



PUBLIC INQUIRY INTO LIVERPOOL CITY COUNCIL

**COMMISSIONED UNDER S 438U OF THE LOCAL
GOVERNMENT ACT 1993 (NSW)**

**PUBLIC HEARING
SYDNEY**

**MONDAY, 27 OCTOBER 2025
AT 10.16 AM**

DAY 33

APPEARANCES

**Ms T McDonald SC, Senior Counsel Assisting
Ms B Anniwell, Counsel Assisting
Mr E McGinness, Counsel Assisting
Mr D Parish and Mr N Andrews, Counsel for Liverpool City Council
Ms K Richardson SC, Counsel for Mayor N Mannoun
Ms C Hamilton-Jewell, Counsel for Mr P Ristevski**

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<THE HEARING COMMENCED AT 10.16 AM

MS McDONALD: Now, before calling the first witness, may I tender some documents?

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COMMISSIONER: Yes.

MS McDONALD: I'll hand up a document entitled Documents for Tender Arising from Councillor Peter Harle's Evidence. It's - the index to TB8 that it is cross-referenced is currently MFI 26.

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COMMISSIONER: Yes. Yes. The documents in the list handed up this morning headed Documents for Tender by Counsel Assisting will have the exhibit numbers attributed to them in that list.

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MS McDONALD: I call Peter Ristevski.

COMMISSIONER: Yes. Come forward, Councillor. Just come forward into the witness box. Would you like to take an oath or affirmation?

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MR RISTEVSKI: Oath.

<PETER RISTEVSKI, SWORN

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COMMISSIONER: Take a seat. Yes, Ms McDonald.

MS McDONALD: Can you state your full name?

MR RISTEVSKI: Peter Ristevski.

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MS McDONALD: And your occupation?

MR RISTEVSKI: I'm an accountant and a councillor.

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MS McDONALD: And as an accountant, do you run an accounting firm?

MR RISTEVSKI: Correct.

MS McDONALD: So you have a number of employees working at that firm?

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MR RISTEVSKI: Correct.

MS McDONALD: And for how long have you acted or worked as an accountant?

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MR RISTEVSKI: Probably 30 - over 30 years.

MS McDONALD: Now, you also gave as part of your occupation a councillor.

MR RISTEVSKI: Yes.

5 **MS McDONALD:** You're currently a councillor at Liverpool City Council?

MR RISTEVSKI: Yes.

10 **MS McDONALD:** Now you - previously you have been a councillor on that council?

MR RISTEVSKI: Yes.

MS McDONALD: When were you previously a councillor?

15 **MR RISTEVSKI:** 2012 to 2016.

MS McDONALD: Now, back in 2012, when you stood to be elected as a councillor, were you part of the ticket affiliated with a political party?

20 **MR RISTEVSKI:** Yes.

MS McDONALD: And the political party was the Liberal Party?

25 **MR RISTEVSKI:** Yes.

MS McDONALD: As at 2012, how long had you been a member of the Liberal Party?

30 **MR RISTEVSKI:** I can't recall exactly, but it probably would have been 10 years.

MS McDONALD: And were you active in the Liberal Party around the Liverpool area?

35 **MR RISTEVSKI:** Yes.

MS McDONALD: And did that involve being a member of a local branch?

MR RISTEVSKI: Yes.

40 **MS McDONALD:** And what - which local branch?

MR RISTEVSKI: Moorebank.

45 **MS McDONALD:** Now, during the term 2012 to 2016, did you remain a member of the Liberal Party throughout that term?

MR RISTEVSKI: Yes.

MS McDONALD: Did you eventually leave the Liberal Party?

MR RISTEVSKI: Yes.

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MS McDONALD: And when was that?

MR RISTEVSKI: Just before - not this council election but the one previous. I can't remember what that -

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MS McDONALD: Was that the one that occurred late because of COVID?

MR RISTEVSKI: Correct.

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MS McDONALD: And it was about December 2021?

MR RISTEVSKI: Yes, it would be around that - it would have been in that year.

MS McDONALD: All right. In -

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COMMISSIONER: Councillor, could I just trouble you to keep your voice up just a touch?

MR RISTEVSKI: Yes. I might move closer to that. Yes.

25

COMMISSIONER: It's a lovely room, but the acoustics are a challenge.

MR RISTEVSKI: Yes. Yes. So it would have been in that year. I can't recall the month. But it would have been at the earlier part of the year.

30

MS McDONALD: Did you stand for election for council in the December '21 election?

MR RISTEVSKI: No.

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MS McDONALD: So after - and, sorry, at the end of the term in 2016 did you stand for election for the new council?

MR RISTEVSKI: No.

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MS McDONALD: So you ceased standing for election as a councillor until September of last year?

MR RISTEVSKI: Correct.

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MS McDONALD: And in the September election last year, did you also stand as mayor?

MR RISTEVSKI: Yes.

5 **MS McDONALD:** And which ward?

MR RISTEVSKI: South.

10 **MS McDONALD:** I think you've been described in evidence as being an independent. We've also heard evidence from Councillor Harle that although he's an independent, he's linked to a particular independents party. Are you a standalone independent or are you linked or involved in some kind of independent party?

MR RISTEVSKI: Independent party.

15 **MS McDONALD:** And which party is that?

MR RISTEVSKI: Our Local Community.

20 **MS McDONALD:** I'm sorry?

MR RISTEVSKI: Our Local Community.

25 **MS McDONALD:** And is Our Local Community - does that only operate in the Liverpool Council area?

MR RISTEVSKI: No.

30 **MS McDONALD:** So candidates from that party can be found standing for election in other council areas?

MR RISTEVSKI: Yes.

35 **MS McDONALD:** And in the September 2024 election, were there other candidates from that party standing in the Liverpool area?

MR RISTEVSKI: On my ticket or - because it - you run a - it's like a Senate voting system. So you - we had a full ticket of 10 - 10 candidates under the one brand.

40 **MS McDONALD:** Right. For Liverpool?

MR RISTEVSKI: Correct.

45 **MS McDONALD:** So - and we've heard some evidence about it being above the line and below the line for both North and South Ward. Was there a ticket of candidates affiliated with the local community team?

MR RISTEVSKI: Yes.

MS McDONALD: When did the local community - is it a team or is it actually a party? Or how do you describe it?

5 **MR RISTEVSKI:** It's registered to run in Local Government elections only.

MS McDONALD: And when did it commence? When was it established?

10 **MR RISTEVSKI:** I couldn't tell you, but it's been around probably for - I know the 2021 term, although I was the only one to utilise that branding in Liverpool elections in - in - last year. So they do have elected councillors in Cumberland, they've had them in Canada Bay. I can't recall the others.

15 **MS McDONALD:** Now, I want to ask you some questions about your relationship before becoming elected to the council in September with Mr Mannoun. I'm not going to go into great detail about the history of your relationship, but there are just some aspects of it which will be - which we would submit will be relevant to the Commissioner's enquiries. When did you first meet Mr Mannoun?

20 **MR RISTEVSKI:** Probably -

MS McDONALD: Again, just roughly.

25 **MR RISTEVSKI:** - 2008.

MS McDONALD: And did you meet him in a professional capacity?

30 **MR RISTEVSKI:** No. I went to a Liberal Party event in Liverpool. A client of mine, who's also a friend, introduced me to him.

MS McDONALD: After running into him or meeting him at that event, did that lead you to standing for election on a ticket in the 2008 election?

35 **MR RISTEVSKI:** Yes.

MS McDONALD: And that, again, was a ticket that was affiliated with the Liberal Party?

40 **MR RISTEVSKI:** Correct.

MS McDONALD: Were you successful in that election?

45 **MR RISTEVSKI:** No. I was lower on the ticket, just to make up the numbers. He asked me to come on the ticket. Obviously I bring a level of financial acumen that they needed as part of the team, but I really wasn't interested in - in becoming a councillor back then.

MS McDONALD: All right. Around - after that first meeting with Mr Mannoun, for a period did you provide accounting services to him?

MR RISTEVSKI: Yes.

5

MS McDONALD: When did that roughly commence?

MR RISTEVSKI: Probably around 2008.

10 **MS McDONALD:** And when did that cease?

MR RISTEVSKI: Probably around 2015.

15 **MS McDONALD:** Now, you've given evidence that you were elected to council on the Liberal Party ticket in the 2012 election.

MR RISTEVSKI: Yes.

20 **MS McDONALD:** At some point during that term, 2012 to 2016, did disagreements emerge between you and the mayor concerning council issues?

MR RISTEVSKI: Yes.

25 **MS McDONALD:** And although there is no caucus with councillors, when these disagreements emerged did you then - did it appear that you were voting not with the Liberal councillors but with the Labor and maybe other independent councillors?

MR RISTEVSKI: Yes.

30 **MS McDONALD:** When did that disagreement arise?

MR RISTEVSKI: 2015.

35 **MS McDONALD:** And in that council, did the Liberal affiliated councillors have a majority?

MR RISTEVSKI: Yes.

40 **MS McDONALD:** And when the disagreement emerged with the mayor, did that - was that majority maintained or did it become more a -

45 **MS HAMILTON-JEWELL:** I think there's a premise in that question, Commissioner. As I understand the position, it's - I don't think it's been put to Mr Ristevski that he's no longer a Liberal at that particular point in time.

MS McDONALD: I take your point. You're still a member of the Liberal Party?

MR RISTEVSKI: Yes.

MS McDONALD: But I thought you gave evidence that after the disagreement there were more times when you were voting with the Labor and any other independents?

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MR RISTEVSKI: Yes.

MS McDONALD: And that occurred since the disagreement in - sometime in 2015 with the mayor?

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MR RISTEVSKI: Yes. Although we didn't - like you said, you can't caucus. The only thing you - we caucused on was the deputy mayor and the committee. Everything else, everyone voted according to their conscience.

MS McDONALD: I'll bring up some minutes from a council meeting on 3 February 2016. This is INQ.002.001.0048. You can see it's the minutes of the ordinary meeting held on 3 February?

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MR RISTEVSKI: Yes.

MS McDONALD: Can we move down a little bit. And you can see present includes yourself and the mayor, Ned Mannoun?

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MR RISTEVSKI: Yes.

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MS McDONALD: What I wanted to draw your attention to - excuse me for a minute. If you'll just excuse me. Sorry about this. Right. Could we go through to page 15. Thanks. And I'm interested in item number NOMR 01. And this was a notice of rescission, seeking the rescission of a resolution from the December meeting. And you can see there the December meeting resolution is set out. So if we can move down the page - and it appears to be dealing with who was going to provide the building cleaning services within council. And my reading of it, just the text of it, it appears that it was a proposal that the provision of those services - instead of being provided by in-house employees, that it looks to tendering it out?

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MR RISTEVSKI: Yes.

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MS McDONALD: And if you look at the bottom of the page, you and -

MS HAMILTON-JEWELL: Commissioner, can I just raise - perhaps if it zooms out so we can see the full page on the screen. That might assist.

45

MS McDONALD: Can you see there that you're one of the councillors who brought the rescission motion?

MR RISTEVSKI: Yes.

MS McDONALD: And then if you go across the page - it becomes a little bit complicated, but there is - you then move a notice - a motion of urgency. You see that?

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MR RISTEVSKI: Yes.

MS McDONALD: And then we've got the mayor:

10 "...ruled that the motion proposed to be discussed was not of great urgency and would not be considered at this [motion]."

You then moved a motion of dissent to that ruling, and that was carried.

15 **MR RISTEVSKI:** Yes.

MS McDONALD: And then we've got:

20 "Discussion regarding the Motion of Urgency continued after the Rescission Motion was discussed and voted on."

MR RISTEVSKI: Yes.

25 **MS McDONALD:** Then it continues with the rescission motion. And if we move down the page, you can see it was carried.

MR RISTEVSKI: Yes.

30 **MS McDONALD:** An alternative motion was then moved by Councillor Stanley, and - which again is dealing with this issue of cleaning services and in-house council employees.

MR RISTEVSKI: Yes.

35 **MS McDONALD:** And if we go to the next page, the motion continues. And you can see, on being put to the meeting, the motion was declared carried.

MR RISTEVSKI: Yes.

40 **MS McDONALD:** There's a recess?

MR RISTEVSKI: Yes.

45 **MS McDONALD:** And then if we move to the bottom of the page we've got:

"Continuation of discussion of Motion of Urgency."

MR RISTEVSKI: Yes.

MS McDONALD: And then there's - an issue arises that it needs to be considered in closed session, according to the mayor.

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MR RISTEVSKI: Yes.

MS McDONALD: And if you go across the page, there's further - the issue of whether it needs to be dealt with in closed session is still being debated, and it appears that the motion was lost. And then if you move down a little bit more, you've got:

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"As the motion to deal with the matter in closed session was lost, the mayor ruled that it is against the Local Government Act and the Code of Meeting Practice to deal with the motion during Open Council session and as such the motion lapsed."

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MR RISTEVSKI: Yes.

MS McDONALD: And then if we look at the rest of the page, it appears that there is then debate and discussion between you and the mayor -

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MR RISTEVSKI: Yes.

MS McDONALD: - with the mayor asking you to withdraw the motion of urgency.

25

MR RISTEVSKI: Yes.

MS McDONALD: And then across the page - and you now appear to be moving that it be dealt with in closed session, and then we've got:

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"In accordance with clause 42.3 of the ... Code of Meeting Practice ... the mayor expelled Councillor Ristevski from the meeting for the rest of the meeting."

MR RISTEVSKI: Yes.

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MS McDONALD: And then it refers to clause 42.3. Was that the first time you'd been expelled from a meeting?

MR RISTEVSKI: Yes.

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MS McDONALD: And the expulsion from the meeting and also the debate and interaction between you and the mayor through this part of the meeting, I take it that was after your disagreement?

MR RISTEVSKI: Yes.

45

MS McDONALD: And does it reflect that your relationship with the mayor at that time was - how to describe it - maybe slightly antagonistic, slightly hostile?

5 **MR RISTEVSKI:** I don't know if you can use those strong terms, but I lost confidence in him.

MS McDONALD: And does your conduct reflect that you'd lost confidence in him at that point?

10 **MR RISTEVSKI:** Yes. And that's why I moved a motion of no confidence.

MS McDONALD: Now, I don't want to go into great detail about this, but after the 2016 council term was finished, you didn't stand for election to the new council?

15 **MR RISTEVSKI:** No, I didn't.

MS McDONALD: And neither did the mayor?

20 **MR RISTEVSKI:** No, he didn't.

MS McDONALD: And over that period there is some ongoing - I'll say antagonism or hostility between you and the mayor?

25 **COMMISSIONER:** Sorry, which period are we in now? This half -

MS McDONALD: After the 2016 -

COMMISSIONER: Until about when?

30 **MS McDONALD:** Being re-elected in September 2024.

COMMISSIONER: Okay. Have you got that period in mind, Councillor?

35 **MS McDONALD:** So there were some differences in opinion, with allegations being - or assertions by you and also by Mr Mannoun against each other in the press?

MR RISTEVSKI: Yes.

40 **MS McDONALD:** And can I just confirm, did you stand in the 2021 election?

MR RISTEVSKI: No, I did not stand.

MS McDONALD: So you didn't stand for mayor in that election?

45 **MR RISTEVSKI:** No.

MS McDONALD: And ultimately, does it culminate - sorry, I won't say "culminate". I withdraw that. And we've heard some evidence about defamation proceedings brought against you by the mayor in August 2023.

5 **MR RISTEVSKI:** Yes.

MS McDONALD: And those proceedings were eventually heard in September 2024.

10 **MR RISTEVSKI:** Yes.

MS McDONALD: And it resulted in a verdict for - or judgment in your favour.

MR RISTEVSKI: Yes.

15

MS McDONALD: And then you stood for election as an independent and were elected in September 2024.

MR RISTEVSKI: Yes.

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MS McDONALD: Your relationship with the mayor in September 2024 - how would you describe your relationship with him?

25 **MR RISTEVSKI:** I guess I don't trust him. It's nothing personal. It probably looks that way, but I look at the way he leads and I disagree.

MS McDONALD: In that answer you said it's not personal. We've heard some - or there's been some evidence in this inquiry along the lines of the view of a particular person who works within the council - that you and the mayor hate each other.

30

MR RISTEVSKI: No one's ever asked me that, so -

MS McDONALD: No, no, no, no. I'm just saying to you -

35 **COMMISSIONER:** He might have been now.

MS McDONALD: Yes. I'm just -

40 **MR RISTEVSKI:** Do I agree with that statement?

MS McDONALD: You - yes.

MR RISTEVSKI: No, I don't agree with that statement.

45 **MS McDONALD:** Do you agree that there's a level of hostility between the two of you?

MR RISTEVSKI: I don't think that's the right term. I think "vigorous debate".

MS McDONALD: Antagonism between the two of you?

5 **MR RISTEVSKI:** That seems more intentional. It's - I argue my point, he argues his points, and basically we argue our points quite passionately.

MS McDONALD: Yes.

10 **MR RISTEVSKI:** But not to antagonise but to, I guess, get our point across over the other.

COMMISSIONER: In one of your earlier answers my note is - and someone will correct me if I misheard you, but I thought you said, "Nothing personal. It might look that way." Did I hear you correctly?
15

MR RISTEVSKI: Yes.

COMMISSIONER: What did you mean by that?
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MR RISTEVSKI: I guess from the outside, the comment made, "they hate each other", that was an opinion by somebody without, I guess, canvassing me if that was the case. It might look that way. I guess in today's society people are afraid to debate. Everyone wants to conform. So when someone comes out and debates passionately about an issue it might look like there's hate, but it has nothing to do with it. It's like a football game. On the field you might tackle them very hard, but at the end of the game you just move on.
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MS McDONALD: Your comment - or your answers where, for example, you said "it's vigorous debate" and that you're pointing - putting your perspective or your point of view and the mayor would be putting his point of view or - et cetera, that vigorous debate - is there any limitation to that vigorous debate?
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MR RISTEVSKI: I don't understand the question.
35

MS McDONALD: You can have vigorous debate about a particular topic and you can put your perspective on - for example, if it's some kind of - to be a council decision - whether it's a good idea, whether it's going to be financially responsible, whether it's going to actually benefit the public.
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MR RISTEVSKI: Yes.

MS McDONALD: And you can put, quite strongly, your view on those matters?

45 **MR RISTEVSKI:** Yes.

MS McDONALD: So at least at one level, your concept of vigorous debate involves looking at the merits of a particular proposal and vigorously articulating whether you think it's a good or bad idea?

5 **MR RISTEVSKI:** Yes.

MS McDONALD: Sometimes debates go beyond that and can become personal and comments are made about a person who might be arguing the opposite position - and a personal comment is made about that person. Now, as part of your concept of
10 vigorous debate, put in your perspective, does it also include making personal comments at times about somebody who doesn't agree with your position?

MR RISTEVSKI: Well, I guess being elected officials, everything's personal as long as you don't cross the line into family. You're a public official - you're a public
15 official and so you put your personal branding out there. That's my interpretation of it.

