



PUBLIC INQUIRY INTO LIVERPOOL CITY COUNCIL

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

**PUBLIC HEARING
SYDNEY**

**THURSDAY, 4 DECEMBER 2025
AT 10.26 AM**

DAY 51

APPEARANCES

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

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<THE HEARING COMMENCED AT 10.26 AM

MS McDONALD: Right. Just some administrative matters to begin with.

5 **COMMISSIONER:** Yes.

MS McDONALD: There's some further documents for tender.

10 **COMMISSIONER:** Yes.

MS McDONALD: Two arising from Mr Mallard's further evidence and a separate list of evidence arising from Robert Bennett's evidence. Can I hand up the usual two schedules and also, excuse me, an amended index to exhibit TB8.

15 **COMMISSIONER:** Thank you. The amended index to TB8, general exhibits 2 as at 4 December 2025 at 9.20 am will be MFI 41.

**<MFI #41 AMENDED INDEX TO TB8 GENERAL EXHIBITS 2 AS AT
04/12/2025 AT 9.20 AM**

20 **COMMISSIONER:** The documents in the list headed Robert Bennett's Evidence Documents for Tender by Counsel Assisting will have the exhibit numbers attributed to them in that list, and the documents in the list handed up this morning headed Shayne Mallard's Further Evidence Documents for Tender by Counsel Assisting will
25 have the exhibit numbers attributed to them in that list. And ready for Councillor Mannoun?

MS McDONALD: Yes.

30 **COMMISSIONER:** Yes. Thank you, Councillor. Just come forward. And we might have you resworn, given it's been a few days since you were last here. Yes.

<NED MANNOUN, SWORN

35 **COMMISSIONER:** Thank you. Yes, Ms McDonald.

MS McDONALD: Mr Mannoun, as the mayor of the council, you are the one who usually chairs council meetings?

40 **MR MANNOUN:** Yes.

MS McDONALD: And in chairing council meetings, do you attempt to ensure that decisions made by the council are made in a way that is open and accountable?

45 **MR MANNOUN:** Yes.

MS McDONALD: That decisions are based on relevant quality information?

MR MANNOUN: Yes.

5 **MS McDONALD:** That during the meetings you and councillors treat each other with respect?

MR MANNOUN: Yes.

10 **MS McDONALD:** And do you maintain that the meetings that you chair are well organised, effectively run and skilfully chaired?

MR MANNOUN: Yes.

15 **MS McDONALD:** In treating your fellow councillors with respect during meetings, that would include not treating any councillors in a condescending fashion?

MR MANNOUN: Yes.

20 **MS McDONALD:** Not in a patronising fashion?

MR MANNOUN: Yes.

MS McDONALD: Being polite?

25 **MR MANNOUN:** Yes.

MS McDONALD: So as your role of the chair of the meeting, you also have the ability to not allow a motion on the basis that it's unlawful?

30 **MR MANNOUN:** Yes.

MS McDONALD: When you do that, how do you determine whether the motion is lawful or not, in your opinion?

35 **MR MANNOUN:** The - the first step - the first gateway in question to lawfulness happens prior to the council meeting with the CEO. It's their responsibility to prepare the agenda and rule out any motions that they believe are unlawful. Now, then, during the council meeting the responsibility then falls on myself as the chair of the meeting. Now, ultimately, it's a matter of experience and looking at the motion,
40 subject to what the particular motion may be. And then if I believe there is an element of unlawfulness to it, I then have to allow the mover of the motion the opportunity to make it lawful. And there is, from time to time, consultation with the general counsel at the council meeting.

45 **MS McDONALD:** In part of that answer you said, when you're the chair, if there is a motion where you believe it to be unlawful - how do you determine your belief that it's unlawful? You've spoken about experience. You've spoken about sometimes

there's consultation with the general counsel. But other than that, is there any other way?

5 **MR MANNOUN:** The - being in the - the role of a chair requires one to have a - to make decisions in a timely fashion with regards to implementation of abundances of policies and legislation and understanding the rules of Local Government. So from that, if something I believe needs further inquiry then - and further, I may pause for a moment, ponder on the matter, see what advice is available to me. Any research I need to do, and then make a decision on that.

10 **MS McDONALD:** Well, I've said to you other than consulting with the general counsel, and also in the absence of the CEO noting any issue with the notice of motion, it's a matter of you pausing, pondering and then making your determination?

15 **MR MANNOUN:** Yes.

MS McDONALD: Do you always refer to the general counsel?

20 **MR MANNOUN:** No.

MS McDONALD: What determines whether you refer to the general counsel?

25 **MR MANNOUN:** Complexity. And a lot of the time is councillors wanting to refer to the general counsel and seek an opinion.

MS McDONALD: Right. But I'm focusing on what you do. So when you would refer to the general counsel, you've nominated where an issue of complexity arises.

30 **MR MANNOUN:** Yes.

MS McDONALD: Any other - so your answer is you don't always refer it to the general counsel. But if it is an issue - if the issue that arises is one of complexity, you would refer it to the general counsel?

35 **MR MANNOUN:** Yes.

MS McDONALD: Any other circumstances in which you would refer it to the general counsel?

40 **MR MANNOUN:** Complexity, if I'm not sure. Just the general terms of when somebody needs advice - you would seek advice.

MS McDONALD: Right. I'm just trying to work out can you have the resource - the general counsel usually at every council meeting?

45 **MR MANNOUN:** Yes.

MS McDONALD: Or if Mr Galpin isn't available there would be another senior member of your legal - of the council's legal team present?

MR MANNOUN: Yes.

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MS McDONALD: I'm just trying to work out, in addition to issues of complexity, when you would turn to the general counsel or his representative to seek advice.

MS McDONALD: Yes. There are circumstances prior to the council meeting where if I - will see potentially something coming, then I may also run a scenario past the general counsel.

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MS McDONALD: And, what, seek the general counsel's advice?

MR MANNOUN: Yes.

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MS McDONALD: And the advice from the general counsel, is that then distributed or provided in some way to your fellow councillors?

MR MANNOUN: No, not in usual circumstances. We've had examples in recent times where - calling extraordinary meetings and having motions or extraordinary meetings where we've had to seek general counsel, and then external advice, and that was circulated to councillors.

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MS McDONALD: And there's a number of examples in the material before this inquiry where advice has been obtained and that is provided to your fellow councillors.

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MR MANNOUN: Yes. Yes.

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MS McDONALD: For example, the advice from Mr Hodgkinson of Senior Counsel dealing with work health and safety.

MR MANNOUN: Yes.

35

MS McDONALD: That's one example of where the legal advice obtained was distributed to all councillors?

MR MANNOUN: Yes. And I - I got that legal advice from my role as a director of LGNSW, and forwarded that - I actually provided that to council.

40

MS McDONALD: Yes, but if you can listen to my questions, that is an example of being distributed to your fellow councillors.

MR MANNOUN: Yes.

45

MS McDONALD: And the examples that you just gave of extraordinary meetings held this year, in September and October, where I think some legal advice was obtained from an external - at least one external firm. May have been a second external firm?

5

MR MANNOUN: One, from my recollection, but two pieces of advice.

MS McDONALD: Two pieces of advice. And both those pieces of advice were distributed to your fellow councillors?

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MR MANNOUN: Yes.

MS McDONALD: So - and there is merit in that example - in that distribution of advice to your fellow councillors in that they can read it beforehand, understand what the basis of concern or illegality is, and then would - and that would be providing to them relevant quality information, wouldn't it?

15

MR MANNOUN: Provides them, but it depends on what they do with it.

MS McDONALD: Well, that's not my question. Providing such legal advice is you're providing to your fellow councillors relevant quality information, aren't you?

20

MR MANNOUN: Yes.

MS McDONALD: And regardless of what they do with it, that should form the basis of providing to your fellow councillors relevant information which should then ground the decisions made by the council.

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MR MANNOUN: Yes.

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MS McDONALD: And so the provision of legal advice that has been obtained isn't something that's unusual?

MR MANNOUN: Sorry, what was the question?

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MS McDONALD: Provision of legal advice obtained from an outside firm or a barrister and providing that to your fellow councillors, that's not an unusual step, is it?

MR MANNOUN: It happens from time to time, yes.

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MS McDONALD: As the mayor, you are bound by the various policies of the council, including the relevant policies dealing with information provided to councillors and interaction with staff?

45

MR MANNOUN: Yes.

MS McDONALD: Also - I withdraw that. In using the resources of council, you must use them for the purposes of your civic duty?

MR MANNOUN: Yes.

5

MS McDONALD: Not for party political purposes?

MR MANNOUN: Yes.

10 **MS McDONALD:** And you must be scrupulous in the way that you use council resources?

MR MANNOUN: Yes.

15 **MS McDONALD:** You must not use them for private purposes?

MR MANNOUN: Yes.

20 **MS McDONALD:** Just excuse me for a minute. On - last week I was asking you some questions about Joe Cannavo and his companies Icon Properties and Cannavo investments.

MR MANNOUN: Yes.

25 **MS McDONALD:** You have performed work for Mr Cannavo and his companies?

MR MANNOUN: Yes.

MS McDONALD: When did you provide that work?

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MR MANNOUN: Approximately October - end of - towards the end of 2021.

MS McDONALD: What work did you do for him?

35 **MR MANNOUN:** Provided advice regarding leasing options for his property.

MS McDONALD: Which property?

40 **MR MANNOUN:** The one that I know as - well, D'Roost. I don't know the exact address of it, I think it's 330 or 360 Macquarie Street. The former chicken shop.

COMMISSIONER: I'm sorry, I just lost that last bit.

MR MANNOUN: The former chicken shop.

45

COMMISSIONER: The former chicken shop.

MS McDONALD: You also assisted him in respect of his application for a development approval?

MR MANNOUN: No.

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MS McDONALD: Excuse me for a minute. You have had - before December 2021, you had been discussing with him ways to solve the problem with the development of his property at 360 Macquarie Street?

10 **MR MANNOUN:** I don't understand what you mean by "ways to solve the problem".

MS McDONALD: Well, he wanted to develop that property?

15 **MR MANNOUN:** No.

MS McDONALD: He applied in 2016 for a concept approval?

MR MANNOUN: Yes.

20

MS McDONALD: That approval was granted in June 2019?

MR MANNOUN: Yes.

25 **MS McDONALD:** And after that, a further approval for - in the form of a development application was - I'm sorry, I'll withdraw that question. Mr Cannavo was looking for further approval - that is, a development application, after he had received the concept approval?

30 **MR MANNOUN:** Not that I'm aware of, no.

MS McDONALD: That's new to you, is it?

35 **MR MANNOUN:** Yes. From my understanding, he's only lodged a concept approval.

MS McDONALD: I'm sorry?

40 **MR MANNOUN:** From my understanding, he's only lodged a concept approval and no actual DA.

MS McDONALD: No, I didn't ask you that. You agree - we've established you knew that he sought and was granted a concept approval.

45 **MR MANNOUN:** Yes.

MS McDONALD: What I was saying to you is that Mr Cannavo was then looking at lodging a further development application so that he could develop the particular site, and you knew that -

5 **MR MANNOUN:** No, he -

MS McDONALD: That he was looking to do that.

