



**PUBLIC INQUIRY INTO LIVERPOOL CITY COUNCIL**

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

**PUBLIC HEARING  
SYDNEY**

**WEDNESDAY, 3 DECEMBER 2025  
AT 6.04 PM**

**DAY 50**

**APPEARANCES**

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

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**<THE HEARING COMMENCED AT 6.04 PM**

**COMMISSIONER:** All right. Good afternoon. Can everybody hear me okay?

5 **MS McDONALD:** Yes.

**COMMISSIONER:** Yes.

10 **MS RICHARDSON:** Yes, I can.

**COMMISSIONER:** All right. Well, that's clear enough to everybody. Councillor Monaghan, are you here?

15 **MR MONAGHAN:** Yes.

**COMMISSIONER:** Right. Are you able to - there we are. Is your counsel here as well?

20 **MR RIZK:** I am here, thank you, Commissioner.

**COMMISSIONER:** Thank you, Councillor, and everybody for making yourselves available for this unusual and rather late sitting of the inquiry. But it is important to ensure we get your evidence finished, Councillor, so I'm most grateful to you and everybody else. You are still on your affirmation from the other day, and  
25 Ms Hamilton-Jewell.

**MS HAMILTON-JEWELL:** Thank you, Commissioner. Commissioner, one of topics I need to deal with this evening is in closed session. Can I ask, Commissioner, how we propose to deal with that before I start asking questions?  
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**COMMISSIONER:** As I understand it, this is not being live streamed in any way. So I can just make a direction. Sorry, I've getting a fair bit of feedback. Can I ask that everybody other than Councillor Monaghan and Ms Hamilton-Jewell mute their microphones and see if that works. That seems to have done it, thank you. So when  
35 you need to deal with that topic, Ms Hamilton-Jewell, just let me know and I will make the direction so it's clear enough on the transcript. But there shouldn't be anybody in the meeting other than legal representatives of the parties and support staff to the inquiry.

40 **MS HAMILTON-JEWELL:** Thank you, Commissioner.

The first topic that I wish to deal with relates to the CEO recruitment meeting. All of the evidence to date on that topic has been done by way of private hearing.

45 **COMMISSIONER:** All right. Well then, pursuant to section 12B of the Royal Commissions Act I direct that the next passage of hearing take place in private and

the transcript of this passage of hearing not be published otherwise and in accordance with the usual direction I have made as amended.

**<THE HEARING MOVED TO A CLOSED SESSION AT 6.06 PM**

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**<THE HEARING RESUMED AT 6.16 PM**

**MS HAMILTON-JEWELL:** Councillor Monaghan, you were also asked some questions on 19 November about conflicts of interest in relation to the CEO recruitment process. And, Commissioner, that was at transcript T34 25. You gave some evidence in particular in relation to the completion of the conflict of interest form. Your form, and we don't have to go to it, is at LCC.034.002.0008. If you need that form brought up, please let us know. But do you recall the conflict of interest form that you were asked some questions about?

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**MR MONAGHAN:** Yes.

**MS HAMILTON-JEWELL:** And you gave some evidence that the form was filled out privately, in the sense of being completed to yourself and then providing it to someone within the meeting. To your observation, was that the same process that each of the councillors on the panel followed?

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**MR MONAGHAN:** Yes.

**MS HAMILTON-JEWELL:** And in completing the form, do you recall approximately how long you were provided to complete the form?

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**MR MONAGHAN:** No.

**MS HAMILTON-JEWELL:** Were you rushed, or was there an urgent time limit placed upon you in completing the form?

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**MR MONAGHAN:** My recollection is that it was required to be filled out certainly that evening that - I think that meeting was scheduled from 5.30 to 8 o'clock, maybe - around those hours - but I don't recall exactly.

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**MS HAMILTON-JEWELL:** And one of the forms - if the document can be brought up, please. It is LCC.034.002.0008.