MS McDONALD: From that answer, you've obviously established one boundary - that is, you don't bring into the debate the family of the person who's
20 opposing your point of view?

MR RISTEVSKI: Correct.

MS McDONALD: Are there any other lines or boundaries that, in this vigorous
25 debate, your view is, you don't cross?

MS HAMILTON-JEWELL: Commissioner, can I just raise a point here. I think the question is ambiguous, because it hasn't been identified the forum in which this
30 debate is taking place. It's a very broad question, it's a very general question. It is unclear whether or not that's debate within council meetings or debate more broadly or debate altogether. In my respectful submission, it would be of greater assistance if that could be clarified.

MS McDONALD: I can do that. I was asking you some questions about, in a sense,
35 the boundaries or lines in this debate. Now, implicit in the objection by your counsel is that the debate can take part - or take place in many venues. so council, social media, normal media, at some kind of council community event, et cetera. The boundaries and lines that you have in mind, do they differ according to the venue?

40 **MR RISTEVSKI:** It's a difficult one to answer without a specific example.

MS McDONALD: And just starting off kind of broadly -

MR RISTEVSKI: Yes. I guess - I mean, in council there is a Code of Meeting
45 Practice which you're bound by.

MS McDONALD: Yes.

MR RISTEVSKI: And outside of council you can speak normally. There's no Code of Meeting Practice outside of council. So I guess it's difficult to answer without a specific example.

5

MS McDONALD: Although the Code of Meeting Practice obviously doesn't apply outside the meeting, you do have a code of conduct for councillors?

MR RISTEVSKI: Correct.

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MS McDONALD: It would apply -

MR RISTEVSKI: Correct.

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MS McDONALD: - to vigorous debate outside a council meeting?

MR RISTEVSKI: Correct.

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MS McDONALD: And it would apply, for example, to social media posts?

MR RISTEVSKI: Correct.

MS McDONALD: Or other comments that you make publicly -

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MR RISTEVSKI: Correct.

MS McDONALD: - about decisions of council, et cetera?

MR RISTEVSKI: Correct.

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MS McDONALD: Now, within a council meeting, as you said, there's the Code of Meeting Practice that you have to comply with. Does it set the boundaries for you for your vigorous debate within council for the council meeting?

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MR RISTEVSKI: Yes, because the mayor controls the agenda. He stands up, you're not allowed to talk.

MS McDONALD: Right.

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MR RISTEVSKI: Outside of council he doesn't have that power.

MS McDONALD: And what you raise within council - where, for example, you've brought a notice of motion, you're speaking to that notice of motion, your vigorous debate in speaking in favour of that notice of motion, it's governed primarily by the Code of Meeting Practice?

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MR RISTEVSKI: Yes.

MS McDONALD: And is it your understanding that that Code of Meeting Practice incorporates the line that you described as you don't attack or bring up family?

5 **MR RISTEVSKI:** Correct.

MS McDONALD: And any other - at a council meeting, any other boundaries or lines that you observe that may not be expressly covered by the Code of Meeting Practice?

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MR RISTEVSKI: I can't recall.

MS McDONALD: Now, let's move from the council meeting. You have your own Councillor Peter Ristevski - it's a Facebook page?

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MR RISTEVSKI: Yes.

MS McDONALD: And also you participate in other local community - Liverpool community Facebook pages at times.

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MR RISTEVSKI: Correct.

MS McDONALD: Making, I think, posts to those.

25 **MR RISTEVSKI:** Correct.

MS McDONALD: Now, again - and do you see your utilisation of this social media as continuing the vigorous debate about issues that are arising in the council?

30 **MR RISTEVSKI:** Yes.

MS McDONALD: And when you're about to post something, which you say reflects the vigorous debate, what boundaries or lines do you have in mind that, in a sense, will curtail what you will actually post?

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MR RISTEVSKI: At the start of my term we had no training, so I thought there was no boundaries. I look at state and federal Parliament and they do vigorous debates on their socials and it's not an issue. But for whatever reason, Local Government has these restrictive provisions that our federal and state colleagues don't have, which I just can't get my head around, especially when they're dealing with a lot more serious issues than a Local Government issue. And when we first got training there was absolutely no training on social media. I think there was one sentence in the handbook and that's it.

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45 In my first term, 2012 to 2016, I didn't have a council Facebook page. I don't think it was as utilised as it is today. And as we speak here today my style has changed, obviously through the code of conducts that have been raised - I look at them from a

positive perspective as a self-audit and have put provisions in place to change - change the style, given the - in my opinion, the law is very restrictive to local councillors. If -

5 **MS McDONALD:** You said "the law"?

MR RISTEVSKI: Around the Local Government Act it's too restrictive and it doesn't apply to state and federal politicians. It needs to be even across the board, in my opinion.

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MS McDONALD: Can I just ask you some questions arising from that?

MR RISTEVSKI: Yes.

15 **MS McDONALD:** Going back to your 2012 to 2016 term, at that stage you didn't have a Councillor Ristevski Facebook page?

MR RISTEVSKI: I don't believe I did.

20 **MS McDONALD:** And is it fair to say, during that period, social media, although it existed, probably wasn't being utilised to the extent that it's used now?

MR RISTEVSKI: Exactly.

25 **MS McDONALD:** And your recollection of during your term in 2012 - sorry, 2012 to 2016, there wasn't really policies dealing with social media?

MR RISTEVSKI: I don't remember seeing any.

30 **MS McDONALD:** And there was no training on social media?

MR RISTEVSKI: No.

MS McDONALD: So you were re-elected in - last year, in about September 2024.

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MR RISTEVSKI: Yes.

MS McDONALD: We've heard evidence that the first training that the councillors received is in the form of some kind of induction.

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MR RISTEVSKI: Yes.

MS McDONALD: Which may have gone for about a day or two days.

45 **MR RISTEVSKI:** Yes.

MS McDONALD: During that induction training, were you given any training about use of social media?

MR RISTEVSKI: No.

5

MS McDONALD: Were you given training about the code of conduct?

MR RISTEVSKI: There was a snippet. It was quite an unusual training. For me, it felt like a propaganda exercise when each director would give their - a speech on what they do. But in all honesty, training should be around the Code of Meeting Practice. I still don't know the right way to do things in the Code of Meeting Practice - how to raise a notice of motion, code of conducts, social media, that's what we should have been receiving training on.

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MS McDONALD: All right. Can I just concentrate on this induction.

MR RISTEVSKI: Yes.

MS McDONALD: You described it as "propaganda". Do you describe it as propaganda because a lot of it involved individual directors addressing the new councillors, what, along the lines of, "This is what my directorate does," and explaining things like that?

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MR RISTEVSKI: Yes.

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MS McDONALD: And again, I think I missed it, but did you say there was a very small reference to the code of conduct?

MR RISTEVSKI: In the induction handbook, I think a paragraph.

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MS McDONALD: There's a paragraph in the handbook? Do you remember anybody during the induction addressing you in any substance about the code of conduct?

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MR RISTEVSKI: They would have raised it, but obviously I didn't find it beneficial. They may have just mentioned it, but in a generalised aspect without going into specifics. You really need to go into specifics and give real-life examples.

MS McDONALD: Now, you also said that - I think you raised that - training in the Code of Meeting Practice. Was that topic covered during the induction?

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MR RISTEVSKI: It was, but in minor parts.

MS McDONALD: In a minor way, did you say?

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MR RISTEVSKI: Yes. Look, as a councillor we - we really need to know the Code of Meeting Practice thoroughly. We need to know code of conducts. We need to

know social media. We need to know how to write notice of motions more so than the 80 per cent of time that was spent by the directors explaining what they do.

5 **COMMISSIONER:** You referred to a handbook. Did you have the councillors handbook in mind, the one that's published by the OLG? Is that the one you had in mind?

MR RISTEVSKI: I was - it was -

10 **COMMISSIONER:** Or was it something prepared by the council?

MR RISTEVSKI: It was a Liverpool Council one that they did -

COMMISSIONER: I see.

15

MR RISTEVSKI: - specifically about the directorates and what each directorate does. It just felt like a propaganda material in front of me, trying to sell me something without educating me.

20 **MS McDONALD:** Could we bring up document LCC.001.004.0003, please. And it can be live streamed. Now, Mr Ristevski, that's the councillor induction for Tuesday, 15 October 2024.

MR RISTEVSKI: Yes.

25

MS McDONALD: That was the induction that you attended?

MR RISTEVSKI: Yes.

30 **MS McDONALD:** If we move to the next page, we've got the agenda. And if we look at the agenda, your comment about the number of directors, informing people what they do, et cetera, you can see that commencing at about 9.40 am. Now, I'm interested towards the two sessions after lunch. And can you see at 1 o'clock there's:

35 "Code of Conduct/Code of Meeting Practice."

And that goes until the afternoon tea break, and then it recommences, according to the agenda, at 3 and goes through till 5. So you've got a couple of hours on that topic, and it would appear from the last column that they've brought in somebody from
40 Local Government Services Group. Do you recall, was that somebody from outside the council?

MR RISTEVSKI: I specifically can't remember the gentleman, but looking at this, it seems like he was outside the council.

45

MS McDONALD: Okay. Mr Oberhardt. That seems a couple of hours on the two codes. What do you recall was raised or discussed during those couple of hours?

5 **MR RISTEVSKI:** Nothing that really - there was no social media. There was nothing on notice of motions specifically. Code of Meeting Practice, nothing about how to raise a dissent motion and - it was not specific enough. Unless I can see the notes on the agenda items of that - because that's just the timetable, doesn't give me that much information, and - and I don't think it went till 5, I think it finished early, and then - yes, it's over 12 months ago, so it's difficult to recollect. But I - personally I didn't take a lot out of that meeting.

10 **COMMISSIONER:** Do you mean - when you say there wasn't a lot of information, the examples you're giving me seem to be in the nature of practical skills.

MR RISTEVSKI: Exactly.

15 **COMMISSIONER:** How to - rather than as opposed to what's in the document -

MR RISTEVSKI: Exactly.

20 **COMMISSIONER:** - but how to actually go about performing those functions. I have in mind in particular the Code of Meeting Practice, the meeting of - notice of motion, raising a notion of urgency and the like. Is that what you had in mind as to what was lacking?

25 **MR RISTEVSKI:** Yes. Too much - too much theory, not enough practical.

MS McDONALD: So nothing about social media. And as you've answered to the Commissioner, you would have liked to have seen more kind of the nuts and bolts - if you want to bring a notice of motion, this is how you draft it. For example, if you want to bring a dissent motion it's got to be in these terms with three
30 councillors signing it, kind of - things like that?

MR RISTEVSKI: Exactly.

35 **MS McDONALD:** With the discussion about the code of conduct, part of the code of conduct deals with conflicts of interest. So for example, pecuniary interests or non-pecuniary interests, et cetera. Did the - can you recall whether the induction session dealt with those types of matters?

40 **MR RISTEVSKI:** I can't recall. We did get a handbook around this, and I can't remember seeing too much on it, I have to say.

COMMISSIONER: Can we go over - just back to the first page. Back. Is this is handbook that you have in mind -

45 **MR RISTEVSKI:** No.

COMMISSIONER: - or is it another document?

MR RISTEVSKI: No. It's a - it's like a prospectus - colours - it's got, you know, photos -

5 **COMMISSIONER:** Council branding?

MR RISTEVSKI: Yes, photos of people. Like, that's why I call it propaganda and trying to sell me something - like a company prospectus rather than something that you can bring to a meeting and utilise.

10

MS McDONALD: I'll bring up another document. LCC.010.004.5849. And we can live stream it.

MR RISTEVSKI: That's the one.

15

MS McDONALD: That's it?

COMMISSIONER: Thank you.

20 **MS McDONALD:** You can remember it from the first page?

MR RISTEVSKI: Well, I -

MS McDONALD: And I think if you keep on going down it might -

25

MR RISTEVSKI: Yes.

MS McDONALD: - have a date.

30 **MR RISTEVSKI:** When I looked at it I didn't know what I was looking at at the first page with all the photos, and it just seems out of context - that has nothing to do with councillor induction.

35 **MS McDONALD:** All right. The particular section I wanted - page I wanted to take you to is page 36, please. This is under Corporate Governance and Responsibilities. And if you move down the bottom of that page - yes - we can bring up the media policy. There's a reference to the media policy. You can see the key principles, which - at least the first dot point is something that arises from the Act:

40 "The Mayor is the official spokesperson [for] the governing body".

MR RISTEVSKI: Yes.

45 **MS McDONALD:** And if we then move up the top - stop - we've also got the demarcation. Third dot point is:

"Councillors may provide the media with comment or post on social media if they make clear that [it's] ... their own opinion and does not represent the official position of council."

5 **MR RISTEVSKI:** Yes.

MS McDONALD: And then the final dot point about the mayor nominating another councillor to act as an official spokesperson for an issue. Then it's got:

10 "Implementation of the media policy as monitored by the Mayor, CEO and the Manager of Communications."

Then it refers to a media policy. Now, if I - excuse me for a minute. The media policy was the then current media policy, which was dated 29 July 2020. Could you
15 bring up, please, INQ.001.119 - last four digits are 1195. So it's INQ.001.001.1195. Yes. And if we - so you can see it's Media Policy 29 July 2020. If we go to the next page - stop there. You've got Purpose:

20 "To support positive engagement with the media, including social media, by Councillors and Council staff both in professional and personal capacities."

And if you continue down under section 3, Policy Statement, 3.1.3 raises that the:

25 "...Code of Conduct is also relevant when considering appropriate interaction with the media."

MR RISTEVSKI: Is that numbering wrong? Because it goes 1, 3, 2.

30 **COMMISSIONER:** It is out of order.

MS McDONALD: Yes. That's -

MR RISTEVSKI: Doesn't surprise me with Liverpool Council.

35 **MS McDONALD:** And then under Roles and Responsibilities you can see that it reiterates that identification who - who is the official spokesperson. But under 4.5 - again, it's that dot point that was in the induction manual that councillors may provide -

40 **COMMISSIONER:** 4.5?

MS McDONALD: Sorry, 4.1.5:

45 "Councillors may provide the media with comment, or post on social media, as long as they make clear this is provided as their own personal opinion and does not represent the official position of council."

And then if we go to the next page, it continues with paragraphs which are looking at who's responsible to act as the spokesperson in respect of certain parts of the council or particular entities within the council. Then it's got a section with media releases. And again, just looking at this very quickly, it appears that it's really a media policy that is assisting staff in these circumstances?

MR RISTEVSKI: Correct.

MS McDONALD: If we go down to Dealing with Media - and if you want to read it in more detail, just speak up.

MR RISTEVSKI: Sure.

MS McDONALD: But again, just a quick look at that part of the policy - again, it's really providing guidance to council employees?

MR RISTEVSKI: Yes.

MS McDONALD: Then across the page, 4.4, Personal Comments - again, 4.4.1 appears to be providing guidance primarily to employees or staff?

MR RISTEVSKI: Yes.

MS McDONALD: Then 4.5, you've got the reference to social media. And 4.5.1 probably doesn't take it much further. 4.5.2, "Posts by authorised officers must" - and can you see there there's a number of guidelines of, like:

"(a) be honest, polite and considerate; (b) include appropriate information".

It applies to authorised officers. What was your understanding of who an authorised officer was in July 2020 who would be covered by that particular part of the policy?

MR RISTEVSKI: Staff. Director, staff, someone senior.

COMMISSIONER: You referred to July 2020. That's the date of the policy.

MS McDONALD: Yes.

COMMISSIONER: The question is directed to the councillor's understanding on his election in September 2024?

MS McDONALD: Yes.

COMMISSIONER: I think you answered in that way, Councillor, but I just want to be clear -

MR RISTEVSKI: Yes. Sorry. Yes. Yes.

MS McDONALD: Sorry. I should have -

MR RISTEVSKI: Yes.

5

MS McDONALD: - made that clear, because -

MR RISTEVSKI: No, that's right. Yes.

10 **MS McDONALD:** I'm sorry. This is the policy -

MR RISTEVSKI: Yes.

MS McDONALD: - which was attached to the induction manual.

15

MR RISTEVSKI: Correct.

20 **MS McDONALD:** So my questions were based on - during the induction procedure you've got the manual, this was an attachment to the manual. And from the evidence before the inquiry up until a certain time, I think this year - until about February of this year this was the media policy.

MR RISTEVSKI: Yes.

25 **MS McDONALD:** So it would have covered from about September to February of this - September 2024 to February of this year?

MR RISTEVSKI: Yes.

30 **MS HAMILTON-JEWELL:** Sorry, I think it was May this year.

MR RISTEVSKI: Yes. That's right.

MS McDONALD: Okay.

35

MR RISTEVSKI: May. Yes. Yes, May.

MS McDONALD: Sorry, I was just looking - it was discussed at the February meeting, but -

40

MR RISTEVSKI: Yes. That's right. Yes. Yes.

COMMISSIONER: But adopted in May?

45 **MR RISTEVSKI:** Yes.

MS McDONALD: Yes. So your reading of this was that authorised officers did not include councillors?

MR RISTEVSKI: The -

5

MS McDONALD: Sorry, when -

MR RISTEVSKI: Yes, when I read it - it should have the word "councillors".

10 **MS McDONALD:** All right.

MR RISTEVSKI: Why make it ambiguous? And there's no definition of "officers", I don't think, in the document, so -

15 **MS McDONALD:** Yes.

MR RISTEVSKI: It's open - when you say "officer", I don't consider myself an officer.

20 **MS McDONALD:** An authorised officer?

MR RISTEVSKI: Yes. Correct.

25 **MS McDONALD:** Do you recall when you received - this was referred to during the induction period - whether there was any question asked or raising of, well, the authorised officer in 4.5.2, who it actually was?

30 **MR RISTEVSKI:** No, I don't believe anyone raised it. But this was raised at the end of the day after a long day. It probably should have been discussed at the start of the day, and the presentations by the officers or the -

MS McDONALD: The directors?

35 **MR RISTEVSKI:** - directors should have been at the end.

MS McDONALD: All right.

COMMISSIONER: Leaving aside the order -

40 **MR RISTEVSKI:** But no one raised it.

COMMISSIONER: - we - hang on. Hang on. Let me -

45 **MR RISTEVSKI:** Yes. Sorry.

COMMISSIONER: Just let me finish, and then you can answer. Were you taken through this policy during the induction?

MR RISTEVSKI: Not like this.

MS McDONALD: It was drawn to - at least drawn to your attention?

5

MR RISTEVSKI: Correct.

MS McDONALD: Before attending the induction day, had you read through the policy?

10

MR RISTEVSKI: No.

MS McDONALD: After the - let's say in the first couple of months while - when you were a councillor from September twenty - when did the induction take place?

15

MS HAMILTON-JEWELL: October 2024.

MS McDONALD: Thank you. Did you read the policy yourself?

MR RISTEVSKI: I didn't refer to it because it had a context that bound the staff, like you said, rather than councillors. I felt as if it didn't encompass councillors.

