RUSSELL: If it please you, Commissioner, together with Mr Hart, I seek leave to appear for Mr Crosetta.

COMMISSIONER: I can't imagine there will be any objection to that. Mr Beetham?

25

MR BEETHAM: No, sir, there is no objection to that or what I imagine will be the forthcoming applications.

30 COMMISSIONER: Thank you, Mr Beetham. In that case, leave is granted, Mr Russell.

MR RUSSELL: Thank you, sir.

COMMISSIONER: Ms Saraceni.

35

MS SARACENI: Commissioner, together with Mr Tuohy, we seek leave to represent Mr Mileham.

COMMISSIONER: Thank you, leave is granted. Mr Bourhill?

40

MR BOURHILL: With your leave, Commissioner, I appear for Mr Mianich.

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

45 MR MALONE: With your leave, Commissioner, for Mr Harley.

COMMISSIONER: Thank you, Mr Malone. Leave is granted. Ms Harrison?

MS HARRISON: With your leave, Commissioner, for Ms Barrenger.

5 COMMISSIONER: Thank you, Ms Harrison, leave is granted.
Mr van der Zanden.

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

10 COMMISSIONER: You are confusing me, Mr van der Zanden, you keep changing your position at the Bar table.

MR van der ZANDEN: I think I am in the same position, Commissioner, at least - I don't know.

15 COMMISSIONER: That's not a promising start. Mr Cornish.

MR CORNISH: Thank you, Commissioner. I seek leave to appear on behalf of Dr Green.

20 COMMISSIONER: Leave is granted. Ms Siavelis?

MS SIAVELIS: May it please you, Commissioner, on behalf of Ms Battista.

25 COMMISSIONER: Leave is granted. Mr Wyatt?

MR WYATT: With your leave, Rebecca Moore.

30 COMMISSIONER: Yes, leave is granted. Mr Skinner?

MR SKINNER: I seek your leave, sir, for Mr Limnios.

COMMISSIONER: Leave is granted.

35 MR SKINNER: Thank you, sir.

COMMISSIONER: Mr Houweling?

40 MR HOUWELING: For Ms Barton, together with Ms Waugh.

COMMISSIONER: Leave it granted. Ms Young?

MS YOUNG: Commissioner, with your leave, for Mr Hasluck.

45 COMMISSIONER: Leave is granted.

MS YOUNG: Thank you.

COMMISSIONER: Mr Beetham.

MR BEETHAM: Sir.

5

Mr Crosetta, just for the sake of the transcript, can you please repeat your full name and address, please?---Luciano Paolo Crosetta, [REDACTED].

10 What is your occupation, Mr Crosetta?---Semi retired at the moment.

Semi retired, did you say?---Mm hmm.

15 You were for a period of time, weren't you, the Director of Construction and Maintenance at the City of Perth?---Correct.

Can you tell the Commission how long you were in that role?---Close to four years.

20 When did that start?---October 12, 2015.

When did it cease?---July 5 of this year.

25 Mr Crosetta, I want to ask you some questions about some things that happened primarily in February of 2018 and that led up to that period. From what I can understand from your evidence a moment ago, that's a period when you were at the City?---Correct.

30 The particular topic I want to talk to you about is the enactment by the Executive of the City of what's called or what's come to be known as the Crisis Management Plan on 27 February?---Mm hmm.

Do you know what I'm talking about when I say that?---I do.

35 Could I start by going back a little bit to 12 February. Madam Associate, could you please bring up the document at 12.0677, TRIM reference, sir, 19360.

COMMISSIONER: Thank you.

40 MR BEETHAM: Mr Crosetta, can you see there - is that large enough on the screen for you to read that document?---Yes, it is, yes.

Can you see at the top of the document it's dated 12 February 2018?---Yes, I can.

45 And the document's addressed to the Director-General of the Department of Local Government, Sport and Cultural Industries?---Yes.

Having a look at that first page, do you recognise this document?---Yes, I do.

Madam Associate, if we could just skip forward two pages to 679, please.
Mr Crosetta, is that your signature under your name on the left at the bottom?---It
5 is.

And do you recall signing this document?---I do.

Were you involved in the drafting of the document?---No, I wasn't.

10 So you didn't write any of the words that are in there?---No.

Can you tell the Commissioner when you first became aware of this letter?---My
recollection, it had been raised at an ELG meeting.

15 Can you recall if that ELG meeting was in 2018 or 2017?---I can't recall.

Is it possible that it was in 2017?---I'd be speculating. It could have been.

20 When you say it was raised at that meeting, are you talking about the document
itself, you saw the document?---No. I believe it was raised as a discussion point of
what was going to be a document.

25 What did you understand - what was the discussion point you're talking
about?---The discussion point was relative to concern by the CEO of workplace
safety and concerns about the health and well-being of some of the Directors as
well as staff.

30 Was that a concern - who was that concern raised by at that meeting?---The
concern was raised by the CEO from, I believe, all of the executives about some of
the pressure of the Executive by some of the Councillors.

35 When you say all of the executives, are you including yourself in that
description?---I had concern to the extent - not so much as some of the other
executives.

Did you consider yourself to be under particular pressure from the Elected
Members, from the Councillors?---There was stress there, yes.

40 We will come back to that in a moment. Madam Associate, could we go back one
page, please, to 678. Mr Crosetta, I'm interested in taking your attention to a
paragraph in about the middle of the page. You will see there's a series of dot
points and then there's a paragraph commencing, "Notwithstanding"?---Yes.

45 Could I invite you just to read that to yourself, that paragraph, just quietly to
yourself, please?---Yes.

You see in that paragraph, the author of the letter expresses the opinion:

The conduct of Council should continue to be closely monitored and that corrective measures, should same be indicated, are applied swiftly.

5

?---Yes.

And you were a co-signatory of this letter?---Correct.

10 Is that an opinion you shared?---It is.

When you signed this letter, what did you understand "corrective measures" to mean?---Look, it was from my understanding, to inform the Minister of the context of that letter and corrective measures was to ensure the monitoring as is indicated
15 in the letter.

You will see in the letter the author of the letter writes, in a letter that you have co-signed that, "The conduct of Council should be closely monitored", so that's the monitoring you're talking about?---Correct.

20

And then I had says "and", "and that corrective measures, should same be indicated are applied swiftly." I suggest to you that means corrective measures and monitoring are something different, would you agree with me there?---Yes, yes.

25

What I'm interested to understand is what corrective measures you were thinking about at the time?---I don't think that was stipulated other than from recollection, that we as executives, through the CEO, wanted to ensure that the Minister was informed and that any corrective measures that they may see fit, was to be applied.

30

But was there discussion that you were involved in about what those corrective measures could be? What tool box was available to the Minister?---Look, I think from recollection again, that there was discussions but I can't be decisive about those corrective measures, specifically on those corrective measures.

35

When you say you can't be decisive, do you have a vague recollection of any corrective measures being discussed?---No, not in detail.

Some other witnesses in this Inquiry, Mr Crosetta, have indicated two types of corrective measures. The first is suspension of Council?---Mm hmm.

40

And the second is a warning. Do you recall - we will take them in turn, suspension of the Council being discussed?---I believe that that would have been a consideration.

45

So that I understand that answer, do you mean that you do or you do not recollect talking with your fellow executives?---On recollection, there may have been

discussion in regards to suspension or warning. So I would have to say yes on that.

Why do you say there may have been discussion, Mr Crosetta?---There was talk about it, I can't relay it specifically to the letter.

5

So there was talk about suspension or warning?---Yes, there was prior but I don't know whether that really was what was pointed in this letter.

When did you first start talking about suspension and warning?---I can't recollect the period but it was again related to and relative to some of the behaviours by Councillors towards some of the executives.

10

I appreciate you can't recollect the period with precision, are you able to say whether it was in 2017?---I would say that there was - I would say, yes.

15

Are you able to say whether it was in the first or the second half of 2017?---It would have been the second half, I think.

These discussions, did they take place in person with other members of the Executive?---Yes, they did.

20

Did any of them take place, to your recollection, by telephone or email?---I can't recollect by email but certainly at ELG meetings, yes.

At ELG meetings?---Yes.

25

Are these are the ELG meetings, are they, that are held weekly?---Weekly, correct.

Is it your recollection that you discussed, at some point in the second half of 2017, suspensions and warnings on weekly basis?---Not on a weekly basis, it was infrequent. There were times when, let's say, there was more turbulence with Councillors.

30

Do I understand that answer to mean that at those times of greater turbulence, you were more likely to talk about warnings and suspension?---Correct - well, we were talking about what those issues were and I wouldn't say that the consequences were frequent but they did occur.

35

Did you say you wouldn't say or you would say that they were frequent?---The discussions weren't frequent on the specific matter.

40

But there were some discussions about suspension or warnings or other measures?---Yes.