**UNIDENTIFIED SPEAKER:** Would you like this to be live streamed?

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**MS HAMILTON-JEWELL:** I understood that there wasn't a live stream. If it can be shown to everyone on the Zoom call that would be great. Thank you.

**UNIDENTIFIED SPEAKER:** Sorry.

45

**MS HAMILTON-JEWELL:** And if we can scroll down the page there towards the - in the next section. Consider that that's the form that's completed by the mayor, Ned Mannoun. And he sets out there a conflict of interest with three applicants, Dr Jackson, Mr Breton and Ms Tina Bono. If you can scroll down a bit more, please.  
5 And the second conflict of interest was raised there:

"I know Jason Breton from the 2021 council election."

10 And there has been evidence before the Commission that Mr Breton had a brief role in Mayor Mannoun's campaign in 2021. There has also been the evidence before the Commission that Mr Mannoun assisted with arranging donations for Mr Breton's campaign. In your view, does Mr Mannoun's conflict of interest form adequately disclose that conflict?

15 **MS RICHARDSON:** I object to that question.

**COMMISSIONER:** Yes. What's the objection?

20 **MS RICHARDSON:** Well, firstly, there are about five different factual premises rolled up all at once, and the view is being asked of one councillor about an issue. It also raises a more fundamental question, is what is the role of a single interested party in pursuing a particular issue. Ms Hamilton-Jewell is not counsel assisting, this inquiry is about to end. What - what is supposed to happen as a sequelae of all of this if she is pursuing these other topics? This is not a matter that the assisting team has  
25 put to Mr Monaghan, nor would it be relevant just to ask one person to opine on what they think about another person's form says or doesn't say. And now it is being pursued, which then opens up a can of worms of what other parties are supposed to do with this evidence. In my submission it is objectionable in form and it also should be rejected as a matter of discretion for the reasons I have submitted.

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**MS McDONALD:** May I address? Sorry.

**COMMISSIONER:** Yes.

35 **MS McDONALD:** In my submission it is relevant. Questions were asked of Mr Harte about his conflict of interest form. I anticipate questions will be asked of Mr Mannoun about his conflict of interest forms. This is asking a particular witness about Mr Mannoun's form which will be pursued tomorrow or Friday, and in those circumstances I would submit it is relevant. On the question of -

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**COMMISSIONER:** But what -

**MS McDONALD:** Sorry.

45 **COMMISSIONER:** What's the relevance of the councillor's opinion as to whether the form is adequate though?

**MS McDONALD:** It goes to the issue of conflict of interest forms: How they were completed; what was included in the conflict of interest form, which may lead to submissions about reform of conflict of interest forms. What is required to be filled in; whether, if there is, whether it should be in some way distributed or notified to other members of the committee at the - at an appropriate time in a committee meeting.

**COMMISSIONER:** They might be different questions to whether this form was adequate. What does "adequate" mean? I understand the points - the other points you raise, but I think there are some other form problems with the question. So I will reject the question in that form. If you want to pursue this, Ms Hamilton-Jewell, you might just need to break it up and be quite clear about what it is you mean by "adequate", and we will see how we go.

**MS HAMILTON-JEWELL:** May it please, Commissioner. The question was also in part rolled up because of the terrible audio. I know never not do that.

**COMMISSIONER:** That's perfectly fine.

**MS HAMILTON-JEWELL:** Perhaps if I approach it from a different angle. Councillor Monaghan, can I take it you understand the concept of informed consent in a context perspective?

**MR MONAGHAN:** Sorry, could you repeat the question? You were breaking up a bit (indistinct)

**MS HAMILTON-JEWELL:** Yes, hopefully you can hear me now. Can I take it that you understand the concept of informed consent in a complex perspective? That is, that consent is given in the knowledge that there is a conflict between the parties which might affect the decision maker's decision?