MS McDONALD: Some of it encompasses councillors.

MR RISTEVSKI: Some of it, yes, but I didn't refer to it because it - it mainly was talking about talking to the media. And I do remember that you can give your opinion, as long as it's your opinion and you don't bound - bind the council. There is certain takeaways that I remember from that, and then I - I utilised that.

MS McDONALD: And, sorry, what did you take from that?

MR RISTEVSKI: When speaking to the media, to expressly state, "This is my opinion."

MS McDONALD: When I asked you about some of the limits or boundaries that operated on your use of social media up to a certain point, you identified not involving families?

MR RISTEVSKI: Unless they - I should have - I've just recalled now - and I should have mentioned unless they should have put themselves out there - for example, the mayor's brother was on his ticket, he's been in the media about being a developer and how his brother's on council. So in that actual fact, even though that's his brother, he's putting himself out there to be spoken about. Obviously he wouldn't speak about his mother - has nothing to do with council, unless she's running - like, my opinion is - has nothing to do with.

45

MS McDONALD: All right. Sorry, the mayor's brother ran on a ticket, did he?

5 **MR RISTEVSKI:** I think so. I think he ran on a ticket, he's a developer, did some developments - it's all - these are all Sydney Morning Herald, Daily Telegraph publications and they're - it's out in the public domain. So ultimately that's open slather, in the sense that you can talk about that particular family member.

10 **MS McDONALD:** All right. So that limitation with that caveat - and also another limitation or line that you would not cross is, you would say, along the lines of, "This is my opinion" - or you wouldn't put it forward as an opinion belonging to Liverpool City Council?

MR RISTEVSKI: Correct.

15 **MS McDONALD:** All right. And, look, if we just very quickly finish this document - if we go down the page, under 4.6 you've got:

"Monitoring posts by users."

20 And then again it's got:

"Authorised officers need to monitor posts regularly during business hours and ... remove or hide content that defames an individual" -

25 et cetera?

MR RISTEVSKI: Yes.

30 **MS McDONALD:** Your reading of "authorised officers" there, who is it referring to?

MR RISTEVSKI: Now it's - even more adamant that it's a staff member.

35 **MS McDONALD:** All right. And if we go across the page - just dealing with this very quickly, 4.7, Enquiry and Response Handling - again, it's looking at customer enquiries and how they can be handled. And you've got, like, simple question, a date of an event, communication officer to post a reply.

MR RISTEVSKI: Yes.

40 **MS McDONALD:** So again, is - and then if you keep on going:

"Communication to public about roles and responsibilities."

45 Again, the terms of that, is that consistent with your view that it's really geared towards the staff of the council?

MR RISTEVSKI: Exactly. We can't control what gets put on the council Facebook page, nor can we make any amendments or remove comments.

5 **MS McDONALD:** All right. And then if we jump to 4.9 - this is under Personal Use of Social Media. You can see it's got:

"Council does not seek to restrict personal use of social media ... however, employees need to be aware that their conduct on social media may impact on their employment.

10 It's the staff responsibility to protect brand and reputation."

Et cetera. And I won't read it all out, but just looking at the terms of 4.9, and in particular 4.9.5:

15 "Breaching this policy may result in disciplinary action, counselling or dismissal."

Again, reading that, is that consistent with your view that you've just expressed, that this seemed to be primarily dealing with employees of council?

20 **MR RISTEVSKI:** Correct.

MS McDONALD: And then we'll just finish off with 4.10. Consistently with that -

25 **MR RISTEVSKI:** Correct.

MS McDONALD: - 4.10 is the same. All right. So - excuse me for a minute. Now, when you commenced as councillor in September 2024, you established the Councillor Peter Ristevski Facebook page?

30 **MR RISTEVSKI:** I have a media team that did it for me. I'm not - I'm not a very computer-savvy, tech-savvy person. It was my campaign social media page and I just converted it.

35 **MS McDONALD:** Okay. Now, that Facebook page is your, in a sense, personal Facebook page?

MR RISTEVSKI: I run two Facebook pages: one for me personally, which is centred around my business; and another one, council.

40 **MS McDONALD:** When I said it's your personal Facebook page, it's not controlled by council, in that they don't control posts that can be made to the Facebook page?

MR RISTEVSKI: No. That's right.

45 **MS McDONALD:** So it's, in a sense, personal in that it's quite different from the Liverpool City Council Facebook page?

MR RISTEVSKI: Yes.

MS McDONALD: But as a councillor, you can open the Facebook page, if that's the appropriate word, under your councillor name? So Councillor Peter Ristevski.

5

MR RISTEVSKI: Yes.

MS McDONALD: And what's your policy with the posts that you make on that Facebook page? You said that you've got another one but that's for your business. So I take it the Councillor Peter Ristevski Facebook page is dealing primarily with matters concerning Liverpool City Council?

10

MR RISTEVSKI: Council issues.

MS McDONALD: Now, when you make - from one of your earlier answers, when I'm asking you questions about what you post and what you take into account with what you post, is there - has there been, in your evidence, a change in your behaviour?

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MR RISTEVSKI: Yes.

20

MS McDONALD: And when did - just roughly a month - when did that change occur?

MR RISTEVSKI: Probably halfway through this year.

25

MS McDONALD: So about June/July?

MR RISTEVSKI: Correct.

30

MS McDONALD: Can I go back to some evidence that you gave beforehand. You said at the start of the term you really received no training or no indication of boundaries, and you used as an example - or compared it with state and federal politicians.

35

MR RISTEVSKI: Yes.

MS McDONALD: What were you referring to with state and federal politicians?

MR RISTEVSKI: Their posts are quite rigorous and they can target a specific Member of Parliament, but they don't get into trouble even though they - it brings Parliament into disrepute, which is never used except in council, which I just still just can't get my head around. They can engage in vigorous debate against another MP and it has no consequences. Obviously outside - there is defamation, but I'm talking within the realms of Parliament.

40
45

MS McDONALD: So again, the law of defamation is another kind of -

MR RISTEVSKI: Yes. Correct.

MS McDONALD: - limit or restriction that you would -

5

MR RISTEVSKI: Which is outside the Local Government Act, but -

MS McDONALD: Yes.

10 **MR RISTEVSKI:** Yes.

MS McDONALD: And this observation you've made is of state parliamentarians and federal parliamentarians using an equivalent personal Facebook page?

15 **MR RISTEVSKI:** Yes.

MS McDONALD: And when I say "personal", it would be like MP Jane Smith's Facebook page?

20 **MR RISTEVSKI:** Correct. Yes.

MS McDONALD: And so you've observed such Facebook pages. And as you've described, they often include vigorous debate and targeting a particular MP in the opposition?

25

MR RISTEVSKI: Correct.

MS McDONALD: Or the other side. And your view is that - sorry, is your view that it doesn't appear to be - those politicians don't appear to be subject to the same restraints that local councillors are?

30

MR RISTEVSKI: Exactly.

MS McDONALD: And is that your view now, after June and July of this year, where your evidence is, there's been a change in the way that you use social media?

35

MR RISTEVSKI: Considering the amount of code of conducts that have come out, and predominantly about social media - and I've pretty much used it as an audit, and I just don't understand it from a perspective that - Local Government comes under state government, we don't - we're not recognised in the constitution. And they've got one set of standards for a state MP, another set of standards for a Local Government councillor and they don't reconcile.

40

So it's changed my entire thinking - to having to deal with these code of conducts, and now I've drilled down on - more specifically educating myself on what, I guess, is allowed and what isn't allowed, what's grey, what's not grey, which in my opinion

45

is unnecessary. There needs to be a rule across all levels of government that are consistent.

5 **MS McDONALD:** So if I can look at your use of social media, say - from October 2024, let's say, until June of this year the boundaries or restrictions were, you don't raise family, but with the caveat that you've recently expressed about them being a family member in the public arena?

10 **MR RISTEVSKI:** Correct.

MS McDONALD: You said that you express the opinion as your opinion, you're not purporting to be expressing the opinion of the council as a whole?

15 **MR RISTEVSKI:** Yes.

MS McDONALD: And that it's also subject to defamation law?

MR RISTEVSKI: Yes.

20 **MS McDONALD:** Any other in that period - restrictions or lines that you wouldn't cross?

COMMISSIONER: Again, sorry, just so I'm clear, which period? After the -

25 **MS McDONALD:** I'm sorry. From October 2024 until about June of this year.

COMMISSIONER: So prior to what's been described as the change in behaviour?

30 **MS McDONALD:** Yes.

MR RISTEVSKI: I think that covers it, pretty much. Each item is dealt with individually, but in general you are right.

35 **MS McDONALD:** Now - excuse me for a minute. When I took you to the social media policy that was in operation until about May of this year, I took you to the express reference to the code of conduct.

MR RISTEVSKI: Yes.

40 **MS McDONALD:** Now, during the period that I'm asking you some questions about, the code of conduct that was in operation until about 21 May was the code of conduct of 30 August 2022?

45 **MR RISTEVSKI:** You mean the media policy or the code of -

MS McDONALD: No, the code of conduct. Do you remember, the media policy said -

MR RISTEVSKI: Yes.

MS McDONALD: - code of conduct is basically relevant -
5

MR RISTEVSKI: Yes.

MS McDONALD: - and you should take that into account?

10 **MR RISTEVSKI:** Yes. Yes.

MS McDONALD: And the relevant code of conduct was the one existing on
30 - sorry, that was adopted on 30 August 2022.

15 **MR RISTEVSKI:** Yes.

MS McDONALD: Could we bring that up, please. INQ.001.001.1134. Yes, please.
So you can see Liverpool City Council Code of Conduct, 30 August 2022.

20 **MR RISTEVSKI:** Yes.

MS McDONALD: Could you go through to page 6, please, which is Part 3 General
Conduct Obligations. Now, this has a number of subheadings, including General
Conduct?

25 **MR RISTEVSKI:** Yes.

MS McDONALD: And under - if you can go back - under 3.1, under General
Conduct:

30 "You must not conduct yourself in a manner that" -

and then you've got the (a):

35 "Likely to bring the council or other council officials into disrepute."

Which we'll come back to during my questions of you, but what I'm looking at at the
moment is the other subparagraphs. For example, (c):

40 "Improper or unethical."

(d):

"Is an abuse of power"

45 (e):

"Causes, comprises or involves intimidation or verbal abuse."

And then (g):

5 "Constitutes harassment or bullying behaviour under this code or is unlawfully discriminatory."

Now, harassment is then expanded in paragraph 3.6 and 3.7. And you can see there, 3.6:

10

"You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of age, disability, race (including colour, national or ethnic origin or immigrant status), sex ... [et cetera] family responsibilities ... [and then finally with] religious or other

15

MR RISTEVSKI: Yes.

MS McDONALD: And then under 3.7 you've got:

20

"For the purposes of this code, 'Harassment' is any form of behaviour towards a person that: (a) is not wanted ... offends, humiliates or intimidates the person and creates a hostile environment."

25

MR RISTEVSKI: Yes.

MS McDONALD: Now, can you turn your mind back to that induction training. Were you specifically taken to these provisions of code of conduct under General Conduct Obligations?

30

MR RISTEVSKI: No.

MS McDONALD: After attending that induction where at least the code of conduct was mentioned, did you read yourself the contents of the code of conduct?

35

MS HAMILTON-JEWELL: Commissioner, can I just raise one matter?

COMMISSIONER: Yes.

40

MS HAMILTON-JEWELL: I'm loath to interrupt.

COMMISSIONER: That's all right.

45

MS HAMILTON-JEWELL: Could we please have a short adjournment? I just wish to seek my client's instructions in relation to a particular matter, including his right to claim particular privileges.

COMMISSIONER: All right. Yes, of course. I'll - I was going to delay the morning adjournment, but why don't we just take it now, and that should give you ample time. And if you need more time, you can get a message to me. And I'll adjourn for morning tea. So unless I hear otherwise that you need more time, which we can
5 accommodate, I will return to the bench at five to 12. But if you need more time, feel free to get a message to me and that can be accommodated.

MS HAMILTON-JEWELL: May it please.

10 **COMMISSIONER:** I'll adjourn till five to 12 unless otherwise indicated.

<THE HEARING ADJOURNED AT 11.35 AM

<THE HEARING RESUMED AT 12.02 PM

15 **COMMISSIONER:** Yes.

MS McDONALD: Mr Ristevski, before the break I took you to the code of conduct that had been adopted on 30 August 2022, and this was the code of conduct that was
20 current when you commenced as a councillor around September/October 2024 and it remained the code of conduct until 21 May 2025. And I was taking you to some relevant parts of Part 3 General Conduct Obligations, and I was taking you to the provision which deals - it gives you some more detail about the prohibition on
25 engaging in conduct which constitutes, for example, harassment.

And harassment there - you can see, under 3.6, you must not - I went through this - you must not harass against others, et cetera, on particular bases. And then, under 3.7, it defines what harassment means. And also under part 3, section 3.12, which I should draw your attention to again - next page. Down the bottom, Work
30 Health and Safety. It refers to councillors owing statutory duties under the Work Health and Safety Act. You can see that?

MR RISTEVSKI: Yes.

35 **MS McDONALD:** And under (b) you must:

"Take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons."

40 Now, I think just before the break I was asking you code of - the code of conduct was raised during your induction, but I think your answer was this Part 3 General Conduct Obligations, your recollection was it wasn't dealt with during the induction?

MR RISTEVSKI: Are you talking about this document?
45

MS McDONALD: Well, this was the code of conduct -

MR RISTEVSKI: Okay. Yes. Yes.

MS McDONALD: - that was in existence when you undertook your induction.

5 **MR RISTEVSKI:** Yes.

MS McDONALD: We've seen in the agenda there were a couple of hours -

10 **MR RISTEVSKI:** Yes.

MS McDONALD: - put aside to code of conduct and -

MR RISTEVSKI: Correct.

15 **MS McDONALD:** - I think, the code of meeting practice.

MR RISTEVSKI: Yes.

20 **MS McDONALD:** My question is during that induction section - session, were you taken to Part 3 General Conduct Obligation?

MR RISTEVSKI: No. We weren't taken through the policy like you are right now.

25 **MS McDONALD:** Can you recall, was it referred to or mentioned at all?

MR RISTEVSKI: I can't recall it being mentioned. I can definitely tell you we were never taught anything about work health and safety.

30 **MS McDONALD:** At the induction?

MR RISTEVSKI: Correct. And we've only just done a training in the last 30 days.

35 **MS McDONALD:** All right. We'll come back to that - the training that you've recently done.

COMMISSIONER: I'm sorry to interrupt. I just didn't quite catch that answer. There was a loud door slam. Councillor, could you just repeat that for me?

40 **MR RISTEVSKI:** Yes. So we weren't trained on the Work Health and Safety Act as mentioned in 3.12. We've only just received training for that in the last 30 days.

COMMISSIONER: Thank you.

45 **MS McDONALD:** Now, after you attended the induction, there at least was a reference to the code of conduct.

MR RISTEVSKI: Yes.

MS McDONALD: Did you read it yourself after the induction?

5 **MR RISTEVSKI:** I honestly can't recall. I have referred to it more so now, once I've received a whole bunch of these code of conducts. But I did not refer to it as vigorously, if at all, prior to receiving my first code of conduct.

10 **MS McDONALD:** Right. Can I ask you that - when did you receive your first code of conduct?

MR RISTEVSKI: From memory, I think June maybe.

15 **MS McDONALD:** And when you say, "I received my first code of conduct," what did you actually receive?

MR RISTEVSKI: An email.

MS McDONALD: Who was the email from?

20 **MR RISTEVSKI:** I think the company was OCM.

MS McDONALD: And what did this - and the email was to your councillor email address?

25 **MR RISTEVSKI:** Yes.

MS McDONALD: And what did this email from OCM inform you about?

30 **MR RISTEVSKI:** There was a whole bunch of code of conducts. I was actually taken aback - I was quite in shock, because I had never been spoken to about any of these things. Like, for example, if an employee does something wrong in my office, I would speak to them. I wouldn't straightaway send them a letter. I just found it very impersonal, very inappropriate to be doing things that way rather than, "Look, these issues have arisen," and give you the education that you needed and walk you
35 through the steps internally, whether it's through training, going through each specific example what was wrong about it.

40 Because the code of conduct reviewer doesn't give you an education on it, she just brings it up. When I say "she", it was a female from OCM. So you've got no guidance. You don't have access to a lawyer - you do, but you've got to open your own wallet. You're left on your own. You're abandoned - you feel abandoned when you receive these things because you can't refer to anyone. The whole process, in my opinion, stinks.

45 **MS McDONALD:** I'm sorry, when did you receive this email again?

MR RISTEVSKI: Look, I think it was around June. I can't remember.

MS McDONALD: And you said that in the email there was a reference to a whole bunch of code of conducts.

5 **MR RISTEVSKI:** There would have been, in that one email, a whole bunch of them. It was quite an extensive document. Very overwhelming.

MS McDONALD: Can I - that's what I'm interested in.

10 **MR RISTEVSKI:** Yes.

MS McDONALD: What was - actually, were there attachments to the email or -

15 **MR RISTEVSKI:** It was a report. There was missing attachments that I had to request, because they were asking me for comment, but then they didn't provide a context of what I'm commenting on. Yes.

20 **MS McDONALD:** All right. So there was some kind of report attached to this email?

MR RISTEVSKI: Yes.

25 **MS McDONALD:** And some other attachments, but not a complete set of attachments?

MR RISTEVSKI: Correct. For example, "You said this on radio, on The Pulse." Well, where's the radio extract? "You posted this," where's the post with the date stamp? A lot of that was missing, and I - it left a lot to be desired.

30 **MS McDONALD:** Okay. Do you - can you just excuse me. Do you recall before receiving that letter you've - or email, I'm sorry, around June 2025 - do you recall at a council meeting an increase in the number of code of conduct complaints received being raised by - he would have been probably the acting CEO?

35 **MR RISTEVSKI:** There probably was, but it was a very general discussion. In my first term on council I don't recall ever receiving a code of conduct, so it was very new to me. I really didn't know what - what it was about. I wasn't aware of the process. I didn't even know we didn't have an internal ombudsman at the time, but
40 when I got the email it was like - I emailed someone within council, "What do I do with this? Who do I go to? Do I have any support? Is there any internal person?" "No, you're on your own." The whole process was terrible.

MS McDONALD: And in this email from OCM, the report or any of the
45 attachments, did they set out the basis of a particular complaint? For example, I assume it identified the alleged conduct by you.

MR RISTEVSKI: Correct.

MS McDONALD: Did it also identify that the allegation of - if you did make this post or if you did say this, it was a breach of - it's allegedly a breach of these provisions of the code of conduct?

5

MR RISTEVSKI: It did say that.

MS McDONALD: Did that prompt you to then read the code of conduct?

10 **MR RISTEVSKI:** Yes. So I read the whole document. I read the whole report by OCM. I then looked at case law. A lot of these documents mean nothing unless there's - everyone has a different interpretation of a word. Case law drills down on that specific policy or - or legislation.

