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INQUIRY INTO THE CITY OF PERTH

PUBLIC HEARING - DAY 118

FRIDAY, 27 SEPTEMBER 2019

INQUIRY PANEL:

COMMISSIONER ANTHONY (TONY) POWER

COUNSEL ASSISTING:

MR PHILIP URQUHART

COUNSEL APPEARING:

MR JOEL YELDON and MS EMILY CHAPPELOW (MS Janet DAVIDSON)

MR JOSHUA FETHERSTONHAUGH (MS Lisa SCAFFIDI)

MR MARTIN TUOHY (MR Martin Mileham)

MR PETER MARIOTTO (MR Dimitrios LIMNIOS)

MR NICK MALONE (MR Reece HARLEY)

.27/09/2019

HEARING COMMENCED AT 09.34 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 Urquhart, do you call your next witness?

MR URQUHART: Thank you, Commissioner, I do, and that is Mrs Janet Davidson. I notice Mrs Davidson is already in the hearing room.

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

20 MS DAVIDSON: Affirmed, thank you, Commissioner.

COMMISSIONER: Thank you. Madam Associate.

MS Janet Elizabeth DAVIDSON, affirmed:

25 COMMISSIONER: Thank you, Ms Davidson. Please take a seat. I will now hear applications. Mr Yeldon?

30 MR YELDON: Thank you, Commissioner. I appear for Mrs Davidson, with your leave, instructed by Emily Chappelow.

COMMISSIONER: Thank you. I can't imagine there will be any objection?

35 MR URQUHART: There won't be, sir, nor to the other applications that are about to be made, thank you, sir.

COMMISSIONER: Thank you, Mr Urquhart. Leave is granted, Mr Yeldon.

MR YELDON: Thank you, sir.

40 COMMISSIONER: Mr Fetherstonhaugh?

MR FETHERSTONHAUGH: Thank you, Commissioner, I seek leave to appear on behalf of Mrs Scaffidi, please.

45 COMMISSIONER: Thank you. Leave is granted. Mr Tuohy?

MR TUOHY: Commissioner, with your leave, I seek leave to appear for

Mr Mileham.

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

5 MR MARIOTTO: May it please, Commissioner, I seek leave to appear for Mr Linnios.

COMMISSIONER: Thank you, Mr Mariotto. Leave is granted. Mr Malone.

10 MR MALONE: May it please you, Commissioner, I seek leave to represent Councillor Harley.

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

15 MR MALONE: Thank you.

COMMISSIONER: Mr Urquhart, are you ready to begin?

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

20

COMMISSIONER: Thank you.

EXAMINATION-IN-CHIEF BY MR URQUHART

25 Mrs Davidson, just to recap some background information, you were elected to City of Perth Council in February of 1998?---Correct.

And you served until the Council was suspended in March of 2018?---Yes.

30 And you were last elected in October of 2015?---Yes.

And you eventually resigned after the suspension when you no longer resided in the City?---Correct.

35 Just to clarify, that made you ineligible to be a Councillor?---It did.

Mrs Davidson, in your time as a Councillor, were you ever a member of the committee that considered sponsorship applications?---No.

40 It's changed its name from time to time but its last incarnation was the Marketing, Sponsorship and International Engagement Committee, is that your recollection?---Yes.

45 From now on, Mrs Davidson, it just refer to that as a Marketing Committee or the committee, okay? Did you ever deputise for a member on that committee?---I probably was down as a deputy.

Mrs Davidson, unless I specify otherwise, my next lot of questions are confined to the period from 1 October 2015 to 1 March of 2018 which, as you will no doubt know, the timeframe for the Inquiry's Terms of Reference, okay?---Fine.

5 Again, confining it to your understanding in your last three years on Council, 2015-2018, what did you understand your obligations were when disclosing gifts you had received in your role as a Councillor?---Is to do a Gift Declaration Form.

10 Yes?---And I think under \$50, it wasn't required. I think we got to the point where sometimes we did them anyway because then you could track, you know, the events that you had been to.

15 Yes. Are you familiar with a term "notifiable gift"?---It's not a term that I'm overly familiar with.

Did you understand the relevance of the value frame of \$50-\$300 for a gift?---Aware of that.

20 Can you tell me what your knowledge of that awareness was?---As I say, under \$50, not necessary to declare.

Yes?---Over \$300, should not have, you know, made an application but this depends on obviously how you view sponsorship.

25 I'm not asking any questions about sponsorship at the moment, I'm just dealing with the general subject matter of gifts and again, I will ask you once more. I will get to \$300 or more in a moment but what was your awareness of the significance of that value frame of between \$50-\$300?---Yes, that was the range of the gift disclosure.

30 That was the range in which a Gift Declaration Form had to be completed?---Yes.

35 Did you understand the significance if two or more gifts were received within a six month period from the same person or entity?---No. In terms of that, if I can use the word, rolling escalation, collating beyond \$300 we didn't, or I didn't understand that until much later on when we were trying to revive the transition between gift decs and sponsorship.

40 Are you talking about a timeframe in around March of 2016?---Yes.

But before we get to that, are you saying in all your years as a Councillor before then, and when that range formed part of the regulations requiring Gift Declarations, you weren't aware of that?---No, not that cumulative.

45 You had no idea?---No, not until much later on.

Who would you say was responsible for the fact that you weren't aware of

that?---Well, I can take the blame myself or whether, you know, Governance gave us the details.

5 Are you saying that Governance might not have provided you with information in regards to that?---I'm not aware of the cumulative \$300, or beyond.

10 It would seem that - it's regulation 12 of the Local Government (Rules of Conduct) Regulations and they were passed in 2007 and there was, as far as I understand it, always a timeframe in which there was an accumulation of gifts if it went beyond a certain amount, the total value then, it became either a notifiable gift or potentially a prohibited gift. So I'm just asking you then whether you were ever aware of a different value that existed?---No.

15 No? So it was always your understanding until some time in the first half of 2016 that these values only related to a single gift?---Yes.

20 I think from what I understand from some of the answers you've already given, you were also unaware that that accumulated value of gifts from the same person or entity within a six month period, you weren't aware that that also apply to whether the gifts became prohibited gifts?---True

[9.45 am]

25 Did you understand what it meant as to what a Councillor was supposed to do with respect to a prohibited gift, that is, a gift that was worth \$300 or more?---No, because I didn't, you know, view some of my declarations as prohibitive. As I say, it was this notion of the sponsorship and that's why on 31 March 2016, the Department, who obviously were doing an inquiry on gifts, we filled out appropriate forms.

30 We will certainly get to that but with respect to my question, prior to that time of March of 2016, you were unaware of what a Councillor was supposed to do if they were offered a gift that was worth \$300 or more?---Didn't come to my mind because I believed I wasn't offered one over \$300.

35 That might well be so?---Mm hmm.

40 However, the question still remains?---No, I wouldn't have been - it wouldn't have been in my brain.

What did you think "prohibited" meant?---That you obviously couldn't accept it.

45 But was that with respect to every single gift that was offered to you worth \$300 or more?---No, because as far as I know, I wasn't offered one.

Mrs Davidson, were you aware of regulation 12(2) - - -?---No, not - - -

5 No, I'm just citing it for the benefit of those here in the hearing room. I don't expect Councillors to remember the precise regulation or section of a very large Local Government Act, in which there are many regulations. I'm just citing that regulation and now I'm going to ask you whether you're aware of its terms. This is the Local Government (Rules of Conduct) Regulations. That regulation stated that:

10 *A Councillor must not accept a prohibited gift from a person who is undertaking, seeking to undertake or who it is reasonable to believe is intending to undertake an activity involving a Local Government discretion.*

15 So my question to you is, were you aware of that provision prior to March of 2016?---Not specifically.

When you say not specifically - - -?---No, I - - -

20 - - - generally?---Not generally at all, no. No, the \$300 came into play once we were, you know, transitioning from a sponsorship document to another one and that Gift Declarations were to be more specific and were obviously uploaded to the website.

These are all to do with governance issues, would you agree with that?---Yes.

25 It falls within that term, governance? Yes?---Yes.

What was your knowledge of governance generally? How would you rate it?---Reasonable.

30 Reasonable, but there were some deficiencies here, it would seem, with respect to these matters I've been asking you questions about?---Yes.

35 Ms Scaffidi, in evidence earlier this week, lauded you as the expert on governance within Council; would you agree or disagree with that observation by her?---Very nice of her but - - -

I know, but I'm asking you whether you agree or disagree?---Not necessarily. I did the best I could with the amount of knowledge that I had.

40 Are you sure your knowledge was this limited with respect to gifts?---Yes, I've outlined what my knowledge was.

Is that a truthful account?---It is.

45 Of what your knowledge was?---Yes.

Prior to March of 2016?---Yes.

5 Would you agree with me though that from March 2016 onwards, clearly from your evidence, your knowledge increased?---Well, only because the City was putting together a more stringent sponsorship document and obviously had been charged with doing Gift Declarations so that they could be put together and as I say, uploaded to the website so that it was all fairly transparent.

So is the short answer to my question, yes?---Yes.

10 Again, staying with that timeframe of the Inquiry's Terms of Reference, what was your understanding of when an Elected Member had a financial interest in a matter?---If you were in a Council meeting or a committee meeting, you declared and you exited the meeting.

15 Yes, but the question was, what was your understanding of when an Elected Member had a financial interest in a matter, not what an Elected Member had to do if they did have a financial interest in a matter?---You will have to repeat that.

20 Yes. What was your understanding of when a Councillor had a financial interest in a matter? What circumstances gave rise to that, and I'm concentrating on what your knowledge was of that?---Well, if you were a director of a company that obviously was being considered, you would have had to have declared.

25 Yes?---If you knew the people, and I use the word in quotes, intimately of those who were being considered, you probably would have had to have declared.

30 Declared a financial interest or some other interest, or I suppose it all depends on the circumstances?---Yes, that's true. Yes, it depends on your relationship with that person or persons.

Did you have an understanding that a different rule might apply there in different circumstances if the person was close relative?---Yes, if it had been a close relative you would have declared.

35 Declared a financial interest or an impartiality interest?---Probably impartiality. It depends, as I say, if you were in a relationship business-wise, then it would be financial.

40 Any other circumstances that were within your knowledge?---Proximity, if you were obviously looking at a building and you either had an apartment or office complex close by.

45 Yes. Can you think of any others? It's not a test, if you can't at this moment in time, that's fine?---Sometimes people declared and then asked the Council whether they could stay in the room and be involved and vote and that was allowed sometimes.

Was that with respect to a financial interest - - -?---No.

- - - declaration or an impartiality interest declaration?---More impartiality.

5 Mrs Davidson, did you understand the difference between a direct and indirect financial interest?---Yes, direct financial you would certainly have declared and gone out of the Chamber or the committee room; indirect, I would need a little bit more clarification on that.

10 Again, I was just asking as to what your knowledge was?---Yes. No, I can't recall using indirect.

Mrs Davidson, I now want to ask you whether you understood when it was that someone, or an entity was defined by the Local Government Act as being a
15 "closely associated person" with an Elected Member?---You will have to repeat that.

Yes. Essentially what I was wanting to know is, whether you understood what it meant under the Local Government Act in circumstances where someone or an
20 entity was defined as a "closely associated person" with an Elected Member? I suppose the first question I should ask you, whether you're aware - do you have a recollection of being aware of that phrase "closely associated person"?---No, I don't.

25 In this timeframe I'm talking about?---No.

So that's the answer to the question then, you weren't then aware of a circumstance in which someone would be defined as a closely associated person with an Elected
30 Member?---No.

Again, Mrs Davidson, I emphasise, this is no criticism of you. Part of the Inquiry's job is to look at how matters can be improved in the future there with the City of Perth, or indeed with any other local Council. So that's essentially why I'm asking you these questions, okay?---Right.

35 Along that line, another question I have for you, were you aware of the connection between having to declare a financial interest when an entity or a person has provided gifts to the Councillor?---If you're referring to gifts as tickets - - -

40 Just gifts generally for the moment?---Okay. Yes, you would declare. It didn't come across me but as far as I know you would declare if gifts had been provided.

Did you have any knowledge as to - yes, you had to declare for gifts but did you have any knowledge as to whether certain circumstances then meant that you - I
45 will just say a Councillor, would then have a declare a financial interest in a matter that was to be considered by the Council, regarding that person or organisation that had provided the gift?---Yes, I can agree with that one.

I'm just asking you whether you had knowledge of that?---Again, it didn't really come across me in terms of gifts, other than, you know, tickets.

5 So if we can then confine it to then the provision of tickets - when you say tickets, I gather you mean tickets that you didn't have to pay for?---Well, yes, events.

10 Gifts. So with respect to those, what was your understanding, again in that timeframe we have discussed, of whether anything was required by a Councillor to declare a financial interest in circumstances where they have received free tickets from an organisation and declared a financial interest with respect to a matter that could come before Council that concerned that organisation?---Not on the basis of how the sponsorship document that had been written up because they were written up on the basis that Elected Members would be invited to the events for this
15 organisation that was going to receive a sponsorship.

Do you recall voting on sponsorship applications with respect to, and now I'm going to a precise matter, the Perth Fashion Festival?---Yes

20 [10.00 am]

Am I right in saying that you always voted in favour of sponsoring the Perth Fashion Festival?---Yes.

25 And in this regard I'm talking about a period of over a decade?---Yes.

30 May I ask, why was that? Why they are you such a supporter of this particular event?---Always very supportive of the Perth Fashion Festival. It was obviously a highlight on the calendar for the City for promotion. I always felt it was a fairly acceptable event, that obviously the City featured so I always gave it my support.

Did it also involve a subject matter that you personally were very interested in, namely, fashion?---Gosh, I wouldn't put myself in that category.

35 We have heard evidence that was critical of one Councillor and his dress sense. I've heard absolutely no criticism of your dress sense, Mrs Davidson, in fact, I will describe it as impeccable. Was fashion generally a matter of interest for you?---High on my priorities? No.

40 Let's put it this way, if you weren't a Councillor, just an ordinary ratepayer of the City of Perth, would I be right in saying that you would be very interested in attending the Perth Fashion Festival events?---Yes, as we did or as I did - I'll speak for myself - every event that was held, I would usually front up. It was always viewed, from an Elected Member's point of view, that these events, once you'd
45 sponsored them, it was a royal command performance that you turned up.

However, you were very happy to attend this particular sponsored event, that

would be fair to say, wouldn't it, because of your interest in the subject matter?---Not interested in the subject matter.

5 No?---Just my normal course of working, promoting the City. As I say, I literally attended most events throughout the year.

10 Let me put it this way, would you prefer to attend an event with the Perth Fashion Festival or that car rally event that they had in the City of Perth a number of years ago?---Yes, I attended all of that.

Yes, but was your preference though? Would you prefer to go to the Perth Fashion Festival or sit amongst the rev heads at that rally show?---No preference.

15 What would be your preference?---No, no preference at all. That rally again was the promotion of the City and I enjoyed that evening as much as the Fashion Festival.

20 So you wouldn't concede that you would enjoy a parade of fashion at the Perth Concert Hall than standing outside in the potential cold or wet at a rally?---No.

Okay. Would you agree with me at least that you were one of those Elected Members who strongly supported the Perth Fashion Festival?---I did.

25 Were there any others that had that same degree of strong support?---I think if you look back on the voting pattern, it would normally have been a unanimous decision in the majority of cases that we sponsored the Fashion Festival.

30 You're not the first person who's answered my question like that but who were the stronger supporters amongst the Council?---Look, I'm not going to speak for anyone else.

35 Well try. There's yourself, you're one, who are the others or other?---The Lord Mayor would have been but, you know, originally she was an ambassador for the festival.

She was on the board as well?---True.

So clearly a strong supporter?---Mm hmm.

40 Yes?---I'd have to say almost all of them - - -

Yes, all right?--- - - - because of all of them attended the events.

45 Not all, because we have the records?---Okay, a large proportion of them did.

Again, I'm pretty sure I've reminded you before of the fact that the Inquiry knows the answers to most of its questions that are asked of witnesses, okay? Lily Chen

was another strong supporter, wasn't she?---She did attend the events.

So you agree with me then?---Yes.

- 5 The question was - I wasn't asking you whether she attended events, I was just asking you whether it was your view that she was a strong supporter.

10 So Councillor Limnios was another? This is no criticism at all, Mrs Davidson, I just would have thought that as a general rule Councillors would prefer to attend and would be more supportive of events that the City sponsored than others?---You mean another event?

15 Just events - Councillor Limnios was another strong supporter of the Perth Fashion Festival, wasn't he?---Yes, I think you could put him in that category.

Is it your recollection that the Perth Fashion Festival received one of the largest sponsorship payments made by the City of Perth in the time that it made sponsorship applications to the City?---It was one of the largest.

- 20 Would I be right in saying that it and the Perth International Arts Festival received the largest amounts from the City on an annual basis?---Yes, along with probably the Perth Convention Bureau.

25 The Perth Fashion Festival, that was held over the course of between five and seven days in September of every year?---Yes.

Does that sound about right?---Yes.

- 30 You did receive free tickets from the festival organisers to attend events put on by the Perth Fashion Festival, that's not in dispute, is it?---No.

Can you recall the years that you went to the Perth Fashion Festival events with free tickets?---I would have attended probably all of them.

- 35 Were there times there where you would receive upwards of 20 free tickets to attend?---Over a course of - - -

No, for each festival, were there occasions when you would receive up to 20?---With the events that they held?

- 40 Yes?---Yes.

45 I'll refer to 2012 where the records seem to show that you received 20 tickets for that particular year. I know it's a long time ago but that may well be the case?---Yes, there were lots of events on in the week, yes.

Of course, there weren't ever 20 events on for any one Fashion Festival, was

there?---Just repeat that, please.

5 There was never as many as 20 individual events for a Fashion Festival in any five or six day festival period?---I think there could have been. 10 events, two tickets, two things, 20 - - -

10 This is what I was getting at, there might have been 10 events but there wouldn't have been 20 separate events and I think we can now go to the question I was going to ask you: you would receive not just free tickets for yourself but also for a guest?---True.

Would that be the case on just about every occasion?---Yes.

15 If I was to say to you that you would have been attending this event from at least 2009, so that's 10 years ago, you wouldn't dispute that?---No.

20 I think, Mrs Davidson, you've already touched on this but there was a time, wasn't there, before 2016 when sponsorship applications on behalf of the Perth Fashion Festival, and if the sponsorship was accepted, there was an allowance for provision of a number of free tickets for the City?--- Yes.

That's right, you've got a recollection of that?---That's how the sponsorship document was written up, yes.

25 We have already touched upon that period of March of 2016 and I think you've told us that's when the City - I don't know whether this is your word or not - tightened up the requirement?---No, I wouldn't say tightened up. Look, it was trying to improve the process.

30 Can you recall whether this coincided with the handing down of a report from the Public Sector Commission, the report into the supply of free tickets to government bodies for events that they had sponsored?---That document was supplied to me

35 Yes?---I've looked at it. I haven't seen it before, but obviously the trigger was Healthway.

40 Yes, that's right. So there was two reports, one from Healthway that was handed down in 2015 and as a result of that, the then State Government requested the Public Sector Commissioner broaden the investigation to look at a range of government bodies, yes?---Yes.

Is that your recollection?---Yes, only because that document was provided to me.

45 I'm not going to test you or ask you any questions about what that document contained, but I just wanted to place it in context because that report was handed down, I think, on 16 February of 2016, or it was provided?---When you say provided, provided to me?

No, it was just made public, I suppose. Yes, it was provided to the government and it was made public. Do you also recall there were some legislative changes at around this time as well? If you don't, that's fine?---None that I can bring to mind.

5

But nevertheless, did you understand that the City's conclusions it was drawing in March of 2016 or thereabouts, that Councillors who had received tickets to events that the City had sponsored in the past would not only have to make Gift Declarations of those tickets, but also that they might not be able to participate in considering sponsorship applications for those same events in the future?---Yes.

10

Mrs Davidson, you've now in more recent times been reminded of the fact that there was those WhatsApp communications taking place between you and a number of other Councillors, you know the WhatsApp group that I'm referring to?---Yes.

15

I just want to show you now some messages that were posted on that group, including some from yourself - at least one from yourself in the last week of March of 2016, to put it in context, okay? Do you understand?---Yes.

20

Thank you. Madam Associate, could we have a look now, please, at 14.0178, TRIM number, sir, 13609.

COMMISSIONER: Thank you.

25

MR URQUHART: Madam Associate, would you be able to enlarge the bottom half of that page, in particular, the very last message that appears. Thank you. Mrs Davidson, this message you can see there that was sent on 24 March 2016 at 12.06.47 pm, was sent from your phone, so is it safe to assume that you would have sent this message?---Yes

30

[10.15 am]

Thank you. I know it's from three and a half years ago, so some time ago but I shall read it out:

35

All was said and presented at the meeting yesterday by Governance and lawyer there also. Copy sent out today. Affects all EMs, not JG -

I gather that's a reference to Dr Jemma Green, is it?---I'm assuming it is. I do not remember this but there we are.