**MR MONAGHAN:** Yes.

**MS HAMILTON-JEWELL:** And looking at that conflict form, does that disclose to you that Mr Mannoun had a role in organising donations for Mr Breton's council election campaign?

**MS RICHARDSON:** I object to that question. It's not a fair summary of the evidence to put a question premised as broadly as that in terms of Mr Mannoun's role otherwise. And also I press my objection. What is the relevance of asking one witness what he thinks about what a document says? I press the relevance objection, and it is also bad in form in my submission. In my submission if Ms Hamilton-Jewell is allowed to pursue this with this witness she needs to put the evidence to him in respect of evidence about connection to fund-raising, and it needs to be broken down and done in a very careful fashion. It cannot be done in this rolled up way.

**COMMISSIONER:** I think that's - yes, go on.

**MR RIZK:** Commissioner, I - what follows from my learned friend's objection would in my submission be a further reason to reject the question as a matter of discretion. For these matters to be unpacked in the way that they would have to, would likely take a lengthy period of time. There is in my submission minimal relevance or utility in this line of questioning at best, at its highest, and in the context where appreciating the commission is sitting late, but also in weighing up how - where this evidence might go but how much time it might take as a matter of discretion. Given that this is questioning from an interested party in my submission these questions should be rejected.

**MS McDONALD:** Could I just submit, the evidence that I - the evidence that Ms Hamilton-Jewell is putting to the witness is evidence contained in Mr Harte's evidence and also some text messages between Mr Mr Breton and Mr Harte. Now, it is not lengthy and it is not complicated evidence. I don't know whether Ms Hamilton-Jewell is in a position to put the particular questions and answers and text messages, but in my submission her summary that she put to the witness that Mr Mannoun had a role in organising, and, sorry, donors for Mr Breton's campaign is an accurate summary of Mr Harte's evidence and the text messages.

**MS HAMILTON-JEWELL:** I press -

**COMMISSIONER:** Again, Ms McDonald, what's the - either the form discloses what the evidence reveals about the engagement between Mr Breton and Councillor Mannoun in the 2021 election campaign or it doesn't. Isn't that an objective question for me in the context of the issues that you raised?

**MS McDONALD:** Well, if that's the case then the question should be allowed. If -

**COMMISSIONER:** Why?

**MS McDONALD:** If ultimately it does not reflect Mr Harte's evidence plus the text messages, then it has no grounding. I was really submitting again in - in response to Mr Rizk's evidence, which seemed to suggest that the evidence on this issue is quite voluminous and -

**COMMISSIONER:** I agree with that. I'm going more to the fundamental proposition about - to the extent in the context of the issues that you raised as to the relevance of the material generally. What is the relevance, with great respect, to the councillor who is here tonight of the councillor's opinion as to what the document says or doesn't say? Isn't that an objective question to be determined by me?

**MS McDONALD:** But if - well, relevance could be what fellow councillors views were of what or wasn't disclosed. For example, if everybody's conflict of interest form purely referred to Mr Breton and Ms Bono and Dr Jackson all working at the - at the council at one stage, all this would not be an issue. But there is an issue with what has been included in Mr Harte and Mr Mannoun's conflict of interest.

Now, there may ultimately be a submission along the lines, "well, does it really matter?" To hear evidence from another councillor about whether in his mind it did or didn't matter, in my submission will be relevant.

5 **COMMISSIONER:** Well, I think that's a different question to the one that was asked.

10 **MS McDONALD:** Well, isn't the one that was asked a step along the way? Like, there was an objection to the questions that Ms Hamilton-Jewell is posing that they were all rolled up. I assume that what she was doing was taking into account, Commissioner, your rejection of the question and then was trying to break it up?

15 **COMMISSIONER:** Well, then there was an objection that the breaking up wasn't an accurate reflection of the evidence, which you say it was.

**MS McDONALD:** Yes. And then we had the objection that it was going to be voluminous material and we will be here all night.

20 **COMMISSIONER:** I'm not persuaded by that objection.