Was there discussion about how you might be able to have these measures carried out?---Well, in recollection I think that's what the letter was referring to

45

[2.30 pm]

So you understand then "corrective measures" in that letter to be referring to suspension and warnings?---It's a possibility, yes.

5

And that the letter was a vehicle by which the Minister might be invited or - -
-?---The Minister to be informed.

10 And was it also the case that it was a vehicle by which the Minister was invited to consider things like that suspension and warnings?---I'm not sure whether it was specific to that because that's not what the letter reads. It indicates corrective measures but it doesn't indicate specifically suspension or warnings.

15 I appreciate that, Mr Crosetta. I'd thought you'd said in evidence just a moment ago, when I asked you whether there was discussion about how these corrective measures of warnings and suspension would be undertaken, you said - -
-?---Internally, that's what was discussed, correct.

20 Yes, but when I asked you how they would be carried out?---Mm hmm.

Bearing in mind it's only the Minister who could undertake those things, is that right?---Correct.

25 When I asked that question I had understood you to be saying the letter was the - my word - vehicle to get the members to undertake those measures?---No, the letter was a vehicle to inform the Minister of the issues on hand but it wasn't specifically advising that they were the two measures to be put in place.

30 We will go back to my question then and we will go back a couple of steps so that we don't get confused. There was discussion in the second half of 2017 about suspension and warnings?---There was internal discussions, correct.

35 And was there any discussion about how you might be able to get the Minister to suspend the Council or warn the Council?---The only discussions were that we were going to inform the Minister of the goings on within Council that affected workplace safety.

40 And were those discussions tied to encouraging or inviting, suggesting to the Minister that the Minister could suspend or warn?---I wasn't privy to any suggestions to the Minister, other than the letter.

45 When you were having the discussions about suspension and warnings, did anybody give any thought as to, all right, these are the potential outcomes, what's the process for achieving that outcome?---From recollection again, the process was to inform the Minister by the letter that you just mentioned, as a vehicle to that.

So the letter - this is where the confusion interrupts, Mr Crosetta, because my

questions are about how you achieve the outcome of suspension or warnings?---Mm hmm.

5 And then you refer me back to the letter and then I've asked you whether the letter was your vehicle for obtaining that outcome of suspension or warning and as I understand your evidence is, it's not that, it was simply to inform the Minister?---To clarify, the suspension and warnings are two options. The other option could be that you inform the Minister and that no action follows on from that.

10 So when you signed this letter that you're looking at on the screen?---Mm hmm.

15 Did you consider that an option that the Minister might exercise is to issue a warning?---Mm hmm.

Is that a yes?---Yes.

20 And another one the Minister might decide to do is suspend Council?---Yes, and can I add to that the third one may be that it's just an informing document, a vehicle that doesn't go anywhere.

I appreciate that?---Yes.

25 Can you recall having any meetings about suspending Council, and I want you to focus on that, suspending Council, in December 2017?---I can't recall specifically a meeting just on suspending Council. I think I mentioned earlier that it had been mentioned at ELG meetings and it may have been at an ELG meeting that that was a discussion.

30 Do you recall any meetings at which any of the Councillors of the City were present for a discussion about or including the suspension of Council?---No.

35 Do you recall - I will suggest a Councillor specifically to you, do you recall any meeting in December of 2017 attending by Deputy Lord Mayor Green about, or including about that topic?---Yes, I do now.

40 Can you tell the Commissioner about that meeting?---From recollection, the meeting that was attended by - I'm not sure whether all the Executive but certainly executives, was to inform Councillor Green of our concerns relative to Councillor behaviour and concerns about workplace safety and it was proposed, if I recall, that the matter should be taken up with the Minister.

Proposed by the Executive to Dr Green?---Yes, by the executives.

45 And can you recall whether the Executives asked Dr Green to do anything in particular with respect to the Minister?---The executives, from recollection, asked Dr Green to raise it with the Minister, and with other Councillors as well actually.

When you say "raise it", what's your - - -?---Raise the concerns of workplace safety and Councillor behaviours.

5 And this was a meeting that you were at, quite clearly, yes?---Yes, I was at that meeting.

Can you tell the Commissioner who else was there, that you remember?---From recollection, I believe Martin Mileham was there, along with Erica Barrenger,
10 Rebecca Moore and if I recall, Robert Mianich.

Was Mr Ridgwell there?---I can't recall.

At that meeting did you, or do you remember any of the other executives saying
15 something to Dr Green along the lines of, "Can you go to the government or the Minister and get Council suspended"?---Not specifically that, no.

Do you remember something along those lines?---No.

20 Did you have any concerns about Dr Green's behaviour at this time?---There were concerns raised on a personal note, not impacting on myself but certainly on other executives.

Other executives had raised with you, had they, concerns about Dr Green's
25 behaviour?---The behaviour was discussed at ELG, not specifically just with me.

Those are discussions had before this meeting with Dr Green?---Not on this matter that I was involved in, no.

30 I'm not sure if it's my question or the answer that's the confusing part there, Mr Crosetta, but these discussions about Dr Green's behaviour?---Yes.

Were these had at the ELG meetings before the meeting with Dr Green, and I don't
35 mean before on the same day, I just mean at any time?---Look, there were concerns and I can't be specific enough to say it was referring to Dr Green, but it may have been.

It may have been before that?---Correct.

40 Do you know why Dr Green was invited to this meeting?---Dr Green was the Acting Mayor at the time.

Were you involved in inviting her to the meeting?---No, I agreed to participate at
45 the meeting.

Did you have a view as at 12 February 2018, so the date of the letter that's in front of you on the screen, about whether, as at that date, Council should be

suspended?---On a personal - you're talking personally? Look, I think that there was need for some action to be undertaken, whether that be suspension or warning, but action. My view is, yes, there was action required.

5 And by that action, do you mean action by the Minister?---Correct.

Under the Local Government Act?---Correct.

10 And one of those actions, you accept, is suspension?---Could be suspension or warning, yes.

And had, in an hypothetical world, the Minister suspended Council on that date or the next day following receipt of your letter, of the letter that you co-signed?---Yes.

15

Are you able to shed any light for the Commission about whether in that hypothetical world you would have thought that was an appropriate response?---If I take into account the turmoil within Council and the impact on executives and the workplace safety and staff, I do believe that the action was appropriate, yes.

20

I just want to be clear, are you talking about action that was taken by the Minister in early March or are you talking about the hypothetical that I posed to you?---Sorry, early March.

25 What about had it happened in - do I take it your answer would be the same, had the suspension occurred shortly after receipt of that?---Yes.

So your view didn't change in any significant way between the date of that letter and the date that Council was suspended?---No.

30

As a matter of fact. Is that a view you discussed with other members of the Executive?---I mentioned earlier I think that there was discussions and I can't recollect specifically when but at certain points at ELG. At a time when it was felt necessary to have those discussions, then those discussions took place.

35

Did anybody express to you a view during these discussions that the Council should be suspended?---I think we discussed - sorry, on recollection, we discussed that as a possibility. Whether that was a strong view or otherwise, I can't recollect.

40 Do you recollect somebody - anyone in particular ever saying to you, "Paul" - as I imagine they'd call you rather than Mr Crosetta - "I think Council should be suspended" or something like that?---On recollection, I believe the discussion was that that was a potential.

45 And what I'm asking is whether anybody in particular expressed - - -?---I can't recall.

- - - a preference or that outcome?---I can't recall.

5 Can I jump forward a few days, Mr Crosetta. Would you agree with me that at a date somewhere around 14, 15 or 16 February 2018, just a few days after this letter, Mr Mileham went on leave from the City?---On sick leave, are you referring to sick leave?

10 Yes, on personal leave?---Yes, I recall but those dates I can't be specific, but yes, there was.

You remember him going on leave?---Yes.

15 Am I right then that Mr Mianich took on the role of Acting CEO from that point?---Yes, I do recall that.

And he went on leave for medical reasons shortly thereafter?---Correct.

20 Do you remember the day or the date on which the Executive, including yourself, enacted the Crisis Management Plan?---I can't remember the date but I do recall enacting it, yes.

And you remember, do you, the meetings that led to that enactment?---I do.

25 If I was to suggest to you that Mr Mianich went on personal leave the day or the night before the enactment of that plan, would that sound about right to you?---Yes.

30 Do you remember when you found out that Mr Mianich was going on leave or had gone on leave?---Yes, if I recall, and you mentioned the night before, I found out the day after.

So you found out - if Mr Mianich went on leave on Monday, the 26th?---Yes.

35 Your evidence is your found out on the Tuesday, the 27th?---Yes.

Can you remember how you found out?---No, not specifically.