40

The only Councillor's initials in 2016 of JG was Dr Green?---True.

45 So:

Affects all EMs, not JG. Serious implications re gifts that we have had

in the past. Hopefully not but we have to declare all from 1 July 2015. It was clearly laid out yesterday. How much more does she want to put it in the public arena? City is working hard on this so that we can be an exemplar Council.

5

I will just pause there, exemplar, that might have been an auto spell check, should have that been "exemplary"?---Not necessarily. I would have used probably the word "exemplar".

10 Exemplar?---M'mm.

Is that Latin for exemplary?---I think it is a word.

15 But is it Latin - is it the same - - -?---I have no idea but I think it is a word, exemplar.

If you've used it, then you must know the meaning of it?---Yes, in other words, one that would be held up to good account, that's how I would view the word "exemplar".

20

And that was very important, was it not, that the City of Perth, of all Councils in WA, should be held in the highest regard?---True.

It continues:

25

Does not get any more stringent, nor trigger stuff going to CCC or Department but is obvious thinking now what has been done in the past. EMs and officers doesn't cut the mustard now. Let the admin get on with getting it right. Surely she can't want any more rigidity. Please hold tight, looking for splintering people, Janet.

30

I'm not going to get into the politics that seems to be part of that message. However, what I want to draw your attention to is the fact that it was evident to you that as of 24 March that there would be serious implications "re gifts that we have had in the past", do you see the second line there?---Yes.

35

And that it was "clearly laid out yesterday", do you see that in the third line?---Yes.

40 Can you recall whether that was a briefing session that was held?---I can't recall and I can't recall the lawyer, other than - - -

45 I'm going to take you to some documents now regarding what you may well have been referring to there but before I do that, with respect to you stating in the second line there "affects all EMs. Serious implications re gifts that we have had in the past", were you there referring to the fact that Councillors may well now have conflicts of interest regarding - - -?---No, I think just in terms of, you know,

sponsorship and obviously in that sponsorship document, being invited to all the events that the sponsorship organisation had got on.

5 What was so serious about that then?---Well, because obviously, you know, we had attended many events. As I say, I went to all the events that each organisation had put on.

10 What were the implications, what were the serious implications?---For one, in the past declarations had not been made, and I don't mean of conflict, but Gift Declarations, you know, tickets going to events, purely because that's how the sponsorship document had been written up.

15 So you weren't referring there to what might happen in the future?---Well, from the advice that probably the lawyer gave us, it was obvious that, as I say, the transition from one sponsorship document to another was certainly going to be firmed up and obviously, because of transparency, Gift Declarations were to be made and uploaded to the website, so that obviously everyone could see what gifts had been given.

20 Again, you weren't referring to potential future conflicts of interest?---No.

Or interests that a Councillor may now have in future matters?---No.

25 I'm going to show you some other messages that followed that one and I will ask you that question again in a moment. That's sent at 12.06 pm on 24 March and we can see a response from Ms McEvoy there at the bottom of the page and it will go on now over to 0179, thank you, Madam Associate, the next page. I don't want to touch so much on what Ms McEvoy has to say but rather what the Lord Mayor, or the message that was received from the Lord Mayor's phone after that, five minutes later at 12.11 pm. Do you see that, "Yes, Janet is right"? Can you find that, where
30 that little hand mark is?---Yes.

So:

35 *Yes, Janet is right. Gifts equal hospitality and tickets and in case some of you still don't get that, if you've voted on events and attended them in the past you well could have voted with a financial conflict. This is no joke.*

40 Then again, there's political statement which has been read out earlier on in the week, it doesn't need to be read out again now. I want to concentrate there on that portion of the message I've read out. Do you see that, "If you've voted on events and attended them in the past you well could have voted with a financial conflict." No doubt, Mrs Davidson, you won't have a recollection of whether you read that
45 message or not but given the fact that it's a reference to the matter that you'd raised, in all likelihood you would have?---Yes.

Do you see there now then that would have brought to your attention the fact that there may have been - and this is no criticism again, because I understand changes had to be made and clarity was reached with respect to those reports that we have referred to, but it was the case that there may have been a financial conflict with
5 Councillors voting on matters and then attending them?---Yes, as sponsorship documents were being transitioned, yes.

So if you had read that, would I be right in saying that it would have been within your knowledge that there may be implications in the future regarding sponsorship
10 applications made by organisations in which Councillors had previously received free tickets?---Yes.

Then Ms Scaffidi, a little further down that page, after we have got something else from Ms McEvoy and again from her, and this one appears just towards the bottom
15 of the page, the very last full WhatsApp message. That's the one there, yes, right where your - what do you call them?

COMMISSIONER: Cursor.

20 MR URQUHART: Cursor, yes, thank you very much. Mr Parkinson got it hopelessly wrong. The cursor there. So she writes:

*Good example, you recall voted to support Christmas Pageant and then
25 attend party and Pageant with your family. You voted with a conflict, same with ballet, opera, PIAF, the list goes on and on.*

So again, there's a clear example that the Lord Mayor has given to members of what she's described as her team, all right?---Do you want me to respond to that?

30 Yes. If you had read that, you'd realise there the importance of that example, or the relevance of that example?---I would have to say that probably occurred all the time because as I say, the sponsorship document was such that yes, you were invited, et cetera. So in the end, you'd have landed up with no quorum to vote anything on.

35 Precisely, but it also was a warning to be careful when considering these matters in the future?---Yes.

40 Would that be fair to say?---Yes.

And with those examples that she's cited, "Same with ballet, opera, PIAF, the list goes on and on", we can also include with that the Perth Fashion Festival, could we not?---Yes, lots of them, that is true.

45 Hopman Cup would be another?---Indeed.

I said we would return to this, Mrs Davidson. You referred to, in your WhatsApp

message, that something was "clearly laid out yesterday" and you referred to a "meeting yesterday with Governance and a lawyer", so that would have been the day before, it would have been 23 March 2016. Madam Associate, that can come down and if we could go, please, to 16.0955. Mrs Davidson, this wasn't part of that information that was provided to your lawyers last week, so we will get that up on the screen now. I want you to pay attention, Mrs Davidson, to the bottom of the page in particular it reads - it's an email from Mr Ridgwell and it's addressed to all the Councillors you can see there. It was sent at 9.04 pm on 23 March and the subject reads, "Copy of tonight's presentation" and then if you go over the page, Madam Associate, to 956. Sir, these next documents are - - -?---The Lord Mayor's not on that list, is she?

Hold on - these documents are 24916. Okay, yes, well picked up. However, for the fact that I'm examining you, you are?---Yes.

Do you see that? Then over the page we can see a PDF attachment called, "Gifts Declarations, Elected Members briefing." Can you actually recall that there was a PowerPoint presentation at that meeting, now that you've been able to have a look at that document? No? You shook your head, you just have to give an answer, that's all, Mrs Davidson, for the transcript?---No, but it obviously took place.

This was the document that was attached to that email. Madam Associate, if we then have a look at 16.0957. There you go, "Elected Members briefing - gift and travel declarations." With respect to these series of questions I'm asking you, relevant to that page there would be 16.0963, thank you, Madam Associate. It's titled, "Elected Members briefing - gift and travel declarations, legal position No 2, sponsorship" and it reads:

The City of Perth obtained legal advice on 22 March 2016 which advised that sponsorship tickets/invitations are gifts.

Do you see that?---Yes.

:

What does this mean? All Elected Members who attended events with tickets/invitations from sponsorship arrangements during the transition period, 1 July 2015 to now, must complete a Gift Declaration.

Do you see that?---Yes.

We will get to what you subsequently completed as a result of that shortly, but it was also your understanding that any free tickets that were to be received, whether it was an event that the City had sponsored or not, would also need to be the subject matter of a Gift Declaration?---Yes.

[10.30 am]

If we go over the page now to 16.0964:

5 *In moving forward, no tickets/invitations are to be accepted from either the Perth Concert Hall or through sponsorship arrangements. This applies to all City of Perth staff, as well as Elected Members.*

10 Was it your understanding there that there was not to be the case, as it was in the past, that part of the sponsorship deal, if I could just call it that, was to include the provision of free tickets?---Yes.

Then finally, if we just go to 16.9067:

15 *Process for declaring gifts in the future.*

So this is a flow chart which sets out the process for declaring gifts in the future, do you see that?---I do remember it, because we thought, yes, what a - - -

20 What did you think when you saw this?---What a wonderful flow chart it was.

In that case, I should follow this up, did you find it helpful or not?---No.

25 Good. Can I ask why then?---Horrendous is the word I should have said, compared to wonderful.

So "wonderful" was the sarcastic term?---It was.

"Horrendous" is the more accurate term?---Yes, complicated.

30 Not a very good exemplar for a flow chart?---Complicated - - -

I nearly had you smile there, Mrs Davidson?---Yes, you did, didn't you?

35 Yes, nearly did?---Best I've felt all morning.

40 All right. Let's get back to why it was that you regarded this as horrendous because this is of course important?---Mm hmm. Look, it - that's what was given to us to try and work through, did we declare, did we not, did we accept, you know, et cetera and that's what we attempted to work on, or I worked on. I won't speak for other people.

45 I gather from what you're saying, and this is again no criticism, that you found this not very helpful?---No. At times it was probably easier to go to Governance and probably ask, compared to trying to work through the flow chart but there we are, that's what we had.

Your view was that, look, if you've got a query about what you now have to do in

the future, best to contact Governance rather than rely on this particular flow chart?---Unless you were happy to work through this, yes.

5 But it looks like you'd prefer not to in your case?---Well, you did what you did at the time and the best that you could in the process.

10 Thank you, Madam Associate, that can come down now. So there was now this requirement, it seems, to retrospectively complete Gift Declarations from 1 July of the previous year, when I referred you to that part of the presentation I read out, do you remember that?---Yes.

15 But prior to March of 2016, you had completed yourself Gift Declaration Forms, had you not? I'm not talking about for tickets, I'm just talking generally now?---Generally?

Yes, generally?---If there had have been - if there had have been gifts.

20 Yes, but you were familiar with the forms?---Previous forms, I can't say I can recall. I remember the one that we filled out when we were doing this collection of material by 31 March 2016.

I'm not referring to those, I'm just referring to prior?---I can't recall the form.

25 Again, that being the case, am I right in saying you don't have a recollection of ever filling out a Gift Declaration Form, whether in the format that you were provided in March of 2016, or at all?---I don't recall now. If you're happy to show me one, fine, but I don't recall, no.

30 Nevertheless, would you appreciate then, at least from March of 2016 when you were required to fill out a number of these forms, do you accept it was important that an accurate value be given of the gift that had been received by the Councillor?---Yes, as accurate as you could put in there, yes.

35 Do you accept though that it would be harder to accurately determine some gifts compared to others? For example, a vase or a bowl, it would be hard to estimate the value of that?---Well, unless you went specifically to the organisation and asked them the dollar value.

40 Yes?---It's the only way that you could give an accurate figure.

Yes. For example, a bottle of wine, you could just go and Google that bottle of wine and see what price it fetched at a liquor store in Perth, that would be an easy exercise?---True.

45 But with respect to going to the organiser and ascertaining the value, that was an obvious option to do as well, wasn't it?---Yes.

And with respect to tickets, you could do the same thing as well, could you not?---Yes.

5 And indeed, that's what ought to be done for tickets if a Councillor wasn't sure of an accurate price of that ticket?---Yes.

10 I will put this proposition to you: in the circumstance in which a Councillor received gifts over a multiple of days from a person or organisation offering the gift, is it your view that separate Gift Declaration Forms should be completed for each day the gift has been offered?---I would have to say no, I don't see why a gift dec couldn't have been inclusive of all.

15 What sort of value then would you give of the gifts?---Well, you'd obviously have to estimate, you know, each day or event and add accordingly.

Do you think there would be enough room on the Gift Declaration Form do that?---I'd have thought so.

20 You've obviously got a recollection of completing Gift Declaration Forms at the end of March 2016?---I did. I sat up until 1 o'clock in the morning on 30 March and filled 99 of them out.

99?---Yes.

25 Was that because they had to be - - -?---In by the 31st.

- - - filed by 31 March?---Correct.

30 Would I be right in saying that you left it to the last minute to do?---No.

It sounds like a last minute job to me?---I mean, I had a job so it wasn't a case of leaving it to the last minute, it was a case of focusing one's mind and completing them.

35 But rather than complete it days before, it sounds like it was just a matter of hours?---I did what was requested of me.

40 But you had more time than just the night before to complete these forms?---I probably did but with all my other commitments, obviously you prioritise which ones have to be done above others.

This was important though, was it not?---I'm not saying it wasn't.

45 So you agree that it was important?---It was. They obviously wanted them completed.

Notwithstanding the number that you completed in what seems like a short space

of time in order to comply with the deadline, the information contained on those forms still needed to be accurate, didn't they?---True.

5 And the forms needed to be completed in all the parts where they were supposed to be completed?---Yes.

I'm going to show you now one particular form that you completed. Madam Associate, 16.6375, TRIM number, sir, 21256.

10 COMMISSIONER: Thank you.

MR URQUHART: I understand this might well have been a document that was provided to your lawyers last week. Have you had an opportunity of looking at this?---Yes.

15 So you are familiar with it?---Yes.

When did you fill this form out?---The date says September 2015.

20 Yes. You didn't fill it out then, did you? You've just told us - - -?---If this was the collection from 31 March, this would have been one of those 99 ones.

It was, wasn't it? I will give you a couple of a helpful hints?---No, I can see the received.

25 Exactly, received 30 March 2016 and it's been signed by Mr Mileham on 30 March 16, which would suggest it was received, in the ordinary course of things, either that day or a day or two before?---Yes, this was this collection that we were doing, so I referred it to the date when the event took place.

30 Why?---I don't know, it just seemed sensible for me to do so because we were literally gathering all these documents up to present and gather by 31 March.

35 Mrs Davidson, when you sign a document, and I gather you would have signed thousands of documents, where you sign your name and then there's a box or a line that says, "Date"?---M'mm.

And that date means the date that the person has signed the document, isn't it?---That would have been my thinking on this one.

40 It wasn't your thinking on this one because you wrote, "September 2015"?---I know, that's what my thinking was.

45 Why?---Because it related to this 17, 18, 19 times 2, in other words, this collection of when the event took place.

But Mrs Davidson, that's self-evident from that part of the document that you've

just read out. Surely the date that appears there is the date one which the person completing the declaration form signs it?---Yes, obviously an error on my part, but that would have been my thinking behind it.

5 It's not just an error of out by one or two days?---Never said it was.

You were out by six months?---M'mm.

10 It's quite misleading, isn't it?---That was my thinking anyway, obviously to relate it to the date.

But the question is, it's quite misleading, isn't it?---Yes, not intentional on my part.

15 It's clearly intentional on your part?---No, it wasn't.

Mrs Davidson, I could understand if you were a day out with putting the date on, that would be an understandable error, but you intentionally wrote the date, you wrote September 2015, knowing that when you were completing the forms, it wasn't September 2015?---Yes, not intentionally. As I say, it was this collecting of material by 31 March. There are probably other examples that I might have done the same thing with, I don't know.

The Inquiry's looked at - - -?---My intention was not to mislead

25 [10.45 am]

Mrs Davidson, the Inquiry has looked at many, many, many of these forms that were completed by Councillors on or around the last few days in March of 2016. I would seem that you were the only one that did not record the correct date, and the reason for that, I would suggest to you, is very obvious and if you want to know where I'm going, just look at the line below where you've signed your name:

Step 3. Submit declaration to the CEO within 10 days of acceptance of the gift.

35

Is that why you wrote September 2015?---No.

That's my explanation?---Well, it isn't mine.

40 This is no criticism of you, Mrs Davidson, because there were numerous other Councillors who hadn't submitted Gift Declaration Forms for tickets that they had received previously to free tickets?---That's right.

45 And there were very good reasons for that, because Councillors are only told in March 2016 that this is what was required. So there was no reason for you to put anything other than the correct date, was there, but for that?---Yes, I related it to 2015. This was this collection, 31 March.

How were you able to recall the actual days that you attended the Perth Fashion Festival in September of 2015?---I would have trawled through my diary.

5 And you would have seen there that you went to events on the 17th and 18th, on the 19th, it would appear with somebody else, would that be right because you've got 19 times 2?---Mm hmm.

10 And then 20 September of 2015. "Description of the gift: Telstra Perth Fashion Festival." Who was the organiser of this event?---Telstra Perth Fashion Festival.

Yes, and individuals? Who was one of the main organisers?---She's just been in the newspaper.

15 Yes?---Mariella Harvey Hanrahan.

Yes. You knew her quite well, didn't you?---Reasonably well.

20 In 2016?---Reasonably well, yes, over the years.

You'd met her?---Yes.

At least every September of every year at the Perth Fashion Festival?---Yes.

25 Did you have a contact number for her?---I would have to look in my phone.

If you didn't have a contact number for her, it would be very easy for you to find it, wouldn't have it?---I suppose it would have been.

30 You've got there, "Value of gift", do you see that?---Yes.

"\$100-plus", so that would be for five tickets, if my maths is correct?---That I don't know.

35 If you went on the 17th and the 18th and the 19th with somebody else, and the 20th, that would equal five, yes?---As I say, I don't recall the events and in terms of value so I can't comment.

40 Mrs Davidson, that might be so but I can certainly question and that's what I'm going to do now. When you went to these events you, I would suggest to you, received or sat in prime seats; that would be fair to say, wouldn't it?---Yes.

And 2015 would have been no exception?---True.

45 And indeed, am I also right in saying that your ticket allowed you to attend a pre-event function at the venue where drinks and food was provided?---True.

And that also, you got, bearing in mind it's coming up, I think maybe this weekend, so it would be appropriate to colloquially refer to receiving a show bag, didn't you?---There would have been.

5 Yes, and it had little knick-knacks like bottles of perfume, things like that?---True.

So bearing all that in mind, would you agree with me that the value of the gift, \$100-plus, is a gross under-value, for five tickets?---I honestly don't know how they costed their tickets out, so I don't honestly know.

10

Mrs Davidson - - -?---It probably is, you know, a fairly - what's the word?

Gross under-value?---Well, it's an under-value.

15 It is a gross under-value, isn't it, Mrs Davidson?---I wouldn't say the word "gross", I think that's - as I say, this was all part of us turning up to an event.

That might be so, I'm talking about the value of the gift?---Okay.

20 \$100-plus, what does that exactly mean?---Well, as I say, that was an estimate that you put on those event tickets.

But what does \$100-plus mean, plus how much more?---I've no idea.

25 You wrote it down?---I did, so in other words - - -

So how much more?---I felt that it was actually above the \$100, but how much more, I'm not too sure, but I wouldn't have put it into the high category.

30 Did you bother to find out?---I don't think I did.

No. It would have been easy enough for you to do that, wouldn't have it?---Yes, I could have gone to the organisers.

35 And even if it meant that you weren't able to comply with the deadline, would I be right in saying that if you'd asked for an extension, given the fact you had 99 of these to fill, it would be a very unreasonable CEO to say no to that request, wouldn't it?---Probably.

40 Definitely, wouldn't it?---Yes.

Mr Mileham, the then Acting CEO, was certainly not an unreasonable man, was he?---True.

45 You see, Mrs Davidson, you've probably figured this out, the Inquiry did make - let's put it this way, the Inquiry has information from the organiser of this event who has provided information as to the value of these tickets and we also say that

other Councillors who attended these events, in particular the Lord Mayor, cited values for tickets at the same events that you attended of more than \$100 for each ticket, okay?---Right.

5 Information provided by organisers of the Perth Fashion Festival place these five tickets with a total value of between \$900 and \$920. Would you take issue - -
-?---Per event?

10 No, total, for these particular tickets, front row with the show bag and the drinks before the show?---Right.

15 Given the fact you went to these shows, given the fact that you received the benefits that came with it, would you disagree with that value?---Yes, on that basis, yes, I'd have to.

You'd agree with it or disagree?---The one I put down.

Yes?---Is under-estimated.

20 Hopelessly under-estimated, isn't it?---Yes.

25 Mrs Davidson, I'm going to suggest to you that given the fact that you had been to this event for many, many years and you had a recollection of where you sat and what you received, that you would have realised that that estimate of \$100-plus was a gross under-estimation?---Yes, on that basis.

And it was deliberately done, wasn't it, so that it fell within a certain price frame?---I won't agree to "deliberately done".

30 It was done with the outcome, would you agree with me, it did not become prohibited gifts, did it?---No, but we are back to then, this - as I say, this sponsorship document that we originally worked on, that you turned up to all of the events, before we started do all this Gift Declaration. So for us, there was not a value on it.

35 I accept all that, and once more, if I haven't stressed it before and you didn't understand how I was stressing it, I'm stressing it to you again that no criticism could be made to those Councillors who accepted free tickets prior to March of 2016 on the basis that they did not regard it or weren't told or advised that it was a gift that needed to be declared, okay?---Right.