**MS McDONALD:** But ultimately if - I'm sorry.

**COMMISSIONER:** No, you go.

25 **MS McDONALD:** If - if the proposition put to Mr Monaghan - and, again, I'm sorry, I'm just taking quick notes. My note was something like Mr Mannoun had a role in organising finance, had a role in the election of Mr Breton. If ultimately that isn't made out by the surrounding evidence or isn't helpful to you, then in submissions it will fall away.

30 **MS RICHARDSON:** In my submission it's not just a matter of if it doesn't match up to the evidence it falls away, because this is a public forum and this evidence, one can assume, Ms Hamilton-Jewell is acting on behalf of Mr Ristevski's interests. That the evidence elicited is designed to be highly prejudicial to my client. And it also raises the question in terms of fairness and discretion, if it really is of interest or relevance to the Commission as to what other councillors think of another person's form, why wasn't this question put to other councillors? And why is it only being put to Mr Monaghan, and counsel assisting is in effect intervening, to assist an interested party to elicit this evidence? Why - why is this happening?

40 **COMMISSIONER:** Well, I understand counsel assisting's input to be assisting me.

45 **MS HAMILTON-JEWELL:** Commissioner, if I just raise two matters. Questions about the conflict of interest being disclosed were put by me to councillors Green and to Councillor Harte - Harle, sorry, the former deputy mayor Harle. In relation to these particular forms, I don't recall a date off the top of my head, but these particular forms were only released into the tender bundle and tendered into evidence I think

during Councillor Harte's or shortly after Councillor - sorry Harle's, H-a-r-l-e, no, Harte's, H-a-r-t-e, evidence, such that these forms were not available at the time that councillors Green and Harle and Macnaught were giving evidence. That's my recollection of the timing of these forms. But I did ask questions of certain of the other councillors as to whether or not the conflict of interest was correctly disclosed.

**COMMISSIONER:** I will allow you to explore it with the councillor, but I just think there needs to be precision about what it is that you are asking him to express an opinion on when phrases like "adequately disclosed" are used. Adequately disclosed against what measure? Or did it disclose a certain type of relationship? So we are very clear about what it is that the councillor is asked to express his opinion on. So perhaps after that interlude the councillor will be assisted by having the question put again.

**MS HAMILTON-JEWELL:** I think I had changed (indistinct) questions about the concept of informed consent and whether or not the councillor understood the concept of informed consent and (indistinct) of - has there been consent given in the knowledge that there are conflicts between the parties which might affect the decision (indistinct) his decision.

**COMMISSIONER:** Yes. And he answered that he was aware of that concept.

**MS HAMILTON-JEWELL:** And I have now - because of the (indistinct) precisely the question that I asked next, but perhaps if I can try a different question and see if it raises further objections.

**COMMISSIONER:** Yes.

**MS HAMILTON-JEWELL:** Councillor Monaghan, there has been evidence that Mr Mannoun assisted in arranging donations for Mr Breton's election campaign in 2021. Are you aware of that evidence?

**MR MONAGHAN:** Yes.

**MS HAMILTON-JEWELL:** And is it your view that the arranging of donations for Mr Breton's campaign by Mr Mannoun should have been disclosed on a conflict of interest form?

**MR MONAGHAN:** Yes.

**MS HAMILTON-JEWELL:** And is it your view that Mayor Mannoun should have sought informed consent from the recruitment panel and given full disclosure to the panel of the arrangement of donations from Mr Breton if he were to stay on the CEO recruitment panel?

**MR MONAGHAN:** Yes.

**MS HAMILTON-JEWELL:** Can I move now to a different topic. You gave some evidence on 19 November about the induction training that was conducted when you first commenced as a councillor and you of your recollection of that training. And at transcript T3458, lines 11 to 14, you gave evidence that the training was at the end of a very lengthy day and it was really getting through the provisions of the code of meeting practices and code of conduct. Do you recall that evidence?