15 **MS McDONALD:** And before embarking on that reading - thorough reading, if I can describe it that way, of the code of conduct, had you read it before?

MR RISTEVSKI: Not in that context. I don't think I referred to it after the training.

20 **MS McDONALD:** All right. Excuse me. One of the matters you raised was that - you compared it with your business. And if you had an issue with an employee, you would sit them down and have a chat with them or a discussion.

MR RISTEVSKI: Correct.

25

MS McDONALD: Did that occur at all from October 2024 to, say, around June 2025, when you received this email?

30 **MR RISTEVSKI:** I would have informal coffees with the CEO and we would talk about these code of conducts, but they were more so from a tongue-in-cheek aspect. There wasn't - there was no specific training. It was an informal coffee where going through - I didn't even know there was code of conducts. You know, like, if he - it hasn't - it has - and I have to say, and I have commended him on this - on a handful occasions emailed me, saying, "Pete, this post, can you look at it thoroughly and
35 maybe reword it?" And I have obliged on every single occasion.

At times I've thought, "Look, I disagree with you. I'm going to get further advice, and then we'll find a middle ground." "Look, I haven't removed it but I've changed the wording, which I think we will be both happy with." I've also had Shayne
40 Mallard do the same and I've come back to him and amended my posts. It's not as if I'm being recalcitrant and just ignoring. I'm happy to address these issues if there's an issue, and I have done it in the past.

45 **MS McDONALD:** The coffees with the CEO, when did they take place?

MR RISTEVSKI: We would have regular coffees probably from 2024, after I got elected, till probably - I can't recall when they stopped, but I guess maybe around that time, July.

5 **MS McDONALD:** And how often would the coffees occur?

MR RISTEVSKI: Probably once -

10 **MS McDONALD:** - roughly once a month or -

MR RISTEVSKI: Yes, about that. They weren't regularly - whenever we had a free schedule.

15 **MS McDONALD:** And during those coffees, did he raise with you that there had been code of conduct complaints against you?

20 **MR RISTEVSKI:** I don't remember him using that formal word, but he did raise, look - for example, Shayne Mallard was upset with me about something that I posted and I said - and that has never come up as a code of conduct - and I said, "Look, I'm only speaking about something that's already in the public domain. And I haven't used his name per se, but it's not new information that I'm bringing up." So we were talking about that, toing and froing about it, but it was never an education process - you know, here's the code of conduct, 3.12 says this and case law says that. It was never that formal. Just an informal discussion.

25 **MS McDONALD:** The post that Mr Mallard was upset about -

MR RISTEVSKI: Yes.

30 **MS McDONALD:** - your recollection is that you did not use his name?

MR RISTEVSKI: Correct.

35 **MS McDONALD:** Did you refer to his role?

MR RISTEVSKI: I don't know his specific role. I may have referred to him as a director.

40 **MS McDONALD:** And did you refer to his salary?

45 **MR RISTEVSKI:** Whatever was reported in the paper, I think I did. I can't remember at the top of my head, but I was regurgitating information that was out in the public domain. It wasn't confidential. I don't even know what his salary is, so I had to refer to the Sydney Morning Herald, I think it was.

MS McDONALD: These coffees were the CEO - you've given an example that he raised with you this post and that Mr Mallard was upset about it.

MR RISTEVSKI: Yes.

5 **MS McDONALD:** Is that one of those examples that you referred to where the CEO suggested that you change the wording or?

MR RISTEVSKI: No.

10 **MS McDONALD:** - amend it in any way?

MR RISTEVSKI: No. The way he would do it would be via an email, so I had a reference point. Discussions sometimes you can forget; you have a coffee with someone and the day gets away from you and you forget about a lot of the things that were discussed. It was more formal via an email, so I can address the specific areas and adhere to it, which I did.

MS McDONALD: What about this matter that the CEO raised with you about Mr Mallard?

20 **MR RISTEVSKI:** Yes.

MS McDONALD: Did you do anything about it?

25 **MR RISTEVSKI:** No. I basically said that, "It's out in the public domain. It's not confidential information, and the ratepayers are concerned that it looks like nepotism."

MS McDONALD: It looks like what, sorry?

30 **MR RISTEVSKI:** Nepotism, because you've got all these Liberal Party operators working within council on very large salaries, and the public are being asked to - or the ratepayers are being asked to do a rate increase and they're very upset.

35 **MS McDONALD:** Excuse me. Other coffee meetings with the CEO, what other topics relevant to - putting it broadly - code of conduct matters were raised with you by the CEO?

40 **MR RISTEVSKI:** I guess we - I can recall a few of them. One of the committees that I - I moved at a council meeting, the waste committee - it was passed at council. I was upset about the way a particular director took my motion and turned it into something completely different. So I gave him my opinion that he's not entitled to do that. I guess -

45 **MS McDONALD:** But I'm really focusing on coffee meetings with the CEO where he's raising with you your conduct, which can include posts to social media, which may come within those provisions of the code of conduct that I just took you to.

MR RISTEVSKI: What other matters?

MS McDONALD: No, no, no. Other meetings -

5 **MR RISTEVSKI:** Other meetings. Yes. Yes.

MS McDONALD: - with the CEO where he would raise with you your conduct, whether it's posting a - something on social media or otherwise - where the CEO was concerned about your conduct in the context of those matters that I raised with the
10 code of conduct.

MR RISTEVSKI: No.

MS McDONALD: You can't remember any others?
15

MR RISTEVSKI: No.

MS McDONALD: During those coffee meetings, was work health and safety ever raised with you?
20

MR RISTEVSKI: No.

MS McDONALD: Can I return you to your - this - you've talked about, I think, vigorous debate.
25

MR RISTEVSKI: Yes.

MS McDONALD: And I just want to explore with you - up until June or July - June 2025 - when you say vigorous debate, I assume that means it's a debate about an issue relevant to council.
30

MR RISTEVSKI: Yes.

MS McDONALD: You know, for example, an increase in rates, a proposal to spend money on X by council, they're the type of topics that you're looking at?
35

MR RISTEVSKI: Yes.

MS McDONALD: So it's got to arise from topics or issues either - being debated at the council meeting; is that correct?
40

MR RISTEVSKI: Yes.

MS McDONALD: Or matters that you know the council are looking at and you think the ratepayers have a right to know about?
45

MR RISTEVSKI: Yes.

MS McDONALD: Now, the next aspect of a vigorous debate is that you're obviously putting your view on that topic.

5 **MR RISTEVSKI:** Yes.

MS McDONALD: And you've - I took you to some of the boundaries or lines that operated in your mind at that time when you're engaging in vigorous debate. Are there - what else, in your mind, around that time up until June 2025, did you include
10 in vigorous debate?

MR RISTEVSKI: It's a very general question. I guess if I have a specific example I can then (indistinct) intention.

15 **MS McDONALD:** All right. What about getting personal about somebody - another councillor who has taken an opposite view? So for example, if there's a proposal to sell an asset and your position is, no, that shouldn't be done, and another
20 councillor - his or her position is, no, it's a good idea. In engaging in the vigorous debate about whether a particular asset should be sold, would you get - make some personal comments about the councillor with the opposite view?

MR RISTEVSKI: Is there a specific example?

25 **MS McDONALD:** Not at the moment. I'm just trying to get boundaries.

MR RISTEVSKI: I'd have to say no, because it's a very general question. And what does the word "personal" mean? We're public officials, pretty much everything's personal. Our lives are there to be scrutinised. So unless I have a specific example it's
30 difficult to answer that question.

MS McDONALD: All right. You refer to religious background.

MR RISTEVSKI: Would I refer to a religious background? Well, you have to put it into context. For example, the Liverpool City Council spends 600,000 on Ramadan
35 of ratepayers' money, yet the Islamic faith represents, I think, 15 per cent. We spent below 50,000 on Christmas, and Christians represent probably a majority of the electorate. The mayor being from the Islamic faith - and the previous council term there was a lot of councillors from the Islamic faith. You have to bring it into
40 context. That's not getting personal.

MS McDONALD: But I'm looking at an example of - there's a proposal to sell an asset. Why would -

45 **MR RISTEVSKI:** Of the religions -

MS McDONALD: - the religious background or ethnic background -

MR RISTEVSKI: I - yes.

MS McDONALD: - of a councillor be relevant to a vigorous debate about that?

5 **MR RISTEVSKI:** I don't know what you're referring to, because I don't see where - the connection between religion or ethnic background involving an asset.

MS McDONALD: So in that context or that example, your view is that the vigorous
10 debate you would engage in would not raise a religious background or an ethical background?

MS HAMILTON-JEWELL: Well, I object to that, Commissioner. This witness has
15 on multiple occasions said he would need a specific example and he is unclear what the questions are being directed to. In my respectful submission, those questions are both hypothetical and incredibly broad so as to not be of assistance to you.

MS McDONALD: Commissioner, I'm trying to establish first what boundaries or
20 limitations were in Mr Ristevski's mind in this period before July 2025 - July 2025. Now, he's given us some concept of boundaries that were operating. I'm exploring that at that level - of whether particular matters, such as religious background and racial background, would be part of his vigorous debate.

25 Now, in an answer, he then gave an example of money being spent on particular festivals. I am bringing him back to a matter which isn't so linked with somebody's religious or ethnic background - that is, a proposal within council to sell a piece of property, and that you have a division within council with one lot of councillors saying, "No, we don't" - "we're not going to approve the sale of this asset," another group of councillors saying, "No, we should sell that asset."

30 In that example, which in my submission, given that we're just trying to work out boundaries and what was in Mr Ristevski's thinking at the time - is sufficient for him to identify whether in the vigorous debate that he's pursued in that example, dealing with the sale of asset, whether he would raise somebody's religious or ethnic
35 background.

COMMISSIONER: Yes. The question is premised on the content of the debate, is it not?

40 **MS McDONALD:** Yes.

COMMISSIONER: I'll allow the question.

MS McDONALD: So, Mr Ristevski, what I'm looking at is a debate - and you
45 weren't there - I don't think you were on the council at the time about the sale of Hoxston Park Road.

MR RISTEVSKI: When it was originally raised, no.

MS McDONALD: You were on council when the rescission motion -

MR RISTEVSKI: Correct.

5

MS McDONALD: All right. But can you see there, there's a difference of opinion, in that, you and a number of other councillors were of the view that assets shouldn't be sold, but there were a number of other councillors who were of the view that that asset should be sold?

10

MR RISTEVSKI: Sure.

MS McDONALD: Now, obviously those differences of opinion and the issue that was before council should be debated and should also be subject to vigorous debate. But in that vigorous debate, would you raise the religious background or - pardon me. Sorry.

15

COMMISSIONER: Ethnicity.

20 **MS McDONALD:** Ethnicity - thank you - background of any councillor?

MR RISTEVSKI: No, because it has nothing to do with that topic.

25 **MS McDONALD:** So again, I'm just trying to think up the principles and your thinking at this time - raising religious or ethnicity of any councillor - you may, if it is relevant to what you were vigorously debating?

30 **MR RISTEVSKI:** Correct, because there's a connection there. For example, the - the example I gave you. Another example is the mayor went to Saudi Arabia and there was an expense to ratepayers. Saudi Arabia obviously is in the Middle East, he's from a Middle East background, it's the centre of Islam. Residents are asking, "What's that got to do with broken footpaths and our rate rises?" There's a connection to that topic.

35 **MS McDONALD:** All right. So I can understand -

MR RISTEVSKI: Yes.

40 **MS McDONALD:** Your evidence is, and I'm - and again, it's kind of another limitation or line you won't cross.

MR RISTEVSKI: Yes.

45 **MS McDONALD:** You look at what the topic that you're vigorously debating is.

MR RISTEVSKI: Yes.

MS McDONALD: And if, in your mind, you see a connection between religious background, et cetera, that may be raised in your vigorous debating of the topic?

5 **MR RISTEVSKI:** Correct. And another one is the donation to Lebanon. It was raised by Richard Ammoun, who is - Lebanese background. You have to draw a connection, because there is a connection.

10 **MS McDONALD:** Can you just excuse me for a minute. Now, I've taken you to the media policy that was in existence when you became a councillor and that was referred to in that induction material.

MR RISTEVSKI: Yes.

15 **MS McDONALD:** Now, on 21 May of this year another media - a new media policy was adopted.

MR RISTEVSKI: Yes.

20 **MS McDONALD:** And I think that was raised first in either the February or March meeting.

MR RISTEVSKI: I think so.

25 **MS McDONALD:** You read through the proposed media policy?

MR RISTEVSKI: I objected.

MS McDONALD: All right. Did you vote against it being adopted?

30 **MR RISTEVSKI:** Yes. And the specific reason was Councillor Harle - and it looked like - if you're looking at the dynamics of the council meeting, it was a predetermined arrangement between the mayor and Councillor Harle. When I was debating the policy, the mayor would say, "Councillor Harle, do you have something to say?" And he didn't have his hand up, "Oh, yes, I do." And the motion was to
35 remove the community to have their say on this policy. That, to me, was very draconial, in the sense that - why are we removing the community from having a say on this policy when every other policy we put it to public submission and allow the community to have their say?

40 **MS McDONALD:** All right. Not undermining your concern, but that was a matter of procedure that the council should have - in your view, should have adopted putting it out to public exhibition before the council determined whether it would be adopted?

45 **MR RISTEVSKI:** Correct.

MS McDONALD: The actual content of the media policy, putting to one side your concern about procedure, did you have any concern about it?

5 **MR RISTEVSKI:** I had a concern, and there was a lot of talk in the community, that they are being silenced, they are being - not allowed to have their say, they are being censored. There's a lot of noise in the community and I had a very serious concern about that. I don't think that was addressed, especially when you're taking it away from public exhibition.

10 **MS McDONALD:** The concern that you're referring to of the community, is that because postings to the Liverpool City Council Facebook page - there was an expanded part of the procedure which looked at when posts would be removed?

15 **MR RISTEVSKI:** Yes. And if there's negative comment towards the mayor, which - you have a look at the negative settlement that council monitors on their social media - the posts that he made about Saudi Arabia, 99 per cent was negative.

20 **MS McDONALD:** Okay. I'm just trying to concentrate your attention on the media policy 2025. So part of your concern was that members of the community who wanted to post something, probably a critical comment to the Liverpool City Council Facebook page, that was being inhibited in some way?

MR RISTEVSKI: Exactly.

25 **MS McDONALD:** All right. Can we bring up the media policy, which is INQ.002.001.0001. Sorry, is that clear?

COMMISSIONER: Maybe go again.

30 **MS McDONALD:** I'll do it again. I apologise. INQ.002.001.001 - 15. All right. Sorry. Yes. And it can be live streamed. And you can see there the first page -

MR RISTEVSKI: Yes.

35 **MS McDONALD:** - of Media Policy 2025. If we move down towards the bottom of that page, adopted 21 May.

MR RISTEVSKI: Yes.

40 **MS McDONALD:** If we go to the next page, just under Purpose and Objectives you can see it's to:

45 "Provide guidelines in accordance with the Local Government Act and the overarching code of conduct for the mayor, councillors and council staff ... for all media interaction."

MR RISTEVSKI: Yes.

MS McDONALD: So the first thing I'd point out to you is that expressly the mayor and councillors are being referred to there.

5 **MR RISTEVSKI:** Yes.

MS McDONALD: And then, if we go to Definitions, you can see under Council Official, the mayor and councillors are expressly included?

10 **MR RISTEVSKI:** Yes.

MS McDONALD: And then there's a distinction between traditional media and social media, and that "media" in the policy means both. And then, if we move down to 3.1, we've got an Overview:

15

"This policy has been developed to provide a guidance framework so council officials [that's including councillors] can" -

and the second dot point:

20

"Use social media in an informed and appropriate manner."

And third dot point:

25 "Have protection against unwarranted attacks and other forms of abuse, vilification and bullying."

MR RISTEVSKI: Yes.

30 **MS McDONALD:** Right. Then -

COMMISSIONER: Sorry. Could you just scroll up so I can see the definition of "Council Official". Thanks. Yes. Thank you.

35 **MS McDONALD:** If we turn to the next page, you can see Implementation:

"...enforced by the CEO and/or [his] delegate and the manager, communications marketing and brand".

40 Then Enforcement, it refers expressly to the code of conduct. That provides:

"...council officials must not conduct themselves in a manner that's contrary to council's policies."

45 **MR RISTEVSKI:** Yes.

MS McDONALD: And then under Training and Compliance:

"Council officials [so councillors] must comply with the council's code of conduct and media policy when engaging with the media in an official capacity or in connection with their role."

5

And then you can see the third dot point:

"The council will provide training for council officials who engage or [who] are authorised to engage with the media."

10

MR RISTEVSKI: Yes.

MS McDONALD: Now - then I think we turn to Roles and Responsibilities. This seems to be a reiteration of what we saw before, along the lines of the mayor's the principal spokesperson of the governing body, the CEO is kind of the spokesperson for operational matters.

15

MR RISTEVSKI: Yes.

MS McDONALD: And then I want to take you to the next page, under 3.6.4. This is under Councillors. It refers to:

20

"...as a representative of the community, councillors are free to express personal views to the media."

25

But if we go across the page, these are the dot points I wanted to show - take your attention to. We've got:

"Must not purport to speak for the council unless authorised so to do."

30

MR RISTEVSKI: Yes.

MS McDONALD: That's consistent with the, in a sense, longstanding - who's spokesperson?

35

MR RISTEVSKI: Yes.

MS McDONALD: You:

"Must uphold and accurately represent the policies and decisions of the council".

40

But you can explain why you voted in a different way?

MR RISTEVSKI: Yes.

45

MS McDONALD: Now, under Standard of Conduct at 3.8 on that page, if we can get that:

"Council officials [including councillors] must comply with the ... code of conduct and ... media policy".

5 And then they:

10 "...must not share information or make comments to the media through either direct or indirect mechanisms that are defamatory, offensive, humiliating, threatening or intimidating to other council officials or members of the public; contains content about the council, council officials or members of the public that is false, inaccurate, misleading or deceptive; contains profane language, is sexual, prejudicial or inflammatory."

And then:

15

"Constitutes harassment and/or bullying within the ... code of conduct".

And I took you to those provisions beforehand. And then if we go across the page, the first dot point:

20

"Is contrary to their duties under the Work Health and Safety Act ... and their responsibilities under any policies or procedures adopted by the council to ensure workplace health and safety."

25 And then there's a number of other provisions or matters that you have to either take into account or comply with. Now, when this was adopted by council, and in particular those - if we go to the previous page, down the bottom - those dot points - the first dot point and then the third and fourth dot point, those factors - they're providing some limitations to the rigorous debate that you want to engage in?

30

MR RISTEVSKI: Yes.

35 **MS McDONALD:** Was your view that these dot points were either new or enlarged the limitations that previously existed?

MR RISTEVSKI: Correct.

40 **MS McDONALD:** But from 21 May 2025, these new or expanded limitations now operated on your rigorous debate?