40 So no criticism, but now, isn't the significance this though, that because of that cited value you've given, that may well have entitled you to consider and vote on future sponsorship applications made by the Perth Fashion Festival?---Following that on, the answer to that is probably yes.

And if in fact it was an amount considerably more than that, you knew, didn't you,

that you may well have had an interest that needed to be declared?---Not in terms of what the original sponsorship was all about.

No, but as of March of 2016?---True.

5

True?---Yes.

Sir, I see the time now. It's nearly 11 o'clock and we did have an early start and I suppose Mrs Davidson would like a break now, would you? Would you like a morning break now?---Not worried at all.

10

COMMISSIONER: I will take the morning adjournment anyway and we will adjourn for 15 minutes

15

WITNESS WITHDREW

(Short adjournment)

20

25

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HEARING RECOMMENCED AT 11.15 AM

MS Janet Elizabeth DAVIDSON, recalled on former affirmation:

5 COMMISSIONER: Yes, Mr Urquhart.

MR URQUHART: Thank you, sir.

10 Mrs Davidson, if I could just ask you just a couple more questions on that Gift Declaration that we had up there on the screen just before the break, so 6375, thank you, Madam Associate. We have dealt with the value of the gift and what you've written there. Underneath that box it reads, "Is this the first gift you have been offered by this person/organisation" and you ticked, "No", do you see that there?---I've actually ticked, "Yes" - sorry, I'm just trying to work out where you
15 are.

Yes, "Is this the first gift you have been offered by this person/organisation"?---That's right, yes.

20 And you've ticked, "No"?---True.

That's not right, is it?---It is when you think of the original sponsorship document, that would have been my thinking. Do you know what I mean, they weren't viewed as gifts on the original sponsorship document.

25 But now they are regarded as gifts?---True, but not, you know, the years previous. That's why I ticked, "No".

But with the knowledge that you now have - - -?---I know that, I know.

30 The tick had to be, "Yes", surely?---Well, not in my thinking, that's why I wrote, "No".

35 "Is this the first gift you have been offered by this person/organisation", you've ticked, "No", meaning that you have received gifts from this organisation before?---But they weren't viewed as gifts in the original sponsorship document. That isn't how it was viewed.

40 So are you saying you should have ticked, "Yes"?---"Is this the first gift?" I wrote, "No". No, I viewed it as the others that had gone before. The original sponsorship document was a collective that Elected Members were invited to every event that you could possibly think of.

45 So are you saying you made a mistake there, you should have ticked, "Yes"?---No, "No". "Is this the first gift", no, it wasn't.

It doesn't matter. "Who will benefit from acceptance of the gift: RP"?---Yes,

ratepayers.

5 Ratepayers?---Well, they would in terms of promotion of the City, in terms of the event that was on the calendar for the City of Perth. The City would have had a load of people come into it to attend the event, so yes, the ratepayers would have benefitted because this was all part of the calendar of events that the City used to put on in order to promote it.

10 But who else benefitted?---Well, whoever attended.

You?---Well, that is true.

15 You and your guest, whatever guest you took on the 19th?---My priority was, when asked that question, "Who will benefit" my priority response was the ratepayers.

It's not entirely accurate though, is it?---Well, I viewed it was at the time.

20 When you put, "RP" you weren't referring to yourself, were you?---Well, I am a ratepayer.

Yes, that's right. So you were the ratepayer who benefitted the most from this event, didn't you?---Well, it was ratepayers in toto.

25 Then if we go a bit further down to about halfway down the page, just above the red box that appears there?---Yes, "Not related."

30 "Are they likely to be subject of a future decision of the City" and you've ticked, "Yes"?---Yes.

Is that on the basis because, in your view it was not just likely but almost inevitable that they would seek a further sponsorship from the City?---Yes, which they had done for years.

35 Yes, for the 2016 event?---Yes.

40 I want to go now, please, to 6377, thank you, Madam Associate. Just finally, one last question there: you completed that form because you believed you were required to complete it?---This was this collection.

Yes?---That was being undertaken so that all of the forms by 31 March 2016 could be moved to the Department who were doing an investigation on gifts and declarations.

45 So is the answer to that question, yes?---The answer is yes and that report's never been put out.

We go now to 6377, thank you, Madam Associate, TRIM number, sir, 21255.

COMMISSIONER: Thank you.

5 MR URQUHART: This is the Telstra Perth Fashion Festival Awards night that you attended at the State Theatre Centre not in 2015, but actually in March of 2016, do you see that?---Yes.

Do you see the date there that you've signed the form?---Yes.

10

22 March 2016?---Yes.

That wasn't the correct date that you've signed the form, was it?---I can only say yes, that's all I've got in front of me.

15

But it's not the date that you signed the form though, is it?---I have no idea. That's the date I signed.

You look at the date that Mr Mileham has signed the form?---True.

20

6/4/16. 15 days for him to sign the form?---That's entirely up to do with what he does with the forms. I've got no recollection of a 15 day gap.

So are you saying you signed this form - let me ask you, I've never been to the Telstra Perth Fashion Festival Awards at the State Theatre Centre, that was an evening event, was it?---I won't say yes specifically but it probably would have been.

25

Most likely? So you completed this form - it was on 22 March you completed this form, it would have been before you went, or maybe after?---I'm not too sure I think I did the opening.

30

Sorry?---I might have done the opening, so I did the speech, I think, for it.

35 You did the speech?---I might have done, if this was the one.

You're not certain about that?---No, I would have to check but I think that's probably - I think that's the one that it probably was.

40 Are you sure the Lord Mayor didn't give a speech at this one?---Normally she would do but I know I did one of them. Whether it was this one, I'm not too sure.

Was that the time in which she was not in attendance at the event?---No idea.

45 No idea?---If I was doing the speech, she probably wasn't in attendance.

The reason why I ask you that is that Ms Scaffidi submitted a Gift Declaration

Form with respect to her attendance at the Telstra Perth Fashion Festival, 20th WA Fashion Awards as ambassador?---Right.

And she accepted that gift in February of 2016?---Right.

5

That would be the same awards that you went to in or about that same time, February/March 2016, would it not?---It would have been.

10 So if that in fact was the case, that she did attend the same awards night as you did, that wouldn't have been - unlikely it would have been the night then that you gave a speech?---Right, I'll agree with that.

What I am going to ask you about is the value of the gift that you've stated there?---Yes.

15

\$50. Again, that - and you've said that was the estimated value. That wasn't a very accurate estimated value, was it?---Well, that's what I approximated it to. We were only going to the event and, you know, a drink and canapes

20 Yes, and the VIP seat?---Yes.

Once more, it would have been very easy for you to find out the actual value of that ticket, wouldn't it?---Yes.

25 As I said to you, Ms Scaffidi has completed or did complete a Gift Declaration Form which would seem to be the exact same event, and she gave - sir, just for the reference number, this is 16.6329, 21277.

COMMISSIONER: Thank you.

30

MR URQUHART: No need to bring that up, Madam Associate, because we have already looked at this during the week. She gave the actual value of her ticket as \$180, okay?---Right.

35 So might your estimate have been somewhat short of what the actual value was?---On that basis, if hers was correct, yes.

My question for you is, why did you not make the enquiries to find out exactly what was the value of your ticket?---Well, I did not and that was my estimated value.

40

I know you did not, but I'm asking you why?---No idea.

But it's important, isn't it, and you've agreed with me that it's important?---That's true, yes.

45

Because you see, you have ticked a box a little further the page, do you see that,

"Gift has been accepted" - do you need Madam Associate to use the cursor to find that?---No, I can see that

[11.30 am]

5

And you've also ticked a box, have you not, "I declare this information is accurate and that acceptance of the gift is not in conflict with the Code of Conduct or Local Government Act 1995 and will not create a future conflict of interest for me in fulfilling my position responsibilities." But if the value of this ticket was in fact \$180, it's not very accurate, is it?---Now that you point that out as a figure, no.

10

And the same for the other Gift Declaration Form that we have looked at where you've said \$100-plus, if in fact the combined total value of those five tickets you received was somewhere in the vicinity of \$900, again, that's a part of the declaration which is a very important part, but it's not very accurate, do you agree?---True.

15

So how seriously did you take completing these Gift Declaration Forms?---I took them seriously, considered but the follow-up on the dollar value obviously was incorrect.

20

Would you agree with me then you didn't take the responsibilities here seriously enough?---I did the best that I did at the time.

25

That might be so but do you agree with me you didn't take your responsibilities seriously enough?---Not as seriously as I probably should have done.

As you certainly should have done, isn't that right?---True.

30

Is that because you didn't expect the sort of scrutiny that you're now getting with respect to the accuracy of this form?---No, not reason for that at all.

No?---No.

35

That wasn't the reason?---No.

Mrs Davidson, was this one of the 99 forms you completed that you referred to earlier?---It wouldn't have been, I don't think.

40

It wouldn't have been? Why do you say that?---I don't know without seeing all the other forms I submitted, what date I put on them.

So it may well have been?---I don't know. The date, if I'd filled all those others out, should have been 30/3/16, so I don't know.

45

Might this event actually have been held earlier than 22 March 2016?---I don't know.

5 You see, 22 March 2016 was the day before that briefing session that I took you to, all right? That briefing session was on 23 March of 2016, so you in fact completed this form on 22 March, it was the day before, the day before you're completing a Gift Declaration Form that you thought, I'm going to suggest, at that time you thought didn't need to be completed?---I can't make a comment. As I say, originally we didn't do these sort of Gift Declarations purely because of the sponsorship.

10 And that all changed at a date after 24 March, or 23 March at least, do you agree?---Yes.

15 Might this be an example of where you've completed the form some time in early April of 2016?---I've no idea.

But it did not fall within that 10 days that was required, do you see there, step 3, and so that's why you put 22 March?---No idea.

No?---No.

20 COMMISSIONER: Are you moving on from this form?

MR URQUHART: Yes, I am sir.

25 COMMISSIONER: Do you intend to ask any questions about the row which has the box, "Who will benefit from the acceptance of the gift? ".

MR URQUHART: Sorry, sir, I'm having trouble hearing you.

30 COMMISSIONER: Are you going to ask any questions about the empty box next to the question, "Who will benefit from the acceptance of the gift? ".

MR URQUHART: Yes. Thank you, sir.

35 Do you see that?---I did.

"Who will benefit from acceptance of the gift" and there's nothing there?---Yes, omitted.

40 How come you didn't fill that in?---No idea, an error.

If you had, would have you just put, "RP"?---Very likely.

Because it was the ratepayers who were benefiting, not you?---True.

45 But who was benefiting most from the acceptance of the gift, bearing in mind that you are a ratepayer and you are enjoying the benefit of the gift?---Yes.

5 Surely in that situation, it's you?---We are all back to, why did you attend these events in the first place? Purely because they were there and you'd had the invitations and you were to support the organisation and promote the City. So that's actually the type of stuff that we did all of the time.

Mrs Davidson, you in particular loved attending these events, didn't you?---I attended all events.

10 Yes, I know, and the question is you loved attending - - -?---I wouldn't quite put the word "loved" but - - -

15 You loved attending this particular event by the Perth Fashion Festival?---No. I told you before that it was always viewed as royal command performance to turn up at events.

Mrs Davidson, this was your favoured or most favorite event that the City of Perth sponsored?---I can't agree with that.

20 I'm giving you the opportunity - - -?---I know you are.

25 - - - to read that before I take you to the evidence which in my submission establishes that, okay?---I enjoyed the event, I had done it for years, I would agree with you, and I supported the Telstra Perth Fashion Festival.

This was your favorite? This was your pet?---I wouldn't quite put it in those terms.

All right, it was your favorite one though, wasn't it?---It was one of my favorite.

30 The most favorite?---No, I wouldn't put it that way. There were lots of others that could be put in the favorite category.

35 Yes, but for any others, did you ever seek an alternate motion for the sponsorship amount that had been recommended be increased?---I might have done in some cases.

Which ones, apart from the Perth Fashion Festival?---I'm not even going to hazard a guess.

40 I'm going to suggest you hadn't, it was only the Perth Fashion Festival. I'm right, aren't I?---I have no idea. I'm just trying to think of the Perth Convention Bureau might have been another case but I've got no evidence, so I will strike that out.

45 So maybe one other case?---Possibility.

You certainly did it for the Perth Fashion Festival, didn't you?---Yes.

After March of 2016 as well, didn't you?---You're going to show me a document shortly that it was after that period.

5 Yes. If we go now to the next document, please. So do you accept then that the actual value of this ticket may well have been \$180?---You've provided me with that information.

10 If we go then now, please, to 16.6379, thank you. Again, was it the case that you completed that last declaration form because you believed you had to?---Well, I'm assuming that must be the case.

Otherwise, why would you complete it?---True.

15 And that \$50 - sorry, just harping back to that, there's no need to back to that, \$50 is just the top range - you saw the dot points, less than \$50 was exempt?---Yes.

In between \$50 and \$300, notifiable. Is there any reason why you put \$50, having regard to those two categories?---Which form are we referring to?

20 Sorry, just the last one that we looked at?---The last one?

Yes?---Yes, it was just a figure that obviously I'd estimated, as this looks as if it was estimated.

25 So this now is the Perth Fashion Festival event for 2016. So not 2015, this is six months after the briefing session you had with other Councillors on 23 March of that year?---Yes.

30 And you've gone to the TPF Future Runway Event, Friday, 23 September 2016 at the Fashion Paramount, Perth Concert Hall. Once again, Mrs Davidson, isn't it the case that had you, if not front row, then very close to the front row with respect to your seat?---Yes.

35 And again, you got your show bag?---I have no idea of that figure.

I'm asking you about your show bag?---I've no idea about the show bag.

40 But I thought we'd agreed that at these events - - -?---More than likely, I've - - -
- - - that you went to, you got your show bag?---No idea on this particular event.

That might be so but I thought your evidence was that every time?---Yes. I'm saying on this one, I'm not too sure but more than likely.

45 Pre-event drinks and food beforehand?---Yes.

And that wasn't for every Joe Blow, was it? You had to show the fact that you had

a VIP ticket?---True.

Because it was cordoned off, wasn't it?---Yes.

5 "Estimated value: \$49.88" and you've indicated yes, estimated. Your ticket was worth more than that, wasn't it?---That was the figure, as far as I recall, that the Resource Officer would have - our Resource Officer would have asked the organisers what the value of the ticket was.

10 Who's declaring that the information on this Gift Declaration Form is accurate?---I am.

Nobody else?---No, and that was the figure that would have been given to me.

15 And that Resource Officer didn't accompany you to this particular event, did they?---No.

So they would have no idea where you sat?---No, but they would have asked the - -

20

Let me finish. They would have had no idea whether you received a show bag or not?---No.

25 They would have no idea whether you attended a pre-event exclusive drinks and food beforehand, would they?---No.

30 Who would know about the actual value of this ticket? Who would have the best idea, a research officer at the City of Perth or the person that you've written here as the contact person, Mariella Harvey Hanrahan?---I'm assuming Mariella would have. I'm assuming though that the Resource Officer would have contacted the organisation.

35 Mrs Davidson, when you looked at that and saw that the value of the gift had been specified as \$49.88, did you not think that that cannot possibly be right?---No, I did not.

You did not?---No.

40 Would you agree with me that if VIP tickets were being charged at that amount, then this Fashion Festival would be running at a substantial loss?---Likely, yes.

Inevitably, wouldn't it?---Yes.

Because tickets in the bleachers would even be less than that?---True.

45

You understand what I mean when I say tickets in the bleachers?---Yes.

So why didn't you check this?---Well, that was the form that was given to me with that figure on.

5 I know that?---And I accepted that that's what the Resource Officer had found out from the organisation

[11.45 am]

10 And you were more than happy to accept that, weren't you?---And I accepted that, yes.

You were more than happy because you know what, it brought it under the \$50 amount, didn't it?---That is true.

15 How did you get this ticket?---I have no idea.

It wasn't part of the sponsorship arrangement, was it?---I have no idea.

20 You contacted, or Ms Harvey Hanrahan contacted you, isn't that how it happened?---I have no idea. I'm sorry, I don't recall.

25 Think, how could it have possibly have happened then? You weren't getting it through the City and the sponsorship arrangements it had; how did you get it?---I have no idea. I'm sorry, I can't recall at all.

In what circumstances might you have got it?---No idea.

Have a think?---Well, I'm sorry, I've got no idea at all.

30 Give us some alternatives as to how it might be that you came to access this ticket, bearing in mind that the contact person who offered you the gift seems to be, in your own handwriting, Ms Harvey Hanrahan?---Yes.

35 So does that give a clue as to how it might have been you got this ticket?---I've got no - honestly, it's not in my brain as regards how I got the ticket at all.

Might it be because you don't want to it to be in your brain?---No, it just happens not to be there.

40 Because, you see, if it had been Ms Harvey Hanrahan who offered you this ticket, and on the face of it, it would seem that would be the case, wouldn't it, on the face of this document?---That's the contact person I've put down, yes.

45 So in all likelihood, it would be her?---Yes.

You no doubt would have had contact details of her?---I honestly don't know.

But you would have, particularly if she emailed it to you or called you, you would have had contact details?---Yes.

And it would have been easier enough for you to find her contact details?---Yes.

5

But you haven't completed any contact details?---No.

Why is that?---I've no idea.

10 If in fact it was Ms Harvey Hanrahan offering you the ticket or had arranged for you to get this ticket, she would be the obvious person to contact to find out what the value of the ticket was?---True.

15 And I'm going to suggest to you, you knew that the value of the ticket that you had, with all the perks that came with it, if it had to be bought by someone, it was going to be a lot more than \$49.88?---No idea. That form would have been given me with the \$49.88 - - -

20 I know that, but you would have had an idea - either you would have had no idea or you'd agree you would have had an idea to that proposition?---That would have been my estimation but that figure obviously was put in there.

Your estimation would be what?---My previous one was \$50, and obviously that was incorrect.

25

Credible information before the Inquiry suggests that this ticket was worth at least \$160?---M'mm.

Okay?---All right.

30

You went to this event, you've been going to these events for years. I suggest to you it would have been patently obvious that the price of this ticket would be much closer to \$160 than \$49.88?---I honestly don't know. That was the - I understand now with what you've said and the costing - - -

35

Mrs Davidson, it costs pretty close to that amount to go to Gold Class at the cinemas for a ticket. The two events are incomparable, aren't they? Aren't they?---What do you mean by incomparable?

40 The price and what you get?---Okay.

You get a comfy seat in a cinema to watch a movie. I'm not saying it's \$49.88 but it is close to that mark?---M'mm.

45 Surely you would have realised, if you paid any attention to that amount, that there was no way that would be an accurate estimated value of your ticket, that's right, isn't it?---As I say, that was the form that was given to me.

Yes, I know you say all that?---Which was checked, as far as I'm concerned, by the resource officer and that was it.

5 But you turned a blind eye to that amount, didn't you?---I accepted that amount.

Yes. If you had considered it carefully before you ticked the box that said, "I declare this information is accurate", if you had considered it carefully, I'm going to suggest to you you would have made enquiries, followed it up?---I didn't and I
10 accepted the amount that was nominated.

So do you agree with me then, that if you'd carefully considered this amount, you would have followed it up?---I probably should have done.

15 No, if you had carefully considered it?---Yes.

Because you see, Mrs Davidson, you're signing a form - you're declaring this information is accurate, do you see that?---Yes.

20 Were you just paying lip service to that?---No.

COMMISSIONER: Mrs Davidson, you've been taken to three Elected Member Gift Declaration Forms now and your attention's been drawn to this declaration which appears in similar terms in each of these three forms. At the time that you
25 made these declarations, were you a Justice of the Peace?---Yes, I would have been, Commissioner.

What do you mean you would have been? Were you or were you not?---Yes.

30 Being a Justice of the Peace, at the time you made these declarations, did you not fully understand the importance of them?---Yes, I filled them out to the best of my ability.

And you did fully understand the importance of them, did you?---Yes.

35 Thank you. Mr Urquhart.

MR URQUHART: Thank you, sir.

40 So Mrs Davidson, it didn't cross your mind to check as to the accuracy of that amount?---No.

You didn't follow up with the person you got to find out the amount, didn't follow up with that person as to how they got to that amount?---Not as far as I know, no.
45

Would you agree with me that if you were to make that request, the obvious person you should have asked that assistant to contact regarding the price would be,

who?---Well, it would be someone at the Perth Fashion Festival, contact person, Mariella Harvey Hanrahan.

5 Exactly. Did you do that?---I can only assume that the Resource Officer contacted TPF. Who she spoke to, I'm not too sure.

10 Did you do that? Did you give the instructions to - - -?---No. I would have asked the Resource Officer to check the figure. Hence, of course, she's typed it in and that was it.

Madam Associate, if we can go to 6381, please. 21254 is the TRIM number, sir.

COMMISSIONER: Yes, thank you.

15 MR URQUHART: At the bottom of that page we will start with first, again.

COMMISSIONER: Madam Associate, could you enlarge it, please?