**MR MONAGHAN:** Yes.

**MS HAMILTON-JEWELL:** And can we take it from that evidence to the Commissioner that there were no practical examples and no discussions of the particular provision of the code of conduct in that training?

**MR MONAGHAN:** Not in any detail, no.

**MS HAMILTON-JEWELL:** And do you have a recollection of social media being raised in detail under the umbrella of code of conduct training?

**MR MONAGHAN:** On the day - on the induction training day, is that the question?

**COMMISSIONER:** I think you are on mute, Ms Hamilton-Jewell.

**MS HAMILTON-JEWELL:** Apologies, Commissioner. Yes, that was the question. Do you have a recollection of social media and its interplay with the code of conduct being raised in detail under the code of conduct umbrella?

**MR MONAGHAN:** No.

**MS HAMILTON-JEWELL:** And in your view would it be of benefit to councillors, particularly councillors that are not legally qualified, to have more practical and in-depth training on the code of conduct?

**MR MONAGHAN:** Yes.

**MS HAMILTON-JEWELL:** If I can move then to a different topic. You gave some evidence on 27 November in relation to the conduct of council meetings and your view that those meetings are poorly chaired. Commissioner, that's at transcript T39 16 at 9-41. You also bear some evidence in relation to an inconsistency in the application of the code of meeting practice. And, Commissioner, that's at transcript T 39 17 lines 6 to 8. And you gave evidence at line T39 17, lines 29 to 33, that particular councillors points of order are upheld and other councillors points of order are ignored. Do you recall that evidence?

**MR MONAGHAN:** I do.

**MS HAMILTON-JEWELL:** To your observation, which councillors have points of order held?

**MR MONAGHAN:** Councillors Harte, Ammoun, Macnaught.

5 **MS HAMILTON-JEWELL:** And to your observation, which councillors have points of order that are ignored?

**MR MONAGHAN:** Councillor Karnib and myself.

10 **MS HAMILTON-JEWELL:** And to your observation are other aspects of the code of meeting practice, for example the number of speakers for and against a motion, or the time each speaker is allowed to speak for, applied consistently across meetings?

**MR MONAGHAN:** No.

15 **MS HAMILTON-JEWELL:** Thank you, Commissioner. Those are my questions.

**COMMISSIONER:** Thank you. Mr Rizk, anything arising?

20 **MR RIZK:** Nothing arising, Commissioner.

**COMMISSIONER:** Thank you. Ms McDonald?

**MS McDONALD:** Yes, thank you.

25 Mr Monaghan, a couple of questions. Ms Hamilton-Jewell took you to the letter that you wrote after the meeting of 20 February and you were taken to the second - sorry, you disappeared. You were taken to the second page where you referred to the fact that after Councillor Ristevski had left the meeting there was then a decision which involved 10 of the 11 councillors. Do you recall that?

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**MR MONAGHAN:** Yes.

**MS McDONALD:** You gave an answer that in your view to have that discussion in his absence was disrespectful towards him.

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**MR MONAGHAN:** Yes.

**MS McDONALD:** Why did you say, or why do you have the opinion that it was disrespectful toward Mr Ristevski?

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**MR MONAGHAN:** The conversation centred entirely around him, his conduct, and was in his absence. If people had problems that they needed to take up with Councillor Ristevski about his conduct it should have been done with Councillor Ristevski present.

45

**MS McDONALD:** During that discussion between the other councillors, was work health and safety discussed?

**MR MONAGHAN:** Yes. This is also the discussion where I asked if substantive complaints could be - or substantive evidence could be put under confidential cover and provided by way of report to councillors.

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**MS McDONALD:** That's right. And you gave evidence about that on the last occasion that such a report was never forthcoming.