MR RISTEVSKI: Correct.

45 **MS McDONALD:** And is it your view that from the date of this media policy being adopted 21 May, when making any of your posts or engaging with the media, you have taken these matters into account? Or, sorry, you've taken them into account and you've complied with those new limitations?

MR RISTEVSKI: Well -

5 **MS HAMILTON-JEWELL:** Well, I object to that, Commissioner. I'm not sure - I think there's an underlying premise in that question. If counsel assisting is asking this particular witness's view that's one thing, but the question of compliance is an underlying premise that ought not to be put to the witness in those terms.

10 **COMMISSIONER:** I had understood the question as seeking the councillor's view. Perhaps -

MS McDONALD: It was -

15 **COMMISSIONER:** - rephrase the question and - re-put the question and we'll see if there's a problem.

20 **MS McDONALD:** What I'm asking you, Councillor Ristevski - and I'm not going - asking you whether there's been non-compliance or whatever, but you can see through the questions I've been asking you today I have been asking you questions about what limitations or lines you were drawing when you were engaging with the media. And now you've got this new social media policy that's been adopted and you've agreed that there are - I think the terms were now some expanded restrictions or lines that you have to comply with.

25 **MR RISTEVSKI:** Correct.

30 **MS McDONALD:** And what I'm asking you is, after this policy was adopted on 21 May - these new expanded limitations or lines, did you start taking them into account when you were making posts on social media, for example?

35 **MR RISTEVSKI:** Because a lot of this wording can be misinterpreted by a different person. There's no definition of specific words like "defamatory", "offensive". The basis of my posts were on the code of conducts, but more specific they mention case law, they mention a specific post. That was more my reference points post - than more so this. Because a lot of the code of conducts came up - they probably refer to this media practice, but it wasn't in existence at the time.

40 **MS McDONALD:** You seem, in that answer, to be referring to codes of conduct that you became alerted to -

MR RISTEVSKI: It was the same time.

45 **MS McDONALD:** Right. So your view is that the information you've been provided, through being notified of code of conduct complaints against you, that's informed your thinking process when you make a social media post more than those factors in 3.8?

MR RISTEVSKI: Yes. Because it wasn't just OCM. Then there was another one that came out just a certain time after that. Then there was one that came out a certain time after that. So I had a lot more -

5 **MS McDONALD:** I'm just trying to work out your thinking process.

MR RISTEVSKI: Yes. So I had a lot more context and more specifics and an opportunity to sit down with the code of conduct reviewer and elaborate on a lot of these accusations that were made. This is a static document that you can't really - you
10 can only interpret it in your own mind, while the process of the code of conducts was more informative on how the style needed to change.

Because it's a burden on me as a person, having to deal with these code of
15 conducts - time away from my business, my family, time away from my role as a councillor - there's a lot of preparation that goes - involved in this, and I certainly didn't want to be spending my time dealing with these code of conduct complaints that I found were used - as a weaponisation to try and slow me down. It's a bit like of a war of attrition. It's demoralising. "Let's get him tied up in this red tape." You know, "He's becoming too popular with the residents. We can't have that."
20

MS McDONALD: And I just want to confirm your evidence that you did not realise that there had been a number of code of conduct complaints made against you until about June of this year?

25 **MR RISTEVSKI:** Correct. It was from OCM. And then there was another one from another company, then another from another company. Another two have come out as well since then. So they're flying out left, right and centre. And I understand the process now a lot better than in June, but I'd never been through a code of conduct before in my previous term. No one has ever sat me down formally to discuss what
30 these issues were. It was just here's a letter from some organisation - I have no idea who they were, and I think they had about 40 in there in one document.

MS McDONALD: You knew in February, didn't you, that there had been a code of conduct - some code of conduct complaints about you?

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MR RISTEVSKI: I think they referred to code of conducts in February. I can't remember when I received it, because I've got so many that my dates are all mixed up.

40 **MS McDONALD:** But you were notified in February that there were some code of conduct complaints against you?

MR RISTEVSKI: You could be right. You would have the document there in front of you, which I don't have, but I did sit down -

45

MS McDONALD: I'm just trying to work out -

MR RISTEVSKI: Yes.

MS McDONALD: - when you were notified.

5 **MR RISTEVSKI:** Probably -

MS McDONALD: And you've said June or July.

MR RISTEVSKI: Yes.

10

MS McDONALD: What I want to suggest to you is that you were actually notified in February that there were code of conducts against you.

15 **MR RISTEVSKI:** You're right, and I think I'm referring to June - is when I sat down with a code of conduct reviewer.

MS McDONALD: Okay. But I'm -

MR RISTEVSKI: Yes.

20

MS McDONALD: - at the moment just trying to work out -

MR RISTEVSKI: Yes. Okay. Yes.

25 **MS McDONALD:** - when you were informed that there were code of -

MR RISTEVSKI: I would agree with you, then.

30 **MS McDONALD:** - conduct complaints. And that was because you were actually contacted by one of these third-party investigative -

MR RISTEVSKI: Yes.

MS McDONALD: - groups, I think, called Weir.

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MR RISTEVSKI: Yes. That's right. Now I remember it.

MS McDONALD: And you -

40 **MR RISTEVSKI:** They were - yes. Yes.

MS McDONALD: - had an issue -

MR RISTEVSKI: Yes. Yes.

45

MS McDONALD: - about whether they may have a conflict of interest -

MR RISTEVSKI: Correct.

MS McDONALD: - in conducting an examination -

5 **MR RISTEVSKI:** Yes. There was -

MS McDONALD: Sorry, conducting the investigation into you.

MR RISTEVSKI: Yes. That's correct.

10

MS McDONALD: All right. How did the supposed conduct - sorry, conflict of interest with Weir arise?

15 **MR RISTEVSKI:** It was amazing that the person that was allocated the job - he did an investigation for the Liberal Party on the Moorebank branch.

MS McDONALD: All right. So it arose from an investigation about the Liberal Party, not council?

20 **MR RISTEVSKI:** Correct.

MS McDONALD: Where he had some involvement with you beforehand?

25 **MR RISTEVSKI:** Correct. He's known in the Liberal Party circles as - if you want something done -

MS McDONALD: Okay. Maybe if we bring up LCC.003.002.0157. And if we can go to page 2. Now, Mr Ristevski, this isn't your document but I just - we haven't got it up there yet. Yes. And if we can go through to page - yes. We can just stop it there.
30 Not your document, but the contents might jog your memory.

MR RISTEVSKI: Sure.

35 **MS McDONALD:** It's an internal email, and you can see, Mr Galpin is sending it to the CEO and Mr Portelli. Now, Mr Galpin's the in-house council, isn't he?

MR RISTEVSKI: Correct.

40 **MS McDONALD:** And is it your understanding that Mr Day is kind of the governance person within the council who deals with the - sorry, in a - deals at least administratively with code of conduct complaints?

MR RISTEVSKI: Yes.

45 **MS McDONALD:** And can you see there:

"It appears that the conduct reviewer at Weir informed Councillor Ristevski of the investigation. The councillor objected to the investigator's independence and in the exchange [apparently] the investigator became confused and ... disclosed" -

5 somebody else's name.

MR RISTEVSKI: Yes, it confused me too.

MS McDONALD: And then:

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"Weir will be contacting both the councillor and appointing a new investigator."

And then if you go back to the next page -

15

COMMISSIONER: Back in time or forward in time?

MS McDONALD: No, I'm sorry. That - yes, that one. Can you see Mr Day says, basically, they've raised this issue of a conflict of interest regarding Councillor Ristevski and that person has now stepped down, and that somebody else is now

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taking over the matter and conducting the investigation?

MR RISTEVSKI: Yes.

MS McDONALD: So from that it would appear in February you were alerted by somebody - an investigator employed by Weir - that there were code of conduct complaints about you that they were investigating, and at that point you raised your concern about a possible conflict of interest.

25

MR RISTEVSKI: Yes.

30

MS McDONALD: Now, at that point did you start making enquiries along the lines of, well, what are these code of conduct complaints?

MR RISTEVSKI: No. I was more concerned - how did this gentleman now, all of a sudden, get appointed to my code of conducts when I know personally he's used by the Liberal Party as a weapon to adhere to their decisions if they want to close a branch?

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MS McDONALD: All right.

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MR RISTEVSKI: I just thought it very suspicious. You've got a Liberal mayor, all these other Liberals working within council, and I just thought this does not - something's suspicious about this.

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MS McDONALD: And because of your suspicions, you raised an objection?

MR RISTEVSKI: Correct.

MS McDONALD: And that particular person, whoever it was, was taken off the investigation?

5 **MR RISTEVSKI:** Yes.

MS McDONALD: And somebody else was appointed?

MR RISTEVSKI: Yes.

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MS McDONALD: Just on that matter and - no, I'll come back to that at another time. But putting to one side your suspicions and raising the issue, and it would be - appear that the council employees dealing with code of conduct complaints took your concern, acted upon it, and a new investigator was appointed. At least at that point, you've been notified that there's code of conduct complaints against you?

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MR RISTEVSKI: Yes.

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MS McDONALD: Did you raise with anybody - for example, Mr Breton - did you go and have a coffee with him and say, "Look, I've been told that there's code of conduct complaints against me. I've got no idea" -

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MS HAMILTON-JEWELL: Commissioner, I object to that question. Can I potentially raise something in the absence of the witness? As a matter of fairness to this witness.

COMMISSIONER: Yes, of course. Councillor, would you mind just stepping outside?

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MR RISTEVSKI: Yes. Yes.

COMMISSIONER: It's no reflection on you. This happens from time to time.

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<THE WITNESS WITHDREW

MS HAMILTON-JEWELL: Commissioner, I do have a -

COMMISSIONER: Just - sorry. Yes. Thanks. The hall echoes. Yes.

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MS HAMILTON-JEWELL: Commissioner, I do have a concern. The code of conduct complaints processes are expressly stated to be confidential. My recollection is that the procedures state expressly that they're not permitted to talk to anyone about the code of conduct complaint that's been made, and my recollection is that the correspondence that is sent from particular investigators refers to those obligations of confidentiality.

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In circumstances where there are express and stringent obligations of confidentiality in relation to the code of conduct complaints processes, that is a factor that needs to be taken into account in putting witnesses - questions to this witness about whether or not he made enquiries about the code of conducts that were being raised.

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COMMISSIONER: I think there might be two parts to that. I think the question as to whether or not he sought out Mr Breton or anyone else is permissible. If there were to be a suggestion that he - if he didn't he was incorrect not to do so, then I take your point. What's the particular problem with the general question, did he do so?

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MS HAMILTON-JEWELL: Well, the general question did he - did he do something which he may or may not have read in the particular documents he was not permitted to do. In my respectful submission, it proceeds on an unfair premise, namely, that he can proceed to ask questions about the code of conduct complaints that are raised against him in circumstances where the code of conduct complaints process makes clear that the entire process is confidential.

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COMMISSIONER: I'm not sure that - I think - again, I'm not sure that arises from the first general question, but it's the logical next step, perhaps, if there were to be a follow-up, why not. Given what has been raised, what's the purpose of asking him whether he did or didn't, in circumstances where - we can check the detail of the code of conduct, but I think what Ms Hamilton-Jewell puts at a general level is right.

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MS McDONALD: But we're at the stage here - my understanding is the preliminary investigation is over and they're moving to an investigation. And as part of the investigation, obviously Mr Ristevski is informed of it because of - you know, procedural fairness, he's got to respond. So there's no secrecy provisions with Mr Ristevski being told about it. Obviously, the fact that there's been a preliminary assessment, there is a decision to now move to an investigation is known by the relevant people within the bureaucracy of the council - for example, the CEO, Mr Day and Mr Galpin.

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Now, in those circumstances, where we've moved to an investigation - putting to one side the conflict of interest with whoever this person was, Mr Ristevski is being told there are X number - tranche number 1, X number of complaints against you. My submission is it would be relevant as to whether he then raised in any way with the CEO along the lines of, you know, "What's going on? There's all these code of conduct complaints against me. What am I doing wrong? Where are they coming from?"

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His explanation has been, and I'm putting it broadly, "I was ignorant until about June or July. Now I'm told all this and I have reformed my way." Now, if that's correct and he's been alerted in February as to code of conduct complaints and we're moving to an investigation, in my submission what he did with that information - I accept albeit within the provisions of the code of conduct procedure - are relevant.

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COMMISSIONER: But at this time, does the councillor know what the content of the allegation is?

MS McDONALD: Well, he's been told that -

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COMMISSIONER: He's told there's an investigation and who's doing it, and that then sets in train a different process. But I understand the point that once - sorry, I withdraw that. I understand the submission that once he's aware of the content of the complaint - what he did with that information might be relevant to what happens later, but at this stage the documents, so far, only seem to establish that he's been contacted by the reviewer, and that then sets off the conflict of interest issue, and then it's allocated to someone else.

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As I say, I'm not sure the general - there's a problem with the general question did he do something, but the logical next step is a challenge, given that - and if we need to go to the detail of the procedures we can and we should, but it probably would mean that even if he had called Mr Breton, Mr Breton would be bound to say, "I can't talk to you about it," in which case it sort of hits a dead end pretty quickly.

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MS McDONALD: There may be some other questions I can ask him, about, "Did you do anything," in that -

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COMMISSIONER: I think - and we - well, we may as well explore this while the witness is out. Is there a problem if, once it's established that he's aware of the content of the complaint at this time - which I'm not sure we've got there yet - but if we get there, if there's a question about did he take the information - that is, he now knows what the issue is that's being complained of - did he take that information on board and take that into account in how he conducted himself going forward - is that objectionable, in your view?

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MS HAMILTON-JEWELL: A question in that terms - in those terms, I think, is different.

COMMISSIONER: Yes.

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MS HAMILTON-JEWELL: But I think it is important that we do go to the code of conduct procedures.

COMMISSIONER: Yes.

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MS HAMILTON-JEWELL: They are INQ.001.001.1135.

COMMISSIONER: All right. We'll have that brought up.

MS HAMILTON-JEWELL: And if you go to paragraph 12.1. Now, apologies, before you go to paragraph 12.1, Commissioner, this is the code of conduct

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procedures adopted 31 August 2022. Now, the next code of conduct procedures that come into play, they are adopted on 21 May 2025.

5 **COMMISSIONER:** Okay. So this is -

MS HAMILTON-JEWELL: So you, Commissioner -

COMMISSIONER: - in play at the time?

10 **MS HAMILTON-JEWELL:** - knows the time -

COMMISSIONER: Thank you.

15 **MS HAMILTON-JEWELL:** It is in play at the time, but I can make good that the proposition continues throughout, by reference to that later policy, in due course.

COMMISSIONER: That's all right.

20 **MS HAMILTON-JEWELL:** But if you look in the first instance, Commissioner, at paragraph 12, or section -

COMMISSIONER: Sorry, we're just catching up.

25 **MS HAMILTON-JEWELL:** Yes, please.

COMMISSIONER: 12.1?

MS HAMILTON-JEWELL: 12.1, Commissioner.

30 **COMMISSIONER:** Yes.

MS HAMILTON-JEWELL: On page 34.

35 **COMMISSIONER:** Thank you.

MS HAMILTON-JEWELL: You see there, Commissioner:

40 "Information about code of conduct complaints and the management and investigation of code of conduct complaints is to be treated as confidential and is not to be publicly disclosed except as may ... otherwise specifically required or permitted under these procedures."

45 I skipped a "be", but "as may be". Now, in my respectful submission, asking questions about whether you spoke to somebody about code of conduct complaints, the information management, investigation - all of those aspects are confidential. And in my respectful submission, it then becomes an unfair question to ask this witness about whether he discussed code of conduct complaints.

Now, I accept it may be possible to ask questions about, "You received a code of conduct. Did that cause you to think about your posts and what you were doing next?" But to the extent that the question is, "Did you go and speak to Mr Breton about code of conduct complaints and say, 'What is this all about'", in my respectful submission, that is unfair, having regard to the provisions of clause 12.1 of the code of conduct procedures.

COMMISSIONER: Yes. I reject the question and we might approach it in a different way.

MS HAMILTON-JEWELL: Now, Commissioner, if I need to -

COMMISSIONER: Yes.

MS HAMILTON-JEWELL: - clause 12.1 of the code of conduct procedures 21 May 2025, which is at INQ.014.001.0003 -

COMMISSIONER: It's the same?

MS HAMILTON-JEWELL: It's in the same terms, or - I haven't done a word-for-word comparison, but it says:

"Information about code of conduct complaints and the management and investigation of code of conduct complaints is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specifically required or permitted under these procedures."

COMMISSIONER: That seems identical to me. Thank you. Yes. I reject the question and we'll have the witness back and we'll -

MS HAMILTON-JEWELL: And the door open.

COMMISSIONER: And the door open. Yes. Thank you.

MS HAMILTON-JEWELL: Commissioner, I also note the time.

<PETER RISTEVSKI, ON FORMER OATH

COMMISSIONER: Are we going to send the councillor out again or do we want to finish this?

MS McDONALD: (Indistinct) might prefer to take a - the luncheon break.

COMMISSIONER: Yes. Councillor, we've just sent you out, only to bring you back in to tell you you can go and have some lunch.

MR RISTEVSKI: (Indistinct). Thank you.

COMMISSIONER: So we'll break for an hour and I'll resume at 10 past 2. Thank you. Adjourn till 10 past 2.

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<THE HEARING ADJOURNED AT 1.09 AM

<THE HEARING RESUMED AT 2.14 PM

10 **COMMISSIONER:** Yes.

MS McDONALD: Mr Ristevski, can I just revisit some evidence you gave earlier today, and that was when you compared the position of Local Government councillors with parliamentarians in state and federal Parliament.

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MR RISTEVSKI: Correct.

MS McDONALD: And your point was that the three levels of government, Members of Parliament or councillors, engage in, in your words, vigorous debate.

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MR RISTEVSKI: Yes.

MS McDONALD: But you then expressed the opinion that a state or federal Member of Parliament isn't restricted in the same way as a Local Government councillor.

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MR RISTEVSKI: Correct.

MS McDONALD: What do you base that opinion on?

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MR RISTEVSKI: I see a lot of the debate that parliamentarians do on their socials, and compared to what we're allowed - like, it's - using the words "bringing council into disrepute". If I'm commenting on something that's already brought the council into disrepute, I'm not adding to that. That - I'm commenting, for example, the "Diamondabout", which made international news and really damaged the brand of council. The contractor delivered -

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MS McDONALD: That's okay. So that's one example where you say, what, you were criticised because you made a social media post about that?

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MR RISTEVSKI: Yes. It's -

MS McDONALD: And is your point that your observation of social media - social media posts by federal or state MPs don't appear to still have that particular restraint of you cannot bring the state Parliament or the federal Parliament into disrepute?

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MR RISTEVSKI: Exactly.

MS McDONALD: So that's the point you were looking at. But there are restrictions on both state and federal parliamentarians along the lines of you cannot make posts which are a form of harassment of a person?