40 Can you recall that at around this time some Councillors had also requested the calling of a Special Council Meeting to vote on two things: one, to amend the policy to allow them to appoint an Acting CEO in certain circumstances and secondly, to appoint an Acting CEO, do you remember that happening?---I remember the motions being raised, yes

45 Can you remember when or how you found out about that?---Not specifically, no - sorry, to go back on that, I believe that it, and I can't be specific, that Governance may have advised all the executives that they were the motions in play.

By Governance, do you mean Mr Ridgwell or somebody else?---Correct.

Mr Ridgwell. Can I ask you now about the events of the day on which the Crisis Management Plan was enacted. How's your memory of that day?---Not too good
5 but I'll try. So I believe an ELG was called as a regular meeting

[2.45 pm]

Can you remember who called that meeting?---No, I can't remember who called
10 the meeting, sorry.

Can you remember what time of day the meeting was at?---If I recall, it was the afternoon.

15 Do you recall a meeting first thing in the morning on Tuesday, 27 February 2018?---No.

Do you recall the meeting at which a decision was made to enact the Crisis Management Plan?---I remember there was a meeting to enact it, yes.

20 Can you remember who was at the meeting?---Recollection, there was myself, Rebecca Moore, Erica Barrenger, the acting Director of Economic Development, Nicola.

25 Ms Brandon?---Ms Brandon and also, I believe Mark Ridgwell from Governance.

Can you recall in what capacity Mr Ridgwell attended that meeting?---In the capacity of Governance, from what I recall.

30 Any other capacity or is that the only one you remember?---He was acting Corporate Services Director but in that particular case, it was the Governance.

He was wearing his Governance hat, was he?---Yes.

35 What's the first thing about that meeting that you remember, Mr Crosetta?---Well, recollection, that again there was some turmoil in regards to the motions called by the Councillors. There was concerns about staff stress, there was concerns about media. That's my recollection.

40 Do you have any recollection of Ms Brandon being asked to leave the meeting?---Yes.

Can you remember, or what can you remember about that?---Look, we as executives decided that it wasn't appropriate for her to stay in the meeting as she
45 wasn't privy to the letter that went to the Minister and the majority of the background related to the letter and if I recall, I think that we made a phone call to Annaliese Battista while Nicola had left the meeting.

I will come back to that call with Ms Battista in a moment?---Yes.

5 When you say the Executive formed the view that it was not appropriate for Ms Brandon to stay in the meeting?---Mm hmm.

Is that a view that you held and shared that morning?---Yes, I did. I wasn't the one who asked her to leave but I did share - - -

10 Who asked her to leave?---I can't remember whether it was Erica or Rebecca.

But not you?---Not me.

15 And you said that the reason why it was not appropriate is because Mrs Brandon was not privy to the letter to the Minister?---That's right, yes.

The letter, a page of which is on the screen in front of you?---Correct, yes.

20 And you said something to the effect of, the background of what you had to discuss comes from the letter or referred to the letter?---M'mm.

25 Why did you have to discuss this letter at this meeting?---I think it was only raised as a consequence of what had transpired in the motions and that they may have been related to this letter.

What do you mean by that? Can you help me understand that?---The motions, as you said, was a change in policy and also to allow Councillors to nominate an Acting CEO and I think that might have been a reaction to this letter.

30 Sorry, so I understand that, did you think what the Councillors were doing was a reaction to this letter?---Yes.

On the screen?---Personally, yes.

35 To your knowledge, had anyone given a copy of the letter to the Councillors?---Not to my knowledge, no.

40 Why did you think it was a reaction to that letter?---Look, I mean it's speculation, if you want to call it that.

Did you have any other basis other than assuming that it was a response?---No.

45 Why did you think, or what was the basis for your speculation. Why did you think that the two were connected?---Just timing-wise.

Can you expand on that?---Look, I mean, the letter had been issued obviously to the Minister.

Yes?---And we had two CEOs who were on leave and it was, let's say, a surprise or unusual for those motions to come into play at that time.

5 I don't quite understand what you mean by unusual, and I will tell you why. As I understand it, this is the first time that you at least have been involved in a letter of this type?---Yes.

To this stage, is that right?---Yes.

10

And it's uncommon, as I understand it, for the City to be without both a CEO and an Acting CEO?---Yes.

15 So if there's no - as I understand it, there's no usual set of circumstances to compare that, what you and the Council were dealing with on that day?---If I can clarify that.

Please?---If I recall, I believe that Martin Mileham was due to return the week after the motions were raised.

20

Do you remember if you knew that before taking the decision to remove Ms Brandon from the room?---I believe, on recollection, yes.

25 You then said that there was - I think you said a call was made to Ms Battista?---Correct.

If I suggested that Ms Battista dialed into the meeting, rather than a call was made to her?---Possibly, yes. I know that we spoke to her over the phone, yes.

30 Can you remember how long you spoke with Ms Battista for on the phone?---I believe at that time she was on leave and I believe the phone call may have been 15 minutes but again, I can't be certain if it's 15 minutes or half an hour.

35 Between Ms Brandon being excused or removed from the room and this telephone conversation with Ms Battista with all of the Executive in the room?---Mm hmm.

Do you have any recollection of leaving the room and calling Ms Battista yourself?---No.

40 Do you have any recollection of saying to your colleagues in the room something like, "I'm just going to the bathroom, I'll be back in a moment" and then coming back?---No.

45 Do you have any recollection - I suspect the answer will be no, but do you have any recollection of speaking to Ms Battista and saying words to the effect of, "The girls are trying to knife you in the back"?---No.

Before the call with Ms Battista, the one in which she dialed in or you dialed out, did you have any knowledge as to who Council wanted to nominate and appoint as Acting CEO?---No.

5 Did Ms Battista say anything about that on the call?---No. In fact, if I recall that telephone conversation, it was agreed by all executives that none of the executives would put their hand up to take on an Acting CEO role because in anticipation of Martin returning the following week.

10 So you have a clear recollection, do you, of the decision being made that nobody would put up their hand?---Yes.

And the reason for that was that Martin would be returning?---Yes.

15 You have a clear recollection of that second part?---Yes, the indication was that Martin would be returning the following week.

Do you think there's any chance you're mistaken about when you learned about that?---That Martin was returning the next week?

20 Yes?---It may have been, yes.

To your recollection, and can I ask you to think carefully about this, did Ms Battista in that call say to you that, "Council" or "Councillors have approached me" - Ms Battista - "to be Acting CEO"?---I seem to recall that that was mentioned and I also recall a comment being made that it was said that she'd asked Martin whether he had any objection to her taking on the Acting CEO role.

30 Do you have any recollection as to Ms Battista informing you what Martin's response was to that?---I think she informed the executives that Martin said, "I'm on sick leave, you can do what you like", or something to that effect.

I think your evidence was that call took about 15 minutes?---About 15 minutes.

35 Am I right that Ms Brandon, who was the Acting Director of Economic Development and Activation, so Ms Battista's acting person?---Yes.

Was not invited back into the meeting, that meeting, that first meeting?---No, I seem to recall she was invited back.

40 Can you remember when?---Shortly after the call with Annaliese but I can't remember how long it was before she was invited back.

When you say shortly, can you put a ballpark figure on that?---No.

45 Would you use the word "shortly" to mean two hours later, one hour later?---I would say between half an hour to an hour.

After the call with Ms Battista, what happened then?---I can't recall the details but I think, and again if I recall, the CMP was initiated.

5 Do you have any recollection of a phone call, a group call with a gentleman called Neil Douglas?---Yes.

Do you have any recollection of a telephone call with the Minister's Chief of Staff, Mr Gary Hamley?---That followed after the telephone call with Neil Douglas, yes.

10

Can you remember whether these telephone - how many telephone discussions with Mr Douglas do you remember?---From recollection, possibly two.

And how many telephone calls with Mr Hamley?---One.

15

Can you give the Commission an understanding of the order in which those calls took place?---I think the first one with Neil Douglas was to inform him of our concerns and seek advice.

20 Concerns and advice about what?---The motions being raised, the current state of affairs, the potential of initiating the CMP.

So you think that phone call, that first one, you raised with Mr Douglas the potential to initiate the Crisis Management Plan?---Yes.

25

In that first call?---Yes.

Anything else?---No.

30 And after that call with Mr Douglas?---We then informed the Chief of Staff of what we were proposing with initiating the CMP.

Did you ask the Chief of Staff any questions?---There were a number of questions asked but I can't recall.

35

Do you recall asking the Chief of Staff whether there was anything the Minister could do to delay or defer the Special Council Meeting?---Yes, I do.

40 Can you remember what response you got to that?---I believe that the response was that it couldn't occur.

Just while I'm on that topic, do you recall asking Mr Douglas about that in that first call?---I can't be specific but it could have been a possibility, yes.