20 MR URQUHART: Thank you.

Do you see there you've sent an email on to Ms Firth, the Councillors' Resource Officer?---Yes.

25 So it's dated 25 September 2016, "To be done: PFF Friday, 23 September. Please check with Ange re costs, with thanks", do you see that?---Yes.

You sent that on 25 September, 2016, at 9 pm. Who's Ange?---She's the Lord Mayor's PA.

30 So the question for you is, why didn't you say, "Please check with Mariella Harvey Hanrahan at Perth Fashion Festival?---No, I didn't.

Yes, I know you didn't, I'm asking you why not?---I don't know.

35 Well, it's the obvious person and organisation to contact, you just told us that to a minute ago, yes?---True.

So why didn't you?---I didn't.

40 I know you didn't, but why?---I've no idea.

Why didn't you?---No idea.

45 But it's so obvious, isn't it? That's the person to contact, yes?---Yes, Ange would have known the cost as well.

And she would have known the cost, exactly?---No, Ange would have known the

cost as well.

Who would have known the cost more accurately, Ms Harvey Hanrahan?---True.

5 Or Ange, who?---Probably Mariella.

Definitely Mariella, she's the organiser of this event. It's definitely Mariella, isn't it?---Yes.

10 So why what was the reason why you didn't state to Ms Firth that she contact the most obvious person to find out the cost?---I have no idea.

Is it because you didn't want to particularly find out what the actual cost was?---I don't think that was my thinking behind it at all.

15

Well, that's my explanation; can you offer an alternative one?---No, I can't.

27 September 2016, Ms Firth gets back to you - rather, sorry, my apologies, she sends this on to Angela Pernat, obviously that's Ange, isn't it?---Correct.

20

:

Hi Ange, please see email below from Councillor Davidson. Could you provide me with details so I can complete gift dec for Councillor Anderson.

25

?---Davidson.

Sorry, my apologies, Davidson?---That's all right.

30

Then if you go up to the top of the page, on 27 September 2016 at 12.29 pm, Ms Pernat sends an email to Ms Firth which says:

Hi Cecilia, details below as requested, Friday, 23 Sep 5.30-7.00 pm, Future Runway, Fashion Paramount, Perth Concert Hall. Ticketmaster, \$49.88 each. Kind regards, Ange Pernat.

35

Mrs Davidson, I have never, ever been to a Perth Fashion Festival event and unlikely ever to, but the price of \$49.88 to see an event at the Perth Fashion Festival, the price of \$49.88 would be a general admission ticket somewhere in the back of the Perth Concert Hall, would it not?---I have no idea.

40

You think about it because you're the one that's been there so often to these events?---That's true.

45

I'm saying I haven't but logically, given the event and the glamour and the cost of it all, that that would be the price of a ticket, general admission somewhere in the

blocks or the stalls, in the second tier at least at the Perth Concert Hall, wouldn't that be the case?---I have no idea.

5 You think about it now. You're the one who's been there, \$49.88, it's not the price of a VIP ticket, was it?---That was the information we were given.

It's not the price of a VIP ticket, is it?---I have no idea.

10 You've already agreed that it's not so we won't go over that again. So that's the price that's been filled out in the Gift Declaration Form that's just then been sent on to you, yes?---Yes.

15 27 September 2016, 12.29 pm. So therefore, that form - that would suggest that the form was then completed by, or at least that amount was entered into the Gift Declaration Form by Ms Firth some time after that date and time, would you agree?---Yes

[12 noon]

20 Let's go back now to 16.6379. That being the case, there's no way you could have received this form on 23 September 2016 with the amount of \$49.88 entered, do you agree with that?---That's true. Those two dates are because the date gift was offered on the 23rd, those the two dates that tallied.

25 Once more, the Commissioner's already asked you questions about you being a JP?---Yes, I know.

You have to witness documents all the time, don't you?---Yes.

30 And those documents have to be dated?---Yes.

And whether the document relates to the date of an event or something that's going to happen or has happened in the past, the date that's filled in, in your presence is the date the document is signed, yes?---Yes.

35 So why is it that you weren't putting the date on these documents that you signed them?---Because, as I say, the date the gift was offered so you had a 10 day period in order to put that in, so that's why I put the date there.

40 But you'd agree with me the date should be the date on which you've signed the form?---Very likely.

It's definitely because otherwise, how can it be determined whether the declaration has been submitted to the CEO within 10 days of acceptance of the gift?---Right.

45 You see, so definitely. The date has to be the date on which, first, the form is signed and then submitted, yes?---Yes.

5 COMMISSIONER: If you signed this form on 23 September 2016 and you didn't get the information about the \$49.88 until some days later, then it would appear, and correct me if I'm wrong, Mrs Davidson, that you signed a form as containing accurate information when there was no price?---Yes, I dated it the same date that the gift was offered, Commissioner, which was not obviously the completion of the form.

10 Do you agree with my proposition?---Yes.

Thank you. Mr Urquhart, while you're paused, I notice that counsel and solicitors for the next witness are in the public gallery. Do you have some indication as to how much longer you might be, just so that they are not inconvenienced.

15 MR URQUHART: They can be told, sir, not before 2.45, if that assists.

COMMISSIONER: Not before?

20 MR URQUHART: Not before 2.45.

COMMISSIONER: Thank you.

25 MR URQUHART: Mrs Davidson, I want to go now to a Marketing Committee meeting on 26 July of 2016 and it would appear from the records, that is the minutes of that meeting, that you were deputising on this occasion. So if we could go now to, please, to 6514, thank you, Madam Associate. This is a document that had been forwarded to your lawyers last week, Mrs Davidson. So 6514, thank you, Madam Associate, TRIM number, sir, 21238.

30 COMMISSIONER: Thank you.

35 MR URQUHART: So the cover page is just there so we know we are talking about the same Marketing Committee meeting. If we go now to 6515, thank you, Madam Associate. You can see there that one of the items is, and it's about halfway down the page, "Event sponsorship of the Telstra Perth Fashion Festival of 2016." That was amongst four sponsorship applications to be considered at that meeting, do you see that?---Yes.

40 If we go now over to the next page, 6516, we can see that Councillors Chen and Yong are in attendance, together with you because you are deputising for Councillor Limnios, do you see that?---Yes.

45 I gather you were one of two deputies to sit on this committee?---Yes, normally two deputies are nominated.

However, a quorum for a committee meeting is still only two, isn't it? You don't actually require three?---Correct.

Is there any reason why you attended this meeting?---Yes. If you're asked to attend as a deputy and you could do so, you did. It was not this notion of, just because there's two, someone else doesn't need to be there as a deputy. So if - you
5 were always phoned to ask that, could you be a deputy, and if you could manage it, you always said yes.

If we go now to 6517, thank you, Madam Associate, "Disclosure of members' interests", do you see that?---Yes.

10 You've made a disclosure of a financial interest "regarding the corporate sponsorship Business News 40under40 Awards", the sponsorship application with respect to that organisation, do you see that?---Yes.

15 You've declared a direct financial interest, "Nature: attended awards ceremony. Extent: minor", so you declared a financial interest when the consideration of that matter was going to be before this meeting?---Yes.

20 And that meant you had to exclude yourself from that meeting whilst that item was considered?---Without seeing the minutes, I can't recall whether I exited the room or not.

You do understand, don't you, that unless a Councillor has an exemption - -
-?---True.

25 And just while we are on that, if we can go to 6531, if we can just jump to that, Madam Associate, we can see halfway down that page at 4.29 pm, "Councillor Davidson disclosed a direct financial interest in item MKT 115/16 and departed the meeting " and that item being, MKT 115/16, "Corporate sponsorship, Business
30 News 40under40 Awards", okay? So you did excuse yourself?---Right.

As the law required you to do, that was your understanding, wasn't it?---Right.

35 So you excluded yourself there because you attended that organisation's awards ceremony. Can you remember what that was?---Yes. We'd attended - I, not we - I had attended Business News 40under40 Awards every since its inception, and again that sponsorship notion of the City of Perth always had a corporate table.

40 COMMISSIONER: Who's the driving force behind that, by the way?---Pardon?

Who's the driving force behind the - - -?---Business News.

45 Any particular personality?---Going back years, it used to be Harry Kleyn, somebody called Pownall I think, so we had - the City, not we - the City had sponsored Business News since its inception.

MR URQUHART: Why was it that you declared a financial interest in that

matter?---Well, this would be the - I either did that convoluted diagram or sought advice from Governance whether I should be in or out.

5 And you were told you had to be out because you attended the awards ceremony?---I'm assuming that was the case.

That's the reason that's stated so one would hope that's an accurate reason?---Yes.

10 Why it was that you had a direct financial interest, do you agree?---Yes.

That's because you attended an awards ceremony with a free ticket, is that right?---Yes.

15 Then there was another disclosure of a financial interest and that was from Councillor Yong, "Event sponsorship: partnership Telstra Perth Fashion Festival 2016. Direct financial interest. Nature: attended event. Extent: less than prescribed amount." So Councillor Yong excused himself from consideration of the Perth Fashion Festival event sponsorship application. So how did these disclosures take place, do you remember?---Yes, at the meeting.

20 At the meeting? So it's stated at the meeting that you declared a direct financial interest with respect to that matter that you've declared and the reason being that you attended an award ceremony?---Yes.

25 That would be stated as well?---Yes.

Then, the same for Councillor Yong, it would be stated to those at the meeting that he had a direct financial interest because he's attended the event, yes?---Yes.

30 And that would be before any items are considered by Council - sorry, not Council, the committee?---The committee, yes.

35 My apologies, the committee. When Councillor Yong made that declaration, it would be obvious to you that given it was July 2016, he would have had to have been referring to a Perth Fashion Festival event that would have taken place in 2015, would that be fair to say?---Yes.

40 Let's see if there's any other disclosure of members' interests, shall we, for this meeting? We will go over the page to 6518. That's a follow-on from 6517 which we had a look at earlier. We can see there that there's not, do you see that?---Yes.

45 Have the minutes made a mistake?---I have no idea. I can only recall I either sought advice from Governance and did not declare, but it's obvious that I did not declare for Telstra Perth Fashion Festival.

No. You've got no recollection of seeking advice from Governance, have you?---I do recall talking to Mark Ridgwell on some occasions.

But not with respect to this, was it?---I have no idea, so I won't even hazard a guess.

5 No, because I'm going to suggest to you that you did not, because you did have a financial interest, didn't you, in the Perth Fashion Festival matter?---On the basis that I had received some gifts, yes.

10 Mrs Davidson, when you heard that Councillor Yong had declared a financial interest because he had attended a previous Perth Fashion Festival event, why then did you not do the same?---I have no idea, other than advice that I sought and obviously did not declare.

15 Ms Davidson, you can't say whether you sought advice?---No, I can't

[12.15 pm]

No?---I can only say that I obviously didn't declare.

20 However, whether you sought advice or not, when Councillor Yong stated that he had a financial interest in attending the event at the Perth Fashion Festival, why did you think your position was any different to his?---No idea.

25 I'm asking you why?---I honestly don't know. I just obviously felt that there was no need for me to declare. At this point, we were going through, yes, you can be in, no, you can't be in the meeting or otherwise, and that's how the conversation was going.

30 Mrs Davidson, I'm going to squarely put to you that you did not seek any guidance from Governance with respect to this potential interest you had regarding this committee meeting?---And I couldn't honestly say, I've got no idea.

35 So I'm going to press this question to you again, because if you're there and a fellow Councillor is declaring a financial interest with respect to a matter that you appeared to have precisely the same interest, then you should have sought clarification as to whether you ought to excuse yourself from this meeting?---That's true and whether I did or didn't, I'm not too sure, but I obviously did not declare.

40 You did not declare and I'm going to suggest to you, you deliberately did that?---No. Deliberately, definitely not.

45 Because, Ms Davidson, if you had raised the matter as to whether you had a financial interest, that would be, if the minutes were kept correctly, recorded in the minutes, wouldn't it?---It would have been, yes.

And it's not?---This was all being monitored very carefully as regards whether you

declared or you didn't declared.

You weren't monitoring your situation very carefully, were you?---I'm saying Governance was monitoring fairly carefully.

5

You weren't your monitoring your situation very carefully, were you?---I felt that I didn't need to.

Why?---I honestly don't know but I didn't declare.

10

Because you're turning a blind eye - - -?---No.

- - - to what you were required to do?---I believe I did not.

15

That's my explanation as to why you didn't declare an interest you clearly had; can you offer an alternative one?---No, I can't.

You desperately wanted to participate in the voting of the Perth Fashion Festival sponsorship application, didn't you?---No, nothing desperate about it, no.

20

You've had an opportunity of reading these minutes, haven't you?---Yes, a few days ago.

Would you like to then reconsider your answer to my question and I will phrase the question in this way: you had a very strong interest in participating in the vote with respect to the Perth Fashion Festival sponsorship application that was considered at this meeting, would you at least agree with that?---Not a strong interest. Obviously it was an item that was to be considered.

25

30

So you don't agree with me that you had a strong incentive - - -?---No, no incentive. No-one gives me incentives.

Or a strong motive to participate in this meeting?---No.

35

I've given you every opportunity - - -?---I know you have.

- - - Mrs Davidson, to carefully reflect on the answers that you are now giving. I can't help you out any more than that?---Well, I've got no incentives.

40

You did, didn't you? If you've read the minutes of this meeting, Mrs Davidson, it will be clear to you that you did have an incentive?---No, I'm sorry, I can't recall. So if you give me the rest of the minutes, then I can see.

45

I just want to remind you of some evidence that you gave on 4 July of this year at your private hearing examination. I asked you this, at page 33, sir, line 40:

How often would you put forward an alternate motion in any one year

sitting on Council?---Well, less than 10 and possibly less than five.

Do you recall giving that evidence?---Right.

5 Yes?---Mm hmm.

Do you stand by that?---I think it's approximate. Very few alternate motions did go through but obviously there were some that did.

10 An alternate motion, is another word for that, amending the primary motion?---True.

That would fall under that category. Yes.

15 Staying there on 6518, we can see there that Councillor Yong disclosed a direct financial interest and departed the meeting and that matter being the event sponsorship partnership, Telstra Perth Fashion Festival 2016, do you see that?---Yes.

20 And that is, it appears to be the case, there is a documented report of the matter, is that right?---Yes.

And there's a detailed report with respect to this and just go to page 6520, third paragraph there. No doubt you'd read this because this is the officer's report, yes?---Yes.

25

Third paragraph:

30 *The 2016 calendar includes 11 Fashion Paramount events, each with a capacity of 700 attendees, of which 350 are reserved for VIPs, resulting in 3,850 tickets available to the public with prices starting at \$69.*

Do you see that?---Yes.

35 We have gone through now some of those prices that were stated on your Gift Declaration Forms, yes?---Yes.

You know the other ones I've taken you to, which were not far away from that price of \$69, do you see that?---Right.

40

Now I want to take you to 6521, Myer Fashion Lunch:

45 *Ladies will be invited to purchase tickets to a parade and dining experience, showcasing leading Australian designers. The event is targeted at professional women aged 25 and over and the venue is still being finalised. This event sells out annually. In 2015 the ticket price was \$170 per head.*

Mrs Davidson, you went to the Myer Fashion Lunch in 2015, didn't you?---I probably did.

5 Because that was on one of those days, in the Gift Declaration Form that I showed you the first time today, the Myer Lunch was held on one of those days that you've identified?---True.

So that would suggest that the Myer Lunch was the one you attended?---True.

10

That year?---Yes.

Price of the ticket, \$170 per head, do you see that?---M'mm.

15 The thing is with that Gift Declaration Form, it was for five tickets that you'd received over the course of the festival and you only put \$100-plus?---This of course now is after the event that we put those forms in and this is with sponsorship.

20 I realise that?---Yes.

So that's just another example of how inaccurate your estimated value was, yes?---(No audible response).

25 Just go to 6524, if we can, Madam Associate. This was a comparison to other City sponsored events, okay? This is an important table, is it not because of what appears in the right-hand column. Do you see that, "Return on investment"?---Right.

30 You understood that to mean, did you not, that for every \$1 that the City of Perth provides by way of sponsorship, there is the return on investment of that amount of dollars, isn't that right?---Yes.

35 So Fringe World sponsorship is \$75,000, return on investment \$1: \$801, do you see that?---Yes.

And for the Perth Chinese New Year Fair and the Pride Festival with sponsorships of \$60,000 and \$55,000 provided, there's a return on investment of \$1: \$181 return on investment for the City, do you see that?---Yes.

40

PIAF, another one in which sponsorship, \$365,000 for 2016. Every \$1 the City sponsors, there's a return on investment of \$156, do you see that?---Yes.

45 And in the final line, the Perth Fashion Festival requested sponsorship of just over \$359,000, that was their requested amount and the return on investment if the City was to provide that sponsorship amount would be, every \$1 returns \$20, do you see that?---Yes.

Big difference there, isn't there, between those other four examples, do you agree with that?---Yes.

5 That's obviously a matter that should be considered when determining not just a sponsorship application but the amount of the sponsorship application, among other things, but that's an important consideration, isn't it?---Right.

10 If we could just go to the previous page, Madam Associate, just very briefly, 6523. So there was those comparisons made with other City sponsored events but this officer's report went further and compared the Virgin Australia Melbourne Fashion Week and the Mercedes Benz Fashion Week Australia, do you see that at the bottom of the page?---Yes.

15 :

The Virgin Australia Melbourne Fashion Festival is considered the premiere Fashion Festival in Australia and is supported by the City of Melbourne.

20

Then over the page now to 6524, thank you, Madam Associate:

The City of Melbourne has confirmed that its annual sponsorship is less than \$100,000 per year, including cash and in kind.

25

It continues:

The City of Sydney provided sponsorship for Mercedes Benz Fashion Week Australia of \$65,000 and \$35,000 in kind in 2015.

30

Do you see that?---Yes.

35 So if we go then to 6525, to the officer's recommendation and we see the box there with the relevant figures. So the requested sponsorship from the Perth Fashion Festival was, as I said, \$359,000 and the recommended cash contribution was \$240,000 with just over \$29,000 of in kind contribution, do you see that?---Yes.

Still prepared, the officer, to recommend \$269,000 in sponsorship?---Yes.

40 Considerably more than what the City of Melbourne and City of Sydney sponsored for their same events, do you agree?---True

[12.30 pm]

45 Then if we go to 6526, "Contribution of the event to the economy of the city", do you see that about two-thirds of the way down. Thank you, Madam Associate, for that cursor assistance:

5 *Economic modelling for the event shows that the expected economic output for the entire event is \$7.261 million. This is a return on investment for the requested sponsorship level of 1: 20 and a return on investment for the recommended level of sponsorship, 1: 28.*

Do you see that?---Yes.

10 So by reducing the sponsorship amount that was being sought would then raise their return on the sponsorship dollar; that makes sense, doesn't it?---Yes.

And it increases to 28 but nowhere near the sort of economic returns that those other four events were receiving which all the had three figures, do you agree with that?---Yes.

15 So all up, given the fact that there was still an officer recommendation of over a quarter of a million dollars, that would seem a very appropriate amount, would it not?---Yes. I don't think we felt that.

20 We or you?---No, I think it was the committee.

You, you didn't think that was enough, did you?---Well, as I speak for myself, I didn't think it was.

25 No. That is why you wanted to be involved in this vote, wasn't it?---No, it wasn't.

Well, Mrs Davidson - - -?---It looked like that but it really wasn't.

30 - - - clearly it was. That was your motivation to participate in this vote, wasn't it?---No.

Really?---No.

35 But you weren't happy with the officer's recommendation, were you?---No.

You weren't happy so you agree with me, you weren't happy?---I didn't remember that the original sponsorship was well over \$330,000 so they were reducing it.

40 Yes, so therefore?---And I knew, as a number of the Elected Members knew, that the Perth Fashion Festival couldn't cope with a reduction in sponsorship.

So therefore the answer to my question is, you were not happy with that recommended amount, were you?---That is true.

45 Why do I have to ask the question - - -?---It's not being not happy, it's just a case of, well, you disagree with them.

And the only way you could possibly change that amount by increasing it, was being involved in the decision-making process, yes?---That is true.

5 So there we go, you did have a motive for participating in the decision-making process regarding the sponsorship application of the Perth Fashion Festival, didn't you?---Yes. I sounds very clandestine when you say "motive".

10 How would you describe it then?---Well, that was the reason for being there as an Elected Member, to see what you do for organisations in the City.

Will you accept incentive, that was an incentive for you to participate?---Even that.

Sorry?---Even that I don't agree.

15 What word would you then use to describe it?---Just there was a support.

Yes, you wanted to support this particular sponsorship application by increasing it a further \$30,000, isn't that right?---That's what eventually, I think, occurred.

20 That's right, isn't it?---Yes.

And that was the reason why you wanted to participate in this vote?---Look, I didn't declare.

25 Yes, I know?---There's nothing I can do about it, I didn't declare.

Yes?---Was my motive, incentive, or anything else sitting behind all of that? Not necessarily.