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MR RISTEVSKI: I acknowledge that, but -

MS McDONALD: Okay.

10 **MR RISTEVSKI:** - vigorous debate is more about debating something that council has done that's already in the domain - that's already brought council into disrepute. By me debating that, code of conducts are being thrown at me, "You've just brought the council into disrepute." So they're restricting my ability to debate something that's already brought the council into disrepute.

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MS McDONALD: All right. So your comparison of state and federal politicians is that it's your understanding or observation that that - I think it's in the code of conduct, in the general conduct, where it says you shall not bring the council into disrepute - that limitation does not apply to state and federal parliamentarians?

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MR RISTEVSKI: Correct.

MS McDONALD: Okay. Now -

25 **COMMISSIONER:** It may not ultimately matter too much, given the nature of the evidence, but there are ministerial codes of conduct -

MS McDONALD: I'm going to come back to those.

30 **COMMISSIONER:** All right.

MS McDONALD: Yes. But I just wanted to clarify with Mr Ristevski, when he made that - or expressed that opinion this morning, what he was particularly focusing on. And it would appear, as you've just elaborated, your concern is within the code of
35 conduct, where it states you shouldn't - you should not bring the council into disrepute.

40

MR RISTEVSKI: It's a very broad term and I don't think anyone understands what that means.

MS McDONALD: Okay. We'll come back to that. I think you now agree that in February you were notified - when that investigator contacted you - that there were a number of code of conduct complaints made against you?

45 **MR RISTEVSKI:** Correct.

MS McDONALD: Now, when this investigator contacted you, was the reason why he or she was contacting you was to say, "We're now moving into the next stage, the investigation stage"?

5 **MR RISTEVSKI:** It was more of an introduction, "I'm being engaged by Liverpool to do a code of conduct review. There's been some allegations." It didn't go into much depth after that. When I saw the name I just knew straightaway -

MS McDONALD: That's when you were concerned?

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MR RISTEVSKI: Yes. Correct.

MS McDONALD: So at that point it seems that this particular person was just making an initial contact with you?

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MR RISTEVSKI: Correct.

MS McDONALD: You spoke beforehand about later in the year you received more documentation and detail about the code of conduct complaints that had been made against you. At that particular point, did you receive any of that type of information from this particular investigator?

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MR RISTEVSKI: No. They were removed completely.

25 **MS McDONALD:** I'm sorry?

MR RISTEVSKI: They were removed completely from the process.

MS McDONALD: But at the point that they did contact you they didn't provide any of that detail?

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MR RISTEVSKI: Yes. They weren't allowed to proceed any further by - you're entitled to meet with them.

35 **MS McDONALD:** I'm just focusing on what you were told and what you were given -

MR RISTEVSKI: Yes, he was - he told me -

40 **MS McDONALD:** - with that initial communication, which - you then became alerted and informed whoever it was within council of your concern. Previously you've had some discussions with Mr Breton which raised some of these issues about your use of social media?

45 **MR RISTEVSKI:** Yes.

MS McDONALD: They occurred in - I think as you outlined earlier today, you'd had a meet and a cup of coffee with Mr Breton on a number of occasions.

MR RISTEVSKI: Correct.

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MS McDONALD: Mr Breton provided a record from his notes of the dates, and he referred to a meet and greet on about 14 August - October, I'm sorry, 2024.

MR RISTEVSKI: Yes.

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MS McDONALD: You'd agree with that?

MR RISTEVSKI: Yes.

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MS McDONALD: You'd just been elected to council. CEO introducing himself, having a discussion?

MR RISTEVSKI: Yes.

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MS McDONALD: A preliminary kind of introductory discussion with you?

MR RISTEVSKI: Correct.

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MS McDONALD: You then had a general discussion with him on 1 November?

MR RISTEVSKI: I don't remember the dates, but let's just say yes.

MS McDONALD: All right. Another one -

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COMMISSIONER: It sounds about right?

MR RISTEVSKI: Yes, sounds about right. Yes.

MS McDONALD: Another one on about 28 November -

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MR RISTEVSKI: Sounds about right.

MS McDONALD: - 2024. Another one, turning to 2025, about 9 January?

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MR RISTEVSKI: I don't know if it was that early, but it would have been a January meeting.

MS McDONALD: All right. And then there was another meeting with him on about 20 February?

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MR RISTEVSKI: Sounds about right.

MS McDONALD: And were those meetings - I think Mr Breton said that there's - it's somewhere - at Inglis there's like a coffee shop or somewhere where you would regularly meet?

5 **MR RISTEVSKI:** We met at the Casula Powerhouse restaurant initially, and then he wanted to meet in the mornings. And rather than doing lunch, we did morning coffee -

MS McDONALD: All right.

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MR RISTEVSKI: - at the Warwick Farm.

MS McDONALD: At where?

15 **MR RISTEVSKI:** The Inglis.

MS McDONALD: Okay. Now, on 9 January 2025 - I want to suggest that was when you had the January meeting with Mr Ristevski.

20 **MR RISTEVSKI:** Yes. Yes.

COMMISSIONER: Mr Breton.

25 **MS McDONALD:** I'm sorry. Start again. With yourself. That was about when you had the meeting with Mr Breton?

MR RISTEVSKI: Yes.

MS McDONALD: You agree it was roughly around that time?

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MR RISTEVSKI: Yes.

MS McDONALD: And at that meeting he raised with you some of the issues that were forming the basis of the code of conduct complaints?

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MR RISTEVSKI: I can't remember. But if you give me a more specific example, it may joggle my memory.

MS McDONALD: All right. Do you remember during that meeting that he raised with you that there were concerns about your social media posts?

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MR RISTEVSKI: I would say yes.

MS McDONALD: Did he raise with you that either they are code of conduct complaints -

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MR RISTEVSKI: No.

MS McDONALD: - or that they could possibly or potentially come within code of conduct complaints?

5 **MR RISTEVSKI:** No. They were more about a whinge the mayor was having. I was making him look bad. He's a very egotistic individual and conscious of his - of his image and how he looks, and probably I was hurting him electorally, and -

MS McDONALD: What I'm interested in is what Mr Breton said to you.

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MR RISTEVSKI: No, the - it wasn't a formal conversation, like -

MS McDONALD: All right. Mr Breton raised with you that he was running out of alternative means of dealing with some of your social media posts?

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MR RISTEVSKI: Is that a question?

MS McDONALD: Yes.

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MR RISTEVSKI: No.

MS McDONALD: He raised with you that if it can't be dealt with, that the issue was going - the issue of your social media posts was going to escalate?

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MR RISTEVSKI: No.

MS McDONALD: Never said anything like that?

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MR RISTEVSKI: No. Our meetings were very informal, we'd joke around. That's quite a - topic that you wouldn't have in a coffee shop, you have it in a formal setting with probably another witness, not like a - that is too formal to have in an informal setting.

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MS McDONALD: All right. I take it you didn't take any notes of any of these conversations you had with Mr Breton?

MR RISTEVSKI: That conversation didn't occur.

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MS McDONALD: Sorry, you -

COMMISSIONER: Perhaps just focus on the particular question being asked of you.

45

MR RISTEVSKI: Okay. Yes. Sorry.

COMMISSIONER: If there's a need to clarify, Ms Hamilton-Jewell will take it up with you at a later time.

MR RISTEVSKI: Yes. Yes.

5 **MS McDONALD:** You agreed that around 9 January you had a meeting with Mr Breton?

MR RISTEVSKI: Yes.

10 **MS McDONALD:** At that meeting, did you take any notes of what was discussed?

MR RISTEVSKI: I never take any notes. Sorry, I couldn't hear you before. No.

15 **MS McDONALD:** All right. So your evidence is at that meeting Mr Breton never raised with you anything along the lines of, "Look, I'm running out of alternative means to try and deal with the issues and complaints that are being raised about your social media postings"?

20 **MR RISTEVSKI:** Never happened, and it doesn't reconcile with the environment, because he has emailed me formally - and the tone of that conversation, what you've said, is a setting that should be happening at council in his boardroom, not at a coffee where we'd sit around and talk about general life sometimes. It was more - kind of like two friends. We got along very well, and the tone never changed to that.

25 **MS McDONALD:** All right. Raising with you - I know you say it didn't happen -

MR RISTEVSKI: Yes. Yes.

30 **MS McDONALD:** - but raising with you along the lines of, "Look, I'm running out of alternative ways to deal with this. It might become more serious," or, "I might have to escalate it," something along those lines -

MR RISTEVSKI: No.

35 **MS McDONALD:** No, no, no. I know you're denying it -

MR RISTEVSKI: Sorry. If it did, yes.

40 **MS McDONALD:** - but what I'm saying to you is that's consistent with, as you've described yourself, two friends meeting together, talking about council business and him flagging with you this, "This issue is arising. I'm going to have to deal with it. It might escalate." That's - what I want to put to you is that's consistent with two people who are friendly, who are meeting for a coffee - that's consistent, with him raising that?

45 **MR RISTEVSKI:** No, it's inconsistent because anything of a serious nature involving the topic that you've just raised was - has been sent to me via email on a number of occasions. So it's inconsistent with the actions that have occurred.

MS McDONALD: Sorry, what emails are you talking about?

5 **MR RISTEVSKI:** He would send me an email about a particular post that I made, "Can you please have a look at it, take it down, rectify it," and then I would action it.

MS McDONALD: When did Mr Breton send you those emails?

10 **MR RISTEVSKI:** I can't remember dates, but it would have - happened in the earlier part of the year, I'd say.

MS McDONALD: In - towards the end - were emails sent towards the end of 2024?

15 **MR RISTEVSKI:** No. No.

MS McDONALD: So when in 2025? You said the earlier part.

MR RISTEVSKI: Yes. Probably February, maybe.

20 **MS McDONALD:** Sorry?

MR RISTEVSKI: February, maybe. I can't remember the exact month, but the earlier part of the year.

25 **COMMISSIONER:** We might have seen one when Mr Breton was here, I think.

MS McDONALD: I'm sorry?

30 **COMMISSIONER:** I'm sorry. We might have seen an example when Mr Breton was here, if I'm recollecting correctly.

MS McDONALD: Excuse me. We might come back to that in a minute.

35 **COMMISSIONER:** Yes, of course. Yes.

MS McDONALD: Now - excuse me. Now, around 20 February 2025 you made a social media post when you raised - the current director that dealt with the media department of council.

40 **MR RISTEVSKI:** Correct.

MS McDONALD: Do you recall that? Though you did not expressly refer to him, you said that he was a former Liberal parliamentarian -

45 **MR RISTEVSKI:** Correct.

MS McDONALD: - being paid around 400,000 a year from your rates?

MR RISTEVSKI: Correct.

5 **MS McDONALD:** Now, that particular post, Mr Breton did contact you about that?

MR RISTEVSKI: Correct.

10 **MS McDONALD:** And again, that was another - that led to you having another coffee -

MR RISTEVSKI: Correct.

MS McDONALD: Coffee meeting with him?

15 **MR RISTEVSKI:** Correct.

MS McDONALD: And during that meeting, the first thing Mr Breton said to you was, "Please don't pick on staff members"?

20 **MR RISTEVSKI:** I can't remember those words, but there was a conversation also about his relationship with Shayne. It was quite -

MS McDONALD: Right. I'm not interested in that at the moment.

25 **MR RISTEVSKI:** Okay. I can't remember those words, but I - he did mention something about staff, and I basically said I didn't mention the staff member's name, it's already out in the public domain.

30 **MS McDONALD:** All right. Did he put to you that you've - that would you stop making some of these social media posts which criticise or raise staff members of the council?

MR RISTEVSKI: We were talking specifically about Shayne.

35 **MS McDONALD:** I'm starting generally.

MR RISTEVSKI: Yes.

40 **MS McDONALD:** In this meeting, did he raise with you -

MR RISTEVSKI: Yes.

45 **MS McDONALD:** - your social media posts where you criticised or you're rude about members of staff, "Would you please stop it," something along those lines?

MR RISTEVSKI: It was specifically referring to Shayne, not staff in general. Because I never made any other posts, I think, about staff. I was only regurgitating what was out in the public domain.

5 **MS McDONALD:** No, but I'm trying to take it step by step -

MR RISTEVSKI: Okay.

10 **MS McDONALD:** - do you recall Mr Breton saying something to you along those lines. But your evidence is, it's specifically about Mr Mallard?

MR RISTEVSKI: Correct.

15 **MS McDONALD:** And how did you respond?

MR RISTEVSKI: Exactly the way I just did, and just said that it's in the public domain, it's been reported in the Sydney Morning Herald, they mentioned his name. I've gone one step further and not mentioned his name. "What seems to be the problem? It's not a secret."

20 **MS McDONALD:** Did Mr Breton ask you to stop that type - of posting those types of social media?

25 **MR RISTEVSKI:** No, because that never ended up as a code of conduct per se. I've never seen a -

MS McDONALD: It did.

30 **MR RISTEVSKI:** Okay. I've never seen it.

MS McDONALD: All right.

35 **MR RISTEVSKI:** So far as I know - it probably did, but we were - that tone that you've mentioned was very - is kind of very serious. It wasn't that - we just basically had a general conversation about the post. I gave him my interpretation, and that's it. And I haven't - you know, it was the - it was a valid part of my role as a councillor to inform - you know, we just - we're talking about increasing their rates and this is what's going on, it's in the media. I didn't see a problem with it.

40 **MS McDONALD:** All right. I'm not interested in that. I'm trying to get from you what you recall Mr Breton saying to you. At that meeting or one of these earlier meetings that occurred, say, January, February, March, did Mr Breton ever say to you, "Can you please stop these social media posts which raise members of staff or make particular comments about other councillors"?

45 **MR RISTEVSKI:** No, because -

MS McDONALD: So he's never asked you -

MR RISTEVSKI: To stop. No. Well, no, because -

5 **MS McDONALD:** Okay. That's fine, if you -

MR RISTEVSKI: Yes. Okay. Yes.

10 **MS McDONALD:** Your evidence is he never has.

MR RISTEVSKI: Yes. Yes.

15 **MS McDONALD:** Can I just ask - I'm sorry. No, I withdraw that. During the meeting, Mr Breton raised with you that there can be work health and safety repercussions on social media, in particular affecting members of staff?

MR RISTEVSKI: I don't recall that conversation. That's a - we never had any training on work health and safety, so he never raised that with me.

20 **MS McDONALD:** All right. But work health and safety is specifically raised in the code of conduct, isn't it? I took you to that this morning.

25 **MR RISTEVSKI:** It does. But what does that mean? It's the - you know, ultimately we've never had a conversation around work health and safety.

MS McDONALD: You're an employer?

MR RISTEVSKI: Yes.

30 **MS McDONALD:** You are a person conducting a business or enterprise?

MR RISTEVSKI: Yes.

35 **MS McDONALD:** In your accounting business you have work health and safety duties towards your staff?

MR RISTEVSKI: Correct. But I'm not an employee. That's what -

40 **MS McDONALD:** No, that's not what I'm asking you.

MR RISTEVSKI: Okay. Yes. As an employer, yes, I do.

MS McDONALD: Yes. They're duties under the Act?

45 **MR RISTEVSKI:** Correct.

MS McDONALD: The code of conduct states that as a councillor you also have the duty to ensure the health and safety of workers as well?

MR RISTEVSKI: Yes.

5

MS McDONALD: So you would know about work health and safety obligations through your experience as an employer?

MR RISTEVSKI: Correct.

10

MS McDONALD: It's not something that's completely foreign or new to you?

MR RISTEVSKI: It's not. But the role of a councillor is - it's kind of like a grey area. We're not employees. It's kind of - there's no direct correlation. Where do we sit? We don't sit in - under the council umbrella. But in the discussions around work health and safety, no, it was never raised. And criticising a director who has already been criticised in the media, I didn't create that work health and safety issue.

15

MS McDONALD: I'm not asking you that, Mr Ristevski.

20

MR RISTEVSKI: No, but - no.

MS McDONALD: If you can just listen to me -

MR RISTEVSKI: Sorry. Sorry. Yes.

25

MS McDONALD: - work health and safety was expressly referred to - and I took you to the provisions in the code of conduct.

MR RISTEVSKI: Yes. Yes.

30

MS McDONALD: And in that express provision of the code of conduct it expressly includes councillors.

MR RISTEVSKI: Yes.

35

MS McDONALD: That you have duties.

MR RISTEVSKI: Yes.

40

MS McDONALD: And what I'm saying to you is that because of your experience as a person conducting a business and enterprise, you've had some exposure and knowledge about work health and safety duties?

MR RISTEVSKI: I've never had an issue at work, but I understand what work health and safety is. I'm not an expert, but -

45

MS McDONALD: I'm not saying you're an expert. Just saying you - and you would know that under the Act you owe duties to workers?

MR RISTEVSKI: Correct.

5

MS McDONALD: And to other people who come within your place of work or place of business?

MR RISTEVSKI: Employees. Yes.

10

MS McDONALD: No. Workers.

MR RISTEVSKI: Well, your contractors and all that. Yes.

15

MS McDONALD: Excuse me for a minute. By - excuse me for a minute. By about 28 March 2025 you would have read the code of conduct?

MR RISTEVSKI: I wouldn't have read it from back to front. I may have referred to certain parts of it. Who can remember?

20

MS McDONALD: You would have referred to it because that's the date of the first complaint you made under the code of conduct?

MR RISTEVSKI: Yes. Which one was that?

25

MS McDONALD: Excuse me for a minute.

MR PARISH: I foreshadow we may need to go into - I may seek to ask that we go into closed session, depending on how much detail we ascend into.

30

MR RISTEVSKI: I'm happy to stay in open.

COMMISSIONER: Thank you, Councillor, but there's - I have to balance a number of interests, but thank you for that indication.

35

MS McDONALD: I'm just - would you just excuse me for a sec. Commissioner, I'm just trying to work out - avoiding jumping back and forth.

COMMISSIONER: Yes. I mean, I don't know who is the subject of this complaint, but they might have an interest as to what happens next.

40

MR RISTEVSKI: I mean, if you give me a - the subject matter - I don't have to know the name, but I can - I can recall then.

45

COMMISSIONER: Just pause for a moment, Councillor, and we'll find an appropriate path forward that balances the nature of this inquiry and the interests of people who may not necessarily be here.

MS McDONALD: Look, I think it will be necessary for a short period to go into - based on the council's position -

5 **COMMISSIONER:** Yes.

MS McDONALD: - and the matters that, Commissioner, you've raised in the past - that though your preference is for an open session, that because of the issue about the code of conduct complaints - I think I do need to deal with this short part in
10 closed session and then move back into open session.

COMMISSIONER: All right. And, Mr Parish, I take it your concern is that remains - as I understood Mr Emmett last week, that whilst these investigations are ongoing, if something happens here in a public session it has the potential to effect
15 those investigations? Is that the nub of the point?

MR PARISH: Yes. That's correct. And may I say, we are trying to work out - we are starting to have wheels in motion to address some (indistinct) you made, Commissioner, in writing the report, and trying to (indistinct). We are trying to
20 (indistinct).