45 Did you talk about anything else with the Chief of Staff, to your recollection?---Not details, no.

What happened after the call with the Chief of Staff?---We then called Neil Douglas back

[3.00 pm]

5

Why did you call him back?---To inform him of feedback, the discussion that we had with the Chief of Staff and effectively just get his point of view that we were proceeding on the right basis.

10 In relation to?---The CMP.

When you say "get his point of view that you were proceeding on the right basis in relation to the CMP"?---Yes.

15 Did you specifically, and it's important that you reflect carefully on this, Mr Crosetta - did you specifically ask Mr Douglas' advice about whether there was a proper basis to enact the Crisis Management Plan?---It's a long time ago but I would think so.

20 But do you remember doing that?---No, I can't be - no.

Do you remember sending Mr Douglas a copy of the Crisis Management Plan?---I know it was sent out and I assume it would have been to Neil Douglas.

25 Do you remember doing it yourself to Mr Douglas?---Myself?

Yes?---No, I didn't send it out.

No, you don't have any recollection?---That I sent it out? No.

30

Do you have any recollection, clear specific recollection of reading parts of the Crisis Management Plan to Mr Douglas on the phone?---I didn't but I know that it was read to him, yes.

35 You can recall someone reading that document to him?---Yes, yes.

You seem a bit hesitant?---No, no, I'm just trying to think. I think from recollection again, I believe it was Rebecca Moore.

40 Your recollection is Ms Moore read all of the Crisis Management Plan?---No, just parts of it.

Can you remember which part?---I think the severity which was the first severity level.

45

Priority 1?---Yes.

To your recollection, had you by that stage, that stage of that second call to Mr Douglas, had you as a group decided to initiate the Crisis Management Plan?---Yes.

5 So that decision had been made before the discussion with Mr Douglas?---No, that was a second call.

So that I don't get confused, the decision to enact the Crisis Management Plan, was that made before the second call with Mr Douglas?---No, it was made after the
10 discussion with the Chief of Staff.

Yes?---And the discussion with Neil Douglas then confirmed that that's what we would enact.

15 So at that stage you had not, to your recollection, initiated the Crisis Management Plan?---Correct.

Can you recall anything about what happened after that point in that meeting?---My recollection was that it was agreed from that meeting to inform
20 staff of the current status and I don't recall much more than that.

Was there discussion during this period - I'm going to go back a bit, before the enactment of the Crisis Management Plan, was there discussion about the basis for enacting the Crisis Management Plan, why you should do it?---There was
25 discussion and the discussion evolved around the impact to the organisation not having - - -

Impact of what?---Of not having two CEOs, in authorising delegated authorities - -
30 -

I'll just interrupt you again, Mr Crosetta. I think your evidence was "impact of not having two CEOs"?---Yes.

Do you mean not having anybody in the Chair, acting or substantive?---Yes.
35

Sorry, that was the first one. What was the next one?---Just operational impact in regards to the CEO's delegated authority to sign-off on what may be tenders, what may be procurement.

40 Did you have, at that point in time, a list of things of that nature that the CEO or Acting CEO would have to sign-off on?---We didn't have it at the time, no.

You did not?---Not that I recall.

45 Is there anything else, other than having to sign-off on things like tenders?---I think the media - - -

I'm sorry, I will just go back. I will ask you specifically about operational impact?---Yes.

Is there anything else?---Staff stress.

5

Staff stress?---Yes, workplace safety, yes.

How is that related to the absence of a CEO?---The stress levels of staff, having concerns about the motions that were at play, nervousness about the CEOs on stress leave.

10

Did anybody in staff convey those concerns to you in the time between when you met with the other executives and when the decision was made to enact the Crisis Management Plan?---Staff certainly, and I can't be specific but there were staff who were quite nervous about the situation. They certainly demonstrated concerns.

15

To you?---To myself.

20

Before the Crisis Management Plan was enacted?---Yes.

Can you remember who the staff was?---No, there was a number of staff.

If I suggested to you, Mr Crosetta, that this meeting at which these calls were made and this decision made took place between approximately the hours of 8 am and 11 am in the morning, bearing in mind your earlier evidence that you thought it was in the afternoon, would you disagree with that?---No.

25

So is it possible that it could have been happened between 8 am and 11 am?---Yes.

30

And if that is the case, can you tell the Commissioner on that assumption, that you were in the meeting from 8 am to 11 am?---I would, yes.

On that assumption?---On that assumption, yes.

35

When you would have had these interactions with staff about their concerns?---The staff interactions even before that meeting took place in regard to raising concerns.

But I'm interested in whether or not anyone raised concerns with you about the absence of a CEO - - -?---There was many a time that that was raised with me, from various staff.

40

So the absence of a CEO was a concern raised with you?---The absence of a CEO and the Acting CEO under the circumstances of being on sick leave was raised with me, yes.

45

What I'm asking you to inform the Commission about is when it was raised with you on the assumption that you were in a meeting from 8 am to 11 am that morning?---Before then.

5 On the evening before Mr Mianich had gone on leave, that's right?---Yes.

So up until that point there was Acting CEO?---Yes.

10 So are you suggesting there was a concern raised with you between when Mr Mianich went on leave on the afternoon of the Monday?---Mm hmm.

And when you had this meeting at 8 am on the Tuesday?---No, what I'm suggesting is before the meeting, not so much about not having the two CEOs, but also about the health and well-being of Mr Mianich.

15 Staff had raised that with you?---Yes.

But had anyone raised with you - what time do you normally get into work at the City of Perth?---Any time between 7 and 8.30.

20 I don't suppose you remember what time you got into work that day?---No, sorry.

Let's say you got into work at 7, do you think somebody would have, or do you recall somebody raising with you between 7 and 8 am - - -?---I don't recall that, no.

25 Is it possible that people raised these types of concerns with you, about the absence of CEOs, during the course of the day of that day?---During the course of that day, yes, it is possible.

30 Is it possible that you're misremembering it a little bit and perhaps the concerns we are talking about were only raised with you after the enactment of the Crisis Management Plan?---It is possible.

35 All of those questions, Mr Crosetta, came out of trying to understand why the Crisis Management Plan was enacted?---Mm hmm.

I think you've said operational impact?---Mm hmm.

40 Staff stress?---Mm hmm.

The fact that two CEOs had gone down within a short period of time - I'm paraphrasing but that's the effect, you understand?---Yes.

45 Was there anything else?---They were the fundamental elements.

On the question of the delegations?---Mm hmm.

How would the enactment of a Crisis Management Plan facilitate the execution of documents that would ordinarily be executed under delegation?---Could you repeat the question again, please?

5 I'd understood that one of the reasons for enacting the Crisis Management Plan was a concern about operational impact?---Yes.

And the issue with respect to operational impact was you didn't have a CEO there or an Acting CEO who could, under delegation, sign things like tenders?---Yes.

10

How does enacting the Crisis Management Plan fix that problem?---It doesn't fix the problem in that area but what it does, it allows the management of other areas, as I mentioned before, about informing staff about the process in place and also managing the media.

15

Do you have a recollection of what the media was like, and again it needs to be specific about the time we are dealing with, in the morning before the Crisis Management Plan was activated?---I can't recall the details of that.

20 Do you have any recollection about what the media attention was like at the City throughout that day?---On recollection, there was media attention and it was more than normal, let's say.

25 Is that something that you observed yourself or was that something you were told by somebody else?---No, there was, I think, cameras out the front of Council if I recall, so media were present outside Council House.

That's unusual?---To that extent, yes.

30 Was that something that was considered when the decision was made to enact the Crisis Management Plan?---That was part of the process that we, yes, considered.

And that's, as I understand it, is it, the fact that there was more media than usual, and that the media was out the front?---And the subject matter was of concern, yes.

35

Being what subject matter?---The motions of changing policy.

When you say the subject matter, are you talking about the subject matter of the reporting, the media reporting?---The media reporting on the motions that were at play for that Special Council Meeting.

40

Sir, I'll be moving to a slightly different area and I wonder whether this might be an appropriate time for a short break for Mr Crosetta.

45 COMMISSIONER: Mr Russell, would you have any difficulty with that?

MR RUSSELL: There's no difficulty at our end, sir.

COMMISSIONER: Thank you. How long do you require?

MR BEETHAM: Five or 10 minutes but I'm in Mr Russell's - - -

5

MR RUSSELL: Can I just confer?

MR BEETHAM: Five minutes, sir.

10 COMMISSIONER: Very well. I will adjourn for five minutes.

WITNESS WITHDREW

(Short adjournment).

15

HEARING RECOMMENCED AT 3.20 PM

MR Luciano Paolo CROSETTA, recalled on former affirmation:

20 COMMISSIONER: Yes, Mr Beetham.

MR BEETHAM: Mr Crosetta, during the meeting at which the decision to enact the Crisis Management Plan was made, do you have any recollection of Mr Mileham being dialed into the meeting?---I believe so, yes.