MR MANNOUN: That he was looking at doing that?

10

MS McDONALD: Yes.

MR MANNOUN: I never saw any circumstances or actions that indicated that.

15 **MS McDONALD:** Right. Okay. But my question was broader than that. Did Mr Cannavo before December 2021 discuss that with you?

MR MANNOUN: It may - it came up, I think, in the discussions we were having about selling this property because he was trying to sell it. And I remember trying to
20 sell it for him, and it was around - I think along the lines of would it add value if there actual was a DA approval, versus what he had, which was a concept approval which didn't allow any development.

MS McDONALD: So you did have that discussion with Mr Cannavo?
25

MR MANNOUN: In a very light term, yes.

MS McDONALD: In a very what?

30 **MR MANNOUN:** Light. As in a variable - with regards to, you know, would this add value to my property when I'm going to sell it, when - he said, "I'm 70 years old and I'm not going to develop it, I want to sell this property. Would it add value if I had a DA approval versus a masterplan," which is what he had approved, a concept, which actually did not allow any development.

35

MS McDONALD: So -

COMMISSIONER: What's the significance of a concept plan?

40 **MR MANNOUN:** Under the amendment 52, the concept DA would allow a site, if it met the criteria, to have a 10 to one zoning on it and - versus a three to one. So it was made for larger - larger sites. But you had to go through that process. It wasn't a given, it's - versus just doing a blanket - there's your zoning and height. So you'd have to have the concept approval first, then from that you can then move on to a
45 development application.

COMMISSIONER: So it's a gateway step. If you don't get through that there's not much point in lodging a development application?

MR MANNOUN: Correct.

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MS McDONALD: Have you ever disclosed to anybody within Liverpool City Council the work that you had performed for Mr Cannavo and his - and/or his properties before you became mayor in December 2021?

10 **MR MANNOUN:** Sorry, did I disclose before December '21?

MS McDONALD: No, after. After you became mayor, did you disclose - have you disclosed it to anybody?

15 **MR MANNOUN:** Yes.

MS McDONALD: Who did you disclose it to?

MR MANNOUN: From my recollection, I think it was with Mr - Mr Ajaka.

20

MS McDONALD: When?

MR MANNOUN: I think there was a meeting once between Mr Ajaka, Mr Cannavo - I'm just trying to think - I wasn't involved or anything, but I think at that point -

25

MS McDONALD: You were involved?

MR MANNOUN: I'm just trying to think if I was involved or not. I don't remember being involved, no.

30

MS McDONALD: Well, my question was when did you disclose it to Mr Ajaka. You've just referred to a meeting that you don't remember attending between Mr Cannavo and Mr Ajaka. When did you disclose - you're saying you disclosed it to Mr Ajaka. When did you disclose it to Mr Ajaka?

35

MR MANNOUN: Some time in '23. 2023.

MS McDONALD: And how did you disclose it?

40

MR MANNOUN: Verbally.

MS McDONALD: Nothing in writing?

45 **MR MANNOUN:** No, but I remember telling it to Mr Ajaka, saying that - that - you know, "Just letting you know I've done work for Mr Cannavo in the past. Can you please note it down as part of your file records."

MS McDONALD: Right. Other than putting the responsibility on Mr Ajaka, you didn't record it in writing anywhere?

5 **MR MANNOUN:** No.

COMMISSIONER: How did it - do you remember how it came up?

10 **MR MANNOUN:** There was - I think Mr Cannavo wanted to have a meeting with the CEO, and I informed Mr Ajaka, "This person would like to meet with you," gave him a run-down of the history of the issue over the last - what was it at that time, 20-plus years - told him about it. And then just saying to him - but yes, I've done it, and then they - as in I've done work for him, therefore he's aware of it, and noted it down, but I had no further involvement in the situation.

15

COMMISSIONER: Do you remember how you came to be aware that Mr Cannavo wanted to meet with the CEO?

20 **MR MANNOUN:** He asked me - he wanted me -

COMMISSIONER: Mr Cannavo approached you?

MR MANNOUN: He wanted me to organise it.

25 **COMMISSIONER:** I see.

MS McDONALD: You said this was some time in 2023?

30 **MR MANNOUN:** Yes.

MS McDONALD: Roughly when?

MR MANNOUN: I don't remember.

35 **MS McDONALD:** Before - and, sorry, in answer to the Commissioner's question, are you saying Mr Cannavo contacted you directly or did he ask Mr Ajaka to get you to attend the meeting?

40 **MR MANNOUN:** From - my recollection is he contacted me.

MS McDONALD: Mr Cannavo contacted you?

MR MANNOUN: Yes.

45 **MS McDONALD:** And that was some time in 2023?

MR MANNOUN: Yes.

MS McDONALD: Before that contact, had he contacted you at all in 2022?

MR MANNOUN: Yes.

5

MS McDONALD: When did he contact you in this 2022?

MR MANNOUN: I'm - I'm not sure.

10 **MS McDONALD:** What form did the contact take?

MR MANNOUN: Phone call.

MS McDONALD: And did it lead to anything?

15

MR MANNOUN: I think him and I catching up, yes.

MS McDONALD: When did you catch up? Sorry, did you catch up?

20 **MR MANNOUN:** Yes.

MS McDONALD: When?

25 **MR MANNOUN:** I don't remember the month, but some time in that - some time in that period.

MS McDONALD: What period?

MR MANNOUN: '22, '23.

30

MS McDONALD: Was this an unofficial catch-up?

MR MANNOUN: I don't know the distinction between "unofficial" or "official".

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MS McDONALD: Well, did he come into council offices, Mr Cannavo?

MR MANNOUN: Not exactly sure.

40 **MS McDONALD:** And what did you discuss?

MR MANNOUN: Mr Cannavo - once again, he's interested in his issue that he had for - going for a long time in the area, and generally about the future of Liverpool. I know he was critical of the council chambers that we were spending money on.

45

MS McDONALD: And the issue that he was raising - or the issues that he was raising included the issue that he alleges that he was - it was represented to him that

there would be some extension of Bathurst Street that would assist the development of his property?

5 **MR MANNOUN:** Sorry, when is that question? When are you - are you asking -

MS McDONALD: Well, you said that you had a catch-up with him and that issues were raised.

10 **MR MANNOUN:** Yes.

MS McDONALD: One of the issues that he has been raising with you is alleged representations made to him whereby the council would extend - or the road from Bathurst Street to Terminus Street, which would assist the development of his property.

15 **MR MANNOUN:** Yes, that's the ongoing issue for the last 20 years. Yes.

20 **MS McDONALD:** Also did he discuss with you that if that road couldn't be built, that he wanted a car park to be built on 360 Macquarie Street, the property that the council now owned, because it would assist him in developing the substratum above - that he owns above that land?

25 **MR MANNOUN:** Yes, he raised the issue of the council resolution about building a car park there.

MS McDONALD: But it's all in - linked with the proposed development of his property?

30 **MR MANNOUN:** Not specifically, no. Yes, no - actually, yes, with regards to the masterplan because the masterplan relied upon the road going through. And the car park did affect that.

35 **MS McDONALD:** Other than, in your evidence, this oral conversation with Mr Ajaka before he attended a meeting with Mr Cannavo, have you disclosed to anybody else in council your dealings with Mr Cannavo?

MR MANNOUN: Possibly to Lauren Myers.

40 **MS McDONALD:** When she was your executive assistant?

MR MANNOUN: Yes.

45 **MS McDONALD:** Other than Ms Myers when she was your executive assistant, anybody else?

MR MANNOUN: Yes.

MS McDONALD: Right. Who?

MR MANNOUN: I think Mr Steve Simat.

5 **MS McDONALD:** Right. When?

MR MANNOUN: I don't remember.

10 **MS McDONALD:** Well, this year?

MR MANNOUN: No, it would have been earlier. As in 2025?

MS McDONALD: I'm sorry?

15 **MR MANNOUN:** You said this year?

MS McDONALD: Yes.

20 **MR MANNOUN:** No.

MS McDONALD: 2024?

MR MANNOUN: It would be around '23, '24.

25 **MS McDONALD:** In what circumstances did you reveal your dealings with Mr Cannavo and his companies?

30 **MR MANNOUN:** It was similar situation and discussion with regards to, you know, what the intention of council is - Mr Cannavo wanting a meeting with regards to is council building the car park, are they building the road, what are they doing, and I think that Mr Simat and Mr Cannavo had a meeting. I think they have met to discuss the issue. And when it was brought to my attention, I said to them, once again, I have done work for Mr Cannavo previously.

35 **MS McDONALD:** Did you record that conversation and what you disclosed to Mr Simat, I'm sorry, in writing?

MR MANNOUN: No.

40 **MS McDONALD:** Did you attend a meeting with Mr Cannavo in 2024? Or are you just being informed by others that there are meetings coming up?

MR MANNOUN: No, I didn't attend a meeting with Mr Cannavo in '24.

45 **MS McDONALD:** Now, the work that you had performed with Mr Cannavo or his companies, you invoiced for that?

MR MANNOUN: Yes.

MS McDONALD: You didn't invoice for that work until 2022?

5 **MR MANNOUN:** Yes.

MS McDONALD: You did - you said you performed the work at the end of October 2021. It took you about six months to issue the invoice?

10 **MR MANNOUN:** Approximately.

MS McDONALD: The initial invoice - if we can bring up, please, JCA.001.001.0001. Yes, please. Sorry, just before you - good. There's redactions. Excellent. Excuse me for a minute. Maybe if we don't live stream it at the moment. I
15 think there might be an issue with the second page. If we'd go to the second page. Can you see that's a tax invoice to Joseph Cannavo of Cannavo Investments, introductory services. What were the introductory services?

MR MANNOUN: I introduced a tenant to his property.

20 **MS McDONALD:** And the invoice there is for \$38,500.

MR MANNOUN: Yes.

25 **MS McDONALD:** And if you'd go to the next page. Sorry. This seems to be the invoices generated by some kind of software system, QuickBooks or something like that?

MR MANNOUN: Yes.

30 **MS McDONALD:** And it's then sent to Mr Cannavo.

MR MANNOUN: Yes.

35 **MS McDONALD:** Right. If we keep on going, up to page 2. Sorry, that - if we -

COMMISSIONER: This isn't live streamed, is it?

MS McDONALD: No, that's why we stopped it.

40 **COMMISSIONER:** Yes. No, I'm just making sure.

MS McDONALD: If you keep on going up to - sorry, the beginning of the document. Sorry. We have you forwarding it to Mr Cannavo at Icon Properties on 14
45 April.

MR MANNOUN: Yes.

MS McDONALD: Was that the final invoice?

MR MANNOUN: No. No.

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MS McDONALD: You issued another invoice?

MR MANNOUN: Yes.

10 **MS McDONALD:** For a smaller amount of money?

MR MANNOUN: Yes.

MS McDONALD: Why did you do that?

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MR MANNOUN: There was a discrepancy on what - the amount that was agreed.

MS McDONALD: Between you and Mr Cannavo?

20 **MR MANNOUN:** Yes.

MS McDONALD: And Mr Cannavo had to point that out, did he?