30 But it was, wasn't it, Mrs Davidson?---Sorry, that wasn't my thinking at the time.

Looking at it all now and having gone through it all - - -?---I can see it.

35 So I'm saying that precisely was your thinking. You say it wasn't so then I come back to the question again: why was it that you didn't declare a financial interest when it appears you should have?---There was no thought behind it as regards why I did not declare. I didn't declare.

40 You didn't even address your mind to it, because if you did, there was a very good chance you would be excluded from participating in the decision-making process, isn't that it?---That isn't my thinking behind it, no.

It makes sense though, doesn't it?---On your argument, yes, but not on mine.

45 It's not really an argument, it's just putting the jigsaw pieces together. It's a compelling argument, isn't it, Mrs Davidson?---It is from your point of view, yes.

It is a compelling argument, isn't it?---Well, that wasn't my thinking behind it, I'm sorry.

5 That might be so but would you agree with me it's a compelling argument?---Probably compelling.

Because we go now to 6529. One of your very rare motions to amend happened at this particular meeting?---True.

10 :

Motion to amend. Moved by Councillor Davidson that the total sponsorship amount in part 1 of the officer recommendation be increased by \$30,000.

15

The motion lapsed for want of a seconder. You were very disappointed with that, weren't you?---No, just one of those things that you try, but - not disappointed.

Just one of those things that you try?---Yes.

20

What do you mean by that?---Well, you either - you're going to get a seconder or you're not.

25 It's just one of these things you try?---You either attempt to amend a motion, which I obviously did, and the person in the room obviously wasn't going to second it, therefore it lapsed. Therefore we moved to the primary motion.

But you were trying to get it passed, weren't you?---I was quite comfortable in terms of them having an increase.

30

So you wanted it passed, didn't you?---True.

So you were disappointed?---I don't know whether those were the feelings.

35 Sorry?---Those weren't the feelings at the time, it's just one of those things.

You weren't doing cartwheels, were you?---Not usually in a committee meeting, no.

40 But you didn't give up, did you?---No, I'm sure the Council meeting will obviously say that I didn't.

45 This was something you were quite passionate about, wasn't it?---Keen or passionate, whatever you wish to call it. I was, you know, very supportive of the festival. It had been going for years and it will be very good for the City.

I'm calling it very passionate, would you agree or disagree with that

description?---I will go along with your word.

Does that mean you agree?---Happy to agree with your word.

5 You're right, Mrs Davidson, this matter did come up again at the Ordinary Council Meeting on 9 August of 2016. However, I want to take you to something that happened just before that Ordinary Council Meeting, okay. As I understand your evidence it did not cross your mind that you may well have had the same financial interest as Council Yong declared he had at that marketing meeting, is that fair to say?---True.

15 Prior to the Ordinary Council Meeting on 9 August - so I gather now you do remember that you had another go at getting an increase in the sponsorship amount of the Perth Fashion Festival at that meeting?---I'm sure these minutes are going to say that.

Do you have a recollection of that?---Very vaguely which meant that you hadn't declared a financial interest at that meeting?---True.

20 Why was that?---That again would have been checking with Governance and - - -

Whose responsibility was it?---It was obviously mine but I obviously did not declare, felt that there was not a need to declare.

25 But how could you possibly think that in light of the fact - - -?---Well, that was - - -

30 - - - let me finish - in light of the fact that Councillor Yong had made a declaration?---Yes. We were being very carefully monitored as regards whether you were in the meeting or you're not in the meeting.

The question is how could you possibly think that?---I felt that I was perfectly in order to be there.

35 How could you possibly think that?---I don't know but I did at the time.

It's because you turned a blind eye to it?---No.

40 Isn't it?---No.

That's my explanation, can you offer an alternative?---No.

45 This briefing session, do you recall having a briefing session just before the Ordinary Council Meeting on 9 August 2016?---I can't recall, no.

Madam Associate, can we have a look now, please, at 16.6715. TRIM number, sir, 24353.

COMMISSIONER: Thank you.

5 MR URQUHART: This here is some briefing notes that were prepared for this Special Council Meeting that was held on Tuesday, 9 August of 2016. I will just give you an opportunity of having a look at that and you will notice that it's listed as you being present?---Yes.

10 Does this jog your memory?---It doesn't but - - -

15 Mrs Davidson, these are just notes that have been kept by one of the officers in attendance, so they haven't been checked or confirmed or anything of that nature, or formalised as such, and we have heard evidence it would have been Ms Denton, the Governance Coordinator, making these notes. We will just go to 6716, please. I want to see if this might jog your memory. At dot point 2, about halfway down the page:

20 *The Lord Mayor and Elected Members were unhappy with the need for such a process flow and supporting notes as they felt that the legislation is wrong and needs to be changed.*

25 Does that jog your memory now as to this particular meeting, that there was disquiet expressed by the Elected Members present about the legislation requiring Gift Declarations and the like?---Yes, vaguely.

Then if we go to 6718 now, right towards the bottom there, just before the time of the briefing session concluded at 5.40 pm. It reads there Manager, Governance, which was Mr Ridgwell, of course:

30 *Returned to the meeting and provided a brief overview about the disclosures of interest required at the Council meeting.*

35 We have heard from Mr Ridgwell that he would have given a brief overview about disclosures of interests required, not just at the Council meeting that was forthcoming, but also subsequent Council meetings, okay? Are you with me?---Yes.

Are you okay to continue? I know we are nearing lunchtime?---Yes, I'm fine.

40 Do you want to have an early lunch?---No, thank you.

Are you sure? Do you remember a flow chart presentation - sorry, a PowerPoint demonstration taking place at this particular meeting presented by Mr Ridgwell?---I don't recall it.

45 You don't recall?---No.

It's probably just as well because there's another flow chart - I think it was shown to Elected Members. Maybe I will just briefly show you that one, 6735, please, Madam Associate. This is another one of these diagrams that Mr Ridgwell has prepared. Do you have a recollection of seeing that?---Yes, it looks familiar.

5

Again, just as a matter of interest, did that provide you personally with any assistance regarding this matter of Gift Declarations and what to do when tickets are offered? I will give you a moment to have a look at it?---Complicated but - yes, complicated

10

[12.45 pm]

Yes. So you've got a vague recollection of that particular briefing session?---Mm hmm.

15

Okay?---Yes.

You nodded your head?---Yes.

20

So that was on Tuesday, 9 August. It finished at 5.50 pm. My understanding is that the Ordinary Council Meeting were on every second Tuesday of the month, is that right?---No.

25

No, every - - -?---First week, two committees, second week, the next lot of two committees, third week, the Council meeting.

Of the month?---Yes.

30

We have minutes for the Ordinary Council Meeting that was conducted on 9 August 2016, which was the same day - am I right in saying that ordinary Council meetings commence at 6 o'clock?---Yes.

35

So that meeting that we just saw, the notes say that it finished at 5.50 pm and I haven't heard any evidence so far to the contrary but it seems to me that an Ordinary Council Meeting did take place on 9 August of 2016, i.e., the same day as that briefing session that we have just gone through. Okay?---Right.

40

Madam Associate, if we can look, please, at 6715, thank you. No, that's not the right one, my apologies. 6637. There we go, Council minutes for a Council meeting that took place on 9 August 2016, do you see that?---Yes.

45

If we go over the page to 6638 and we can see that there's the event sponsorship, or under the heading, rather, Marketing and Sponsorship, International Engagement Committee reports, there's one for, "Event sponsorship - Telstra Perth Fashion Festival and Corporate Sponsorship - Business News 40under40 Awards." So both those matters were being considered again?---Right.

You have more interest in the Perth Fashion Festival than the Business News 40under40 Awards?---No difference.

More interest, exactly the same?---No, both supported.

5

Both supported, yes. Am I right in saying you never sought to amend a motion to give further sponsorship amounts to the Business News 40under40 Awards?---I can't recall any, no.

10 If we go now to 6640, thank you, Madam Associate. The TRIM number for this document, sir, is 23763.

COMMISSIONER: Thank you.

15 MR URQUHART: We can just see there who's in attendance at this meeting. Do you see that?---(No audible response).

20 Yourself is one - in fact, there's eight Councillors present and the only one who is absent, looking at those names there, would be Dr Green, would you agree with that?---Yes, no apologies given.

I don't know but I think she might have been having her baby at the time?---Leave of absence.

25 Yes, but going now to 6641 and I want to draw your attention towards the bottom of the page, "Disclosure of members' interests" and there are no less than 12 disclosures of various interests at this meeting. Given all the time that you've attended Council meetings, would that be one of the largest number of disclosures of interests?---This is when that - you know, disclosures were being fairly - you
30 know, highly monitored and checked on.

So is the answer to my question yes?---I haven't seen the other page.

35 I've added them up and we will go to it in a moment, 12?---Yes.

A significantly high number?---Reasonable, yes.

40 And that is because people have been made aware when they have such disclosure interests during the course of this year, would that be fair to say?---Yes.

Everybody should have known, should they not have?---True.

45 First, Councillor Yong again making his direct financial interest disclosure regarding the Telstra Perth Fashion Festival, do you see that?---Yes.

The Lord Mayor makes an impartiality interest disclosure regarding the fact that she was a board member for Telstra Perth Fashion Festival, do you see that?---Yes.

Over the page, you make again a declaration regarding the corporate sponsorship Business News 40under40 Awards, your financial interest being, "Attended awards ceremony. Extent: minor." Do you see that?---Yes.

5

Did you give that description as to the extent of your interest?---I can't recall that. That was the way that it was documented by the - in the minutes.

Your interest in that sponsorship award arose though from attending the awards ceremony that had been held within the previous year?---Yes.

10

And it was just the single ceremony you attended, yes?---Yes.

So the financial interest that you had, which you've described as minor, was less, I suggest to you, than the financial interest you had regarding the events you attended for the Perth Fashion Festival?---On the documents that we have seen, yes.

15

But just by virtue of the number of events you attended for the Perth Fashion Festival, do you agree with that?---Yes.

20

And then we go down the page, Councillors Adamos, Harley, and Adamos again have made financial interest disclosures, do you see that?---Yes.

And then the Lord Mayor and Councillor Adamos make proximity interest disclosures, do you see that?---Yes.

25

Then there is the matter regarding the West Australian Symphony Orchestra?---Yes.

30

Do you remember this? Do you remember the issue that arose with respect to the sponsorship application that WASO was making this year and the problems that could arise given the number of Councillors who had financial interests regarding that matter?---I don't know the specifics but - I don't know the specifics on that.

35

Do you recall that you were one of those Councillors that had a direct financial interest?---I probably would have done.

Let's have a look. We have got Councillor Adamos there, the extent being tickets that he had received and the amount there. We go to the next page, 6643?---Yes.

40

We can see you've declared a direct financial interest, "Extent: tickets to event to the value of \$750 within a 12 month period", do you see that?---Yes.

Councillor McEvoy also has a direct financial interest?---Yes.

45

"Tickets to event to the value of \$280 within a 12 month period"; Councillor

Yong, direct financial interest because of the tickets he's received. You recall that for this particular matter, the City had requested and received an exemption from the Department of Local Government that entitled Councillor McEvoy to be involved in these proceedings but you other three were excluded?---Yes. This was very, very carefully checked in terms of declarations.

5 Yes, and the idea of Councillor McEvoy participating rather than the rest of you was that that brought quorum to - - -?---Five.

10 - - - five, exactly right. Yes. Mrs Davidson, I want to just cut to the chase here. Given all these disclosures being made, including one that was made by yourself with respect to the Business News 40under40 Awards, the disclosure interests that had been made by Councillor Yong regarding the Telstra Perth Fashion Festival, even Lord Mayor Scaffidi's impartiality interest declaration, how come you did not make a declaration of a financial interest regarding the Perth Fashion Festival?---Well for one, I did not.

15 I know that?---And for another, as I say, these were being all very carefully monitored and I believe that really, I was okay for that.

20 Why?---I have no idea.

Why did you come to that conclusion?---Whether Governance, a conversation with Governance or not, and I don't recall it so I won't even put it on the table, but I remember - - -

25 You're just speculating there, aren't you?---Yes. I remember that we were watching these very carefully and we had been informed by Governance that this is one of them, that's one of them, that isn't, and they gave us the list so that we could declare whether we had an interest or not and certainly Telstra Fashion Festival was certainly not given to me.

30 Mrs Davidson, if that was the case, an oversight maybe by Governance but hold on, who was the person responsible?---That's true and at the time - - -

35 Who was?---I was.

You were?---Yes.

40 Okay?---And I obviously felt that it was not an issue for me.

How could you possibly come to that conclusion - - -?---Because that's - - -

45 When you've got people, fellow Councillors, declaring financial interests for not just the Perth Fashion Festival, but other matters, including yourself in which you had attended a free event, how could you not, at the very least, think, "Well hold on, I haven't been told by Governance, it must be an oversight by them because I

have this financial interest"?---Well, as far as I know the conversation said that I wasn't and I didn't declare.

5 You don't know, you're only speculating that you had those conversations?---That's the history in the back of my mind.

Responsibility rests with you?---True.

10 So again, my explanation for this is that you turned a blind eye - - -?---No, I won't accept that term.

- - - to your obvious financial interest you had with the Perth Fashion Festival?---No.

15 And the reason for turning the blind eye is what you then subsequently did regarding the Perth Fashion Festival?---No. That foreshadows an intent and the intent certainly wasn't there.

20 I'm sorry, I just missed that, Mrs Davidson, what was that?---I said that foreshadows an intent and the intent certainly wasn't there.

25 Yes, it does foreshadow an intent but my explanation is that there can not be anything other than that that scenario because there were bells ringing all over the place and Councillors walking out of the room when matters were being considered, including yourself?---True. As I say, it had all been carefully sorted and I - - -

30 You keep saying that but clearly it hadn't been?---Sorry, that's how it was and I didn't declare.

But clearly it hadn't been sorted?---Well, it was.

35 Because it wasn't brought to your attention and it seems to me that you're attributing responsibility to Governance?---No, I won't blame them.

You won't blame them, no. So you're squarely to blame here, aren't you?---Well, I thought I was perfectly in order.

40 And I just want to know how, how could you possibly think that?---Well, I did do and that was it. I didn't declare.

But how could you possibly think that?---Well, that was my thinking at the time.

45 And I'm asking you how? If that really was your thinking, how could it possibly be because the theory I've got is that that wasn't your thinking. You're saying it was so now I'm asking you, how could it possibly be your thinking?---Well, it was

[1.00 pm]

I know that and I'm asking you how, how could it be?---No idea. That's obviously the way that I viewed it and did not declare.

5

You didn't want to declare?---It wasn't a case of that, no.

Sir, it's 1 o'clock now.

10 COMMISSIONER: Thank you. I will adjourn until 2.15

WITNESS WITHDREW

(Luncheon Adjournment)

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HEARING RECOMMENCED AT 2.14 PM

MS Janet Elizabeth DAVIDSON, recalled on former affirmation:

5

COMMISSIONER: Mr Urquhart.

MR URQUHART: Thank you, Commissioner. Mrs Davidson, we were looking at that ordinary Council meeting from 9 August of 2016 and Madam Associate, if we could bring up another page from the minutes of that meeting. This one will be 16.6656, and sir, still 23763 TRIM number.

10

COMMISSIONER: Thank you.

MR URQUHART: As we alluded to before the lunch break, you did put forward an alternate motion at this particular meeting, can you see that there?---Yes.

15

And exactly the same alternate motion you attempted to put at the Marketing Committee meeting two weeks earlier, do you see that?---Yes.

20

Of which you didn't have the support of the other member of the Marketing Committee, Councillor Chen, yes?---Correct.

25

Nevertheless, you still decided to put it up again at the Council meeting, obviously, yes?---(No audible response).

So you had no support for it at the committee meeting, so who did you speak to before the Council meeting about getting support for this alternate motion?---I can only assume Councillor Adamos because he seconded it, but I'm not sure.

30

Would you have spoken to other Councillors as well?---I don't know.

What about the person that you have agreed with the description on an earlier occasion as your closest confidante, did you speak to her?---Who are you referring to?

35

This is your evidence that you gave at your private hearing, you know who I'm referring to, don't you?---I'm assuming that you must mean the Lord Mayor.

40

Yes, you said at your private hearing that of all the Councillors you have been on Council with, you agreed she was your closest confidante?---I don't remember that but obviously I must have said it at some point. I don't recall that.

She is though, isn't she?---She is a close colleague.

45

She's your closest confidante, isn't she?---If you wish to use those words, yes.

No, I want to know if you agree with what you'd said on another occasion?---However, I thought she'd declared.

Sorry?---I thought she had declared on this.

5

I'm not asking you anything about that. I'm just dealing now with the description of Ms Scaffidi as being your closest confidante. I will take you to the transcript. Page 16, sir, from 4 July of this year at line 45. Mrs Davidson I asked you:

10 *Of all the Councillors that you served with, would Ms Scaffidi be your closest confidante?---Of all of them, yes.*

Okay?---Fine, thank you.

15 So that was the case, wasn't it?---That is what I said, yes.

And that was the case, wasn't it?---Yes.

20 So in those circumstances, and given the then Lord Mayor's support of the Perth Fashion Festival, you would have discussed what you proposed to do with this alternate motion?---That I don't recall.

You don't recall?---No.

25 But really, in all likelihood, you would have?---I've no idea.

In all likelihood you would have, wouldn't have you?---I honestly don't know so there's no point in saying I would have or I wouldn't have.

30 Let's look at it, you wouldn't have discussed it, say, with Councillor Harley, would you?---Probably not, no.

35 You wouldn't discuss it with Councillor Chen because she was opposed to it on an earlier discussion, you wouldn't have discussed it with her, would have you?---She declined it at the marketing.

So you wouldn't have discussed it with her, would have you? No?---True.

40 Councillor Limnios, you wouldn't have discussed it with him, would have you?---I have no idea.

45 Really, it just leaves Councillor Adamos, yes, because he seconded it but also, even before you would have discussed it with him, you would have discussed it with your closest confidante who just so happened to have an interest in the Perth Fashion Festival?---I don't recall.

You don't recall?---I don't recall.

Mrs Davidson, really?---No, I don't recall, sorry.

5 Come on, really? You would have discussed it with her, wouldn't have you?---I don't recall.

But you would have?---No, I'm not - - -

10 You might not be able to recall it but you would have?---I'm not going to say yes when I don't - when I can't remember.

15 If we go then, now, Madam Associate, to 6657, "The alternate motion was put and carried", do you see there, the votes were recorded as follows, the Lord Mayor, yourself and Councillor McEvoy, do you see that?---Yes.

For. Against, Councillors Chen, Harley and Limnios, do you see that?---Yes.

Very tight, wasn't it?---Yes.

20 You would have done your sums before the meeting and worked out whether there was a prospect of this alternate motion being passed, would you not have done that?---Not necessarily.

25 But would you have done that on this occasion?---You try and work out if you were actually going to be successful or not, but it doesn't always work that way.

Yes, but did you work on this occasion that it would be very tight?---Not specifically, no.

30 It was unlikely you were going to get the support of Councillor Chen, wasn't it?---As she had not agreed to it at marketing.

Yes, so it's unlikely you'd get her support?---Yes.

35 You were also unlikely to get the support of Councillor Harley?---M'mm.

Yes?---Yes.

40 And Councillor Limnios too, he was uncertain?---No, he was a supporter but obviously in the past and didn't agree with it this time.

You see, Councillor Davidson, if you weren't participating in this item, then - and this alternate motion was put, it would be three all?---True.

45 So your vote was significant, was it not?---No, the Lord Mayor, there would have been a casting vote.

Nevertheless, your vote was significant, wasn't it?---Not on the basis of, you know, the casting vote.

5 How do you know the Lord Mayor would have vast a vote in favour?---Well usually, if you're in the Chair, you always keep the - whatever's been put forward.

I appreciate that but do you think the Lord Mayor might not want to have been in that position?---I don't know.

10 Because - let me explain to you why, because she had declared an impartiality interest?---Fine.

15 In this matter, on the basis that she was on the board of the Perth Fashion Festival, you see? Do you see in those circumstances it might have been a little bit of a dilemma for her?---She obviously stayed in the room.

Do you realise it might have been a dilemma for her if she had to have the casting vote - - -?---It may have been.

20 - - - on a tie?---I can't speak for her.

No, but you look at it with all your experience as a Councillor, it could place her in a difficult position, couldn't it?---It may have done.

25 Whereas, in this instance here, she wouldn't be in that position, you see?---Right.

But you really do accept now that you should never have been putting an alternate motion to this matter, should have you?---I was entitled to because I was in the room.

30

Yes, but you should not have been because you ought to have declared a financial interest?---Well, I didn't and on the basis that I believed that I could stay in the room.

35 Yes, but - - -?---And we have been over all of that.

Yes, I know that. You ought not to have been in the room, should have you?---On your basis, no.

40 Do you disagree with that?---I do, because that's the decision that I made.

But it's not the right decision though, was it?---Well, I thought it was at the time.