25

Can you remember whether he phoned somebody, or whether somebody phoned him?---On recollection, I can't be specific. I would have thought we phoned him.

30 Can you remember what you discussed with Mr Mileham?---I can't remember the details of what was discussed, no.

Can you remember anything at all that Mr Mileham said?---No.

Can you remember anything at all that was said to him?---No.

35

Can you shed any light on why Mr Mileham was called?---To inform.

About?---The discussion we had with Neil Douglas, the Chief of Staff and I believe that would have been then to inform Martin on what we were doing moving forward with the CMP.

40

Is that something you're assuming you did, sitting here now, or do you - - -?---I'm assuming we did that.

45 As I understand, you don't have any precise recollection?---No clear - no.

But you're pretty certain that Mr Mileham was spoken to?---Yes.

Madam Associate, could we please pull up the document at 11.0609 which is TRIM reference 14339.

5 COMMISSIONER: Thank you.

MR BEETHAM: Mr Crosetta, you will see this is described as a file note and the recording officer is you?---Mm hmm.

10 And the date of it is 7 March 2018?---Mm hmm.

Do you recognise this document?---Yes.

15 Madam Associate, if I could ask you to go to the next page, please, and the last page and I will bring you back to that page in a moment, Mr Crosetta, but you will see on this last page, there's your signature?---Yes.

Next to the date, 7 March?---Yes.

20 Does that indicate or can we be comfortable accepting that you made and finalised this file note on 7 March 2018?---Yes, with input from others, yes.

Do you have a recollection of others assisting you in this file note?---Yes, I would say that was a culmination of the notes taken by all the Directors.

25 When you say you would say that?---It was.

It was, and are you talking about - you tell me, which Directors?---Rebecca Moore and Erica Barrenger and myself, obviously.

30 So this is a document prepared by you?---Mm hmm.

With their input?---Correct.

35 Do you remember sharing the document and seeking feedback about it?---No.

When you say "their input" and "by reference to their notes", can you help me understand what you mean by that?---We discussed the points of this memo, that I then included into the memo.

40 So is this document - does it record a combination of recollections of these dates, not simply your recollection?---Correct.

45 Is there a reason why it records that combination rather than simply just what you recall of the dates that are contained within the memo?---There was a lot going on that day, so I can't recall the specifics but it was at part notes were taken so we shared those notes to form this document.

Do you recall taking any notes yourself, other than these ones?---Yes, I do, as part of this one here.

5 Do you recall taking any handwritten notes?---No.

Or that kind of thing?---No.

10 So when you say "as part of this one here", do you mean some of what's contained in this document is your original note taking?---As part of my original note taking.

And other parts of it are informed by - - -?---Correct.

- - - the discussions and input from Ms Moore and Ms Barrenger?---Yes.

15

Is that something where you bring the three people or four people, or however many people it ends up being, is that something you've done before for the preparation of a file note like this?---Yes.

20 Is it something you have done commonly?---I wouldn't say commonly but it's been done before, yes.

I've read through this note?---Mm hmm.

25 As you can probably imagine, and I don't think there's any reference in it to a discussion with Mr Mileham. If you would like to read through it, please let me know and we can go back to the start and go through it a page at a time?---Yes, if you could, please.

30 Madam Associate, could we go back to the first page, please, at 609. Is that large enough on the screen for you to read, Mr Crosetta?---Yes, that is. Okay, if I could have the next page, please.

Please, Madam Associate?---If I could have the next page, please.

35

Please, Madam Associate?---No, it doesn't note it there.

Can you offer an explanation as to why that conversation with Mr Mileham is not in the file note?---No, I can't.

40

I come back then to the reasons to enact the Crisis Management Plan. The last one you mentioned was media attention?---Yes.

45 Other than that issue, staff stress and nervousness and operational impact, is there anything else that was actually considered at that meeting as a reason to enact the Crisis Management Plan?---No, they were the key ones that I can recall.

In relation to media, the City has media people?---Yes.

Whose job it is to deal with media enquiries?---Yes.

5 And media attention. Why is it that the media people weren't simply left to deal
with media things and a crisis was needed to be declared to deal with media?---I
think it was also the reputational impact of the City and the media people in place
work under the leadership of effectively the CEO. He wasn't there so they needed
10 direction but I think that the extent of the media attention on this basis was far
more than normal.

Did you think - let me try to understand that. Are you suggesting that without that
leadership, the media people would not have been able to deal with the media and
the reputational impacts of that media on the day?---Without the Executive
15 leadership, no and the reputational impact was quite severe, of what was being put
into the media

[3.30 pm]

20 I've just been handed a copy of your file note, Mr Crosetta, which I've had a
portion of it highlighted to me in relation to this discussion with Mr Mileham, so I
will just take you to it and I will ask you to explain?---Sure.

It's on page 1, Madam Associate. 609, Madam Associate. If I can just get you to
25 enlarge the last paragraph, please, Madam Associate. You see there, Mr Crosetta
it says:

*AB called into the meeting advising ELG that no Acting CEO should
be appointed. This request came following discussion with MM,
30 Councillors and the Department. ELG had agreed not to appoint
Acting CEO.*

?---Mm hmm.

35 I read that as saying, this request came following Ms Battista's discussion with
Mr Mileham, Councillors and Department; is that what that means?---Yes.

So that's not reflective, is it, of a separate conversation you had with
Mr Mileham?---No, that's ELG, no.

40 Thank you for that clarification, Mr Crosetta. On an ordinary business day, who
do the media people at the City report to, or who did they report
to?---Communications, if I recall, the way the structure was then, reported to the
CEO.

45 In terms of their reporting hierarchy, were they not within a Directorate?---Not that
I recall, no.

So media advisors, for example, did they report straight to the CEO as well?---Sorry, if I recall now, they reported to Director of Economic Development.

5 Ms Battista?---I may be wrong, yes.

So your best recollection is that it's either the CEO or Ms Battista?---Correct.

10 At the time who was the Director of Economic Development and Activation?---Yes.

On that day, on the 27th, Ms Battista was on leave?---Yes.

15 And Ms Brandon was acting in her role?---Yes.

So if the reporting mechanism was through Ms Battista's role?---Mm hmm.

It would be through Ms Brandon on the day?---Yes.

20 Is there any reason why, in the absence of a CEO or was any consideration given to on the day, any reason why Ms Brandon or somebody else in a Director role, couldn't simply provide the leadership to the communications people if that leadership was required?---Based on the level of reputational risk, it wouldn't just be left to one director. The other Directors would need to be party to that process
25 of managing the media.

30 Could that simply be done just like that, just everybody deciding as Directors - - -?---I don't believe so because as I say the reputational risk of this was so severe, far more than what it normally would be.

But why does that mean - let's assume that's the case?---Mm hmm.

35 Why does that mean the Directors can't all just decide, "We will deal with the communications people directly as a group", just decide that without enacting a Crisis Management Plan?---If it was just that, but it was more than just the media. There were other factors to be taken into account which we mentioned earlier.

40 But I just want to take them one at a time?---Okay, but what I'm saying to you is it's not just one-off, one particular concern. There are others there that a culmination of those had an organisational impact, media being one of them.

Media being one of them?---Mm hmm.

45 Issues of delegated authority being another?---Yes, correct.

And those other things we talked about?---Correct.

But in terms of the media, am I right in suggesting that Directors could have simply dealt with the communications people either through one Director or as a group on the day, that was an option available?---If it was just a media concern, yes.

5

Your evidence, as I understand you're trying to give it here, the combination of things meant that wasn't appropriate?---Correct.

10 What did activating the Crisis Management Plan actually achieve the operation of the City that could not have been achieved by the Directors simply acting in concert together throughout the course of the day?---It was felt that the severity of the disruption to the organisation required the enactment of the CMP.

15 I appreciate that's what was felt but what I want to know is, what did it permit you to do? What benefit did enacting the plan have over simply the three of you, with the absence of Ms Battista, simply assuming a higher leadership role within the organisation for those days?---We followed policy and procedure to the CMP.

20 What did it help you do? What benefit is following that process and procedure? How did it improve things?---A process of managing those areas of concern.

So is the answer - - -?---Collectively.

25 Is the answer, it gave you a process to follow?---Yes.

Do you feel that you, Ms Moore and Ms Barrenger would have been unable to manage the day in the absence of that process and procedure?---I think it's better managed by following that process and procedure than individually all outside of that process and procedure.

30

Why?---Because it gave the process required to manage the crisis on hand.

Why is it better though?---We felt it was better in managing it.

35 But why is it or why was it better? I appreciate that you felt it was, I'm interested in why it actually was?---I think that it actually did what it was meant to do insofar as managing the - informing staff and also mitigating the organisational disruption under that process.

40 All of those things I'm going to suggest to you, you could have done without enacting the Crisis Management Plan, do you agree?---No.