MR MANNOUN: The - yes, we had different opinions.

25

MS McDONALD: Right. If you'd bring up JCA.001.001.0002. Yes, I think it's okay. I think there's been a redaction.

30 **COMMISSIONER:** Well, no. Take it down from the live stream. There's an account number there. There's an account which is not redacted.

MS McDONALD: Sorry.

COMMISSIONER: So we'll just have it in the room, I think.

35

MS McDONALD: So that's the new invoice that you issued?

MR MANNOUN: Yes.

40 **MS McDONALD:** The \$33,000?

MR MANNOUN: Yes.

MS McDONALD: And that was paid by Mr Cannavo?

45

MR MANNOUN: Yes.

COMMISSIONER: Is this a replacement for the one that I saw a moment ago?

MR MANNOUN: Yes.

5 **MS McDONALD:** In 2022, how many catch-ups or meetings did you have with Mr Cannavo?

MR MANNOUN: I don't remember.

10 **MS McDONALD:** Did you record the fact that you were meeting with him anywhere?

MR MANNOUN: The normal course would be in my diary.

15 **MS McDONALD:** What about any record of what you discussed with him?

MR MANNOUN: No.

20 **MS McDONALD:** And that time, you knew that there was an issue between Mr Cannavo and the council?

MR MANNOUN: I've known that for the last 20 - or that history, yes.

25 **MS McDONALD:** Mr Cannavo raised at this catch-up some of his issues?

MR MANNOUN: Which catch-up?

MS McDONALD: You one you spoke - you gave evidence about, in 2022.

30 **MR MANNOUN:** Yes.

MS McDONALD: But you made no record of what was discussed and what you said?

35 **MR MANNOUN:** Yes.

40 **COMMISSIONER:** Is there a process when a member - I'll call them a constituent, but someone with interests in the LGA wants to meet you? Is there a process whereby they have to do it through your executive assistant? Is there a form filled out requesting a meeting? Anything like that?

45 **MR MANNOUN:** From time to time there is. Just - the challenge is that when you are - wherever you go, you're meeting with people and discussing different matters, and that's when, I guess, the challenge arises.

COMMISSIONER: You mean as mayor you're out and about and you run into people and people approach you as mayor and raise their concerns with you?

MR MANNOUN: Yes. And -

COMMISSIONER: But what about - I'm sorry, had you finished?

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MR MANNOUN: I'm sorry, the - even, I think it was the other day at a lunch break here, when I was in Martin Place, because I went to - so I went to the MLC and - and I had two people talk to me about council issues.

COMMISSIONER: Thankfully I'm - seem to fly under the radar more than you. But what about where someone says, "Hey, I want to come and meet with you." That's different, would you agree?

MR MANNOUN: Yes.

15

COMMISSIONER: And what happens then? How is that arranged?

MR MANNOUN: So the - when they send the request through the mayor email address, the - that's run by the - my executive assistant, and they will then send a form. The form will then be filled out and then a meeting will be organised if need be.

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COMMISSIONER: What about if someone just rings you or sends you a text and says, "Hey, can we meet?"

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MR MANNOUN: No.

COMMISSIONER: You wouldn't refer that to your EA to have that process completed?

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MR MANNOUN: No. It's - this issue came up with regards to a - a notice of motion, and I think which ultimately was passed, to get a report about, you know, lobbyists and being lobbied as a councillor. And we had all agreed to it, we're saying that's fine, but you're going to have to have somebody with us pretty much all day everyday, because it's - when you're out and about in the community it's hard to say to someone, "We can't talk about this, because I have no one with me taking notes," or -

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COMMISSIONER: Being out and about might be different, engaging with the constituents. What I'm really focusing on is when someone says, "Hey, Mr Mayor, I want to come and meet with you. If they send the email through your mayoral email address it'll go through the process with the form, but if someone contacts you directly for a meeting it wouldn't go through that process? Is that - is that right?"

40

MR MANNOUN: Not every time. So if I - like now, for example, if I get a message on, say, Instagram, I'll say, "Look, here's the email, organise it through that way." So

45

more and more of the overwhelming majority would go through that process now,
but -

5 **COMMISSIONER:** What about if it's someone you know, who sends you an email
or a text and says, "Hey, can we meet? I want to talk to you about my concerns or a
particular issue"?

10 **MR MANNOUN:** Well, the challenge is that when they do that it's usually, "Let's
catch up, it's been a long time," you know? As in, no one is actually saying what they
want to catch up for. So they make it as if it's a social catch-up, and then when you
get there they're like - this is what they want to talk about. What I try to do is, "No
worries, yeah, let's catch up. However, you know, what do you want to" - I try to get
15 it out of them purely because of time constraints - not that I don't want to see
someone, but because I don't have the ability to book something in. So I usually get
the issue out - what they want to talk about.

COMMISSIONER: Is it social, is it council business?

20 **MR MANNOUN:** Yes.

COMMISSIONER: Is that what you're asking them?

25 **MR MANNOUN:** Yes, you get a - you learn how to do - to get it out of them and
say, yes, you know -

COMMISSIONER: All right. And if it's council business, what would you do next?

30 **MR MANNOUN:** Send me an email is usually the best way, because that's a
commitment from them that it's - if they have 10 minutes to send an email that means
it's important to them, and then it can go through the system. And a lot of the times it
doesn't have to be a meeting, it can be just resolved by a staff member giving the
phone call or just, "All right. I'll look into this issue and get back to you about it."

35 **COMMISSIONER:** It might be purely operational and you'll refer it to the
appropriate department?

MR MANNOUN: Yes.

40 **COMMISSIONER:** Is that a - do you do that all the time or some of the time, most
of the time?

MR MANNOUN: As in referring it or -

45 **COMMISSIONER:** Yes. Well, this process where - "Send me an email and we'll
see where we go next," is that your standard practice or -

MR MANNOUN: Subject to what the matter is. If I can solve it right there and then, you know, I had that - someone asked me about private certifiers and something with council and - the other day and I could - they wanted to have a meeting with me, I solved it right there and then and got rid of the issue. But then I did say, "Get your certifier to send an email," to put it in the system. So it's really case by case basis.

5
10 Last night we had one about zero-lot boundaries and section 88 certificates and all that stuff. And then, once again, staff are able to help out, provide a bit of assistance and, once again, send an email. But an email in that situation wouldn't work because the issue was very urgent, i.e. the neighbours were pouring concrete.

15 So I'm the only person that goes through that process. Councillors don't have any forms to fill out. Because I brought this issue up recently and saying, well - you know, I get a lot of people saying to me, "Ned, it's been months and no one's booked in a meeting," and that has - and I asked the staff, well, why is that. So - and then I asked, further, do councillors have to fill out a form when they have meetings with constituents or when they have meetings with staff, but councillors don't have that process, it's only a burden on myself.

20 **MS McDONALD:** This procedure where you - there's some note of a meeting with constituents, when was that introduced?

MR MANNOUN: In my previous term. My first term as mayor.

25 **MS McDONALD:** Back in 2012 to 2016?

MR MANNOUN: Yes.

30 **MS McDONALD:** Right. So where's the record of any of your meetings with Mr Cannavo?

35 **MR MANNOUN:** If they - if it went through my executive assistant, then they would have a - they would be TRIMed somewhere. Some - I don't know whether - I think this one - like I said, originally, if it was Joe saying let's catch up and we're catching up, there was a - I guess there was a transition phase where there was - like I said, there - people that I had done work for and I stopped doing work for - into - now going into, you know, is he catching up, for example, purely about work?

40 **MS McDONALD:** What I'm asking you - sorry, I withdraw that. Mr Cannavo had your private email address?

MR MANNOUN: Yes.

45 **MS McDONALD:** It's probably likely that he contacted you via your private email address?

MR MANNOUN: I think he called me or text messaged me, maybe.

MS McDONALD: You've given evidence that at a catch-up in 2022 he raised with you the issues with his property.

5

MR MANNOUN: Yes.

MS McDONALD: And you've said that it's been issues for 15 years. But you were aware that he alleged back then that there were representations made to him by council officials as to what was going to happen with the road and then what was going to happen with 360 once the council met it?

10

MR MANNOUN: Yes.

MS McDONALD: In those circumstances - and you must have realised that this had the potential to end up in litigation?

15

MR MANNOUN: No.

MS McDONALD: You had - it didn't pass your mind at all? That Mr Cannavo might eventually sue the council?

20

MR MANNOUN: No.

MS McDONALD: He has, hasn't he?

25

MR MANNOUN: Yes.

MS McDONALD: And if in his evidence he talks about representations or comments that you made to him when having a meeting with him, you have no documentary record to counter that, have you?

30

MR MANNOUN: No.

MS McDONALD: That's one of the reasons why, when you're meeting a constituent and they are dealing with a matter of substance to the council, you should make a record or some kind of note of what was discussed?

35

MR MANNOUN: It's actually why I insisted that I have somebody with me at all council meetings and - at those said meetings. So at that point in time Lauren Myers was my executive assistant. And she could only do so much, which is why back in my original term when I was mayor there were other people, i.e. I had a senior adviser who would sit in the meetings and take those said notes.

40

MS McDONALD: But nobody - you didn't and nobody from the council took any notes of any of the discussions you've had with Mr Cannavo?

45

MR MANNOUN: No, I don't take notes for any meetings.

MS McDONALD: So if you - we go back to my question. So nobody took notes of any of your meetings or discussions with Mr Cannavo?

5

MR MANNOUN: Yes.

MS McDONALD: Now, could we bring up another document, please.

LCC.040.001.0267. Yes, please. This is a memo prepared by Mr Simat. I think it's Mr Simat. Let me just - yes, Mr Simat, about a meeting attended by the acting CEO, himself and Mr Mallard, with Mr Cannavo. Do you see that, on 17 June 2024?

10

MR MANNOUN: Yes. Yes.

MS McDONALD: And if we just look at the background notes, in the first paragraph, if we just leave it there:

15

"Mr Cannavo feels aggrieved and frustrated with dealings with Council dating back 20 years."

20

And there's a reference to the purchase of the two properties.

MR MANNOUN: Yes.

MS McDONALD: And then there's a reference that - to evidence I took you before - that Mr Cannavo was granted air rights over lot 1. And:

25

"By granting Mr Cannavo the air rights it increased the potential yield of units that could be built on that property in any future development."

30

MR MANNOUN: Yes.

MS McDONALD: Then if we'd move to the next dot point. If we just move it up a little bit - that's okay. Just stop there:

35

"Mr Cannavo ... maintained that he never wanted to sell his properties ... but feels like he was forced to do so on the pretence that Council would build a [thorough] road connecting Bathurst to Terminus St."

Then the next dot point, there's the reference to the concept approval on 28 June 2019. I can take you to a document, but is it your understanding that he applied for that concept approval in 2016?

40

MR MANNOUN: I - I'll accept that.

45

MS McDONALD: And then, if we go to the next dot point:

"Further approval [that is a development application] is required..."

Et cetera. And then the last dot point:

5 "Mr Cannavo intends on submitting a DA in the future - however one of his key issues is the property's shape and the apparent lack of ability to provide sufficient carparking for future residents."