45 But looking at it now, it wasn't the right decision, was it?---I'd probably say you're correct, that it probably wasn't but at the time - - -

Mrs Davidson, it definitely was it, was it?---I felt that I had taken all the necessary

steps.

Looking back on it now, and if you'd taken the appropriate steps and exercised due
caution, you would not have made the decision that you did, would have
5 you?---Possibly not but - - -

Definitely not?---But I stayed in the room.

Mrs Davidson, I put it to you it's not a "possibly not", it's a "definitely not"?---If
10 you record that, yes.

If I record that, what do you mean by that?---In other words, if that's what you're
saying but I still believe that I actually was correct in staying in the room because
we had worked out very critically who should be declaring and - - -
15

How do you say that? Why do you say that you were entitled to stay in the
room?---I felt that I was at the time, that was my thinking process.

Can you explain why it was that you were correct in remaining in that
20 room?---Well, I believe that I was.

You explain why?---Just that - - -

You explain why that you actually are correct in that decision?---Because I felt
25 that I was entitled to be there and that's why I stayed in the room and did not
declare.

But haven't we established that you erred in making that decision?---Well, that's
what we look as if I erred. I felt at the time that I had not.
30

You don't agree now that going through it all, that that was the wrong
decision?---Looking back on it, you know, yes, you probably may have but I really
do believe that I did the right thing at the time.

I'm not interested in whether you believe, we have done all that. You've told us
35 repeatedly you believe that?---M'mm.

You might have believed that that was the correct decision but it was the wrong
decision, was it not?---Right, I'll declare that I erred.
40

You see, I will give you another opportunity, Mrs Davidson, bearing in mind
you've taken an affirmation to tell the truth, that someone with your experience as
a Councillor, someone who had seen what other Councillors were doing, someone
who the Lord Mayor herself has said that you were the expert on governance, it
45 would seem that you deliberately choose to participate in this meeting knowing
that you should not have been?---I won't agree with "deliberately attended", no.

An extraordinary oversight of someone of your level of experience and what had gone on in the last five months leading up to this Ordinary Council Meeting and what had gone on at a briefing session immediately before it, would you agree with that?---Yes, I know we'd had some information, I would agree.

5

COMMISSIONER: What proposition are you putting to Ms Davidson though?

MR URQUHART: It was an extraordinary oversight, I'm seeing if she will at least agree with that. She's disagreed that it was a deliberate oversight, it was intentionally done - - -?---It was not intentionally done.

10

Yes, and I'm asking you now whether you would accept that it was an extraordinary oversight?---Yes, I will agree with that, that I erred.

15

Are you just agreeing with that because it looks better for you than if you were to admit that you deliberately did it?---No.

It looks better for you though, doesn't it?---No, it does not.

20

It does. You're saying you unintentionally made this mistake. That's better for you than an admission that you deliberately did it, isn't it?---Sorry, Mr Urquhart, no.

You don't agree that - - -?---No.

25

- - - looks better for you?---No.

It does, it must do. You're saying - - -?---It's a case of almost that I deliberately did what I did. I'm sorry, I did not.

30

Yes, I know that and you're saying it was an accidental oversight, aren't you?---I erred.

Yes, so therefore that looks better for you than the other scenario which was it was deliberately done by you?---That's not for me to decide.

35

No, it is for you to decide, Mrs Davidson, because it's logical. You're saying that this was an unintentional error and the other scenario is that it was a deliberate decision by you, so which is worse?---I agree with what you're saying there but on my basis - - -

40

[2.30 pm]

Tell me which one you think is worse?---The deliberate.

45

Yes, of course?---And it was not deliberate.

And that is why you are denying that it was deliberate?---I'm not denying that

because it looks better, I am denying it because it was not deliberate.

I won't pursue that line.

5 COMMISSIONER: Ms Davidson, just a moment ago when Mr Urquhart was asking you some questions, you started to give an answer and then you weren't able to complete it. I've written down what I recall you saying and it was in the context of some questions about the numbers in the meeting, in other words, the numbers which were going to be cast on the vote and you said this, "We had
10 worked out very critically". What I would like to know is, who is the "we" that you were talking?---I will retract the "we" because often when I respond, it's always the collective we and then I try and correct myself to an I, so it was I, not the royal we.

15 I see. When you said that it "had been worked out very critically", what exactly had been worked out very critically?---No, it wasn't a case of critically, it was - - -

Ms Davidson, I'm reciting - - -?---I know, I know.

20 Don't interrupt me, please. I'm reciting back to you your words, so what did you mean when you said "worked out very critically"?---You could see where people were probably going to be likely to vote and others, you didn't know whether they were going to vote, so it was a fairly critical, you know, working out whether the alternate motion was going to get through or not.

25 So did you mean to convey to me there was some calculation in what was - - -?---Well, often - - -

30 Just let me finish, please. Don't interrupt me. Do you mean to convey to me that there had been some calculation of the numbers prior to this meeting?---Not a calculation, it's just a case of, you know, wondered whether some people would be more supportive than others.

Thank you. Mr Urquhart.

35 MR URQUHART: Thank you, Commissioner.

40 Do you at least agree that you achieved what you set out to do with the amount of money that was ultimately provided to the Perth Fashion Festival 2016 event?---It was decided.

It worked out exactly how you wanted it to work out, didn't it?---Yes.

45 And that pleased you, did it not?---"Pleased" might not be the word, just - no, I can't think what the feelings might have been.

What is the word then?---You just - you move on.

Do you really, Mrs Davidson?---Yes, the next item comes up and that's it.

5 Of all those items there on that agenda, this was the one that you were interested in the most, isn't it?---Not the most.

Well, it was the only one where you sought an alternate motion?---True.

10 So this one interested you the most, didn't it?---Not necessarily in terms of, you know, some were more equal than others, so not specifically focused on this one per se.

You won't even admit that?---No.

15 That this one interested you the most of - - -?---No, not specifically.

Of the several sponsorship applications?---No.

20 This wasn't the one that interested you the most?---No.

Staying with the Perth Fashion Festival for the moment, the application for sponsorship by the Perth Fashion Festival arose again the following year at the Ordinary Council Meeting on 6 June of 2017. You, Mrs Davidson, did not participate in any Marketing Committee meeting with respect to that matter, okay?---Right.

30 So again, the minutes from this particular meeting have been - were provided to your lawyers so I understand you may well have had an opportunity, prior to your evidence, of having a look at that, would that be right?---Are we talking about marketing or Council?

Council?---I would have to see them again to look at them.

35 Madam Associate, 6413 now, please. So there we go, the front page, just so we are satisfied that this is the meeting I'm referring to and the minutes of it. Do you see that, 6 June 2017, 6 pm?---Yes.

40 If we go over the page to 6415 and we can see who's in attendance: the Lord Mayor and indeed, all Councillors it would seem, so it was a full house, as it were, of eight, do you see that?---Yes.

Including yourself. If we go to the next page, please, Madam Associate, 6416 - sir, this is TRIM number 21227.

45 COMMISSIONER: Thank you.

MR URQUHART: We see there a disclosure of members' interests and

Councillor Yong has made a proximity interest with respect to another matter, Councillor Limnios, a direct financial interest with respect to some proposed mixed use development, Councillor Adamos, a proximity interest and the Lord Mayor Scaffidi has made a direct financial interest disclosure regarding the Telstra Perth Fashion Festival. If we go to the next page, please, you will see there the extent of the interest or nature, do you see that? The Lord Mayor is on the board of the Perth Fashion Festival and received tickets to attend the event last year, do you see that?---Yes.

10 And then Councillor Chen has made an impartiality interest with respect to another matter, the Perth Convention Bureau sponsorship application, it seems, and Councillor Green has made an indirect financial interest with respect to a development sponsorship regarding some industry sector development SPARK Co-Labs, but it's not really important we go into the details of those. I'm more interested in, of course, the fact that it does not appear that you have made any financial interest declaration again with respect to the Perth Fashion Festival, do you see that?---True.

Why was that?---It would be the same thinking from last time.

20 Which was "I thought I could"?---No, I felt that I'd been advised that I didn't need to declare, but we are going over old ground now. I've done the same sort of thing here if that's the case.

25 I'm just trying to work out when it was that you might have been advised of that?---I really don't know.

And in what circumstances?---You know, when all of those 12 were declared.

30 Did it happen subsequent to that, at that 9/8/2016 meeting?---As far as I know, it was but I can't recall, so - - -

And do you recall who it was who gave you that advice?---I told you, I felt that it was Mark Ridgwell.

35 Or do you recall whether it was in oral discussions with him or by email or what was it?---I honestly don't know, I think it might have been oral, but I'm not sure.

40 Can you recall then what it was that he would have - you say he told you?---No, I can't but I'm sure, you know, if I'd have asked, "Should I have declared on this, this, this and this" and it was fairly well documented what the declaration should be on.

45 Speaking of documents, were you aware of the item that existed at the City of Perth called hub, an online portal at the City of Perth called hub, does that ring a bell with you?---Very vague.

Yes. Apparently, it will actually set out what interests Councillors, and indeed staff have with respect to particular matters?---Yes, it doesn't mean a great deal to me at all.

5 Can you remember ever accessing that to see what interests you might have in matters?---No.

No?---No, I can't.

10 You obviously were aware of it?---Only because you've said the word.

That triggered some memory of it?---A little bit of memory, yes.

15 But you didn't know what information could be obtained from what was called hub?---Can't recall.

20 Once more, you're sitting there at this Council meeting, there are six interests made, all of which would require those members to absent themselves from the meeting when those items were being considered, unless they had got an exemption of some sort, okay?---Yes.

25 The Local Government Act requires that if there was been an exemption given, then that needs to be recorded in the minutes and we saw that with respect to the WASO matter, didn't we, in the 9 August 2016 August? Do you remember that?---I don't recall what it said.

Okay, we won't go back to it but we can see that there's - - -?---I'm sorry, you were saying it was for Councillor McEvoy.

30 That's right. You recall that now?---Yes.

And it was recorded in the minutes as to who had received the exemption?---Yes.

35 And that appeared immediately under the disclosure of members' interests and we can here in these minutes that there is no such information regarding that, all right?---Correct.

40 With Lord Mayor Scaffidi, she had declared an impartiality interest the previous year, the reason being that she was on the board. You were aware, weren't you, that someone with an impartiality interest can nevertheless declare it and then remain and participate in the vote, are you aware of that?---Yes.

45 And of course, we do know that the Lord Mayor did it on that occasion with respect to the 9 August 2016 Council meeting. Here, she's provided a different disclosure, hasn't she? Do you want to go back to 6416, Madam Associate?---No, it's fine.

Do you remember, it was a financial interest?---Yes.

5 Fine, we can stay then on that page and 6417 and we see that the added information that's been provided is that she was on the board and received tickets to attend the event last year, do you see that?---Yes.

10 You too had received tickets to attend the event last year, didn't you?---I would have done but I think there was a particular year where, because of all that had been going on, I don't think we - sorry, not we, I attended many events at all because it was just one of those things that we - sorry, I didn't do.

15 I know, Mrs Davidson, you've been shown a lot of documents and I've been asking you a lot of questions but we actually went through your Gift Declarations that you had completed first for attending the Telstra Perth Fashion Festival awards some time in February or March of 2016, do you remember I showed you that Gift Declaration?---Right.

20 And then I've also shown you the Gift Declaration that you made with respect to you attending the Future Runway Event on 23 September 2016?---Right.

Okay?---Yes.

25 So like the Lord Mayor's declaration of the nature and extent of her interest, you too had received tickets to attend the event last year, okay?---Yes

[2.45 pm]

30 Once more, get back to these alarm bells; did any bells ring for you when you saw the Lord Mayor leave the meeting when this item was called and the reasons for it?---No.

You moved two motions to amend with respect to two items at this particular meeting, does that jog your memory as to what took place at this meeting?---No.

35 Two?---Not at all.

40 Two, bearing in mind your evidence has been several months ago that it was possibly such amendments you'd make in any one year. Here's two at the one meeting, did this not stand out to you?---Not necessarily, no.

Not necessarily, but it may?---No.

45 Because you're not someone who's prone to amending every motion that comes before you, are you?---Not all of the time, no.

You have no recollection of the two amended motions you put at this particular meeting?---I can't remember the document that I read, no.

You have read a document though that relates to that?---Yes.

It was this meeting, okay?---Right.

5

Madam Associate, if we could look at 6418 now, please. So the first sponsorship matter that was, or one sponsorship matter that was considered at this particular meeting was the Hopman Cup triennial event sponsorship application, do you see that there on this page?---Yes.

10

What the Hopman Cup was seeking was triennial sponsorship, or what was recommended rather by the committee was that the Council approves triennial event sponsorship of \$125,000 per annum to Tennis Australia for the Hopman Cup for the years 17/18, 18/19 and 19/20; can you see that at number 1 there, one-third of the way down that page?---Yes.

15

So the committee endorsed the officer's recommendation, clearly, is that right?---Yes.

20

"Motion to amend. Moved: Councillor Davidson, seconded by Councillor McEvoy that Council amend the officer and committee recommendation as follows: 1. Approves triennial event sponsorship of - and \$125,000 is deleted and replaced with "\$100,000 per annum to Tennis Australia for MasterCard Hopman Cup for the years 17/18, 18/19 and 19/20", do you see that?---Yes.

25

So when did you decide to move that motion?---I believe it would have been at the meeting.

At the meeting?---Yes.

30

What, it was just a spur of the moment thing, was it?---Well, it was a reduction of \$25,000.

Yes, I know, but when did you decide?---I think it was at the meeting.

35

Again, so it would seem to be that you didn't consider it much before the meeting, is that right?---Not a great deal, no.

Did you consider it at all?---I'd looked at it as a documentation.

40

I'm sorry?---I'd looked at it as a piece of documentation.

Yes, you'd looked at the officer's recommendation?---Yes.

45

And what, did you say - did you think to yourself, "Well, that's not going to be enough, or that's too much, I think it should be less", is that what you thought?---Just that obviously I believed a reduction.

Why?---Well, I'm sure there's something else coming up shortly where \$25,000 is moved off to somewhere else.

5 Is that the reason why?---I can't remember now why what's in the document but I'm sure - you've only got so much sponsorship money.

10 Yes?---So if you want to obviously either increase or decrease, there are some people who are going to have a decrease and others who have going to have an increase.

So the Hopman Cup suffered on this occasion and you thought \$25,000 should be deducted from what they were receiving, is that right?---Yes.

15 And be given to somebody else who had made a sponsorship application, is that right?---I'm assuming that's the case, yes.

20 Who might have that other organisation have been that would get the benefit of this \$25,000?---I'm sure it's going to be the Telstra Perth Fashion Festival.

And was it?---I have no idea without remembering the document.

25 Mrs Davidson, can you just look at me for a moment. Are you seriously saying you've got no recollection where this \$25,000 then went to?---Not without reading the documents, no.

Really?---No, I do not, I'm sorry.

30 When did you last look at these minutes?---It would have been several days ago, so I'm just letting you know I think - I think that it moved to the Telstra Perth Fashion Festival.

Where else would it have gone?---I can't think of any other location.

35 6419, thank you, Madam Associate, which is just the next page. Just dealing with this now, the primary motion is amended, this is still dealing with the Hopman Cup, so, "The motion was put and carried" and for, you got unanimous support for your motion to amend, and the reason there says, "MasterCard Hopman Cup has requested a significant increase in sponsorship and receives State Government support. In addition, free tickets are not provided to the community." Is that the reason that you came up?---I don't think I came necessarily up with that reason.

45 What reason did you have for reducing the sponsorship amount by \$25,000?---I really can't remember the argument that I gave. I think it would just be that it had received State Government support and we know for a fact that they don't do community tickets, so that's different to other sponsorship organisations.

Whilst I accept that the Perth Fashion Festival holds some free events, it too though received significant State Government support, didn't it?---It did.

5 So that was that item. Were you happy with that outcome?---The outcome was the outcome as it came.

Were you happy with the outcome?---Just accepted it.

10 Were you happy with the outcome?---No, I don't think "happy" is the word.

Were you pleased then that your - - -?---I'll use the word "pleased".

15 You were pleased, okay. Was this the first part of a plan that you had on this particular night?---No.

At this meeting?---No.

No? Are you sure about that?---No, I am.

20 No?---No.

25 Did you have a plan B that should your motion to amend pass and that \$25,000 was deducted from that sponsorship application, that you would then move a motion to amend another item that was coming up for sponsorship application?---If that had taken place, which it had, there would be \$25,000 left in the sponsorship budget.

That wasn't the question, so can you answer the question?---If you could repeat it.

30 Mrs Davidson, the question was, if in fact your motion to amend - listen carefully to the question because I don't want to repeat it a third time so listen carefully to it, please - if your motion to amend that had the \$25,000 deducted from the sponsorship for the Hopman Cup, did you then intend make another amendment to an officer's recommendation to speak to another sponsorship matter?---Yes, it
35 meant that I had \$25,000 within the sponsorship budget to be able to do that.

Where was that to go to?---Telstra Perth Fashion Festival.

40 There you go. So this was the plan all along, wasn't it?---I don't know a plan, it's just the way that you conduct business.

It was the plan of yours, Mrs Davidson, all along, wasn't it?---I won't refer to it as a plan. That almost - - -

45 What would you refer to it as?---I just decided that Hopman obviously didn't need the extra money and the Telstra Perth Fashion Festival did.

This was your course of action, would you at least agree with that?---Yes, a course of action.

5 Your course of action was to have \$25,000 deducted from the Hopman Cup and then applied to Perth Fashion Festival, is that right?---Yes.

Who had you discussed this course of action with prior to the meeting?---Now that I can't recall.

10 I want you to try very hard though?---I'm sorry, I can't, and I'm not going to name names when I cannot recall who I actually had a conversation with.

The most likely people you would have discussed this with would have been?---No idea.

15 Come on, you do know, Mrs Davidson?---Actually, who did the - that previous amended motion?

20 Sorry?---Who actually seconded the previous amended motion?

Does it matter? Councillor McEvoy?---I might have then discussed it with Councillor McEvoy if she seconded that amendment.

25 And who else as part of the team - you know who I'm referring to when I say the team?---I don't know.

I'll suggest some names to you. If you were going to discuss it with anybody in addition to Councillor McEvoy, one such person would have been the Lord Mayor, wouldn't have it?---Not necessarily.

30 Not necessarily, but if you had, that was the most likely person you would discuss it with, isn't it?---Well, I wouldn't have thought so because - - -

35 Mrs Davidson - - -?---All right, I - - -

We can go through each and every single other Councillor?---Fine.

40 And we will see whether it was more likely you would have discussed it with them or the Lord Mayor, or we can do it a shorter way. It's your evidence so I'm asking you, the most likely other Councillor apart from Councillor McEvoy that you would have discussed this with would have been the Lord Mayor?---Not necessarily. I would have thought it would have been Adamos and Yong.

45 Why?---They were obviously - no, Yong's declared so forget that one. Adamos would have been supportive.

Sorry?---Adamos would have been supportive.

And of course, so would have the Lord Mayor?---She would have been supportive but she wasn't in the room, was she?

5 She was for the Hopman Cup vote?---For the Hopman Cup, yes.

So clearly, I would suggest to you, you would have discussed it with her as to where you were going with this?---I don't recall. I don't recall, Mr Urquhart, I'm sorry.

10

Mrs Davidson, this is your closest confidante - - -?---I know it is.

No, let me finish - that you had ever had in your 20 years as a Councillor, your closest confidante. You are intending to make two amendments to motions at the one meeting, you being a Councillor who very rarely did that. So why would you not have conferred with your closest confidante regarding what you intended to do?---I don't recall, so I can't say anything else than that.

15

Why wouldn't you?---If I did, but I don't recall, I'm sorry.

20

We have moved, why would you not have discussed this matter with your closest confidante?---I honestly don't know, I'm sorry.

There's no reason to, is there?---There's no reason to necessarily - - -

25

[3.00 pm]

There's no reason to keep her out of the loop, as it were, as to what you intended to do, is there?---No reason either to speak to her either.

30

There's every reason to speak to her, Mrs Davidson, because she's firstly, your closest confidante, and secondly, she has a vested interest in these matters, and thirdly, she's a Lord Mayor. There you go, there's three pretty good reasons, isn't it?---Sorry, I honestly don't recall.

35

Do you agree with me, they are three very good reasons?---They are probably three very good reasons.

So the first part of your course of action gets through and so the very next item is the Perth Fashion Festival and at 7.16 there, we can go now to 6419 at the bottom there, the Lord Mayor departs the meeting and Councillor Limnios assumes the Chair. You haven't departed the meeting, it's just the Lord Mayor, do you see that?---Correct.

40

45 Nor has, incidentally, Councillor Yong, do you see that?---Correct.

So that leaves eight of you there. Now we go over to the next page as to what the

committee recommended to the Council, which was the same as that recommended by the officers. So we go now to 6420 and it's actually moved by Councillor Chen and seconded by Councillor Yong that the Council approves the annual event sponsorship of \$230,000 to the Fashion Council of WA for the
5 Telstra Perth Fashion Festival. Obviously you weren't satisfied of the officer recommendation that the Perth Fashion Festival receives close to quarter of a million dollars in sponsorship, am I right there?---Correct.