You don't think you could have done all of those things without enacting the Crisis Management Plan?---No.

45

Why not?---Well, as I've mentioned, we felt that there was a process and procedure in place. Under the severity of that, we sought advice from Neil Douglas, we

provided the Minister with - informing him of what we were actually proceeding with.

5 But what did the Crisis Management Plan offer to you that you couldn't have done as a group?---It provided a way in managing the process under the procedure.

10 In an hypothetical world where the Crisis Management Plan doesn't exist and you were faced with that set of circumstances, with the issues you've identified, are you suggesting that you, Ms Barrenger and Ms Moore simply wouldn't have been able to manage the City?---I can't respond to that in an hypothetical way. We are referring to the crisis in hand that we are discussing.

15 In sitting here today, do you still take the view that it was appropriate to enact that plan?---I believe so, yes.

And do you still take the view that it's appropriate to describe the events of that day as a crisis?---I do, yes.

20 If it was suggested to you, Mr Crosetta, that the Crisis Management Plan was a document or a process, or a plan designed to be used for things like bomb exploding, fire, flood, terrorist attack, something that knocks out a significant part of the operational capacity of the City or one of its assets like Council House, and not for something like the circumstances that faced you on the day, would you agree with that?---No, because I believe part of it is also organisational disruption that exceeds 24 hours.

When you enacted the Crisis Management Plan, you did that on the 27th, is that right?---I will take it as - yes.

30 You're happy to accept that?---Yes.

And indeed, you will see - you're happy to accept that but if you need any confirmation we can go back to your notes?---No, I accept that.

35 And you knew at the time you enacted the Crisis Management Plan that there were moves afoot at Council to amend the policy and appoint an Acting CEO?---Mm hmm.

40 So you knew when you enacted the Crisis Management Plan that there would be an Acting CEO that evening?---No. As I mentioned earlier and as the memo states, it was agreed that none of the executives would put their hand up for the Acting CEO role.

45 Well - - -?---So therefore it wouldn't be.

You will see on your memo in front of you, Mr Crosetta, in the bottom line of that memo you write, "AB called into the meeting advising the ELG that no Acting

CEO should be appointed. This request came following discussion with MM" - who I assume is Mr Mileham?---Mm hmm.

5 "Councillors and the Department. The ELG agreed not to appoint an Acting CEO"?---Correct.

10 There's nothing in there, is there, that the ELG agreed not to accept an appointment as Acting CEO?---My recollection from that was that ELG agreed not to appoint an Acting CEO, so whether that changed afterwards is not the context of what's written there.

15 Would you at least accept that as at the time of enacting the Crisis Management Plan, you knew it was possible that Council was going to be appointing an Acting CEO that afternoon?---Possible as a result of the outcome of the motion?

Yes?---Yes.

And do you accept in fact it was probably likely?---I would have thought not.

20 You would have thought it not likely that they would appoint an Acting CEO?---Correct.

25 Why did you hold that view?---Similarly to that last paragraph, my understanding was that we all without exception agree that we wouldn't appoint an Acting CEO.

When you say "we"?---Executives.

I appreciate that, so that's what you mean, executives?---Yes.

30 But the Council appointing a CEO is a different prospect altogether, isn't it?---The Council can nominate to appoint and if the person they are appointing in accordance with this memo doesn't accept the role of Acting CEO, and if I recall that special meeting, Rebecca Moore was one of the nominees and she reinstated that it was agreed by the executives that we wouldn't put our hand up for Acting
35 CEO, notwithstanding whoever was nominated.

40 So I understand your evidence to be that, at the time of enacting the Crisis Management Plan, you genuinely held the belief that Council would attempt to appoint an Acting CEO and one would not be appointed?---In accordance with what was agreed to. That might not be specific in that memo but that's certainly what was discussed.

45 And you held that view that an Acting CEO would not be appointed because you had agreed - everyone had agreed amongst themselves not to be the Acting CEO?---On the basis that we were - from recollection, that Martin was returning the following week.

By making that agreement and approaching it on that basis, that there would be no Acting CEO?---Mm hmm.

5 Are you not simply setting up a scenario prior to the enactment of the Crisis Management Plan, where you can say, "There will be no CEO for 24 hours - more than 24 hours because we have agreed there won't be"?---I'm not saying we were setting up a scenario, we were going on the basis that we understood that the CEO was returning the following week and to appoint an Acting CEO for 24 hours would not have made sense, or to the benefit of the organisation.

10 I will go back a step, Mr Crosetta?---Mm hmm.

15 I thought your evidence was one of the matters to be dealt with under the Crisis Management Plan was where there's a disturbance to operations for more than 24 hours?---Correct.

And the disturbance here is the absence of a CEO?---Correct.

20 And had you and the group not agreed that no-one would be CEO?---Correct.

Then somebody would have been appointed CEO?---No. The purpose of the CMP is to have a team to manage that whole process.

25 I understand that, but the reason you held the view that there wouldn't be a CEO for 24 hours or greater than 24 hours?---Yes.

Was because you had all agreed not to accept the nomination?---Correct

30 [3.45 pm]

And that's an agreement you reached before enacting the Crisis Management Plan?---During the course of the discussions on enacting the Crisis Management Plan.

35 Had you not reached that agreement, had you not agreed amongst the group not to accept an appointment of an Acting CEO?---Yes.

40 Would you agree with me that in those circumstances you wouldn't satisfy that 24 hour operational criteria in the Crisis Management Plan?---No, because the CMT, the Crisis Management Team, are made responsible under the management or lead of the person who is delegated as a - - -

45 We might be at cross-purposes, Mr Crosetta. Is it your understanding that one of the things to be considered when making the decision to enact the Crisis Management Plan is whether there is a disruption that lasts at least 24 hours?---Correct.

And is it your understanding that the disruption here was the absence of a CEO for more than 24 hours?---Affecting the operation - yes, correct.

5 And the reason you could be satisfied that there was not going to be a CEO for 24 hours or more was because you had all agreed not to accept the appointment of Acting CEO?---Yes, with measures in place - - -

No, we will just take it one step at a time?---Okay.

10 Is that right?---Yes.

So you were satisfied that the 24 hours criteria to enact the Crisis Management Plan could be satisfied because you had agreed that no-one would be CEO?---Correct.

15 So had you not made that agreement?---Yes.

You wouldn't be able to be satisfied of that 24 hours period in the same way, would you?---Had we not, no.

20 Isn't it the case that by making that agreement, you've set up - and I don't mean that in a pejorative way, I just mean you've created the set of facts upon which you can then enact the Crisis Management Plan, because had you not made that decision, Council would appoint a CEO, six, eight hours later and you wouldn't be within that 24 hour window; do you understand what I mean?---I do, but I disagree with the set up. There was reason why we said we wouldn't.

25 I don't mean to suggest anything pejorative by the words "set up", simply that one of the factual criteria for enacting the Crisis Management Plan is a disturbance greater than 24 hours?---Correct.

30 And the only reason there was a disturbance greater than 24 hours on your view is because you had all agreed not to be Acting CEO?---One of the issues, I mentioned the other ones being media, I mentioned the other one, operational impact, workplace safety.

35 But had an Acting CEO been appointed that afternoon as an Acting CEO was, all of those issues no longer run for 24 hours, do they, because you've got a CEO in place?---We have got a CEO in place that is only partly - in the role of Acting CEO is in for a period of time but again, we were under the understanding that Mr Mileham would return the following week.

40 But as an Acting CEO, even if they were only in it for a period of time?---The delegated authority.

45 They could deal with the delegated authority?---Yes.

They could deal with media?---Yes.

Other operational problems?---Yes.

5 They could in all ways fulfil the way of a CEO, that's correct?---Yes.

That's the whole point of them being acting?---Yes, it is.

10 Madam Associate, could we please go on the document at 275, please. You will see this is the document entitled the Business Continuity Plan?---Yes.

This is part of a suite of documents, isn't it, that includes the Crisis Management Plan?---Yes.

15 And is that suite known to you as the Crisis and Business Continuity Management Framework?---Yes.

And you will recall, I think your evidence earlier today was that when the Crisis Management Plan was enacted, it was a Priority 1?---Yes.

20 Do you agree with that?---Yes.

Madam Associate, could we go to 278, please. You will see here, this is the Business Continuity Plan document, Mr Crosetta?---Mm hmm.

25 In the paragraph above the bold blue word, "Assumptions", it says:

This plan is activated in a Priority 1 incident when a crisis has been declared by the Crisis Management Team.

30 ?---Yes.

And:

35 *The plan does not address procedures dealing with emergencies such as bomb threat, fire or building evacuation or day to day operational problems.*

40 ?---Mm hmm.

Would you agree with me then that declaring a crisis signifies something worse than a bomb threat, fire or building evacuation or day to day operational problems?---Mm hmm.