10 So here they are recording that a DA is required and Mr Cannavo intends on submitting a DA in the future.

MR MANNOUN: Yes.

15 **MS McDONALD:** If we go to the next page, we've got Council Resolutions Relevant to Providing More Public Car Parks. And this is looking at a car park in - actually in Macquarie Street. And then right down the bottom of the page, we've got a heading Discussions With Mr Cannavo and Meeting With Mayor and CEO January 2024. So that records that you did meet with Mr Cannavo in January 2024.

20 **MR MANNOUN:** Yes.

MS McDONALD: And then if we go across the page, there is an account of the conversation where point 1 is the building by the council of a three-storey public car park. Has that been built?

25 **MR MANNOUN:** No.

MS McDONALD: Then:

30 "The adjacent owner (Mr Cannavo) would in the future build four (4) storeys..."

"The above construction would be totally separate."

And then 4:

35 "The above scenario which was discussed between Mr Cannavo and the Mayor was viewed positively by Mr Cannavo and the mayor - a potential win/win - Council builds a ... carpark and separate to that Mr Cannavo builds a car park above which would benefit his development site. However, due to lack of funds (see below) it is not possible to build the ... carpark."

40 Now, at the time of this discussion in January, it was - you were hopeful that council would build the car park on Macquarie Street?

45 **MR MANNOUN:** As per the resolution, yes.

MS McDONALD: And what this indicates - or this record of the conversation is that Mr Cannavo, in trying to develop his site, wants to build a car park above the council car park?

5 **MR MANNOUN:** Yes.

MS McDONALD: So that recording or brief summary of the discussions that you had with Mr Cannavo in January 2024, does that now accord with your recollection?

10 **MR MANNOUN:** Yes. So there - I think I said before, in the meeting in '23 - this is - being January '24, so -

MS McDONALD: No, but I'm not asking you that.

15 **MR MANNOUN:** Yes.

MS McDONALD: You've agreed that - I showed you discussions with Cannavo and meeting with mayor in January 2024. Do you now recall attend such a meeting?

20 **MR MANNOUN:** Not in January '24.

MS McDONALD: Right. The - when do you say - sorry, I withdraw that. The summary set out in 1 to 4, excluding the last sentence of paragraph 4, does that accord with your recollection of what was discussed at a meeting with Mr Cannavo?

25 **MR MANNOUN:** You're saying without - sorry, the last sentence on point 4?

MS McDONALD: Yes.

30 **MR MANNOUN:** Yes.

MS McDONALD: But is your recollection this occurred some time in 2023?

35 **MR MANNOUN:** Yes. And if I could check my diary, I could confirm with you.

MS McDONALD: Do you have any - I take it you have no separate note or record of this particular meeting?

40 **MR MANNOUN:** No.

MS McDONALD: Excuse me for a minute. Could we bring up OLG.001.001.1498. Yes. Thank you. This is a letter sent by Mr Cannavo to the acting general manager in July 2024?

45 **MR MANNOUN:** No.

MS McDONALD: Do you see - see that right up the top?

MR MANNOUN: Yes. You're saying to Mr - to the general manager?

MS McDONALD: To the acting general manager.

5

MR MANNOUN: Yes.

MS McDONALD: And can you see, if you do down the page - keep on going to a paragraph where:

10

"In January of 2024, I received a call from Ned Mannoun, as I previously mentioned we have been speaking for many years, trying to get the best outcome for Council without causing further damage to Cannavo Investments P/L."

15

Do you see that?

MR MANNOUN: Yes.

20

MS McDONALD: Do you agree with that? That you have been speaking for many years with Mr Cannavo, trying to get the best outcome for council?

MR MANNOUN: Yes.

25

MS McDONALD: Without causing further damage to Cannavo Investments Proprietary Limited?

MR MANNOUN: Yes.

30

MS McDONALD: Then he refers to a conversation that he says you had in January 2024, where he says:

"Hi Joe, Council now have the money to build a carpark at 360 Macquarie st we can now move forward on this project' ... 'I will introduce you to Steve and you can work out the detail with him'."

35

And Mr Cannavo says:

"Ned we haven't caught up for a long while I will visit you and we can all discuss the detail'."

40

Do you recall that conversation Mr Cannavo?

MR MANNOUN: No.

45

MS McDONALD: Has Ms Boustani sat in any of your meetings with Mr Cannavo?

MR MANNOUN: I don't recall.

MS McDONALD: If we go across the page, can you see in the paragraph commencing "Jason":

5 "...I made an appointment to visit Ned and Steve Thursday February 8 and we discussed many issues about the car park detail, [and] with us was Ned's assistant, a lovely lady lawyer, I do not recall her name."

10 You would assume that's a reference to Ms Boustani? Do you see that, Mr -

MR MANNOUN: I'm reading the email.

MS McDONALD: No, can you just - I've read the first part and I want to ask you a question about the first part I've read - read out. So the reference - maybe if we just bring it - the document down. No, the other way. Sorry. Sorry. There's a reference to:

15 "Ned called for lunch. We were eating at the old council chambers, in the boardroom. Mr Ajaka appeared. Conversation moved to council building, the three levels of the car park, which Cannavo Investments would build four levels on top.
20 Ned suggested that council could build another 200 units on top, and that would offset council's car park cost."

Do you recall that conversation?

25 **MR MANNOUN:** Sorry, which part of the conversation are you referring to?

MS McDONALD: My first question is do you recall having this lunch on about February 8?

30 **MR MANNOUN:** No.

MS McDONALD: Do you recall this conversation in which there is this proposal - I think people describe it as a win/win situation of council building the car park to a couple of levels and then Mr Cannavo building on top of that, utilising his air space?

35 **MR MANNOUN:** Building what? Car park or units? Car park?

MS McDONALD: Yes.

40 **MR MANNOUN:** Car park, yes.

MS McDONALD: And that would be part - as he set out in this document, as part of his plan to develop the site - his remaining site?

45 **MR MANNOUN:** Yes.

MS McDONALD: Because he wrote - there was a record of him saying the issues are it's an unusual shape and also the problem with car park - "provision of car parking if I want to develop my site"?

5 **MR MANNOUN:** Yes.

MS McDONALD: And if we keep on going down this page - sorry, towards the bottom of the page - keep on going. Keep on going a little bit more. Keep on going a little bit more. You can see there Mr Cannavo now refers to another meeting and he asks why Ned was not present to advise him:

10 "...not because I needed Ned to hold my hand but because Ned Mannoun is front and centre on this issue and is qualified to verify the circumstances of the past and assist in determining the future, [and] John [and I think that's a reference to Mr Ajaka] said
15 'It is best if Ned was not at the meeting.'"

MR MANNOUN: Yes.

MS McDONALD: So what Mr Cannavo is saying is, due to his dealings with you over a period of time, both when you were on council and when you were working, you are qualified to verify the circumstances of the past meetings and representations?

25 **MR MANNOUN:** Yes.

MS McDONALD: But you have no record of any of those meetings or representations or things that you might have said to Mr Cannavo?

30 **MR MANNOUN:** Yes.

MS McDONALD: Do you see how that puts the council in a vulnerable position with any possible litigation?

35 **MR MANNOUN:** Sorry, my mistake was - sorry, my answer was incorrect. There are records by the staff who were in those meetings taking the records. I personally have not taken any records other than diary.

MS McDONALD: Well, what records?

40 **MR MANNOUN:** Well, whenever - I think the - the memo we had before was an example, that - if there's a staff member in a meeting, the staff member would take notes.

MS McDONALD: You're not at that meeting.

45

MR MANNOUN: No, one -

MS McDONALD: What I'm talking about are meetings that you had with Mr Cannavo.

MR MANNOUN: Mm-hmm.

5

MS McDONALD: In particular, the meeting where you say in either 2022 or 2023 you spoke to him by yourself.

MR MANNOUN: Yes.

10

MS McDONALD: No record of that?

MR MANNOUN: Yes.

15 **MS McDONALD:** Any other meeting that you had with Mr Cannavo by yourself, no record of that?

MR MANNOUN: Yes.

20 **MS McDONALD:** No - other than your evidence that you informed Mr Ajaka that you had done work for Mr Cannavo, there - again, no record of what you informed Mr Cannavo - Mr Ajaka of the extent of the work that you performed for Mr Cannavo?

25 **MR MANNOUN:** Yes. Only what's in his file note - Mr Ajaka's file note.

MS McDONALD: Mr Ajaka make a file note?

30 **MR MANNOUN:** Well, if I - I disclose it to him, and I assume that as a CEO he would have taken notes of the meeting that he had.

MS McDONALD: I'm focusing on your role -

MR MANNOUN: Mm-hmm.

35

MS McDONALD: - in making records. You didn't make a record of that?

MR MANNOUN: No.

40 **MS McDONALD:** And you've assumed Mr Ajaka did?

MR MANNOUN: Yes.

45 **MS McDONALD:** The - your declaration of pecuniary interests - that form that I think you fill out at least once a year, where you set out any income that you've earned -

MR MANNOUN: Yes.

MS McDONALD: - that's governed by the provisions of the model code of conduct?

5 **MR MANNOUN:** Yes.

MS McDONALD: In particular, schedule 1, disclosure of interest and other matters in written returns.

10 **MR MANNOUN:** Yes.

MS McDONALD: Excuse me for a minute. Could we bring up, to begin with, LCC.010.001.4441. It can be live streamed. And if we'd first go through to page 46. You can see that's schedule 1.

15

MR MANNOUN: Yes.

MS McDONALD: Excuse me for a minute. If we then go through to page 52 - and if we can go to the top of the document and expand it a little bit. You can see under clause 26:

20

"A person making a return under clause 4.21 of this code must disclose each source of income that the person..."

25 Sorry, in (b) I'll focus on:

"Each source of income received by the person [during the particular period]."

MR MANNOUN: Yes.

30

MS McDONALD: And if we then progress down to clause 27, 27 commences:

"A reference in clause 26 ... to each source of information received ... by a person is a reference to..."

35

And I want to draw your attention to:

"In relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was received, or is reasonably expected to be, received."

40

Do you see that?

MR MANNOUN: Which number is that, sorry? 27?

45

MS McDONALD: 27(c).

MR MANNOUN: Yes. Yes.

5 **MS McDONALD:** So what 27(c) is saying - that where you are receiving income you've got to include a description of - sufficient to identify the person from whom all the circumstances in which the income was or is reasonably expected to - sorry, I'll just keep - the circumstances in which the income was received. Do you see that?

MR MANNOUN: Yes, outside of - outside of employment.

10 **MS McDONALD:** Yes.

MR MANNOUN: Yes.

15 **MS McDONALD:** Right. And so what it's - what it's stipulating is that you've got to include a description either sufficient to identify the person from whom all the circumstances in which the income was or is reasonably expected to be received?

MR MANNOUN: Yes.

20 **MS McDONALD:** Did you comply with that provision in respect of your pecuniary interest forms that were issued covering the period when you received the \$33,000 from Mr Cannavo's company?

25 **MR MANNOUN:** Yes, because the income was received under section 27(a).

MS McDONALD: Did you receive the money personally from Mr Cannavo?