10 It's a lot of money, isn't it?---It's a reasonable amount of money, yes.

And you were aware that by this point in time, 2017, the money that was handed out for sponsorship applications was being more tightly assessed and applications were being more carefully considered; that's your recollection, isn't it?---Yes, by the officers.

15 And a more responsible fiscal policy was being adopted to sponsorship applications, would you agree with that?---Yes.

20 But you weren't taking off the \$25,000 from the Hopman Cup in order to save money for the City, were you?---No.

Because your intention was to give it to another organisation that had made a sponsorship application, yes?---Yes.

25 So you had a motion to amend, do you see that?---Yes.

Moved by yourself and seconded by Councillor McEvoy again?---Yes.

30 So clearly she's in the loop as to what's happening, isn't she?---Yes.

"That the Council amend the officer and committee recommendation";
Mrs Davidson, can you ever recall another situation in which you were making amendments to motions that had been approved by the committee, apart from these sponsorship applications we are dealing with? So not only do we have the officer
35 recommendation that's supported the committee, have you ever moved amendments to such motions?---No, but I think it has been done - - -

By you?--- - - - in Planning but not necessarily by me.

40 So am I right in saying that this might be a first that you were doing here?---I wouldn't like to say, I don't know.

Seems to be the case though ?---No, I've no idea.

45 Can you recall offhand any other, apart from these sponsorship applications we are dealing with, where you have moved an amendment - moved an alternate motion or an amendment to a motion which was different to the officer recommendation

and what the committee had endorsed?---I might have done in Finance but I cannot cite a particular item or topic.

5 So maybe what, once in Finance?---I don't know. It's a possibility.

Have you had the opportunity of reading the transcript that was provided to your lawyers of this particular Council meeting?---Not that I'm aware of, no.

10 No?---No - when you say a transcript, are you talking about the recording?

Yes, the recording. It's a transcript of the recording?---No. No, I haven't received anything.

15 You didn't receive that?---No.

COMMISSIONER: Was it provided, Mr Urquhart?

MR YELDON: There's no contest, it was provided.

20 COMMISSIONER: Thank you.

WITNESS: I haven't received it though. Could you just verify that?

25 MR URQUHART: I don't know. It was provided to your lawyers, Mr Yeldon has confirmed that that was the case?---Right, but I haven't received it.

COMMISSIONER: Mr Yeldon, is that right?

30 MR YELDON: I'm told otherwise, Commissioner - I'm informed otherwise.

COMMISSIONER: Thank you.

WITNESS: What, the whole transcript of the Council meeting?

35 MR URQUHART: There is a transcript that deals with this particular item, not of the whole meeting but this particular item. It numbers about 13 pages - 12, to be exact.

40 MR YELDON: I'm told it was sent electronically in a share file. Perhaps Counsel Assisting could go from there.

COMMISSIONER: So were the 12 to 13 pages provided to you? Yes. Your instructor is nodding, I will take that as a yes.

45 MR YELDON: Yes.

COMMISSIONER: Thank you. Please continue, Mr Urquhart.

WITNESS: Well, if they have, I have not read them. I've not read them, I'm sorry.

5 MR URQUHART: Do you have a recollection that the officer's report for the Perth Fashion Festival sponsorship application was a comprehensive one?---I don't recall. I'm sure it probably was, but I don't recall the specifics of it, no.

10 Madam Associate, if we can go now, please, to that transcript. Sir, this is TRIM number 24768 and specifically 6810, thank you, Madam Associate. Whilst that's being done I'm going to put this in context. This was after the primary motion had been moved by Councillor Chen and there was some debate then following and it's before you have filed or proposed your amendment to the motion. So are you with me?---(No audible response).

15 I just want to go to the top of the page.

COMMISSIONER: Could you blow that up, please, Madam Associate. Thank you.

20 MR URQUHART: Starting with the Deputy Lord Mayor, do you see that:

The CEO mentioned that earlier on, that we are applying some robust criteria now, putting some standards along the process of analysing all these requests so we can make informed decisions.

25 Do you agree with me, Mrs Davidson, it's very important that Council decides matters on an informed basis?---It was a new process that they were putting in place and trialling.

30 Do you agree with me though, getting back to my question, that it's important that Council considers matters with an informed basis?---True.

35 Councillor Chen says, "I would like to see the objective criteria." The Deputy Lord Mayor says, "Yes, that's - sorry, please", and then the CEO, Mr Mileham, states this:

40 *Through the Chair: the report I believe is pretty fulsome in the attachment, albeit unnumbered. Each of the, I guess, parameters is assessed and scored and as you will see, public outcomes in the City of Perth, economic impact, sustainability, et cetera, and it continues. So there's several criteria and Daniel would be able to probably again talk to the detail. However, there's also a large panel, I believe, seven officers in.*

45 I just stop there to clarify, Mrs Davidson, they are actually talking about the Perth Fashion Festival report and recommendation, okay?---Right.

"I believe seven officers", and then Mr High, who is Daniel High says, "Seven officers across three Directorates." Mr Mileham repeats, "Across three Directorates" and then it's "indistinct" and then Mr High says, "And including two Directors." Okay?---Yes.

5

Mr Mileham continues:

This particular item, to ensure that there was an appropriate assessment across the various categories, because obviously when we begin to bring in elements such as healthy and active City, as economic impact, sustainability, that has some impacts or should I say, we can draw some expertise from across the organisation and hence that's why the panel was comprised that way, and as has been pointed out, the scoring system is designed to trigger triennial or otherwise, and then if it doesn't trigger the triennial, of course then the score points towards the quantum of support recommended as per the previous item, that quantum was pretty clear.

10

15

So there we go, does that help refresh your memory about the fact that this report had been - some considerable time and effort by a number of highly ranked officers had input into that report?---Yes.

20

They are the experts, aren't they?---Yes. As I say, it was a new process that was being trialled.

25

We can still keep the transcript up there, but we are now going to go to the audio recording of what happened after that when the Deputy Lord Mayor says something and then we are going to play about a minute, which includes your motion to amend. Madam Associate, what we are now going to go to is - we won't be able to keep that up on the screen, will we?

30

ASSOCIATE: No.

MR URQUHART: All right, that's okay. So this is what happens after that last bit there from Mr Mileham. It's 6665, Madam Associate, TRIM number 24255. It's the ordinary Council meeting from 6 June 2017. It starts at 6 minutes and 10 seconds into that meeting. Let's how we go, Madam Associate.

35

(Audio played to the court).

40

MR URQUHART: Thank you, Madam Associate, that will do now for that. So notwithstanding those comments by Mr Mileham regarding who had had input into the preparation of that report and ultimately that recommendation, that large sum of money of \$230,000, you put forward an amendment increasing the amount by \$25,000 to \$255,000, is that correct?---Correct.

45

And then of course, there was also what's been described as, I think, add-ons; does

that ring a bell?---No, it does not.

There's a reason why there's such a precise amount provided. Never mind. You wanted an extra \$25,000 for the Perth Fashion Festival. We could hear some
5 laughter there, do you remember that?---Yes

[3.15 pm]

Can you understand why a Councillor might have reacted in that way?---Well
10 obviously those who didn't wish to see the increase, you know, scoffed at the idea.

Can you see why they might have, given what had just happened a matter of a few minutes earlier?---I'm sure.

15 What was that?---That obviously \$25,000 had come off Hopman Cup and here it was, going to be placed towards the Fashion Festival, so there were some who decided that they would make a - well, not a reasonable comment, if I can use the word, a rude comment while the debate was taking place.

20 What was that rude comment?---Well, they scoffed at the idea of, you know, where the \$25,000 was going to go.

Do you recall when it was you said there in the audio, and Madam Associate, if we can go back now to the transcript - we have got it there, thank you - 6811 now.
25 You see there, Councillor Davidson:

I don't expect it around the Chamber. There is nothing, you know, that's funny about that amendment I've just made.

30 Then you say, "Not at all." You may or may not have heard what you were responding to when you said, "Not at all" but there is an unidentified voice in the background stating, "Very well planned", okay?---Right.

It was a very good plan, wasn't it, of yours?---I don't know who said that.
35

That doesn't matter, we have moved on from there. Your plan was working out perfectly, wasn't it?---I'd worked out that obviously 25 from Hopman would go towards the Perth Fashion Festival, but I didn't expect, you know, rude comments around the Chamber.

40 The question is, it was going according to plan, wasn't it, your course of action?---True.

45 So for a comment to be said, "Very well planned" is an accurate one, isn't it?---Obviously someone thought that, yes.

But it's an accurate one, isn't it?---Well, that's obviously what they thought.

I know that. I know that, that's why they said it and that's an accurate comment to make, wasn't it?---I'd made those amendments accordingly, yes.

5 So you agree, that was an accurate comment to make?---Yes - well, I thought it was rude, but never mind.

Really?---Yes, I do.

10 But it was an accurate comment to make?---They weren't supposed to - anyway, it doesn't matter. The Chair didn't give them leave to speak but they did.

Mrs Davidson, on the subject matter of not supposed to, it would seem, would you not agree, from the evidence that's been presented to you today, that you weren't
15 supposed to be even there participating in this decision-making?---On that basis, no, but then Councillor Yong was also in the Chamber.

Yes?---So I don't quite know where all that went.

20 If we actually go back to have a look at then what happened when the alternate motion passed. Madam Associate, if we can go back, please, to 6421. There we go. This is just the next page from the one that I had taken you to a few moments ago. So the amended motion was put and carried. For, Councillors Adamos, Chen, Davidson, Limnios, McEvoy and Yong; against, Councillors Green and
25 Harley, can you see that?---Yes.

If you had not been present the alternate motion may never have even been put and if in fact Councillor Yong ought not have been there, and I'm not saying whether he was or wasn't, but say if he wasn't, then the numbers dwindle a little bit in
30 support, don't they?---They do.

The reason given:

35 *The Telstra Perth Fashion Festival delivers outcomes that support a greater increase in appropriate sponsorship.*

Do you see that?---Yes.

40 Did it?---I don't recall putting that down as a reason, the officers would have provided that.

Do you think that's a very good reason?---Well, in terms of giving a reason, that's obviously what was detailed.

45 Your reason was you were stressing that it was your prerogative?---Yes, I mean as an Elected Member I'm entitled to move alternate motions or amendments.

Yes, but there has to be a well grounded reason for that, doesn't there?---Yes.

A Councillor's prerogative is not a very good reason, is it?---No.

5

COMMISSIONER: Can I just interrupt you for a moment, please, Mr Urquhart. Ms Davidson, you may not be aware of this but the Inquiry's heard some evidence from Mr Limnios and Mr Limnios has indicated to the Inquiry in his evidence that the reason he voted for the alternate motion was because he considered it was the only motion on which he could vote. I just want to ask you something: if the alternate motion had not been put and you and Mr Yong were not present at this meeting, then would it have been - and Mr Limnios had indeed voted as he told us he intended to on an original motion, would it then be a situation where the vote was evenly divided?---You're taking Yong and Davidson out?

10
15

Yes, I am.

MR URQUHART: It might be better, sir, to go to 6420 for the purposes of this exercise.

20

COMMISSIONER: Yes?---It becomes almost, if you're not careful, a - could be a three all but then the Chair, who was Limnios, would have had the casting vote.

25

Right. Thank you?---And he decided to vote in favour of the amended motion.

Yes. As I said to you, you're not aware of the evidence he gave yesterday?---No.

So if he had exercised his casting vote on the original motion and it was a three all, then the original motion would have carried, wouldn't it?---Interesting.

30

Thank you?---Right.

MR URQUHART: I may go a little bit further be that, sir. If we can go back to 6420, thank you, Madam Associate. You see that there, so this is when the motion to amend was put and carried, do you see that?---Yes.

35

So if you hadn't been present and Councillor Yong hadn't been present but somebody else out of those who were for, Councillors Adamos, Chen or McEvoy had put that up, although it was unlikely Councillor Chen would have been able to because she moved - do you see that at the top of the page there - she moved that the Council approves the original amount, so that takes her out of the equation, doesn't it? She couldn't then move to amend the motion?---True.

40

So therefore that would only have left Councillor Adamos and McEvoy and it would have excluded yourself, Yong and Chen, do you see that?---Correct.

45

Then if then Councillor Chen decided to, as she did there, vote in support of the

motion to amend, even though she's moved the unamended motion, which is a bit odd in itself, isn't it?---Not really.

5 Not really for Councillor Chen or - - -?---No, it's just that people change their minds after they have listened to debate.

So you see there, if yourself and Councillor Yong had not been present, that would have just left three?---True.

10 So three for and there would have been three against?---True.

See Green, Harley, Limnios and then as Mr Limnios, who was the presiding Chair for this particular item, would have had the casting vote?---True.

15 And in all likelihood the amended - the motion would have failed, because it was only three all?---He would have done the casting vote.

Unless he did that backflip that Councillor Chen had done, then it would have failed?---Well - yes.

20 It would have, wouldn't it?---Yes.

25 So but for your presence, it would seem that the Perth Fashion Festival would not have got this additional \$25,000, do you agree with that?---Except when it was put, obviously - forget that.

It wouldn't have, yes?---Don't worry, forget that.

30 So but for your presence?---Yes, Chen and Limnios voted for 255.

So do you agree with me that but for your presence - - -?---True.

35 - - - the Perth Fashion Festival would have been stuck with the still rather sizeable sum of money of \$230,000 plus - I'm trying to remember what it was. It doesn't matter, they would have got \$25,000 less than what they ended up getting?---Yes.

So fair to say then, mission accomplished for you?---If you wish to put it in those words, Mr Urquhart, what occurred was completed.

40 Sorry, was?---What occurred was completed.

And mission accomplished?---Yes, if you want to use those words.

45 It's a not inaccurate description, is it? Is it?---No. Slightly - I won't say it.

Just turning back now to Gift Declarations how careful were you in completing Gift Declarations just of a general nature? We have gone through some of those

things you wrote in your Gift Declarations for the Perth Fashion Festival and I think you've agreed it could have been done better?---Yes.

5 Do you accept that? So how careful were you then completing other Gift Declarations regarding tickets that you'd received from other organisations?---I thought reasonably careful.

Reasonably careful?---Yes.

10 Of course, when you were completing a Gift Declaration, if you'd received two tickets to an event, you're supposed to declare the two tickets, aren't you?---Yes.

That's just a given, isn't it?---Yes.

15 It's Councillor 101, isn't it?---Yes.

Once more, there's a trust placed by the City in Councillors properly and accurately recording details on the Gift Declarations, isn't there?---Correct.

20 [3.30 pm]

25

30

35

40

45

I want to take you now, please, to 16.0798, TRIM number, sir, 24717.

COMMISSIONER: Thank you.

5 MR URQUHART: 0798, thank you, Madam Associate. There it is. This is from 31 March of 2016. So this is at a time when it's all up in the spotlight, the matter regarding Gift Declarations, do you agree?---Yes.

10 We can go to the page before, but it's from Mr Ridgwell and we can see that from the signature block, that it's from Mark Ridgwell, Manager, Governance, do you see that?---Yes.

And it's addressed to the Lord Mayor and Councillors and CCed to some other people. It reads:

15

Dear Lord Mayor and Councillors, please find attached the online Gift and Travel Register that will be uploaded to the website 2 pm today, Regards.

20 So this was this online Gift and Travel Register that had been set up, do you recall that?---Yes.

And this is so, isn't it, members of the public can have a look and see what their elected representatives are doing?---Yes.

25

And what gifts they are receiving, yes, and from whom, yes?---Yes.

And the value of those gifts, yes?---Yes.

30 We go now to 0799, and this is an attachment to that email and we can see there, can we not - - -

COMMISSIONER: Probably not. Can we have it enlarged a little bit?

35 MR URQUHART: No, we can't.

COMMISSIONER: The top half of it enlarged. Thank you.

40 MR URQUHART: Can we do it even a bit more? Yes, that's it. No, we don't need to see, "Internal use only" so much because they are just TRIM reference numbers there. That's perfect.

COMMISSIONER: Thank you.

45 MR URQUHART: Thank you, sir, for drawing that to my attention.

We can see there some description of gifts that have been provided: Jemma

Green, the 40under40 Awards, which we have already heard some evidence about, haven't we?---Yes.

5 "Name of person who made gift: WA Business News. Date received: 9 March 2016. Estimated value of gift: \$275", do you see that?---\$200 it is but it actually was \$275.

10 No, what she has written is \$275. I'm talking about Jemma Green. We will get to you. Jemma Green, we are going in the top?---Right.

Do you see that?---Yes.

Sometimes it's not all about you, Mrs Davidson, I need to put it into some context here.

15

COMMISSIONER: That's unnecessary, Mr Urquhart.

MR URQUHART: I'm sorry, sir. I apologise. I know I've been drawing the witness' attention to matters involving her, yes, but that came across wrongly. Sometimes I wanted to take you, Mrs Davidson, to what other people have done rather than yourself, so I apologise for that. Thank you, sir. Then we have Keith Yong who's made some declarations and I want to go now down to yours. You see there, "Janet Davidson, 40under40, Business News, 40under40 Awards. Date gift received: 9 March 2016, \$200 sponsorship", do you see that?---Yes.

25

Estimated value of gift and do you agree with me, that's the same event that Councillor Green had attended?---Yes.

30 And one below you, Reece Harley, "40under40 Awards ticket, City of Perth sponsored, WA Business News, 9 March 2016, \$270", do you see that?---Yes.

Again, the same event, is it not?---Yes.

35 So there's a discrepancy there in the value of the gift?---There is, in terms of being uploaded to the Gift Register and I know there's a form where \$200 was originally put in, queried and then it got altered to \$275.

Who queried it?---Well, I know there's an email from Councillor Harley.

40 Let's have a look at that now. 797, TRIM number, sir, 24717.

COMMISSIONER: Thank you.

45 MR URQUHART: The same trim number as a matter of fact.

Mr Ridgwell had sent that email at one minute to midday on 31 March and then Councillor Harley sends you an email, doesn't he, at 12.26 pm on that same day.

Just enlarge that, please, Madam Associate, if we can?---Yes.

:

5 *Hi Janet, FYI, raising this with you for your own benefit. I notice
 you've declared one ticket for the 40under40, not two. Might want to
 amend the record in case someone picks you up.*

?---It just depends on when the Business 40under40s was held.

10

"Yours sincerely, Reece Harley"?---Mm hmm.

So I think from what you were saying in your evidence a little while ago, the actual
price per ticket was \$275, is that right?---Yes, that's what I discovered later. So
15 the form was amended.

But you only discovered it thanks to Councillor Harley?---No, because by that time
the City of Perth corporate table, someone dropped out and they asked people to
fill the spot, hence mine got amended to two.

20

Yes, but it was Councillor Harley who reminded you that you needed to amend the
records?---He would have seen me at the event.

Yes, and probably just as well, do you agree with that?---Well, only from the point
25 of view you've just got to work out the timing. When the event took place, the
original form had probably been put in, then someone dropped out on the very
night of the event.

25

Yes?---And then hence obviously the form was revised.

30

Are you constructing what would have happened or is this your actual
recollection?---No, that was my recollection.

I'm giving you an opportunity here, do you accept that might have been a
35 constructing of your evidence rather than what actually happened?---That's what I
believe happened.

35

If we then go, Madam Associate, to 808, 0808, still 16. TRIM number, sir, 24719.

40

COMMISSIONER: Thank you.

MR URQUHART: 808 - let's go 809. 809, this is still the same - at the bottom
there, the same email I've taken you to that Mr Ridgwell sent at 11.59 am. Bear it
in mind that Mr Harley sent you his email at 12.26 pm, you've sent an email to
45 Mr Ridgwell, together with a number of others, at 12.32 pm, do you see
that?---Yes.

45

It reads:

5 *This is where there's going to be no consistency as people are putting
different dollar figures in. Not sure how this can be resolved. Note, the
price of the 40under40s, I had two places so the figure is incorrect,
please correct.*

10 Then we go to the next page, 808, sorry, the page before. Mr Ridgwell seeks, or
sends you an email at 1.22 pm. Do you see that about a quarter of the way
down?---Yes.

:

15 *So for clarity, you wish for the declaration form value to be amended to
\$550, i.e., two times \$275?*

Then you respond:

20 *Yes, please, it will have to be. Over the \$300, but you see at the time
viewed at sponsorship.*

Okay?---Yes.

25 Then there's an email, just for the sake of completeness at 807, responding email
from Mr Ridgwell which says:

Yes, understood. Thanks.

30 There we go. Now I'm going to suggest to you that but for Councillor Harley
raising that with you, what would have gone on line is the amount of \$200?---No, I
disagree with that.