**MR MONAGHAN:** Yes.

10

**MS McDONALD:** Also in the section of questions asked by Mr Ms Hamilton-Jewell, you gave in - you gave an answer that Mr Ristevski is not the sole cause of causing dysfunction amongst the councillors. Putting to one side Mr Ristevski, what are the other causes of causing dysfunction amongst the

15

**MR MONAGHAN:** The general conduct of council meetings, particularly the way that they are chaired.

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**MS McDONALD:** You were asked some questions about your evidence about the conduct of council meetings, and you referred to a criticism of speakers for and against and the time allowed to speak. Your observation about a criticism arising from speakers speaking for and against, what was your concern?

25

**MR MONAGHAN:** I am not sure what that concern was. I don't think I gave evidence about that being a concern of mine. But I think what I gave (indistinct) evidence was (indistinct) efficient and (indistinct) draw up the speaker's list on matters that are particularly contentious and alternate between for and against. Is that what that reference is to?

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**MS McDONALD:** I'm asking you. So if that's your answer or your evidence that's what - that's referring to, that's fine.

**MR MONAGHAN:** That's it, yes.

35

**MS McDONALD:** Okay. Is there also an issue about the time being allocated to various speakers?

**MR MONAGHAN:** Yes. It's very inconsistently and haphazardly applied.

40

**MS McDONALD:** An observation from watching some recent council meetings, there is sometimes a reference to put the timer on.

**MR MONAGHAN:** Yes.

45

**MS McDONALD:** What's that a reference to?

**MR MONAGHAN:** Yes. That is a reference to a precisely that. If we are going to now start implementing the time limits, in all (indistinct) the time should be displayed so that they are aware of how much time they have got to speak.

5 **MS McDONALD:** All right. And I take it when you say that, on your screen there does some of kind of count down or clock appear?

**MR MONAGHAN:** Yes, a timer.

10 **MS McDONALD:** The - you asked some questions about the - about code of conduct complaints. Last Thursday you rushed to a meeting where confidential papers, I think, 11 and 12 were discussed and determined in a closed session?

**MR MONAGHAN:** That's correct.

15 **MS McDONALD:** Was the identification of complainants and people who should not be in the council meeting at that point, were they identified?

20 **MR MONAGHAN:** They were always identified. Councillor complainants were identified in the reports. The one - the redacted information referred to complainants who were - I can - I surmise are either council staff or members of the public because they are the other category of complainants in that tranche that were being dealt with. But councillor complainants were always identifiable.

25 **MS McDONALD:** Okay.

30 **COMMISSIONER:** Sorry, Councillor, there was some uncertainty about that last Thursday when - I think I asked you some questions about that. Which - sorry, whichever day it was now that I last saw you. So, is the answer you just gave based on a more thorough reading of the reports from that when you were last - when I asked you some questions about that issue?

**MR MONAGHAN:** Yes.

35 **MS McDONALD:** But from your answer if one looked - if it - is it the case and it was evident in the reports?

**MR MONAGHAN:** Yes, it nominated this particular councillor had made a complaint.

40 **MS McDONALD:** So the ambiguity that Mr Mannoun raised in an open session of the council meeting, I think on the Wednesday, did you ever - was there ever any elaboration on what that ambiguity was?

45 **MR MONAGHAN:** No.

**MS McDONALD:** And the various councillor complainants, did they leave the meeting when the complains were being discussed?

**MR MONAGHAN:** Yes.

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**MS McDONALD:** And there were two closed sessions, one for confidential report 11 and then one for confidential report 12. At any stage during those discussions was the recent free speech guideline issued by the Office of Local Government discussed?

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**MR MONAGHAN:** Yes.

**MS McDONALD:** Was it discussed in - was it discussed in respect of both confidential session 11 and 12 or only one of them?

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**MR MONAGHAN:** It was certainly discussed for confidential item 11. I don't recall it being discussed in accordance with item 12.