MR MANNOUN: No.

30 **MS McDONALD:** It went to your company?

MR MANNOUN: Yes.

35 **MS McDONALD:** Did you set out in your pecuniary interest form - so you say you didn't have to comply with (c), that you had to comply with (a)?

40 **MR MANNOUN:** No, I have to comply with (c), but the income that you're referring to is in relation to 27(a). 27(c) talks about things that - so (b) talks about - (a) is about employment, (b) is about trust and (c) is anything else.

MS McDONALD: Right. What I'm asking you is did you comply with 27(c) in your pecuniary interest form.

MR MANNOUN: Yes.

45

MS McDONALD: All right. How did you comply with it?

MR MANNOUN: I didn't receive any money in any circumstance that relates to (c).

MS McDONALD: All right. Do you say you complied with 27(a)?

5 **MR MANNOUN:** Yes.

MS McDONALD: Did you set out - and how did you comply with it?

10 **MR MANNOUN:** On the form - my recollection is I disclosed the company's and the position that I hold within them.

MS RICHARDSON: In my submission, the form should be given to the witness. It shouldn't be a memory test of what he wrote on a form.

15 **COMMISSIONER:** Yes.

MS McDONALD: I'm coming to that.

20 **COMMISSIONER:** Yes. If it's going to be pursued any further, I think that's right. Is that a convenient time? We've been going for an hour and a half.

MS McDONALD: Yes. Yes.

25 **COMMISSIONER:** Councillor, we'll take a break. I'll adjourn until 12 o'clock, and I'll see you back here then.

MR MANNOUN: Thank you.

30 **COMMISSIONER:** We'll adjourn until 12.

<THE HEARING ADJOURNED AT 11.42 AM

<THE HEARING RESUMED AT 12.09 PM

35 **MS McDONALD:** Mr Mannoun, before the break I'd taken you to the provisions of the model code of conduct, and your evidence is that in completing your form, which I will take you to in a minute, you were relying on clause 27(a) in relation to income from an occupation of the person.

40 **MR MANNOUN:** Yes.

45 **MS McDONALD:** All right. I'll take you to - if you can just excuse me. This is the relevant form, LCC.006.002.0010. Yes, there's been redactions. You can see it's schedule 2. And if we go to _0003 and just move down the page - yes, stop there. You can see it's for the period 1 July 2021 to 30 June 2022, and it was submitted on 3 October 2022.

MR MANNOUN: Yes.

5 **MS McDONALD:** Right with that? Now, the work that you were doing, you've given evidence that you were providing - I think it was introductory and also advice work to Mr Cannavo and his companies?

MR MANNOUN: Yes.

10 **MS McDONALD:** That was how it was described in your invoice.

MR MANNOUN: Yes.

15 **MS McDONALD:** All right. If we then go to - down the bottom of this page, we've got section B, sources of income?

MR MANNOUN: Yes.

20 **MS McDONALD:** And then if we go across the page, you record - well, forget the first company, but you then say:
"Director HKT Project Management Group."

MR MANNOUN: Yes.

25 **MS McDONALD:** Do you see that? You don't expand in this document about what work HKT Project Management Group undertook?

MR MANNOUN: No.

30 **MS McDONALD:** You don't give any details about, for example, "I received income from providing advice to a property holder within the municipality dealing with a property"?

35 **MR MANNOUN:** Under point 5, are you referring to?

MS McDONALD: Or anywhere in the document. If you want to have a look at the document we can quickly go through it. It's pretty straightforward.

40 **MR MANNOUN:** Yes.

MS McDONALD: You can see "NIL", "NIL". Gifts, "NIL". I think it then moves to travel. Section E - well, section E, Interests and Positions in Corporations, you only list - you list the two directorates, but you don't list the description of the principal objects of the corporation, you just record that you were a director?

45 **MR MANNOUN:** And project management.

MS McDONALD: And project management. But no further details about the work that you were undertaking as a director of HKT Project Management Group and in particular any income earned by the company in dealing with property owners within the municipality?

5

MR MANNOUN: I - sorry, can you repeat the question?

MS McDONALD: Sorry, I've said the whole document. If we keep on going, you can see there's property developer section and you answered that "no". Then across the page, Position in Trade Unions and Professional or Business Associations, and then we've got Debts, and then Dispositions of Property. And you're all "NIL", "NIL". Then across the page, Discretionary Disclosures, nothing. And then there's a section about protection of privacy. Okay?

10
15 **MR MANNOUN:** Yes.

MS McDONALD: So that's the document you filled out.

MR MANNOUN: Yes.

20

MS McDONALD: Nowhere in the document do you reveal that your work - that you earned income from - concerned advice to a property owner who owned property within the Liverpool Local Government Area?

25 **MR MANNOUN:** Yes. Because I answered the questions in the document.

MS McDONALD: No, if you'd listen to my question. Nowhere in the document do you say, "Income that I'm declaring as part of my occupation included advice provided to a property owner who owned property within the Liverpool Local Government Area"?

30

MR MANNOUN: Yes, because it doesn't ask that.

MS McDONALD: No, I'm not asking you that. Nowhere did you state that, did you?

35

MR MANNOUN: As I said, yes, because it doesn't ask that.

MS McDONALD: Right. I'm not interested in that, just interested - what I'm exploring is the sufficiency of this particular document.

40

MS RICHARDSON: Well, I object to this interchange because the witness is answering questions (indistinct). In fairness, my learned friend should put to the witness the question she says called for particular information (indistinct).

45 **MS McDONALD:** I'm trying to establish first that the witness agrees it wasn't revealed. I then have some subsequent questions.

COMMISSIONER: I think he agrees it's not.

MS McDONALD: Yes.

5 **COMMISSIONER:** He has a particular explanation, and we'll go from there.

MS McDONALD: And if we go to page 7, under Discretionary Disclosures, you didn't disclose anything there along the lines of, "And part of the income that I earned as part of my occupation was providing advice to a property owner who
10 owned property within the Local Government Area"?

MR MANNOUN: Yes.

MS McDONALD: Where do you say that? Under section I, Discretionary
15 Disclosure?

MR MANNOUN: No, I didn't.

MS McDONALD: Is it - the way that you have completed this form, if you were
20 earning income via a directorship of a company and that company was providing advice or other work to a property developer within the Liverpool Local Government Area, you didn't have to disclose those circumstances or details?

MS RICHARDSON: Object to the use of "property developer". In what terms? In
25 what sense is it being used? "Property developer" can be a term of art in other statutes.

COMMISSIONER: Yes, I think caution and clarity is needed on that term.

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

COMMISSIONER: I think that's right. I reject the question in that form.

MS McDONALD: If you are having dealings with a person who has lodged a
35 property - sorry, development application - so I want you to assume the following. In October 2021 you are providing advice to a person who has lodged a development application in respect of property in the Liverpool City Council area. Right? Make that assumption.

40 **MR MANNOUN:** When was the application lodged? Are you saying October or given the advice in October?

MS McDONALD: It was lodged in September 2021. So it's lodged, and you're
45 providing advice to that person on their - on their development application. Right? That's what I want you to assume.

MR MANNOUN: Mm-hmm.

MS McDONALD: You're capable - you can to that?

MR MANNOUN: Are you referring to Mr Cannavo or just in general?

5

MS McDONALD: Listen, Mr Mannoun, I asked you to assume the following.

MR MANNOUN: Yes.

10

MS McDONALD: So we're talking about October 2021, before -

MR MANNOUN: Yes.

15

MS McDONALD: - you're re-elected. A development application has been lodged in September.

MR MANNOUN: Yes.

20

MS McDONALD: You're providing advice to that property owner in October 2021.

MR MANNOUN: Yes.

MS McDONALD: You receive payment for that advice in April 2022.

25

MR MANNOUN: Yes.

30

MS McDONALD: Right. Is it your view that, in completing this form, you did not have to disclose any of the circumstances of doing that work for the person who had lodged a development application and receiving money for that work in April 2022?

MS RICHARDSON: I object to this. I think it should be done in the absence of the witness.

35

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

<THE WITNESS WITHDREW

40

MS RICHARDSON: The difficulty is that the premise of the question was a series of assumptions and then the question reverts then to the first person, "You did this, you did that," it's not put as an assumption, "If those circumstances, what should you" - or, "Do you accept" - so the question misfired in that respect, in my respectful submission.

45

The other difficulty is the premise of the assumption is that the work that Mr Mannoun - well, it's a line in between an assumption and the real world, but there's an assumption in there that - the assumption is that the work for which

payment was received was about - in relation to a DA. I don't think that's clear on the evidence at all as to that - whether that was what the work was for. So -

5 **COMMISSIONER:** That might highlight your first point - the distinction between a series of assumptions and then something that might have happened factually, and the mixing of those two concepts.

MS RICHARDSON: Yes.

10 **COMMISSIONER:** I think there's some force in that, the series of assumptions mirroring the series of facts, and -

MS McDONALD: I thought I made it clear that they were assumptions.

15 **COMMISSIONER:** I'm not suggesting that you didn't, but I think - I've sensed in the witness's hesitation some uncertainty about whether he was being asked about how he approached this particular form as opposed to his view about how a form should be approached in those particular circumstances. So there - it might be a difference.

20

MS McDONALD: I'll try to make it more simple and clearer.

COMMISSIONER: Yes. We'll have the councillor back.

25 <NED MANNOUN, ON FORMER OATH

COMMISSIONER: Thank you, Councillor.

30 **MS McDONALD:** Mr Mannoun, what I'm doing is I've giving you a series of assumptions, all right? Now, you understand what an assumption is?

MR MANNOUN: Yes.

35 **MS McDONALD:** And what I'm exploring is this particular form and what it covers, all right?

MR MANNOUN: Yes.

40 **MS McDONALD:** And so I'm making - I'm asking you to make assumptions. What that means is I'm not saying these were the circumstances that existed at the time, I'm asking you to assume some facts and then I want to ask you a question - if you assume those facts, how would you have filled out this form, okay?

MR MANNOUN: Yes.

45

MS McDONALD: Do you understand that?

MR MANNOUN: Yes.

5 **MS McDONALD:** Right. Assumption number 1, when you're not a councillor, you provide advice to a landowner within Liverpool City Council area who has lodged a development application.

MR MANNOUN: Am I aware of that development application in your assumptions?

10 **MS McDONALD:** Well, I think if you're providing advice to them about a development application you would know about it.

MR MANNOUN: So in the -

15 **MS McDONALD:** No, Mr Mannoun, I'll start again.

MR MANNOUN: Yes.

20 **MS McDONALD:** And I'm talking about a property owner with property within Liverpool City Council. Right?

MR MANNOUN: Mm-hmm.

25 **MS McDONALD:** That property owner has lodged a development application. Right?

MR MANNOUN: When?

30 **MS McDONALD:** That property owner has lodged a development application, fact number 1. Right? Fact number 2, it was lodged in September 2021, before you were a councillor.

MR MANNOUN: Yes.

35 **MS McDONALD:** Right. You provide advice to that property owner about their development application in October, before you were a councillor.

40 **MR MANNOUN:** You - if they've lodged in September, how do I provide advice after the fact?