COMMISSIONER: Well, I can't issue a private report, but we'll come back to that. Well, I'm also conscious that it may be one thing for a party to tell me that - when they are the subject of a complaint that they have no objection to it being dealt with
25 in public. I don't know that that necessarily applies to everybody else, and they should be given an opportunity should they wish to be heard about that. All right.

Does anyone else wish to be heard on this issue? All right. Pursuant to section 12B of the Royal Commissions Act, I direct that the next passage of evidence take place
30 in private. I direct that the transcript of this passage of evidence not be published otherwise than in accordance with the usual order. Those who are presently in the hearing room can remain.

I'm happy to keep the door open, but could I trouble you, Ms Hamilton-Jewell, just
35 to poke your head out the door. There was a member of the public here earlier. I just want to see if they are still here. All clear? Thank you. All right. We'll leave the door open unless I or anyone else observes a member of the public.

MS McDONALD: Right. Could we -
40

COMMISSIONER: Just pause until -

MS McDONALD: Sorry.

45 **COMMISSIONER:** - the operator tells me we've gone into private.

<THE HEARING ADJOURNED TO PRIVATE SESSION AT 2.44 PM

<THE HEARING RESUMED AT 2.57 PM

COMMISSIONER: And we're back in open. Have we returned? Yes. We're back in open.

5

MS McDONALD: I want to ask you some questions about some posts that you've made. The first one is INQ.020.001.0009. And if that would not be live streamed, please. Can you see at the top it's Councillor Peter Ristevski. That's on your Facebook page?

10

MR RISTEVSKI: Yes.

MS McDONALD: Maybe if we can try and get - yes. If we move just to the top of the page. Can you see:

15

"Time of screenshot: 8 June 2025."

MR RISTEVSKI: Yes.

MS McDONALD: Now, I understand this is a story that was posted on Facebook, and stories last 24 hours and then are removed?

20

MR RISTEVSKI: Correct.

MS McDONALD: And this was a post that you put on your Facebook page?

25

MR RISTEVSKI: Yes.

MS McDONALD: Your Councillor Ristevski -

30

MR RISTEVSKI: Yes.

MS McDONALD: And looking at it, it features the mayor?

35

MR RISTEVSKI: Yes.

MS McDONALD: How does that assist the robust debate?

MR RISTEVSKI: It's a meme. Tongue-in-cheek. Bit of fun. Sense of humour.

40

MS McDONALD: It doesn't add to the robust debate, does it?

MR RISTEVSKI: Not to a specific one, but I think from a general perspective Liverpool is in a - very unique circumstances where, we find ourselves here today, where - and a lot of it has to do with the mayor. So I guess, in - in context it's not relating to a specific but it's kind of saying that we're in a big mess.

45

MS McDONALD: It's, sorry, what?

MR RISTEVSKI: It's saying that we're in a - a big mess.

5 **MS McDONALD:** All right. It's offensive?

MR RISTEVSKI: Well, it's offensive that we find ourselves in this situation too.

10 **MS McDONALD:** Mr Ristevski, listen to my questions. That posting is offensive?

MR RISTEVSKI: To the mayor, yes.

MS McDONALD: Yes. It would offend him?

15 **MR RISTEVSKI:** Yes.

MS McDONALD: It would humiliate him?

20 **MR RISTEVSKI:** Yes.

MS McDONALD: It creates a hostile environment within which your posts have been seen and evaluated by members of the community?

25 **MR RISTEVSKI:** I disagree, because the environment is already hostile based on his actions.

MS McDONALD: All right.

30 **MR RISTEVSKI:** This doesn't add to the hostilities. It kind of deflates it, in a way.

MS McDONALD: How on Earth does it deflate it?

MR RISTEVSKI: Brings humour into it.

35 **MS McDONALD:** Do you think Mr Mannoun would find that amusing?

MR RISTEVSKI: He wouldn't, but the public did.

40 **MS McDONALD:** Well, what you're claiming is certain people - certain members of the public would?

MR RISTEVSKI: Yes. I'm not speaking 100 per cent, but a majority I'd say.

45 **MS McDONALD:** How is that consistent with your role as a councillor?

MR RISTEVSKI: Well, it's having a humour, a personality. I mean, we're not robots. It's - it's a meme. Memes are supposed to be humorous. I've seen memes

about the Prime Minister, I've seen memes about the ambassador, Kevin Rudd. It's a meme. You know, it's not - it's tongue-in-cheek.

5 **MS McDONALD:** You said that - you agreed that Mr Mannoun wouldn't find it amusing, but some members of the community, you're suggesting, would?

MR RISTEVSKI: Yes.

10 **MS McDONALD:** All right. But as a councillor, you don't represent just a section of the community, do you?

MR RISTEVSKI: I represent everyone, but I've been elected by certain sections of the community.

15 **MS McDONALD:** But your role as a councillor under the Act is not to represent that certain section, is it?

20 **MR RISTEVSKI:** I represent everyone. But I must say, if that was a post against me, I would find it funny.

MS McDONALD: It - also, not only does it constitute harassment -

25 **MS HAMILTON-JEWELL:** I object to that. Respectfully, Commissioner, there's a conclusion within that - that is, that it constitutes harassment. Counsel assisting can ask this particular witness's view. That question has embedded within it a legal premise. Ultimately, that may be the matter of submission, but in my respectful submission there is a premise in that question.

30 **MS McDONALD:** Well, I thought he agreed that it offends and humiliates the mayor.

MS HAMILTON-JEWELL: I think that's slightly different.

35 **COMMISSIONER:** Well, you might need to put it in context of the definition in the code of conduct. So if you put that, then we'll see where we go next. I think as a broad proposition I understand the objection, but it might need to be tied to the context of the definition in the code of conduct. That's the nub of the point?

40 **MS HAMILTON-JEWELL:** The nub of the point is there was a legal conclusion in the premise. There was a premise which is a legal conclusion in the question. It needs to be broken down properly.

COMMISSIONER: Yes. Yes. Let's do that.

45 **MS McDONALD:** Now, you've agreed that it would offend or humiliate Mr Mannoun? You've given that evidence?

MR RISTEVSKI: Is there any reason why we can't show the public this? It's - I'm just curious. It's -

MS McDONALD: No, Mr Ristevski.

5

COMMISSIONER: It's not a matter for you to worry about, Mr - Councillor.

MS McDONALD: Yes.

10 **COMMISSIONER:** It's -

MR RISTEVSKI: No problem.

15 **COMMISSIONER:** If your counsel considers it should be done in fairness to you, then I'm sure an application will be made. But perhaps just attend to counsel assisting's question.

MR RISTEVSKI: My apologies.

20 **MS McDONALD:** You've already agreed that this would - this offends or humiliates Mr Mannoun?

MR RISTEVSKI: Knowing his personality, yes.

25 **MS McDONALD:** It would not be wanted by Mr Mannoun? He would not want this to be on a Facebook posting for 24 hours?

MR RISTEVSKI: In fairness, he wouldn't want anything that's critical of him, not just this.

30

MS McDONALD: So you agree with my -

MR RISTEVSKI: Yes. Yes, I agree with that.

35 **MS McDONALD:** And although you say there's already a hostile environment -

MR RISTEVSKI: Yes.

40 **MS McDONALD:** - posting that is not going to be conducive to more friendly or - relationships between you and Mr Mannoun, is it?

MR RISTEVSKI: I'm not concerned about that.

45 **MS McDONALD:** I'm not asking you that, Mr Ristevski. I'm not interested in that. I'm asking you questions. Please concentrate.

MR RISTEVSKI: Thank you.

MS McDONALD: That would create - either maintain or create more antagonism and hostility between you and the mayor?

5 **MR RISTEVSKI:** Yes.

MS McDONALD: And what I'm suggesting to you is that that is inconsistent with the code of conduct.

10 **MR RISTEVSKI:** My interpretation is not.

MS McDONALD: Why not?

15 **MR RISTEVSKI:** Well, I guess - I've got to take my time with this - I don't know if I've actually seen the code of conduct for this one. It's never come up.

MS McDONALD: Sorry?

20 **MR RISTEVSKI:** I don't think I've seen a code of conduct about this one.

MS McDONALD: No, it hasn't.

MR RISTEVSKI: Yes. Haven't seen one.

25 **MS McDONALD:** But that's not the point of me asking you these questions.

MR RISTEVSKI: Okay. You're saying that it's inconsistent with the code of conduct?

30 **MS McDONALD:** No, what I'm putting to you, Mr Ristevski - this was posted around 8 June?

MR RISTEVSKI: Yes.

35 **MS McDONALD:** By that time you have made a number of complaints yourself under the code of conduct?

MR RISTEVSKI: Not involving social media.

40 **MS McDONALD:** I'm not asking you that, Mr Ristevski.

MR RISTEVSKI: But I'm trying to -

45 **MS McDONALD:** Your evidence is by this time you have made a number of complaints - I just took you to them - under the code of conduct.

MR RISTEVSKI: Yes. But if you allow me to answer the question -

MS McDONALD: No, my question was for you to confirm - the evidence that you just gave when I took you to a number of code of conduct complaints that you have made -

5

MR RISTEVSKI: Yes.

MS McDONALD: That by the time you posted this you had made a number of code of conduct complaints.

10

MR RISTEVSKI: Yes.

MS McDONALD: And as you agreed when I questioned you, that involved you reading the code of conduct?

15

MR RISTEVSKI: Yes.

MS McDONALD: So you would know the terms of the code of conduct -

20

MR RISTEVSKI: Yes.

MS McDONALD: - in particular the section on harassment and discrimination?

MR RISTEVSKI: I don't consider that discriminatory.

25

MS McDONALD: I didn't ask you that. Did you turn your mind, before you posted that on 8 June, whether it was consistent with your obligations under the code of conduct?

30

MR RISTEVSKI: Look, I have people that help me with my posts.

MS McDONALD: I'm sorry, can you speak up, please?

35

MR RISTEVSKI: I have a team that helps me with social media posts. I allow them - I have allowed them free rein to post memes. A lot of the times I don't have an opportunity to check that. So in terms of this one, obviously I - I can't create something like that, I don't have the capacity. I'm not an artistic person. I have a team that does that, I'm on a retainer with them, and they posted it on my page. Obviously I own it, I own the action, but I didn't discuss that with them. They - they - I have given them free rein to be cheeky and to -

40

MS McDONALD: Free range to?

MR RISTEVSKI: To be cheeky.

45

MS McDONALD: Cheeky. Sorry, I didn't -

MR RISTEVSKI: Yes, cheeky. Tongue-in-cheek, have a bit of fun sometimes. You've got to make it interesting for people. It's - at the end of the day social media is - I've got a social media person that looks after my business as well. It's a full-time job, you know, being a councillor, running a business - I can't be doing that as well.
5 So they've posted it, I owned it, I suffer the consequences. Fair enough.

MS McDONALD: Who's your team?

MR RISTEVSKI: They're in Macedonia.
10

MS McDONALD: I'm sorry?

MR RISTEVSKI: They're in Macedonia. It's cheaper to have a team in Macedonia on 500 Euros a month than it is to have someone in Australia on \$5,000.
15

MS McDONALD: All right.

MR RISTEVSKI: And they ran my campaign team, and may I say they're very effective.
20

MS McDONALD: So you have people in Macedonia who you have authorised - to quote - they're given free range for putting posts on your social media?

MR RISTEVSKI: At this time, yes. Now it's changed.
25

MS McDONALD: When did it change?

MR RISTEVSKI: Would have been in the second half of the year.

MS McDONALD: Well, this is June, your posting.
30

MR RISTEVSKI: July, I'd say. August. July, August.

MS McDONALD: And what do you - have you now restricted -
35

MR RISTEVSKI: Correct.

MS McDONALD: Or even established that, as it's your Facebook page, you should review or look at everything that's being posted in your name?
40

MR RISTEVSKI: Yes. Correct. Look, may I add, my - the guy that works for me - for my business, I don't even review anything he posts, so it's just - not enough hours in the day to be doing these things and - because of these code of conducts, they are taking up a lot of my personal time. I really don't want to be dealing with this, so I basically said, "Look, even though I find no problem with this,
45 I don't want to be spending my free time, hours upon hours, dealing with these issues. Just cut them all out."

MS McDONALD: Given the number of complaints you were making up until around 8 June - and you realised by that time that there had been code of conduct complaints against you - sorry, I should ask you - when were you first notified of the substance of any of the code of conduct complaints against you?
5

MR RISTEVSKI: I think in June.

MS McDONALD: All right. Do you remember the date?
10

MR RISTEVSKI: No.

MS McDONALD: But you - I think we've been through this - you knew beforehand that code of conduct complaints were being made against you?
15

MR RISTEVSKI: Yes.

MS McDONALD: You didn't think it was sensible to inform your team in Macedonia not to be putting on social media posts "without me checking them" or verifying them or giving them the tick?
20

MR RISTEVSKI: No, because we didn't - I didn't get into the substance of these complaints deep down until June. Meeting with the code of conduct reviewer is a critical aspect of that, because I didn't understand a lot of them that were being put to me.
25

MS McDONALD: You didn't understand what?

MR RISTEVSKI: I didn't understand - the ones that were being put, I had no idea why they were being put. I couldn't reconcile them with the code of conduct. And that's why the meeting with the code of conduct reviewer is absolutely critical for them to show me the connection between a particular post and the code of conduct. And at the same time taking into a - fact the Minister's freedom of speech memo that he released at the same time. We heard Councillor Harte the other day, he had no idea what the freedom of speech memo was. And I had read it and I just couldn't reconcile with things I was saying, code of conduct, and the freedom of speech. It was built like a form of censorship.
30
35

MS McDONALD: When did you read the freedom of speech?
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MR RISTEVSKI: I think when it came out.

MS McDONALD: And when was that?

MR RISTEVSKI: I think June.
45

MS McDONALD: Yes. When in June?

MR RISTEVSKI: I don't know.

5 **MS McDONALD:** I'll bring up another post. This is INQ.020.001.0002. If we just look at the top of the page - again, the time of screenshot 10 June, on your Facebook page. Correct?

MR RISTEVSKI: Yes.

10 **MS McDONALD:** And you can see the entry there, again featuring the mayor?

MR RISTEVSKI: Yes.

15 **MS McDONALD:** Offensive towards the mayor?

MR RISTEVSKI: He would find it offensive. I - if it was personally against me, I wouldn't.

20 **MS McDONALD:** Humiliates the mayor?

MR RISTEVSKI: I mean, I don't know what his thoughts are. But not up to me to make a judgment on whether he feels humiliated.

25 **MS McDONALD:** Councillor, you have obligations under the code of conduct -

MR RISTEVSKI: Yes.

30 **MS McDONALD:** - not to engage in any kind of behaviour towards a person that offends, humiliates or intimidates that person.

MR RISTEVSKI: Okay.

35 **MS McDONALD:** Now, looking at that entry and the two words that, in a sense - well, there's one word on the top screen and then the second - what the second word would be, that obviously would offend, I would suggest, practically any person within the community.

MR RISTEVSKI: I wouldn't be offended by it, but he - he probably would be.

40 **MS McDONALD:** And other people would be offended by it?

MR RISTEVSKI: Yes, and there would be others that wouldn't.

45 **MS McDONALD:** It would humiliate the person?

MR RISTEVSKI: There is no general answer. There is a yes and there is a no answer. I - I don't find that humiliating if somebody did that about me. I probably would laugh, to be honest with you.

5 **MS McDONALD:** Other people would be humiliated by it?

MR RISTEVSKI: Yes, other people would be. Yes.

MS McDONALD: It would not be wanted by that person?

10

MR RISTEVSKI: Sure.

MS McDONALD: And as you've said, it's creating a hostile environment between you and the mayor?

15

MR RISTEVSKI: Yes.

MS McDONALD: And again, this is on 10 June. Did you turn your mind to, "I've putting in all these code of conduct complaints, I now know what the code of conduct says and what it's about" - whether that posting should not have been made as it is a form of harassment of Mr Mannoun?

20

MR RISTEVSKI: I don't like that word, "harassment". I disagree with that. But it's a story that would have lasted 24 hours. I probably didn't see it because I don't - running an accounting firm, I'm doing 12 hours a day. Then I've got constituent issues at least two or three hours a day. Then I've got my family. This is a minor aspect of (indistinct) my day, looking at stories. I probably didn't see it because it would have disappeared by the time I got to it.

25

30 **MS McDONALD:** Do you recall whether you saw it or not?

MR RISTEVSKI: I can't recall. But I do think it may have come up in a code of conduct - I can't remember, there's been so many. But it - sometimes I don't look at my page for a number of days. I don't have the time. By the time I get home from work I'm exhausted.

35

MS McDONALD: So - and again, is your evidence to the Commissioner that you didn't actually post this, but the team in Macedonia did?

40 **MR RISTEVSKI:** Yes. Like, most politicians have -

MS McDONALD: I'm not asking that, Mr Ristevski.

MR RISTEVSKI: Yes.

45

MS McDONALD: Is your evidence -

MR RISTEVSKI: Yes.

MS McDONALD: - that you did not post it?

5 **MR RISTEVSKI:** Yes, that's my evidence.

MS McDONALD: But this team you have in Macedonia did?

MR RISTEVSKI: That's my evidence.

10

MS McDONALD: Could we bring up another entry, please. INQ.020.001.0001.
And can you see at the top:

"Time of screenshot: 10 June."

15

MR RISTEVSKI: Yes.

MS McDONALD: Again, it's on your Facebook page?

20 **MR RISTEVSKI:** Yes.

MS McDONALD: And this time it's a depiction with a heading of Western Sydney,
and then something added to it:

25 "Is this Liverpool under this mayor."

MR RISTEVSKI: Yes.

MS McDONALD: Did you post that?

30

MR RISTEVSKI: Being me or my team?

MS McDONALD: I'm asking you did you post that?

35 **MR RISTEVSKI:** Personally, no.

MS McDONALD: So again, it's your team?

MR RISTEVSKI: Yes, a story.

40

MS McDONALD: It's what?

MR RISTEVSKI: It's a story, as you can see. Lasts 24 hours.

45 **MS McDONALD:** And this, looking at it, would offend members of the community
of a particular faith or background?

MR RISTEVSKI: I don't see anything offensive with it.

MS McDONALD: The fact that it has particular figures in Islamic dress, the Islamic writing on all the various signs, et cetera, and then the statement:

5

"Is this Liverpool under this mayor."

You don't think people of Islamic faith would find that offensive?

10 **MR RISTEVSKI:** Haven't said anything offensive.

MS McDONALD: The depiction is offensive?

MR RISTEVSKI: No, I don't - I don't think it's offensive.

15

MS McDONALD: It is not wanted by people of an Islamic faith to be depicted in that way through that particular screenshot?

MR RISTEVSKI: I just said I can't see anything offensive.

20

MS McDONALD: All right. And it would create a hostile environment with members of the community within Liverpool of that particular faith?