**MS McDONALD:** And how was - how was it raised? How was it discussed in the meeting?

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**MR ANDREWS:** Commissioner, can I just intervene at this point. I understand that we are in the public session at the moment. The councillor is being asked questions about what happened in confidential sessions with council meetings. The questions to date have been quite open, but just insofar as we are going into what was actually discussed during those closed sessions, I'm not sure how far senior counsel assisting wishes to take the witness.

25

**COMMISSIONER:** Well, the question is what was the nature of the discussion about the free speech guideline. Is there something particularly confidential about that in the context of code of conduct complaints which I understand have now been finalised?

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**MR ANDREWS:** I don't think so, Commissioner. But just in terms of what else might be - what else the witness may be asked in terms of what happened in the confidential sessions of the council meeting.

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**COMMISSIONER:** All right. Well, someone will immediately correct me if I'm wrong, but this is not being live streamed and if something happens in the next little passage that causes you concern, you can raise it before the transcript is published. But at the moment I'm - I'm not sure we are into territory that would warrant a non-publication order. But you let me know after we conclude as to whether there's any objection to the transcript being published.

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**MR ANDREWS:** Thank you, Commissioner.

45

**MS McDONALD:** Mr Monaghan, what was the nature of the discussion which raised the new free speech guidelines?

5 **MR MONAGHAN:** On these censure motions in respect of code of conduct complaints that have been finalised, the councillor who is subject to the censure has the right to make a submission prior to leaving the room. Councillor Ristevski made reference to the free speech guidelines in - certainly in confidential 11.

10 **MS McDONALD:** Okay. Was the procedure that the councillor complainants left The council meeting?

**MR MONAGHAN:** They left before Councillor Ristevski made his submission.

15 **MS McDONALD:** Then Councillor Ristevski, as you said, could make a submission on - to the remaining councillors? I'm just working out the procedure. Is that right?

**MR MONAGHAN:** Yes.

20 **MS McDONALD:** And then does Councillor Ristevski leave the meeting?

**MR MONAGHAN:** Yes.

25 **MS McDONALD:** And then you have discussion amongst the remaining councillors?

**MR MONAGHAN:** Yes.

30 **MS McDONALD:** And during that subsequent discussion amongst the councillors, were the free speech guidelines raised again?

**MR MONAGHAN:** No.

**MS McDONALD:** No further questions.

35 **COMMISSIONER:** All right. Well, Councillor, that -

**MS RICHARDSON:** Sorry, could I be heard, please?

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

45 **MS RICHARDSON:** The position that I have no choice but to make, given I'm currently not able to take instructions from Mr Mannoun because this witness has been interposed, is in accordance with the position I've taken in respect of other witnesses such as Mr Ristevski, which is that various pieces of evidence have been adduced from this witness in terms of his views about who's responsible for dysfunction, for example, or how code of conducts are ruled upon or not ruled upon. Or meeting - opinions about meeting practice and rolled up evidence about how, you

know, hundreds of hours of meetings progress or don't progress. That as per the position I have taken with the agreement of the Commissioner and senior counsel assisting with other witnesses, that I don't need to put any of that material to Mr Monaghan. That by failing to do that, I'm not taken to having accepted the correctness of any of those views. And the position that we have previously reached is that if counsel assisting wishes to pursue any of those matters with my client, that as a matter of procedural fairness they would have to take up those matters with him. And the same applies in respect of, for example, the meeting where the allegation about standing on person's foot and so on, various people have given various versions of events. The previous position that I have taken with the acceptance of the assisting team is that I don't need to re-put versions of events to each witness, and that's the position I am taking consistently with this witness. If that's agreeable?

**COMMISSIONER:** Certainly that seems to accord with the discussion we had last week, Ms Richardson. As I said, on that occasion to the extent that counsel assisting wishes to take up matters like the inequitable application of the code of meeting practice or some sort of unfairness in the way points of order are ruled upon, I would expect that they be taken up directly with Councillor Mannoun. I think there is a distinction between looking at a meeting and objectively forming a view that, well, maybe things could be done better. That's perhaps in a different category. But certainly that seems consistent with the discussion we had last week, Ms McDonald. Do you - do you demure from any of that?