COMMISSIONER: Perhaps if we just go back a step. I think what you're being asked to assume is this. Before you're a councillor -

45 **MR MANNOUN:** Yes.

COMMISSIONER: - you provide advice to someone with property in the LGA about a development application, which that person/constituent has lodged.

MR MANNOUN: Yes.

MS McDONALD: You're then elected to council in December, right?

5

MR MANNOUN: Yes.

MS McDONALD: In April of the next year you issue an invoice to that property owner -

10

MR MANNOUN: Yes.

MS McDONALD: - about the advice you provided back in October.

15

MR MANNOUN: Yes.

MS McDONALD: And you receive payment of that invoice.

MR MANNOUN: Yes.

20

MS McDONALD: And you say that's part of your occupation.

MR MANNOUN: Yes.

25

MS McDONALD: In completing this form, assuming those facts, would you set out anywhere that, "Yes, I received income and the income was derived or earned by providing advice about a development application"? Would you provide any more detail than - in this form?

30

MR MANNOUN: So I think, looking at the sections, the - referring to what - prior to 17, so say 1 to 16, there is no question of that nature. Question 17, however, in using the word "discretionary", is - is very wide open to - to disclose anything -

MS McDONALD: So is your answer -

35

MR MANNOUN: - I guess, you wanted to.

MS McDONALD: So your answer is that there would be a possibility that you could include further information or circumstances in section - circumstances in which you derive that income in section 17?

40

MR MANNOUN: Yes, under "discretionary".

MS McDONALD: Are you - do you recall you provided any guidance as to what's included under a discretionary disclosure?

45

MR MANNOUN: I think that the word "discretionary" covers it.

MS McDONALD: It speaks for itself?

MR MANNOUN: Speaks for itself.

5

MS McDONALD: Okay. So you can't recall whether in any material provided by, for example, Office of Local Government - setting out what could or should be included in that section?

10 **MR MANNOUN:** Nothing specifically, no.

COMMISSIONER: Is there anything in that schedule to the code that you took the witness to earlier? You can come back to it after lunch.

15 **MS McDONALD:** It's quite long.

COMMISSIONER: Yes.

MS McDONALD: I think if you go through to page 53 -

20

COMMISSIONER: "Yes" is the answer?

MS McDONALD: If you can - sorry, we've got to jump back to LCC.010.001.4441. And it's at page 53. That does provide some guidance:

25

"A person may voluntarily disclose in a return any interest, benefit, advantage or liability, whether pecuniary or not, that is not required to be disclosed under this provision of this schedule."

30 **COMMISSIONER:** Okay. Whatever that means.

MS McDONALD: Which doesn't probably - on a scale of helpfulness is probably about a 1.

35 **MR MANNOUN:** I read it as, you know, is it interest, interest being defined as, you know, something you benefit from, which then leads to the next word, "benefit". Or "advantage".

40 **COMMISSIONER:** I think it's a catch-all. I think if there's anything that doesn't fit neatly within the preceding clauses then that's where you may voluntarily disclose it.

MR MANNOUN: They seem all future-facing.

COMMISSIONER: I'm sorry, say again?

45

MR MANNOUN: I think they all seem all future-facing, versus historical.

COMMISSIONER: Why do you say that?

5 **MR MANNOUN:** Because if you're saying you have an interest in some things, that would assume that you're - would get something out of it at a future date, or you currently have an interest, so you - you know, let's say it was a property, then you have an interest in that property and its potential to go somewhere. A benefit is, you know, some - I think I see it as, once again, something that you do in the future that you - you're disclosing it because you would get a benefit out of it or an advantage. And therefore, once again, the term "liability". So it's not as in - "Oh, you did this before" versus is it going to impede on your decision-making going forward.

10 **MS McDONALD:** That can be taken down. I want to ask you some questions about the sale of - I think it's lot 101 and 102. I think it is described as Hammondville Park to Moorebank Sports Club.

15 **MR MANNOUN:** Yes.

MS McDONALD: It was subject to a probity report by O'Connor Marsden?

20 **MR MANNOUN:** Yes.

MS McDONALD: And in that report, O'Connor Marsden were critical about some of the procedure leading to the sale?

25 **MR MANNOUN:** Yes, from my recollection.

30 **MS McDONALD:** Just to try and shortcut this, I'm going to take you to the executive summary of the OCM probity report. If you could bring up, please, LCC.004.003.8394. So this was part of the Audit Risk and Improvement Committee meeting. And if you can first go through to page 76. You can see that's the beginning of the OCM report?

MR MANNOUN: Yes.

35 **MS McDONALD:** Now, could we go then to page 79. It's got Project Background, and you can see that it goes back to 2012, where Sporties have expressed a desire to purchase part of the adjoining council-owned land. See that?

40 **MR MANNOUN:** Yes.

MS McDONALD: I want to then take you down to 6 June 2023. So if you'd keep on going down that page. Now, there's a reference in June 2023 that the council began community and stakeholder consultation on an integrated aquatic centre. Then on 6 June, Sporties made an offer. Do you see that?

45 **MR MANNOUN:** Yes.

MS McDONALD: Then on 25 August there is another offer from Sporties but for lots 101 and 102.

MR MANNOUN: Yes.

5

MS McDONALD: Then if we go across the page to 0080, there's a reference to the 25 October council meeting where there's a resolution to authorise the CEO to explore the disposal of operational land at Hammondville, subject to an offer from Moorebank Sports Club, and to provide a further report?

10

MR MANNOUN: Yes.

MS McDONALD: Then, next dot point, you've got public exhibition of the Hammondville Draft Plan of Management.

15

MR MANNOUN: Yes.

MS McDONALD: Commenced on 24 November with community feedback open until 16 January.

20

MR MANNOUN: Yes.

MS McDONALD: Then if we keep on going, you've got 13 December council resolved to sell the proposed lot.

25

MR MANNOUN: Yes.

MS McDONALD: Then you've got council meeting of 7 February, council rescinded the resolution and instead resolved to defer the sale of the proposed lots until extensive community consultation had been completed.

30

MR MANNOUN: Yes.

MS McDONALD: And then we've got, if we keep on going, February to May 2024:

35

"...specific community consultations ... as outlined were in the December 2023 confidential report, were conducted."

And then, finally:

40

"A report has been drafted for consideration at the Council meeting on 26 June ... which provides an overview of the outcome of the community consultation..."

MR MANNOUN: Yes.

45

MS McDONALD: And if we go across then to page 81, this is a summary of the OCM report. You can see that OCM comments that:

5 "Council has documented the more recent discussions and negotiations with Sporties ... however, further documentation could be included in the Council report for 26 June ... including confirmation that the individuals involved in the process do not have ... interests of associations which could give rise to a conflict. Justification for the decision to proceed with a non-competed (direct negotiation) sale for the two lots, consistent with the ICAC guidance material. [And] detailed evaluation of the proposal against identified criteria..."

10 And then there is the next dot point:

15 "There is a lack of documentation in relation to the initial discussions and negotiations with Sporties which resulted in the submission of offers for the purchase of the lots in 2019 and subsequently on 6 June ... the correspondence relating to these offers refers to meetings with Council; however, there [does] not appear to have been records of these meetings other than meetings being included in the CEO's diary."

So you see all of that?

20 **MR MANNOUN:** Is that the one where it says - sorry, from 2019? Yes. 2019. Yes.

MS McDONALD: So what the OCM probity report is emphasising in its criticisms or comments in section 1.3 is the necessity for transparency?

25 **MR MANNOUN:** Yes.

MS McDONALD: So transparency in that communications, discussions, concerning - concerning Sporties' offers or interest in the land should have been recorded?

30

MR MANNOUN: Yes.

MS McDONALD: Should have been documented?

35 **MR MANNOUN:** Yes.

MS McDONALD: Individuals involved in the process, there should have been a positive declaration that they don't have any interests of associations which could give rise to a conflict?

40

MR MANNOUN: Yes.

45 **MS McDONALD:** And also set out in that brief chronology I took you to, it was obvious that council, in your meetings, were concerned about consultation with the public?

MR MANNOUN: Yes, some councillors were. Yes.

MS McDONALD: Well, it led to the February - sorry, the February '24 meeting where council decided to rescind the resolution to sell the two lots?

5 **MR MANNOUN:** Yes.

MS McDONALD: Subject to further consultation or extensive consultation has been completed?

10 **MR MANNOUN:** Yes.

MS McDONALD: Excuse me for a minute. Now, I want to show you an extract from the meeting of 13 December 2023. We have a video of that. It might be on a - do you have it on a USB or - I'm sorry? I was unsure whether you
15 can - whether - relying on the uploaded system or whether it was put on a separate USB, but you haven't got a separate USB?

ASSOCIATE: (Indistinct).

20 **MS McDONALD:** Okay. I think that's easier to use. It should be LCC.024.001.0001.

(Video played)

25 **MS McDONALD:** Stop. Now, can I just pause there. You've heard your voice?

MR MANNOUN: Yes.

MS McDONALD: And you're talking about next item is confidential
30 document - sorry, confidential report 07, Hammondville Precinct?

MR MANNOUN: Yes.

MS McDONALD: And this is the meeting of 13 December 2023?

35

MR ANDREWS: Commissioner, I understand that this part of the recorded session (indistinct).

COMMISSIONER: Right.

40

MR ANDREWS: I wonder if it might be played just in (indistinct).

COMMISSIONER: Well, the audio will still be streamed. We cannot stream the video, but the audio - that won't deal with the audio. Given - what's the nature of the
45 confidentiality -

MR ANDREWS: I -

COMMISSIONER: (Crosstalk) it persists?

5 **MR ANDREWS:** I understand the (indistinct) Act - I don't have the -

COMMISSIONER: I'm sorry, can you just speak up a little?

10 **MR ANDREWS:** I apologise, Commissioner. I understand that the confidentiality and moving - moving at the time into the closed session would have been under the Local Government Act, in accordance -

COMMISSIONER: Yes.

15 **MR ANDREWS:** - with the usual requirements of the council meetings.

COMMISSIONER: Yes.

20 **MR ANDREWS:** I don't have precise instructions as to the basis on which this particular part of the recording was held in closed - in private session.

COMMISSIONER: Well, I presume it was because it was dealing with a potential commercial transaction at the time.

25 **MR ANDREWS:** I believe that is - I believe -

COMMISSIONER: If you're asking -

MS McDONALD: Which has been completed.

30 **COMMISSIONER:** Which has been completed. But are you asking me to deal with this in private? And if, so why?

MR ANDREWS: May I have a moment just to take some instructions?

35 **COMMISSIONER:** Of course you can. Yes, of course you can.

MR MANNOUN: Just -

40 **COMMISSIONER:** We'll just pause for a moment, Councillor.

MR ANDREWS: Commissioner, I think that we're content to have this heard in open session.

45 **COMMISSIONER:** Thank you.

MS McDONALD: Excuse me.

MR ANDREWS: I'm grateful for that time.

COMMISSIONER: Not a problem.

5 **MS McDONALD:** Now, we heard the beginning of the recording.

MR MANNOUN: Yes.