45 Is it your evidence in that case that the absence of a CEO or an Acting CEO is something worse than bomb threat, fire, building evacuation or day to day operational problems?---Not worse, no.

Equivalent to?---Not equivalent to.

Lesser than?---Yes, lesser than.

5

Can you explain how, in those circumstances then, you could call a Priority 1 incident if it was something lesser than those things?---It's a day to day operational problem.

10 Yes, the absence of a CEO is a day to day operational problem?---Mm hmm.

So why could that not be dealt with as business as usual, day to day operational problems are?---Again, it was the impact to the operational, not just as a result of - one was as a result of the CEO not being present but the knock-on effects of what I mentioned earlier, the workplace safety and - - -

15

And you say those things are more than day to day operational problems?---I would say they are day to day operational problems.

20 They are?---Yes.

I still don't quite understand how you reached the view of, you're in a Priority 1 crisis but what I will do is, I will take you to the criteria for that and I might see if you can explain by reference to that?---Mm hmm.

25

Just before I do that, I just want to take you through to 281, please, Madam Associate. You will see under, "Notification and escalation" at the bottom there, Mr Crosetta, that it says:

30

The Business Continuity Plan (B CP) is activated when an incident disrupts or threatens to disrupt all or a significant number of priority business activities at Council House for an extended period of time.

?---Mm hmm.

35

:

And a CMT - which is Crisis Management Team - has determined that it was a Priority 1 (Crisis) incident.

40

?---Mm hmm.

And you will see there some examples?---Yes.

45

If I suggested to you that the circumstances faced by you and the other members of the Executive on the 27th were less serious events than what is set out in those dot points, would you agree with me?---I would. Is there a following page with any

further dot points?

No, there's not. Madam Associate, 282, just to show Mr Crosetta. You will see there's no further dot points on that page?---Mm hmm.

5

So you would agree with me then?---Yes.

Madam Associate, could we now go forward to the Crisis Management Plan itself which starts at 369. Mr Crosetta, you will see this is the Crisis Management Plan dated 2 December 2017?---Yes.

10

And did you have a copy of this document with you on the day that the Crisis Management Plan was enacted?---We did.

15

So you're familiar with it?---Yes.

Madam Associate, could we go forward to 374. You will see, Mr Crosetta, at the bottom the, "Crisis Priority 1"?---Mm hmm.

20

Which is the priority assigned to that which was facing you on the day?---Mm hmm.

You will see under the heading, "Impact", the second column?---Mm.

25

:

Prolonged interruptions to operations lasting greater than 24 hours.

?---Mm hmm.

30

And that's what we were talking about a moment ago?---Mm hmm.

And then it says:

35

Including irreparable damage or total loss to critical assets.

?---Mm hmm.

COMMISSIONER: You have to say yes, "mm hmm" doesn't come across on the transcript?---Sorry, yes.

40

MR BEETHAM: I'm obliged, sir.

COMMISSIONER: That's all right.

45

MR BEETHAM: Would you agree with me that that which was facing you on the day was not irreparable damage or total loss to critical assets?---Yes.

And you see the second item is:

Death/injuries to staff or visitors requiring hospitalisation.

5

?---Yes.

That which was facing you on the 27th was not that either?---No.

10

Can you explain in light of that how it was that you reached the view that the City should declare a crisis?---As I mentioned earlier, we acted in the best interests of the organisation, taking the points that I've noted before.

15

So did you do that without reference to this categorisation here?---We would have referenced it but we took the decision otherwise.

When you say you took the decision otherwise?---In enacting it for the reasons that I stated earlier.

20

Rather than the reasons suggested - - -?---Yes.

- - - in this?---Yes.

25

So do I understand that to be, you made the decision to enact the Crisis Management Plan based on criteria that aren't contained in the Crisis Management Plan?---Well, we considered it because there it mentions the irreparable damage, rather than - it's not related to assets but more of the people and the reputational risk of the organisation.

30

Are you talking about in the third column under, "Actions"?---Yes.

But that's telling you, isn't it, what to do after declaring a crisis?---The way I read it there, it's saying that you enact the Crisis Management Plan and what the team will undertake to activate the Business Continuity Plan, which is what it says.

35

Sorry, can you just repeat that to me, please, Mr Crosetta?---So that tells me that it initiates the Crisis Management Team for the enactment of the CMP.

40

So you understand that you would have a Crisis Manager appointed and convene the Crisis Management Team before enacting the Crisis Management Plan?---Yes.

If I suggested to you that those roles only exist within the Crisis Management Plan - - -?---They do but they are already appointed, the CMT has already been appointed as part of that procedure.

45

But that's as part of initiating the Crisis Management Plan, is it not?---Yes, yes.

I'm not sure I understand your evidence of a moment ago?---Could you clarify, please?

Hopefully you can, Mr Crosetta?---Can you ask the question again, please?

5

I thought your evidence just a second ago was you appoint a Crisis Manager and a Crisis Management Team before deciding to enact the Crisis Management Plan?---The policy and the procedure actually has already an appointed Crisis Manager as part of that procedure, so we already have the manager appointed, even prior to any crisis management - crisis occurring.

10

You're saying there is a standing Crisis Manager at all times?---Correct.

I understand now what you mean. Do you say it's just part of that that a decision is made as to which priority to assign?---Correct.

15

So your understanding is, it goes Crisis Manager, Crisis Management Team?---Yes.

20

And then priority to the (indistinct)?---Yes, correct.

Is it possible you're incorrect about that?---No.

It's not?---No.

25

COMMISSIONER: Mr Crosetta?---Yes.

Would you just look - just take a bit of time and read the whole of this page to yourself for a moment and let me know when you've done that, please. Take your time, please?---Mm hmm. Yes, Commissioner.

30

You can see that this table deals with notification and escalation?---Yes, Commissioner.

35

And you will see that there are four columns. The first column to the immediate - to the far left is the level of the priority, so Priority 3, Priority 2, Priority 1?---Yes.

And Priority 1 is the highest level of priority, do you agree with that?---Yes, I do.

40

[4.00 pm]

45

Those levels are declared, would you accept, depending on the impact that is described in the column to the immediate right of it?---Yes.

5 So if you just for a moment forget the Priority 1 and look at Priority 3?---Yes.

Just take a moment to have a look at the impacts described there?---Yes.

10 If you then go to the column to the far right, it refers to "the manager of the impacted area"?---Yes.

And do you understand that to mean that where a Priority 3 incident is declared, the person in charge is the manager of the impacted area?---Yes, I do.

15 And then if you look at the column headed, "Actions", just take a moment to read that to yourself, please?---Yes.

Would you accept that to be the actions that should be undertaken under the manager of the impacted area where a priority 3 incident is declared?---Yes.

20 If you then go down to Priority 2, just have a look at that. You can see it describes under the heading, "Impact", the kind of impact that brings into play a Priority 2, would you accept that?---Yes.

25 And the person, in the event of a Priority 2 emergency, which is now an emergency rather than an incident, is the person in the far right column, namely, the Critical Incident Control Team?---Yes.

A group of people?---Yes.

30 Then under the supervision of the critical incident control team, do you accept that those things which are described in the third column as, "Actions" are things that should happen under that Critical Incident Control Team?---I do, Commissioner, through the Director of that team.

35 Then if you go down to Priority 1, we are now moving from an incident to an emergency to a crisis and in the same way that you've read Priority 3 incident and Priority 2 emergency, do you accept that what brings into play a Priority 1 crisis is the kind of impact that's described in the second column from the left?---As noted on there, yes, Commissioner.

40 Then if you go to the far right column in that row, would you accept that in the event of a Priority 1 crisis, the team which is in charge is the Crisis Management Team? Do you accept that?---Yes, Commissioner.

45 Then if we go to the, "Actions" column that relates to Priority 1 crisis, can you see there that in the same way as it deals with what the person in charge should do in Priority 3 and Priority 2, it describes what the Crisis Management Team should do

in the event of a Priority 1 crisis?---Yes.

Let's just look at that. So the first thing that the Crisis Management Team should do, through its Crisis Manager, is convene the team?---Yes.

5

And if you look at the second paragraph, the next thing that should happen, the next action that should happen is:

10 *The Crisis Management Team will activate the Business Continuity Plans if appropriate.*

?---Yes.

Do you accept that's the next action?---Yes.

15

Then look at the third paragraph and what that says:

20 *The CMT will consider the broader strategic and reputational implications of the incident and provide any necessary support to the CICT.*

Just stay with that sentence for the moment. Do you accept that that sentence is indicating what the Crisis Management Team should consider when acting on the incident or acting on the crisis?---Yes.

25

So again it's talking about how the Crisis Management Team should go about its response, isn't it?---Yes.