**MS McDONALD:** No.

**COMMISSIONER:** All right. Is that clear enough, Ms Richardson?

**MS RICHARDSON:** Yes, thank you. Could I just raise another matter? The meeting that occurred over two nights last week, the video for that I think is INQ.103.001.0001. I don't - in line with the agreement we have about not putting things to witnesses about various people's opinions about who is the cause of dysfunction or who is the cause of delay and so on, but there is conduct throughout that meeting we will be making submissions about in relation to the conduct of Councillor Ristevski and Councillor Monaghan in terms of creating delay and problems in the meeting in terms of refusing to go into closed session, privileged material, calls for advice, motions, urgency motions and so on. So I'm not - I don't need to put that through this witness, but it's a matter about which we will be making submissions.

**COMMISSIONER:** To the extent that it goes to matters of process and procedure as opposed to suggestions of deliberate conduct, I would - I would agree with that position. Ms McDonald, do you want to say anything about that?

**MS McDONALD:** I am a little bit concerned about that. If there is going to be criticism, for example, of Mr Monaghan, then that should be put to him. I take your point, Commissioner, if it's a matter of procedure then not, but it was just, from my

learned friend's comments, suggested it was going to go further than that. And if it is, then I think that as a matter of fairness it should be put to Mr Monaghan.

5 **COMMISSIONER:** Based on the discussion we had last week, Ms Richardson, I understood you to be raising these as matters of process and procedure, but I might have misunderstood.

10 **MS RICHARDSON:** It is raised at the level of process and procedure, and also it's in effect defensively in a sense of when one looks at the hours of those meetings we will be making submissions that blame cannot be sheeted home to Mayer Mannoun, that he was chairing those meetings under extremely different circumstances.

**COMMISSIONER:** I think we are all on the same page, Ms McDonald?

15 **MS McDONALD:** I think so. I'm not that 100 per cent sure now, but Ms Richardson -

20 **COMMISSIONER:** Well, from my perspective, if it's - if it goes to process and procedure then that's one thing. If it's going to be suggested that some other councillor was deliberately conducting themselves in a way to cause delay or hinder the operation of the meeting, then that is a matter that would need to be put. But I - as I understand what Ms Richardson is putting, it's the process and procedure point not the latter. All right. I'm sorry, Ms Richardson did you want to say something else?

25 **MS RICHARDSON:** No, thank you.

30 **COMMISSIONER:** All right. Councillor, that completes your oral evidence. I'm asked not to excuse any witness, but we are fast approaching the end of the public hearing, so I hope to be able to let you know through your counsel and solicitors that you have been excused for your summons. But that won't happen just yet. I thank you for your attendance and assistance over the various days and for making yourself available for this special and somewhat unusual sitting of the inquiry. I'm very grateful that you have been able to do that so we can complete your evidence and get through the evidence this week. So you are free to go for the moment. Thank you,  
35 Commissioner.

**MR MONAGHAN:** Thank you.

40 **<THE WITNESS LEAVES THE HEARING**

**COMMISSIONER:** Is there anything else anyone else wants to raise this evening before I adjourn? All silent, all done?

45 **MS RICHARDSON:** Are we starting at 10.15 or 10.30 tomorrow?

**COMMISSIONER:** Ms McDonald? I had 10.15 in my head, but I might be wrong.

**MS McDONALD:** It was recorded on the transcript, it was 10.15.

**COMMISSIONER:** All right. 10.15 it is.

5 **MS McDONALD:** (Indistinct) run down the street.

**COMMISSIONER:** Yes. Thank you everybody for accommodating this late sitting, no doubt at inconvenience to all you. I'm very grateful, and I will see you all tomorrow at 10.15. I will adjourn until then. Thank you.

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**<THE HEARING ADJOURNED AT 7.03 PM**