10 **MS McDONALD:** You're dealing with confidential report 7, Hammondville Precinct, and part of the report was a resolution that the council agree to sell proposed lots 101 and 102 to Moorebank Sports Club?

MR MANNOUN: Yes.

15 **MS McDONALD:** And I didn't want to show this in detail, but you moved the motion, it's seconded by Deputy Mayor Macnaught?

MR MANNOUN: Yes.

20 **MS McDONALD:** And then there is the usual speakers for and against?

MR MANNOUN: Yes.

25 **MS McDONALD:** And Councillor Green spoke against?

MR MANNOUN: I don't specifically remember the debate.

MS McDONALD: All right. Councillor Harle spoke against?

30 **MR MANNOUN:** I don't remember the debate. I would assume so.

MS McDONALD: And Councillor Kaliyanda spoke against?

35 **MR MANNOUN:** I'll assume so, yes.

MS McDONALD: Can we bring - go through to 13.39, please.

40 **MR MANNOUN:** I just wanted point out we weren't wearing ties because the AC had broken down that day, so - if anybody was wondering. It's the only time -

COMMISSIONER: I had made that assumption. It looks warm, to the extent one can see warmth through a screen.

45 **MS McDONALD:** And it's in the old chambers, isn't it?

MR MANNOUN: Yes.

COMMISSIONER: Councillor Harle is stoic.

MR MANNOUN: Yes. He - indeed.

5 **COMMISSIONER:** Yes.

MS McDONALD: From 13.39. Yes.

(Video played)

10

MS McDONALD: Yes, we can stop it now. Mr Mannoun, a motion was being debated in closed session by the council?

15

MR MANNOUN: I think it was indicated that was an open session, if you refer to my comments that I - while I was chairing.

MS McDONALD: No, it was -

20

COMMISSIONER: I think there was some uncertainty in the exchange between the councillors. I think Councillor Kaliyanda thought it was in closed and I think Councillor Mannoun thought it was not yet.

25

MS McDONALD: We sought the recording of this and we were provided with a recording of a confidential session of an ordinary council meeting. Given that it was dealing with a confidential report dealing with a proposed - a confidential report dealing with a proposed sale of property, it would have been dealt with in a closed session?

30

MR MANNOUN: No, because when we - we receive confidential items at every council meeting, and we err on the side of caution to go into closed session, subject - we try to have it in open as much as possible. It's only when we need to go into detail that under section 10A, I think it is, we went and go - so if we're talking numbers or specific questions, then we would resolve to go into closed session. But items that are provided under confidential cover are usually resolved, and to an extent debated in open session. Cautiously.

35

COMMISSIONER: Maybe the minutes will help us, because I had apprehended from when Mr Andrews rose to his feet that this was in confidential session.

40

MS McDONALD: Yes.

COMMISSIONER: So the minutes might give us a hint.

45

MS McDONALD: I note the time. Maybe we could look at that over lunchtime.

COMMISSIONER: Yes. All right. Councillor, we'll break for lunch. I'll resume at 2 pm, and we'll adjourn until then. Thank you.

<THE HEARING ADJOURNED AT 1.02 PM

<THE HEARING RESUMED AT 2.07 PM

5

COMMISSIONER: Yes, Ms McDonald.

MS McDONALD: Can we bring up the transcript of that recording, LCC.024.001.0001. Hold on. Sorry, I'll give you another number.

10 **INQ.091.001.0005.** Yes. Thank you. Mr Mannoun, this is a transcript of the segment which dealt with confidential report number 7, and contains a transcript of the excerpt that I showed you just before lunch.

MR MANNOUN: Yes.

15

MS McDONALD: The first thing I just wanted to raise with you is a correction. Can we go through to page 8 of the document. Can you see at - this is - you're having an interchange with Councillor Kaliyanda, and then at line 20 Councillor Hagarty speaks. And it says she's not allowed to make any comments. It's then recorded:

20

"She keep bullying and talking over..."

When I was listening to it, I didn't hear you - has it been corrected? It has been corrected already. Sorry. Good. Forget that. Excuse me. Mr Mannoun, throughout the section that I played to you, you keep on saying that you're taking a point of order.

25

MR MANNOUN: Yes.

30 **MS McDONALD:** Under the Code of Meeting Practice, can the mayor or the chair of the meeting take a point of order?

MR MANNOUN: Yes.

35 **MS McDONALD:** If we can bring up INQ.012.001.0020. You were the chairperson of the meeting?

MR MANNOUN: Yes.

40 **MS McDONALD:** This was the Model Code of Meeting Practice at the relevant time. If we go through to page 53, yes, there's a section that deals with points of order. See that?

MR MANNOUN: Yes.

45

MS McDONALD: 15.1:

"A councillor may draw the attention of the chairperson to an alleged breach of this code by raising a point of order."

MR MANNOUN: Yes.

5

MS McDONALD: So it's not stating that the chair can raise a point of order, it's a councillor raising a point of order?

MR MANNOUN: Your question was can the chair take a point of order.

10

MS McDONALD: Yes.

MR MANNOUN: Yes. And "take", as in - that's when a councillor raises a point of order, the chair takes it to be accepted.

15

MS McDONALD: Well, no.

MR MANNOUN: I think you're trying to -

20

MS McDONALD: You're taking points of order in that meeting, weren't you?

MR MANNOUN: I - I think there's a difference of -

MS McDONALD: No, no, no. Were you taking points of order in that meeting?

25

MR MANNOUN: I take points of order in every meeting, yes.

MS McDONALD: You continually say things like, "I have to put you up on a point of order here," "I pulled you up on a point of order," "I have called a point of order."

30

MR MANNOUN: Yes.

MS McDONALD: So you are calling or taking the point of order?

35

MR MANNOUN: There's a difference between taking and calling.

COMMISSIONER: What's the difference in your mind?

MR MANNOUN: As in, if - taking is when a councillor raises a point of order. Then I have to take that and deal with it.

40

COMMISSIONER: Yes.

MR MANNOUN: Versus myself raising a councillor to a point of order or calling them to order.

45

MS McDONALD: Or a what, sorry?

MR MANNOUN: Or calling them to order.

5 **MS McDONALD:** Well, that's the difference, isn't it? You, as chair, don't call or take a point of order, do you?

MR MANNOUN: No, I do - my job is to - yes, I can call a councillor to order.

10 **MS McDONALD:** Yes, but that's not calling or taking a point of order, is it? It's under a different section allowing other considerations. Do you agree with that?

MR MANNOUN: Which section?

15 **MS McDONALD:** Well, if you look at points of order 15.1, it does not provide for the chairperson to take a point of order, does it? I'm looking at clause 15.

MR MANNOUN: Yes. And this document is not Liverpool Council's Code of Meeting Practice.

20 **MS McDONALD:** Right. But this was the one - this is the model that was adopted by Liverpool City Council?

25 **MR MANNOUN:** The model forms as a foundation, but the actual Liverpool one is - would be different. Because I don't refer to this during the meetings. Now, there obviously is - this is the foundation of it - of the document, but council does - it is set out differently.

30 **MS McDONALD:** So you say under the Code of Meeting Practice adopted by Liverpool City Council you can - you, as chair, can take or call a point of order?

MR MANNOUN: What I'm saying is that if we're going to be referring to the Code of Meeting Practice, then we should refer to the one that I actually use.

35 **MS McDONALD:** Well, I'll take you to the one that I want to take you to. Are you saying, under the Liverpool City Council Code of Meeting Practice in operation at this time, you, as chair, were allowed to take or call a point of order?

MR MANNOUN: Yes.

40 **MS McDONALD:** Right. Under the equivalent of clause 15?

MR MANNOUN: I - once again, I need to see the document.

45 **MS McDONALD:** If we bring up INQ.001.001.1338 - 36, sorry. And maybe if we can have split screen. Yes. And if you can just, on both, concentration on clause 15.1 to 15.3. On the right-hand side, if you go to page 53 - and we're after clauses 15.1 to

15.3. And then on that side, it's page 30. And again, if we can blow up 15.1 to 15.3. 15.1, 15.2, 15.3 are identical?

MR MANNOUN: Mm-hmm.

5

MS McDONALD: Right.

MR MANNOUN: Yes.

10 **MS McDONALD:** And what I'm saying is a point of order, under the model code and the code adopted by Liverpool City Council, a point of order can only be taken by a councillor, not the chair.

MR MANNOUN: Don't agree with that.

15

MS McDONALD: Right.

MR MANNOUN: Under section 15.4 -

20 **MS McDONALD:** Can you let me ask the questions? Under 15.1 to 15.3, which is dealing with points of order, the chair cannot take a point of order, can the chair? Do you agree with that?

MR MANNOUN: So what specifically was your question?

25

MS McDONALD: I'll say it again. Looking at the heading Points of Order, under clauses 15.1, 15.2 and 15.3, they do not provide for the chair of the meeting to take a point of order?

30 **MR MANNOUN:** Yes.

MS McDONALD: Now, under the next section underneath - and keep them both side-by-side - questions of order, that allows you to call any councillor to order?

35 **MR MANNOUN:** Yes.

MS McDONALD: And then the question of order, is that linked with clause 15.11, which refers to acts of disorder?

40 **MR MANNOUN:** I don't have 15.11 in front of me.

MS McDONALD: Well, if you accept they're identical - it's over on the right-hand side. So when you're allowed, under 15.4, to call any councillor to order, is that restricted to the circumstances of 15.11?

45

MR MANNOUN: Restricted? I doubt will be - that would be the main elements of it.

MS McDONALD: Where you would call a councillor to order?

5 **MR MANNOUN:** Yes. I - if I have the document I can refresh it in my mind and if I can re-read it. I think there are other - there are other opportunities, but I'd have to refresh and read the document again.

10 **MS McDONALD:** To be fair, if we - if you - no, on the left-hand side you've got (d) and (e), so it all appears there. Because at the meeting that we played the recording before lunch, no other councillor raised a point of order about Councillor Kaliyanda's comment, did they?

MR MANNOUN: No.

15 **MS McDONALD:** Her comment - and maybe if we can bring back the transcript and go to page 5. And if we go down to about line 24, Councillor Kaliyanda is speaking against the motion. She is at first raising - she's raising issues dealing with selling of council assets. And then she says:

20 "In terms of ... community consultation ... the community should know. This is their land. We are representatives of the community and we should be open and transparent in saying to people, 'Well, hey, here is a potential upgrade of facilities.' But in order to -"

25 And you cut her off.

MR MANNOUN: Yes.

30 **MS McDONALD:** You don't allow her to continue expressing the particular argument or submission that she is developing there?

MR MANNOUN: Yes.

35 **MS McDONALD:** And you - instead of raising - calling her to order, you then engage in a debate and argument with her?

MR MANNOUN: No, I called her to order, and then -

40 **MS McDONALD:** No. You say:

"I have to put you up on a point of order. In saying that we should be transparent, you're saying the council has not been transparent on this."

45 And then it continues with an argument between you and Councillor Kaliyanda, doesn't it?

MR MANNOUN: Yes. Well, I wouldn't call - I'm trying to, once again, bring her to order. And -

5 **MS McDONALD:** Don't you - as an efficient chair, don't you call her to order and identify what the issue is and then she can respond?