35 You disagree with that?---I would, because that was a - someone didn't turn up and
it was a quick replacement.

40 Again, Mrs Davidson, I'm going to suggest to you - listen carefully to this - that
that Gift Declaration Form you completed for \$200 was completed some time
close to 30 March of 2016, and the reason why I say that is for two reasons:
because of those email correspondences you've had with Mr Ridgwell, you were
saying that this was sponsorship so therefore, there lies in some confusion, because
remember, there was a time there that you thought tickets that had been received
by way of sponsorship didn't have to be declared?---Yes, this was this notion of the
City of Perth table.

45 And then this all changed at or around 23 March 2016. Do you remember we have
gone through this, there was that briefing session that was had, then the exchange
of messages on WhatsApp on 24 March, yes?---Yes.

You're nodding your head, you've got to say yes?---Yes.

5 And then what followed, there was that avalanche of Gift Declaration Forms that had to be completed by 30 March and you had to complete the 99 in one night and being up at 1 am?---Yes.

Do you recall all that?---Yes.

10 This Gift Declaration Form that you made with respect to this event was one much those 99 that you completed right at the end of March, would you accept that?---Yes.

15 So that being the case, by that time you were fully aware that you had received two tickets for this event, not one?---Yes, as I say, we were - when I say we, Elected Members were contacted by phone to see if in fact they could do a replacement for whoever had dropped out.

20 Yes?---So they were asking us to supply someone.

So you invited someone that you knew to the event?---Yes.

25 Who was that?---It would have been either my husband or a ratepayer or, you know, whoever I decided to take along. The idea was to fill the gap on the table.

I realise that, but you were the recipient of the ticket?---True.

30 So therefore, you were required to declare not just the ticket you received but the ticket they received?---Yes.

And by virtue of the fact that your Gift Declaration Form said \$200 and the price of each ticket was \$275, that was wrong, wasn't it?---That's why it was revised.

35 And it was only revised because Councillor Harley drew that to your attention?---I'll accept the thanks of Councillor Harley that he did, but as I say, it was because of the timing of the person dropping out that obviously the form was revised.

40 Yes, but the form wasn't revised until you asked Mr Ridgwell to do so?---True.

And that was only after Councillor Harley had brought that to your attention?---Okay, I'll go along with that.

45 It's the facts, isn't it?---M'mm.

Yes?---M'mm.

So but for his intervention, an incorrect declaration would have been filed and the amount then posted online, yes?---Yes.

5 So why didn't you - - -?---At the time I put the form in, I didn't know the figure - -
-

[3.45 pm]

10 Mrs Davidson, I thought you had conceded that you did?---Well, not \$275.

You knew that you had had two free tickets to this event?---Yes, I know that but it was the timing of when the form went in.

15 Yes, I know and I thought you'd agreed with me and if you want to change your evidence that's fine, but I thought you'd agreed with me that this was one of those forms that you were completing late in March of 2016, one of those 99?---I don't know, I would have to look at the form.

20 I'm going to show you the form in a moment. I'm just trying to give you the opportunity, in fairness to you, Mrs Davidson - occasionally from time to time I am trying to assist witnesses and I'm trying to assist you here in reflecting carefully on the evidence that you're giving and that's why I'm inviting you to reflect carefully and give you the opportunity of clarifying or maybe amending your evidence that you have already given by saying that you completed the Gift
25 Declaration Form before you found out that you had this second free ticket. What I'm suggesting to you is that you filled out the form well after the event on 9 March and well after you knew that you had the second ticket?---I don't recall that so there's no point in my answering yes or no to it.

30 Madam Associate, if we can put up, please - just wait for one moment. You're saying that the original Gift Declaration Form you tendered or provided had that amount of \$200?---I think it had \$200 with a query.

35 I want to know why it was that you had the query again, bearing in mind that at least two other Councillors who attended the same event, one got the amount correct of \$275 and the other one got very close to it, \$270?---That was the issue at times with doing forms, people were putting in different figures.

40 But the correct amount was \$275, wasn't it?---True, true.

Let's have a look now, Madam Associate, at 0789. I will just give you an opportunity to familiarise yourself with that?---Yes, that's the first form.

45 That's the first form and I draw your attention now to the top right-hand corner with that stamp, do you see that, "Received 30 March 2016"?---Yes.

Mrs Davidson, wouldn't that suggest that this was one of those Gift Declaration

Forms that you were filling out and forwarding on at the end of that particular month?---Yes.

5 We can see the bottom of the page, Mr Mileham has signed and dated 30 March 2016, do you see that?---M'mm.

You see when you have signed the form - - -?---Yes, I've signed it, once more the date that the gift was offered, in error.

10 Yes, not the date in which you completed the form?---True, but I thought these forms were actually given to Governance on the 31st but anyway, obviously the CEO collected it, or it looks as if he's signed it off on the 30th.

15 You have sent it off to his office on or about 30 March, haven't you?---Right.

Which would be consistent with you completing the form on that night on which you had to complete all the other forms, would you agree with that?---I didn't think I handed them until the 31st but I stand corrected.

20 But you see, what I'm saying is that you hadn't signed this form on the day on which you attended the event, did you?---The date of the offer I've dated it, which was in error.

25 Yes. You filled out this form at a date subsequent to the event?---Yes.

So at a date subsequent to the event, you would have realised that you had two free tickets to this event, yes?---No, only virtually almost on the night of the event.

30 Subsequent I've said, after the event. It just stands to reason, after the event, you knew that you had two free tickets?---After? Yes, because I - yes.

You've completed the form after the date of the event, yes?---Yes.

35 However - - -

MR YELDON: Commissioner, if it assists, I have a point to raise in the absence of the witness?

40 COMMISSIONER: Yes.

MR URQUHART: Maybe we can just confer?

COMMISSIONER: All right.

45 MR URQUHART: Thank you, sir, I think we have resolved it.

MR YELDON: Yes, I will withdraw the point.

COMMISSIONER: Thank you. Before you resume, Mr Urquhart. Ms Davidson, how are you bearing up?---Very well and I would like to complete today if I could, Commissioner.

5

I would like to complete your evidence today as well?---Thank you.

Continue, Mr Urquhart.

10 MR URQUHART: Thank you, sir.

Mrs Davidson, what I was establishing there is that you've completed this form after you have received - with knowledge that you had received two tickets to the event and not one, okay?---I'm sorry, not this form, the other form that was
15 revised. When I filled this form in, I was only expecting to take me - - -

Mrs Davidson, I'm sorry, I thought we'd established that when you - - -?---I know, but I'm just letting you to know that I was only expecting to take me.

20 But we have established though that given the stamp in the top right-hand corner there, that this was one of forms that you completed at or about 30 or March?---M'mm.

25 And in fact, you told me that you thought you'd completed it on 31 March?---I dated it the 30th and delivered it on the 31st, I think.

Okay, but you filled out this form an at or about 30 or 31 March, yes?---Right.

30 So that's three weeks after the event and therefore, that's three weeks after you knew that you had two tickets to this event, rather than one, do you see?---I see where you're coming from, it doesn't quite match my mind.

COMMISSIONER: Mr Urquhart - - -

35 WITNESS: Anyway, hence the revision of the form where two were put in with the correct figure.

40 COMMISSIONER: Mr Urquhart, I would like to finish Mrs Davidson's evidence today but it's apparent to me that a short adjournment so that people can clear their heads is required. I will adjourn the Inquiry for 10 minutes.

WITNESS WITHDREW

(Short adjournment).

45

HEARING RECOMMENCED AT 4.03 PM.

MS Janet Elizabeth DAVIDSON, recalled on former affirmation:

COMMISSIONER: Yes, Mr Urquhart.

5 MR URQUHART: Thank you very much, Commissioner.

Mrs Davidson, I don't want to spend too much more time on this document that appears on the screen in front of you, 16.0789, but if in fact you did complete this form about three weeks after the event, then the value of the gift should have been
10 the value of the two tickets you received, would you accept that?---Yes, and the form was revised.

Yes, I know that but that was only after Councillor Harley drew that to your attention, isn't that the case?---I can accept that but as I say, the sequence of events
15 was - - -

Yes, I know, you've explained the sequence. You got this free ticket very shortly before the event?---Yes.

20 But the event was on 9 March of 2016. You've then subsequently been told you have to complete this Gift Declaration Form, together with all those other Gift Declaration Forms and that would have been at the end of March. So therefore at the end of March you would have known you had two tickets to declare, yes?---Right.

25 And therefore the value that you've given there of \$200-plus - that's your handwriting, isn't it?---Yes.

Is not a very accurate estimate, is it?---It's an error.

30

But it's not a very accurate estimate, is it?---No.

What it should have been, if you wanted to have a more accurate estimated value should have been \$500-plus, should it not?---Yes. At the time - we have done this
35 before, at the time I thought I was the only one attending.

Sorry, that was?---At the time I was the only one attending.

I know at the time, but you see, you did know that the price of the tickets was \$275
40 each, did you not?---I didn't know, not at the time I filled out the form, no, only the revised form.

But it would have been very easy for you to find out, wouldn't have it?---Yes.

45 Because just very quickly, when you have a look at the form completed by Dr Green, Councillor Green, so that's at 791, please, Madam Associate, TRIM number 24714. Do you see this has been completed by Dr Green, she's dated it 23

March 2016, do you see that?---Yes.

And she's got, "Value of the gift: \$275" and she's ticked, "Actual value"?---Yes.

5 So it seems she had no difficulty establishing what the actual value was as of 23 March?---Yes, I believe she was a recipient.

Sorry?---I think she was a recipient of the award.

10 All right, yes?---So this is - and the event was on the 9th.

0793 now, Madam Associate, TRIM number 24715. This was the Gift Declaration Form completed by Councillor Adamos to attended the event, do you see there?---Right.

15 He's completed this form on 31 March 2016 and he's given an estimated value figure of \$275, do you see that?---Yes.

20 Then finally, my understanding is that the only other Councillor that attended was Councillor Harley, is that your recollection?---I don't recall anyone else but I know he was there.

0795, thank you, Madam Associate, TRIM number 24716, sir.

25 COMMISSIONER: Thank you.

MR URQUHART: There's Mr Harley's Elected Member Gift Declaration. He's signed that as at 30 March 2016 he's completed it. He's given an estimated value of \$270, do you see that?---Yes.

30 He's also there marked, "Who will benefit from acceptance of the gift" and he has said, "Myself", do you see that?---Yes.

35 And Councillor Adamos, who I just showed you a moment ago, he said, "Self"?---True.

Dr Green didn't complete that box in the form but if we go back to 789 for yourself now, "Who will benefit from acceptance of the gift" you've again put, "RP"?---Yes.

40 Which means ratepayer?---M'mm.

Bearing in mind that it looks like the other Councillors who attended the dinner had no difficulty either getting the exact value of the ticket or to be within \$5, your estimate was less accurate than that, wasn't it?---It was.

45 And again, have you got any explanation as to why?---No, none at all.

Again, just an oversight?---Yes.

5 Did you intentionally not want to declare that you actually received two tickets?---No, it was not intentional at all.

Which would take it over that \$300 threshold?---No.

10 Thank you. Mrs Davidson, you will be pleased to hear that I only want to go to one more area and that is regarding the Hopman Cup. A little earlier I showed you an email that Mr Ridgwell had sent to you, Councillor Yong, Councillor Chen, might have been, and Adamos - I might not be entirely accurate there, but he was
15 advising you all that you would need to make financial disclosure interests for an Ordinary Council Meeting that was on 11 October 2016. I can assure you this was done. I know I've shown you a lot of documents today?---Yes, that's fine.

I just wanted to show you now the Gift Declaration Forms that you completed for the times you attended the Hopman Cup. 0879, so 16.0879, thank you, Madam Associate, 879 rather than 789 that we just looked at?---Yes.

20 Just bear with me while I find my copy. I will give you a moment to have a look at what's on the screen there in front of you. You attended the cup on 3 January 2016, do you see that?---Yes.

25 "Date gift was offered: Hopman Cup sponsorship" and you were in a corporate box. I can say to you on this occasion, Mrs Davidson, that the estimated value of \$600 was pretty much spot-on because that wouldn't be your handwriting where it says, "\$96 times 6"?---No.

30 So somebody's actually written that in, coming to an amount of \$576. Again, given the top right-hand corner of the page, it says, "Received 30 March 2016"?---M'mm.

Which would suggest you completed this form just before that date?---Yes.

35 Would that be fair to say? So again, once more, if you go towards the bottom of the page where your signature appears, do you see there, 3/1/16?---Yes.

40 Again, that should have been the date on which you signed the form, do you agree with that?---That is true, and again, this got revised.

I'm sorry?---Did it not get revised?

45 No. Did you think it had? Do you have a recollection that it did?---I thought it had, but anyway. Whoever wrote in the 576, this again was sponsorship, corporate box, the City had a corporate box, encouraged by the CEO to - - -

Yes?---But look, there's another one that talks about 1152.

5 Mrs Davidson, I can assure you that the only matter that I wanted to point out to you that might not have been accurate there was the date?---True.

Then there was another Gift Declaration Form regarding the Hopman Cup because you attended a second day as well?---Night.

10 885, thank you, Madam Associate, 24748, TRIM number, sir?---Interesting.

Do you see that?---Yes.

15 This is 6 January that you've attended, it would seem, to a corporate box?---Yes.

And again, the same details as we see before?---Yes.

20 But once more, given the, "Received" stamp that appears in the top right-hand corner?---Yes.

You would have completed and submitted this form some time around that date?---Yes.

25 Rather than the 6/1/16 that appears towards the bottom right-hand corner of that Gift Declaration, do you see that?---Yes.

Do you accept that?---Yes.

30 Again, "Who will benefit from acceptance of the gift", you've indicated there, "Ratepayers invited"?---True, that was the encouragement from the CEO.

Who, sorry?---The encouragement when the CEO circulated the times, the encouragement was to have a corporate box and invite ratepayers.

35 I see, but you invited ratepayers who were friends of yours?---Well, ratepayers that I know. I mean, we are back to the dining room, so - - -

40 That's right, but friends of yours, weren't they?---I wouldn't call them friends but - - -

What would you call them?---Colleagues.

45 You didn't just randomly knock on doors in the City of Perth inviting people?---No, but I've known a lot of people over a lot of time.

And did your - - -?---I wouldn't call them friends. I'm going to be a little facetious now, but during the whole of these hearings, I've had less than five people phone

me up, so I don't think I've got too many friends.

Thank you for that. You agree with me that those tickets that you received led to the fact that you had to make a financial interest declaration for the Ordinary
5 Council Meeting that considered the Hopman Cup sponsorship application on 11 October 2016, and I can take you to the minutes but it's clear that you and the other three Councillors, Councillors Yong - - -?---And Adamos.

Adamos and Chen, I think might have been the third, or fourth rather. So no
10 questions for you regarding the actions you took for that Ordinary Council Meeting on 11 October of 2016. However, for the Ordinary Council Meeting on 6 June 2017, which remember we have already been through that today?---Yes

[4.15 pm]

15 And we could see there that in fact you not only participated in the consideration of that matter but also put forward that amended motion, do you remember that?---Yes, I do.

20 Can you give any explanation as to why you declared the financial interest the previous year but then eight months later, when it was considered again for the following year, you did not make such a declaration and in fact, nor did the three others?---I can't because I don't know why I would have declared the first financial
25 because we always viewed sponsorship in the old system as sponsorship where you're either a table or a corporate box or otherwise and it was viewed accordingly.

But Mrs Davidson, I know it's been a long day but we have established though, haven't we, that as of March 2016, Councillors realised that gifts that they receive
30 by way of tickets because of sponsorship arrangements now had to be declared and they may well have a conflict?---That's true. We obviously didn't view it that way.

I can remind you that it was Mr Ridgwell's email to the four of you the day before which advised you that you did have a financial interest with respect to the
35 Hopman Cup, okay?---Okay.

So that's for 2016?---Right.

40 So you haven't got a recollection as to why it was you didn't make a declaration of a financial interest for the next year?---No.

I'm going to show you some emails that you were CCed into and see whether that
45 might jog your memory, okay, and this will be the last document, you'll be pleased to know, that I'll be taking you to. Madam Associate - Madam Associate will be pleased I'm sure as well - 16.0947, thank you.

COMMISSIONER: 0947?

MR URQUHART: 0947, that's the one. TRIM number 24889.

COMMISSIONER: Thank you.

5 MR URQUHART: If we start at the bottom there, this is the actual email that Mr Ridgwell sent to you and the other three Councillors - are you going okay?---Yes.

I've probably only got three or four minutes to go?---M'mm.

10

So this is that email and then if we go now to the next one that he sent to the four of you. If you go down to page 946. Mrs Davidson, it's very important, if you can, to concentrate hard on this final matter?---Yes.

15 It's regrettable that it's so late in the day but I want to draw your attention now to the top email there, that we can confirm it was from Councillor Yong?---Yes.

And he's also CCed in you and Councillors Adamos and Chen?---Yes.

20 Together with Cathryn Clayton, do you see there?---Yes.

And he has sent this the same day?---Yes.

Councillor Yong has asked:

25

Hi Mark, for clarification purposes please advise if all EMs previously attended City's sponsored event must declare interest for the rest of their term as Councillors. Interested to know the reason, much appreciated, Kind regards.

30

So bearing in mind, this is now 2016 and you were last elected in 2015. Do you understand what Councillor Yong was asking there?---I can.

35 He was asking, to cut it short, whether the declaration of financial interest extended to the duration of a Councillor's term, okay?---Mm hmm.

And if it did - do you follow?---Yes.

40 In your case, if there hadn't been any suspension, you would have to continue to declare it a financial interest right up until next month?---Yes.

If you were still a Councillor?---Yes.

45 Do you follow that? I gather you haven't got a recollection of these emails?---Not - - -

Maybe not yet?---Not in the front of the brain, no.

Okay, that's fine. If we go now to the very last page I'm going to show you, 0945.
Thank you, Madam Associate. This is the response that Mr Ridgwell gave
Councillor Yong and he also CCed in you, do you see that, you and the other two
5 Councillors, together with Ms Clayton:

*Hello Cr Yong" - it reads "on those Elected Members who have
received a gift over \$200 in the past 12 month period.*

10 We have clarified with Mr Ridgwell that "on" should read "only"?---Where should
"only" be in?

Instead of "on", it should read "only"?---Okay.

15 "Only those Elected Members who have received a gift over \$200 in value in the
past 12 month period", and bear it in mind, Councillor Yong was asking a
question, "Please advise if all Elected Members previously attended City's
sponsored event must declare interest for the rest of their term as Councillors."
Mrs Davidson, I gather you've got no recollection of reading that email?---No.

20 However, when I asked you why it was that you didn't declare a financial interest
for the Hopman Cup consideration in 2017, does that assist you as to a reason
why? If it doesn't, it doesn't?---No, it doesn't. Obviously a corporate box and that
was all part of that sponsorship, so yes.

25 Just in fairness to you, I thought I would show you those email chains and see if it
might trigger a memory to explain what your subsequent conduct was in relation to
the declaration of financial interest, but you can't connect the two?---No.
Obviously our brains are all in the same direction somewhere.

30 Sorry?---Our brains were all in the same direction because we didn't declare.

Exactly, or at least for the Hopman Cup there were occasions when you did all
declare and then subsequently you didn't all declare, but it wasn't quite a same
35 synchronicity with respect to the Perth Fashion Festival, do you agree with that,
because Councillor Yong had made a declaration of a direct financial interest, at
least at one point?---M'mm.

40 Mrs Davidson, you will be pleased to know that's all the questions I have for
you?---Thank you very much, Mr Urquhart.

Thank you. Thank you, sir.

45 COMMISSIONER: Thank you, Mr Urquhart. I will now see if there are any
applications. Mr Malone, do you have an application?

MR MALONE: No application to make, Commissioner.

COMMISSIONER: Thank you. Mr Mariotto, do have one?

MR MARIOTTO: No applications, Commissioner.

5

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

MR TUOHY: No application, sir.

10

COMMISSIONER: Thank you. Mr Fetherstonhaugh, do you have one?

MR FETHERSTONHAUGH: No application, sir.

COMMISSIONER: Mr Yeldon, do you have one?

15

MR YELDON: Not on this occasion, Commissioner.

COMMISSIONER: Thank you. In that case, it only remains for me to do a few things. First of all, Mrs Davidson, it has been a long day and I want to thank you for your patience and your assistance with the work of the Inquiry?---Thank you.

20

Are there any other housekeeping matters, Mr Urquhart?

MR URQUHART: There's not, thank you, sir.

25

COMMISSIONER: Is a 9.30 commencement time on Tuesday adequate?

MR URQUHART: More than adequate, in fact, it might be the case we could start at 10 - no, it had better be 9.30, sir, yes. 9.30, thank you.

30

COMMISSIONER: In that case, I will adjourn the Inquiry to 9.30 am on Tuesday.

MR URQUHART: Thank you, sir.

35

WITNESS WITHDREW

**AT 4.24 PM THE MATTER WAS ADJOURNED
UNTIL TUESDAY, 1 OCTOBER 2019**

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