MR RISTEVSKI: No. I disagree.

25

MS McDONALD: So you find nothing wrong with this particular post?

MR RISTEVSKI: Unless you can point out something specific, I -

30 **MS McDONALD:** No. I'm not asking you that, Mr Ristevski. Can you -

MR RISTEVSKI: No, I can't.

MS McDONALD: - listen to my question?

35

MR RISTEVSKI: I said no.

MS McDONALD: Your view is there's nothing offensive?

40 **MR RISTEVSKI:** Correct.

MS McDONALD: Well, why take it down after 24 hours?

MR RISTEVSKI: Automatically does.

45

MS McDONALD: No, but you could have actually posted it.

MR RISTEVSKI: Posts are more informing - these are all memes, jokes. Jokes are stories, they're not - posts are more informative of a particular topic because it allows people to comment. Stories, it doesn't allow people to comment.

5 **MS McDONALD:** Even though it's got, "Send a message"?

MR RISTEVSKI: Comes to me. It's not seen by (indistinct).

10 **MS McDONALD:** Did you receive any messages from any of those three postings?

MR RISTEVSKI: No. No. A lot of likes.

15 **MS McDONALD:** Excuse me. Excuse me for a minute. The involvement with the team in Macedonia, are you actually making any posts to your Facebook page?

MR RISTEVSKI: I give them content, a photo, and - for example, if I took a photo with someone, I'd say, "Put this up and write something about" - let me think of one. Would have been one about - we did a video on a development that happened in Casula. I sent the video to the team. "Put it in a way that takes this messaging through." So they put it in a way so that it's visually good on the eye, it's not just writing, and they post it. They schedule it in.

MS McDONALD: Do you double-check the - what they're posting?

25 **MR RISTEVSKI:** Now I am.

MS McDONALD: Well, when did that commence?

30 **MR RISTEVSKI:** Like I said, July.

MS McDONALD: So before July, with your post posts - as you said, if you had a video or a photo or something, you would just send that over to Macedonia with some pointers or description -

35 **MR RISTEVSKI:** Yes.

MS McDONALD: - about what it was all about?

40 **MR RISTEVSKI:** Correct.

MS McDONALD: And then they would draft?

MR RISTEVSKI: Yes.

45 **MS McDONALD:** And it would be posted?

MR RISTEVSKI: Yes.

MS McDONALD: And you wouldn't check on it?

5 **MR RISTEVSKI:** Well, I wouldn't -

MS McDONALD: No, no, no. You wouldn't check it, that's what I'm asking you.

10 **MR RISTEVSKI:** No, no. They - I've given the - the - they don't just make it up. I've - give them a context what it's about, and then they put it in their own wording and their own - they could put dots and put a flag on the - on the - like, the - when you post something you can also put a flag in the commentary and -

MS McDONALD: But do you actually draft the words?

15 **MR RISTEVSKI:** No, they draft. They draft.

MS McDONALD: And you don't check that?

20 **MR RISTEVSKI:** Back then, no.

MS McDONALD: Do you think that was sufficiently complying with your obligations and duties under the code of conduct?

25 **MR RISTEVSKI:** Now I do, yes.

MS McDONALD: You - sorry? Well, you -

MR RISTEVSKI: Now that I have seen all these code of conducts, I'm checking.

30 **MS McDONALD:** All right.

MR RISTEVSKI: Back then there wasn't any code of conducts, so I didn't have experience with code of conducts.

35 **MS McDONALD:** I'm not asking you whether you had experience with code of conduct complaints. What I'm asking you about is your knowledge of the code of conduct, which you have read because you placed - made a number of complaints yourself.

40 **MR RISTEVSKI:** Yes.

MS McDONALD: Did you turn your mind to, "Oh, look at all these obligations under general conduct obligations, part 3. Am I complying with them?"

45 **MR RISTEVSKI:** In my mind, I thought I was.

MS McDONALD: All right. Even though you had given to people in Macedonia the ability to just put any comments on your Facebook page?

5 **MR RISTEVSKI:** The posts that were made, I believe they were compliant at the particular time.

MS McDONALD: But how would you know? You didn't look at them.

10 **MR RISTEVSKI:** I'd see them later on.

MS McDONALD: Well, did you - you now - are you saying you did see those three?

15 **MR RISTEVSKI:** I would have seen this one, yes.

MS McDONALD: What about the other two?

20 **MR RISTEVSKI:** I can't remember seeing one of them, because they only last 24 hours, so I - I would have missed it. And they come up every day, so I didn't - I missed that one, but I - this one here I would have seen, yes.

MS McDONALD: You say you would have seen. Did you see it?

25 **MR RISTEVSKI:** This one, yes. I've seen this one.

MS McDONALD: But my point that I asked you - my question was do you say that you were complying with your obligation as a councillor to comply with the code of conduct, in particular Part 3 General Conduct, where you have basically delegated to a team in Macedonia your postings on social media?
30

MR RISTEVSKI: I believe there's nothing against that in the code. You're allowed to do that.

35 **MS McDONALD:** That's not my question. My question is, does - is that allowing you to be happy to be satisfied that you have complied with your obligations under the code of conduct?

MR RISTEVSKI: Probably need to be more specific with your question.

40 **MS McDONALD:** You have obligations - personal obligations - under the code of conduct?

MR RISTEVSKI: Correct.

45 **MS McDONALD:** Those obligations include the obligations under chapter 3, General Conduct?

MR RISTEVSKI: Correct.

5 **MS McDONALD:** By delegating to people - a team in Macedonia, where it appears that you don't check before the posts are made onto your social media account, what I'm saying to you is you are not complying with your obligations and duties under the code of conduct.

10 **MS HAMILTON-JEWELL:** Commissioner, I object to that. That's a submission. The way it was put before is whether he thought he was complying. I have no objection to that question. But to put a question phrased as to a legal conclusion, I do object to that.

15 **COMMISSIONER:** Well, it might be a proposition that, in fairness, needs to be put to him, but I think Ms Hamilton-Jewell's point is right. I think you started at what was in his mind - and then perhaps if we start there and then, if you want to put the proposition that you were leading to, then we can address that.

20 **MS McDONALD:** Did you turn your mind, in those circumstances - I'll do it again - where you've delegated the role of posts to your social media account to a team in Macedonia, you don't check them before they are posted - did you turn your mind or did you think that you were complying with your obligations and duties under the code of conduct?

25 **MR RISTEVSKI:** I believe I was complying.

MS McDONALD: Why? How?

30 **MR RISTEVSKI:** Well, you're entitled to delegate. There's only so many hours in a day. It's like me delegating to someone in my office to draft up a letter for me - like, an email, "I want you to say this," and then they send it off. Complying. I don't see the problem.

35 **MS McDONALD:** But the code of conduct expressly imposes obligations and duties on you?

MR RISTEVSKI: Correct.

MS McDONALD: They are personal obligations and duties?

40 **MR RISTEVSKI:** Correct.

45 **MS McDONALD:** By delegating the ability to post to somebody in Macedonia, with you not checking beforehand, didn't you think - or did you turn your mind to whether you were complying with your duties and obligations?

MR RISTEVSKI: I believed I was compliant because I gave them the messaging, and the messaging would have been under the same tone. It wasn't a completely different message. I believed I was complying at that time.

5 **MS McDONALD:** Even where there's are - there's a posting that you've given evidence you never saw?

MR RISTEVSKI: In my mind it's - it's fine. It's tongue-in-cheek.

10 **MS McDONALD:** Which arguably is offensive to Mr Mannoun, creates a hostile environment, and would be a harassment of Mr Mannoun?

MR RISTEVSKI: At the particular time the story went up I had a different mindset, and I disagree with what you just said.

15

MS McDONALD: Now - excuse me for a minute. Can you just excuse me for a minute. Would you just excuse me.

20 **COMMISSIONER:** Whilst that's happening, Ms Hamilton-Jewell, just on the last objection, you objected to the ultimate proposition being put - that was, the conduct wasn't consistent with the code of conduct. Do I take it from that objection that - that you maintain that objection, first of all? You maintain that position that that proposition is a matter for submissions and legal conclusion and doesn't need to be put to the witness?

25

MS HAMILTON-JEWELL: Perhaps if this can be dealt with in the absence of the witness, Commissioner.

30 **COMMISSIONER:** Yes. I'm sorry. Yes. Councillor, would you just mind stepping outside.

MR RISTEVSKI: Yes.

35 **COMMISSIONER:** Thank you.

<THE WITNESS WITHDREW

40 **MS HAMILTON-JEWELL:** Commissioner, in my respectful submission, whether a matter is or is not in breach of a code of conduct and whether a matter does or does not have a particular legal characterisation is appropriately a matter for submissions and appropriate for your findings, Commissioner.

COMMISSIONER: All right. Well -

45 **MS HAMILTON-JEWELL:** Questions can be asked and put as to whether or not this witness has a particular view and submissions can be made about the extent to which that assists or otherwise you, Commissioner, but the legal proposition and a

legal finding - it's not for this witness to answer those questions, Commissioner. In my respectful submission, they can be objected and will be objected to.

5 **COMMISSIONER:** All right. Well, I just want to be clear about it because I don't want to get to submissions and then - if it is put to me that I should make a finding - and I don't know whether it will be and I don't know whether I need to, but if it is put to me in submissions that I should make a finding, I wouldn't want us to be proceeding on a misunderstanding of the ultimate position and it be said that it wasn't put so I can't make that finding. I mean, there's a number of ways, if that arose, we
10 could cure it, I suppose, but - all right. Thank you.

MS HAMILTON-JEWELL: In the circumstances where it's a legal conclusion. Certainly if it's a factual matter, "You did X. You did Y," that ought properly be put to the witness.

15 **COMMISSIONER:** Yes.

MS HAMILTON-JEWELL: But where it's a legal conclusion, in my respectful submission, that's a matter for submissions.

20 **COMMISSIONER:** Thank you. Does anybody else want to say anything at the moment?

25 **MS RICHARDSON:** Just - I don't seek to (indistinct) but only to note that learned senior counsel is perfectly entitled, in my submission, to test the witness's insight into the matter as to, in his view, what his understanding of the code of conduct is and whether at the time he thought particular conduct was in breach. And also looking back now, what is his view, because it's relevant to what may well be the submission made about the level of dysfunction that Councillor Ristevski is
30 contributing to at the council. May it please.

COMMISSIONER: But you don't diverge from what Ms Hamilton-Jewell said on the ultimate proposition that - I understand the point about testing the understanding and the knowledge and whether there's a different understanding or knowledge now.
35 But you don't diverge from the point that Ms Hamilton-Jewell makes, that - putting the ultimate proposition that conduct was inconsistent with the code of conduct, wasn't it, doesn't need to be put and it can be a matter for submissions?

40 **MS RICHARDSON:** I agree with that. Except, your Honour - Mr Commissioner - but in that respect, I would say it's a separate matter as to whether that's something the inquiry will be making ultimate findings about -

COMMISSIONER: Yes. Yes.

45 **MS RICHARDSON:** - as a legal conclusion.

5 **COMMISSIONER:** Yes. I mean, it may not be necessary for me to make those findings, given the limited powers that I have. It might be a matter of - anyway, I won't say anything more about that, but I understand the point. But I think you're right, I think it's appropriate and permissible to test the understanding from time to time. All right. Does anyone else wish to be heard on that point?

10 **MS McDONALD:** No, other than - even though I did ask the question that was objected to, ultimately whether there has been code of conduct - whether code of conduct complaints have been made out or established ultimately probably is not a matter for you. But how the code of conduct is functioning, particular people who have been subject to complaints - and as my learned friend said, their mindset and thinking may feed into recommendations about the code of conduct and how it operates.

15 **COMMISSIONER:** I maintain an open mind about it. But I must say, my sense of what you've just put is the same, that it's probably not a matter for me to go through individual code of conduct matters and make an ultimate finding. But it might inform an assessment of the level of understanding of the types of conduct and, as you say, what might happen into the future. All right. Mr Parish, you probably don't have any
20 skin in this game, but did you want to say anything?

MR PARISH: No skin in this game, but obviously -

25 **COMMISSIONER:** Directly anyway.

MR PARISH: Directly. But we would be very wary, obviously, about you, Commissioner, weighing into factual findings about specific code of conduct complaints that were on foot or indeed even ones that were not. But I don't think I
30 need to take it any further (indistinct).

COMMISSIONER: I mean, factual findings that certain things happened is one thing.

35 **MR PARISH:** Yes.

COMMISSIONER: Drawing a conclusion that it definitively constitutes a breach, or doesn't, is another perhaps.

40 **MR PARISH:** Especially where a conduct reviewer may be undertaking the same task.

COMMISSIONER: And ultimately my finding as to whether it was or wasn't has no - has no legal consequence. No action can be taken on it -

45 **MR PARISH:** Quite.

COMMISSIONER: - as a conclusion. It's a matter for other processes, some of which are about to be voted on by Parliament as I understand it.

MR PARISH: I see.

5

COMMISSIONER: All right.

MR PARISH: But I won't tell you that you don't have hours or the ability to do so, but we would be wary about specific cases.

10

COMMISSIONER: Well, I'm conscious of the nature of this inquiry and doing things that I don't properly need to to answer my terms of reference.

MR PARISH: Thank you.

15

COMMISSIONER: All right.

MS McDONALD: Commissioner, could you just give me a minute and excuse my back?

20

COMMISSIONER: Of course. Of course.

MS McDONALD: Thank you.

25

COMMISSIONER: Can we have the councillor back? Ms McDonald?

MS McDONALD: Yes. Sorry.

COMMISSIONER: Thank you.

30

<PETER RISTEVSKI, ON FORMER OATH

COMMISSIONER: Thank you, Councillor.

35

MS McDONALD: Councillor, I just want to confirm your evidence. The procedure with posts and also the stories to your Facebook page, your procedure has changed from about July this year?

MR RISTEVSKI: Yes.

40

MS McDONALD: The procedure before July this year, you have a team in Macedonia; correct?

MR RISTEVSKI: Yes.

45

MS McDONALD: The team in Macedonia were authorised to create memes?

MR RISTEVSKI: Yes.

MS McDONALD: Which would then be posted as a story and would last 24-hours?

5 **MR RISTEVSKI:** Yes.

MS McDONALD: And those memes or stories, you didn't - like, authorise each one?

10 **MR RISTEVSKI:** No. I mean -

MS McDONALD: I'm just trying to -

15 **MR RISTEVSKI:** No. Not the stories but the -

MS McDONALD: No. I'm just dealing with stories to begin with.

MR RISTEVSKI: Sure. Yes.

20 **MS McDONALD:** You didn't authorise every one. It was part of that general delegation or authorisation to the team in Macedonia that they could create something and post it?

25 **MR RISTEVSKI:** Yes.

MS McDONALD: Now then can I move to the actual posts. And the posts are more permanent?

30 **MR RISTEVSKI:** Yes.

MS McDONALD: Those posts, what you would do is you would turn your mind to a particular subject matter for a post?

35 **MR RISTEVSKI:** Yes.

MS McDONALD: If there was a relevant photo that you wanted as part of the post, you would identify that?

40 **MR RISTEVSKI:** Yes.

MS McDONALD: And then would you identify some words or keywords or things like that -

45 **MR RISTEVSKI:** Yes.

MS McDONALD: - to send to the Macedonian team?

MR RISTEVSKI: Yes.

MS McDONALD: And they would then - they would have the photo or the video. They would then turn your words into an actual script for the post?

5

MR RISTEVSKI: Yes.

MS McDONALD: And then on occasion would that come back to you to check or would they just post it?

10

MR RISTEVSKI: They'd post it, but now it does.

MS McDONALD: No. Still -

15 **MR RISTEVSKI:** No. Back then, no.

MS McDONALD: - pre-July?

MR RISTEVSKI: Sorry, yes. No.

20

MS McDONALD: So they would get the photo or the video, words or kind of a rough suggestion of what you wanted the post to be?

MR RISTEVSKI: Yes.

25

MS McDONALD: They would then draft it - my words - pre-up the post if they wanted to put a flag in a corner or something like that?

MR RISTEVSKI: Correct.

30

MS McDONALD: And then they would post it?

MR RISTEVSKI: Yes.

35 **MS McDONALD:** And after July, what's the procedure now? Do you still have your team in Macedonia?

MR RISTEVSKI: Yes.

40 **MS McDONALD:** And is the change that before - dealing with posts, before anything is posted you review it?

MR RISTEVSKI: Yes.

45 **MS McDONALD:** And what about the stories?

MR RISTEVSKI: Same.

MS McDONALD: So before anything is posted on either stories or your Facebook page you, in a sense, vet it and give it the final tick?

5 **MR RISTEVSKI:** Correct.

MS McDONALD: All right.

10 **COMMISSIONER:** Is there any other change to the procedure that you've implemented post July or has counsel assisting summarised it accurately?

15 **MR RISTEVSKI:** I've given them copies of the code of conduct, "Have a read of this." Although it's hard to sort of do a post that complies, they're sort of very conscious of this. Because I don't want to end up in another code of conduct. So they're a bit more wary on the way they post. Not as direct or sort of steps around the issue rather than straight for the jugular.

MS McDONALD: I'm sorry, Commissioner, I need to go back into closed session.

20 **COMMISSIONER:** All right. This will take us to the end of the day, I take it?

MS McDONALD: Yes.

25 **COMMISSIONER:** Same reason?

MS McDONALD: Yes. Sorry. I'm dealing with a couple of code of conduct complaints made against Mr Ristevski.

30 **COMMISSIONER:** Is that in the same category, Mr Parish? Depending on whether it would reveal the identity of the complaint, leaving that issue aside?

35 **MR PARISH:** Yes. I think so. I think this might be one of the situations, Commissioner, where if we can do it in closed session, I'll review the transcript overnight, and if it doesn't intrude on anything we will raise it in the morning.

COMMISSIONER: Raise it in the morning, in the sense that the transcript of this 15 minutes or so could be released tomorrow morning -

40 **MR PARISH:** Yes.

COMMISSIONER: - if it doesn't intercede?

45 **MR PARISH:** I believe that's what I mean.

COMMISSIONER: All right. And, I take it, you don't have a submission to make on this topic given the indication you gave me the other day?

MS HAMILTON-JEWELL: We're content for this to be dealt with in open.

5 **COMMISSIONER:** All right. Thank you. All right. Yes, we're done with the document that's on the screen. Thank you. All right.

10 Well, for the same reasons as earlier, and balancing the various interests, I'm satisfied that at least for this afternoon that it's appropriate to move into private session. Mr Parish, you will come back to me at 10am tomorrow as to what should happen next.

15 Pursuant to section 12B of the Royal Commissions Act, I direct that the next passage of evidence take place in private. I direct that the transcript not be published otherwise than in accordance with the usual direction. Everyone who is currently in the hearing room can remain in the hearing room. And I'll just wait to be told that we're in private session.

<THE HEARING ADJOURNED TO PRIVATE SESSION AT 3.48 PM