It's not there describing what is required for a Priority 1 declaration, is it?---Not specifically, no.

30

Then if we look at the next sentence in that paragraph:

35 *The CICT will continue to resolve the situation at the impacted site.*

You can see that what that sentence is making clear is that the Critical Incident Control Team will respond to the Priority 1 crisis by continuing to resolve the situation at the impacted site, so again it's talking about what action will be taken in response to the Priority 1 crisis, isn't it?---Yes.

40

So when you look at this table as a whole, do you accept that what is described in the third column, last row, is dealing with what will happen rather than what will be declared a Priority 1 crisis?---Yes, I'll take - yes.

45 Mr Beetham. Thank you, Mr Crosetta.

MR BEETHAM: Mr Crosetta, having regard to the questions that the

Commissioner's just taken you through, do you still remain of the view that the decision to enact the plan and declare a Priority 1 crisis was the appropriate decision to make on the day?---I do.

5 During the discussions at the ELG meeting at which the decision was made to enact this plan, you referred to meeting - sorry, a telephone call with the Minister's Chief of Staff?---Mm hmm.

And that was - - -?---Yes.

10

- - - a telephone call, as I recall your evidence, that happened before the enactment of the Crisis Management Plan?---Yes.

15 And during that call, were you told that the Minister wanted to meet with or was going to be meeting with Council the following day?---I have some recollection that that was the case, yes.

20 Was the Crisis Management Plan enacted in that context for either of two reasons, not for the reasons you've suggested but either to delay or defer the Special Council Meeting that was going ahead that afternoon?---Yes. I said that before, yes.

That was one of its purposes, was it?---Yes.

25 And that is because, as I understand it, the Executive held the view that Mr Mileham would be returning?---Correct.

30 Was it otherwise to disrupt or delay the Special Council Meeting simply because you didn't want Council to make the policy change and appoint an Acting CEO at all?---In light of what you've just mentioned, that we were under the impression that Martin may be returning the following week - - -

I think that was your evidence, Mr Crosetta?---Yes.

35 But was there discussion about delaying or deferring the Special Council Meeting simply to prevent that meeting from going ahead, unconnected with Mr Mileham's return?---I wouldn't say it was unconnected.

So is the answer that there was no discussion about that?---No.

40

It wasn't a purpose of itself unconnected with Mr Mileham's return to delay or defer that Special Council Meeting?---No.

45 Was it a purpose in and of itself to have the City in a declared crisis so that when the Council met with the Minister the following day, the City would be in a declared crisis and that would, or could lend encouragement to the Minister to suspend Council, being one of those measures we talked about at the start of your

evidence?---Definitely not.

There was no intention on your part, was there, to use this plan as a tool to leverage that outcome?---No.

5

Was there any discussion about that amongst the group?---Not that I recall, no.

Did you attend the Special Council Meeting that happened that afternoon?---I did.

10

Do you recall attending, after that Special Council Meeting wrapped up, what's been described as an informal meeting with - I will tell you who was said to be present there, the Lord Mayor, Councillor Adamos, Ms Barrenger, Ms Brandon, Ms Moore and Mr Ridgwell?---Yes.

15

Can you tell the Commissioner where that meeting was held?---I can't recall the location, other than Council House, but I can't recall.

Can you recall what was discussed?---What I do recall is seeing a Lord Mayor in an emotional state - - -

20

Was she in tears?---She was in tears.

What else do you recall?---Just the state of flux of what had transpired at that Council meeting.

25

What do you mean by "state of flux"?---The Councillor or Councillors that nominated Annaliese Battista, Mark Ridgwell was asked to make contact with her on the basis of their nomination of her as the Acting CEO. It took some time and on recollection, half an hour to an hour, to contact her and then there was confirmation that she'd agreed to accept the Acting CEO role.

30

Is that the flux you're talking about?---Just the time taken, the uncertainty of what the decision was.

35

In relation to Ms Battista's appointment?---Yes.

Was there any discussion about an apparent change in control or majority at the Council?---That wouldn't have been the only time that that was potentially viewed as a possibility.

40

Was that discussed at this post Special Council Meeting?---I can't recall the details of that.

You can't recall the details of the discussion?---Of the discussion.

45

So you're not able to say one way or the other whether there was that type of discussion?---No.

Did the Lord Mayor, other than being upset, express anything at that meeting about why she was upset?---No, not that - I can't recall.

5 Did you then, or do you have any recollection of then going downstairs with the Lord Mayor for a press conference?---I do.

Why did you attend that conference with the Lord Mayor?---I was asked to.

10 By whom?---By the Lord Mayor.

Did she say why she was asking you?---I think she was just in an emotional state and needed some support to then tackle the media.

15 Did you give any thought then as to whether it was appropriate for you as a member of the Executive administrative staff to attend a press conference with the Lord Mayor?---The thought I had was that she is the Lord Mayor and I act under instruction of the Lord Mayor.

20 Did you think about whether or not it was appropriate to attend that conference and perhaps signal or by your attendance, signal, either intentionally or otherwise, support for the Lord Mayor?---That was not - that's not what I thought. As I say, the Lord Mayor asked executives to attend and we act on her instruction.

25 Have you previously instructed by the Lord Mayor to attend press conferences?---No.

How do you reach the view that you act under instruction from the Lord Mayor?---The Lord Mayor is the Lord Mayor and if she asks executives or others to attend a media conference, I see that that's not inappropriate.

30

When you say "act under instruction of the Lord Mayor", are you talking just about things like attending media conferences, or do you mean in your day to day work, you considered yourself able to be instructed by the Lord Mayor?---No, my instruction on a day to day basis was through the CEO.

35

So what do you mean when you say you act under instruction of the Lord Mayor?---She is the Lord Mayor.

40 Yes?---She was obviously in an emotional state. She asked executives to walk with her to the media. We had no contribution to what was said at the media and -
--

[4.15 pm]

45

I appreciate all of that, Mr Crosetta. I'm just trying to understand what you understood to be the relationship the Executive had with the Lord Mayor and her

capacity to instruct you?---No, she couldn't instruct us.

So what do you mean then when you say you act under instruction of the Lord Mayor?---We were asked to attend a media conference, which we did.

5

So your understanding is that generally the Lord Mayor can't instruct you to do things?---Correct.

But on this occasion, the Lord Mayor asked you to come along to this conference?---As emotional support, if you want to put it that way.

10

You considered you were giving emotional support to the Lord Mayor?---Yes.

And you didn't consider whether or not in providing that support you in attending, or the Lord Mayor in asking you to attend was acting inappropriately in regard to the different roles of the Executive and the Lord Mayor?---No.

15

I take it, Mr Crosetta, you wouldn't accept a suggestion that that was inappropriate?---No.

20

Those are my only questions, sir.

COMMISSIONER: Thank you. Mr Crosetta, how are you feeling? It's been a long afternoon?---I'm doing fine, thank you, Commissioner.

25

I will now hear applications. Ms Young, do you have one?

MS YOUNG: No application, Commissioner.

COMMISSIONER: Thank you. Mr Houweling?

30

MR HOUWELING: No application, Commissioner.

COMMISSIONER: Mr Skinner?

35

MR SKINNER: Not at all, sir, thank you very much.

COMMISSIONER: Thank you. Mr Wyatt?

MR WYATT: No application, Commissioner.

40

COMMISSIONER: Ms Siavelis?

MS SIAVELIS: No, thank you, Commissioner.

45

COMMISSIONER: Mr Cornish?

MR CORNISH: No application, Commissioner.

COMMISSIONER: Mr van der Zanden?

5 MR van der ZANDEN: No application, Commissioner.

COMMISSIONER: Thank you. Ms Harrison?

MS HARRISON: No application, Commissioner.

10

COMMISSIONER: Mr Malone?

MR MALONE: Making a clean sweep, Commissioner, no application.

15 COMMISSIONER: I don't know, we haven't done the front bench yet.
Mr Bourhill?

MR BOURHILL: No application, Commissioner.

20 COMMISSIONER: Ms Saraceni?

MS SARACENI: No application, thank you, sir.

COMMISSIONER: Mr Russell?

25

MR RUSSELL: In those circumstances, no application from me either.

COMMISSIONER: Don't feel bullied into it.

30 MR RUSSELL: Nothing arising.

COMMISSIONER: Thank you, Mr Russell. Is there anything else by way of a housekeeping matter that needs to be attended to before I excuse Mr Crosetta?

35 MR BEETHAM: No, sir.

COMMISSIONER: Thank you. In that case, Mr Crosetta, you're excused from further attendance today and I want to thank you for your evidence?---Thank you, Commissioner.

40

I will now adjourn until 10 am tomorrow morning.

WITNESS WITHDREW

45

**AT 4.17 PM THE MATTER WAS ADJOURNED
UNTIL TUESDAY, 24 SEPTEMBER 2019**