MR MANNOUN: Which is what I do in line 34.

10 **MS McDONALD:** Well, no, you don't. You're saying - you ask her a question:

"In saying that we should be transparent, you're saying that the council has not been transparent on this."

15 **MR MANNOUN:** Yes.

MS McDONALD: And then it deteriorates into a debate and argument between you and Councillor Kaliyanda. And what I'm suggesting to you - as the chair, that's not appropriate conduct.

20 **MR MANNOUN:** The -

MS McDONALD: Do you agree with that or not?

25 **MR MANNOUN:** The options available to me was to bring the council to order, which I did. I then raised the issue of why she is not - she's not in order by the implication. She then says, "Well, we're in confidential," to support her argument, which I then say, "No, we are not." So she clearly didn't have an understanding of the situation we were in. She then continues to state - her and Councillor Hagarty - that they don't know the Code of Meeting Practice, and continue to do so.

30 **MS McDONALD:** No, that the not the case, Mr Mannoun. What she - you continue to put to her that she's implying that councillors and council staff have not been transparent, and then you make the comment:

35 "It's implying that the council is not acting appropriately, and you're putting the council into disrepute."

40 Now, what she was doing - she was raising a genuine concern that you're looking at selling council asset - land, which belongs to the community, you're then foreshadowing that those proceeds are going to be used to build a pool, and she is making a valid point that you should be open and transparency in saying to the people, "Yes, potential upgrade in facilities, potential pool, but you're going to lose land which is owned by the community," and that's a valid point.

45 **MR MANNOUN:** Yes, and there's been no other project that we have done as much consultation than - than on this particular item.

MS McDONALD: That was a valid point that she was attempting to make, wasn't it?

5 **MR MANNOUN:** I - I disagree, because she's implying that we're not being transparent. Transparency means you do community consultation. Council had conducted numerous rounds of community consultation on that.

10 **MS McDONALD:** Well, the council ultimately didn't agree with you on that, because in February they voted to rescind the motion and undertook more detailed consultation, didn't they?

MR MANNOUN: Well - and I think I voted for that as well.

15 **MS McDONALD:** I'm not asking you that, Mr Mannoun. What I'm saying to you is that her point about transparency and consultation was a valid point, and indeed that was confirmed by the fact that there were a couple more - additional months of consultation after this resolution.

20 **MR MANNOUN:** Yes. So if she communicated it differently, which is all I was asking for, there's no issue with her substance. But if she said, "I would like this to be further consulted with the community in more detail," that's fine, and ultimately that's what we agreed upon. We did not agree upon - and the point of order was the implications that council is not acting in a transparency fashion.

25 **MS McDONALD:** But you didn't even let her finish the point that she was making. You interrupted her. Have a look at line 30. She's mid-speech, mid-submission. You don't know what she's going to say in that next sentence, do you? And you interrupt her, didn't you? You interrupted her, you agree with that?

30 **MR MANNOUN:** Yes.

MS McDONALD: And then you go on, and -

35 **MR MANNOUN:** But I'm actually pulling her up on another point of order, because when the chair rules on a point of order the councillor has an option to then - the next option is not to argue with the chair but to raise a dissent motion. If she had followed the Code of Meeting Practice she would have raised a dissent motion, which then would have been dealt with. Should the dissent motion go - pass, then councillor - to use your words - would have agreed with her. But she didn't raise a dissent motion,
40 she started arguing with the chair.

MS McDONALD: Where do you raise with her that she should raise a dissent motion?

45 **MR MANNOUN:** Where do I?

MS McDONALD: Where do you?

MR MANNOUN: I referred that - she should follow the Code of Meeting Practice.

5 **MS McDONALD:** Where do you raise with her that she should raise a dissent motion?

MR MANNOUN: The - it's up to the councillor to raise the dissent motion. I've made a ruling as the chair, as the Code of Meeting Practice. They're bound by it as councillors. They've given evidence in this saying they don't even know the Code of Meeting Practice.

10 **MS McDONALD:** If you were being a leader or a chair efficiently running the meeting and skilfully chairing the meeting - if this was a valid point, number 1, you would have allowed Councillor Kaliyanda to finish her statement?

15 **MR MANNOUN:** No, points of order have to be - have to be dealt with as they're called. Mid-sentence.

20 **MS McDONALD:** You would have then said to her, "Point of order," and then either - referred her to the dissent provisions. But what you do is you keep on arguing and debating with her from the chair, don't you?

25 **MR MANNOUN:** No. She continues once I've raised the point of order. She then argues, I then pull her up on a further point of order and she continues arguing. And then I'm trying to clarify that point, and she would - she kept on going on. I tried to bring the meeting to order. I invoked another provision of the Act - of the Code of Meeting Practice. I stood up, interjection happened by Councillor Hagarty and Councillor Kaliyanda, in contravention of the Code of Meeting Practice.

30 **MS McDONALD:** And that's because they're frustrated, because (a) you're debating as the chair, and (b) you were also, at points, being very condescending towards Councillor Kaliyanda, aren't you?

35 **MR MANNOUN:** No.

MS McDONALD: She actually raises that with you, that you're being condescending, doesn't she?

40 **MR MANNOUN:** By referring - she does.

MS McDONALD: You were being patronising, do you agree with that?

MR MANNOUN: No.

45 **MS McDONALD:** And you were bullying her?

MR MANNOUN: No.

MS McDONALD: If you were being a skilful chair, if this was a valid point, you would have raised it. If she didn't raise a dissenting motion, then you proceed with what her argument was going to be, but it deteriorated into this argument and debate
5 between you, Councillor Kaliyanda, and with Councillor Hagarty at times intervening and making comments.

MR MANNOUN: Yes.

10 **MS McDONALD:** You'd agree it was not an efficient or skilful chairing of this meeting?

MR MANNOUN: It could have been better, but in - I guess in 300 hours of council meetings that I've chaired, yes, not - not everyone is going to be as good as they can be, but it does help if councillors read the Code of Meeting Practice and understand it
15 as well.

MS McDONALD: In this interchange you were not treating Councillor Kaliyanda with respect?
20

MR MANNOUN: I disagree.

MS McDONALD: You were bullying her, you were being condescending?

25 **MR MANNOUN:** If I have -

MS McDONALD: Do you agree with that or not?

MR MANNOUN: No, based upon - there is no code of conduct lodged. Because if
30 there was an issue with my behaviour, then Councillor Kaliyanda should have lodged a code of conduct and that determination should have happened, but none was lodged from my understanding.

MS McDONALD: Did you raise a code of conduct against her?
35

MR MANNOUN: Not that I can recall.

MS McDONALD: And what occurred on an important resolution, you stop a
40 councillor expressing her particular arguments and point of views against the resolution. You waste - I think it's about 15 to 20 minutes' time, and then finally she gives up and just says, "Well, I speak against the resolution." So you've frustrated debate between the councillors at a council meeting.

MR MANNOUN: No, I refer back to - I called a councillor on a point of order, they
45 acted in a disorderly fashion. Verification happened on the matters. I asked the councillor to withdraw that one word. She chose not to withdraw it, right? I gave her

an opportunity to continue her points outside of that comment and to be respectful to staff, and she chose not to.

5 **MS McDONALD:** But her comment was not disrespectful to staff. It was, "We should be open and transparent in saying to people, "Well, hey, here is a potential upgrade of facilities, but in order to", and then you don't allow her to speak - continue that particular thought process. The particular submission that she was making could have been in terms where she's not being critical of council, she's not being critical of staff?

10 **MR MANNOUN:** Well, the transcript shows that she was then implying that - she was being critical of councillors -

15 **MS McDONALD:** What I'm saying -

MR MANNOUN: - when questioned on it, which is - which, again, is a breach of the - it's an act of disorder under the Code of Meeting Practice.

20 **MS McDONALD:** You do not allow her to finish her submission and then make - if it - and then make - if you want to make an assessment of disorder, to then raise it.

MR MANNOUN: That's - that's in contradiction of the Code of Meeting Practice. If you bring it back up, I can show you which part.

25 **MS McDONALD:** What I'm talking about is a skilful conduct of a meeting by a chair which allows debate between councillors and allow them to express a point without being interrupted and then being diverted on, really, a waste of her time allocated to speaking for about 15 to 20 minutes.

30 **MR MANNOUN:** I'm sorry, you're asking me not to abide by the Code of Meeting Practice?

35 **MS McDONALD:** No, I'm asking you to be skilful and allow her to end that particular thought process. She might have added something which put it in a completely different light, couldn't - there was that potential?

MR MANNOUN: Yes. But when points of order are raised they must be dealt with immediately - when the breach happens.

40 **MS McDONALD:** Well, it wasn't a point of order. You're - you were supposedly bringing her to order.

MR MANNOUN: Yes, which is the same thing. Just semantically different.

45 **MS McDONALD:** Well, I don't know about that, but anyway -

MR MANNOUN: I'm happy to concede that I could have done that better, if that will allow us to - to move on. But once again, I've chaired over 300 hours of council meetings and that's 15 minutes, to your words, of one.

5 **MS McDONALD:** Well, we can't, unfortunately, take you to every council meeting. There are particular examples that I'm taking you to. Can you just excuse me.

COMMISSIONER: Looking back on it now, with the concession that you've just made, what might you have done differently?

10

MR MANNOUN: So the - I raised the issue, she disagrees it. I probably then should have said to her at that point - I could have said to her, "If you don't agree with it, you can move a motion of dissent," referred her down to that path. Then councillors would have voted on it, which then means the matter would have been concluded, as opposed to the time continuing. And with councillors either - upheld the point, then it would be up to her whether to - to either keep the - not withdraw the statement. If she didn't withdraw it, then it would be further escalation, which is what should be avoided as - it's - that would only make the situation worse for the long term.

15
20 **COMMISSIONER:** As I understand it from the footage - and correct me if I'm wrong, but your point was when Councillor Kaliyanda said, "We should be open and transparent," she was some way implying that the council had not been open and transparent on this issue? Is that right?

25 **MR MANNOUN:** Correct.

COMMISSIONER: And that that, in some way, brought the council to disrepute?

MR MANNOUN: Yes.

30

COMMISSIONER: Are you familiar with the free speech guideline?

MR MANNOUN: Yes.

35 **COMMISSIONER:** Would you take the same approach now, in light of the free speech guideline?

MR MANNOUN: Without having read that in detail recently, the -

40 **COMMISSIONER:** All right.

MR MANNOUN: A little hard.

COMMISSIONER: You can't say at the moment? All right.

45

MR MANNOUN: I would still lean - if that were to happen now, because things have happened in recent times - of a similar nature - I still probably would have

pulled up - it's just - it's just a - it did not have to be that big, because it could have - the councillor can make their point without the implication. Because the implication was admitted later on through the - in the transcript, where she's referring to councillors and she says - I think she said something along the lines of, "Well, you
5 can figure that out for yourself what I mean." So I think that's why - you know, the debate could still - you know, we have to assume that council is transparent in everything that it is doing. That needs to be the baseline assumption. Implying against that -

10 **COMMISSIONER:** What if a councillor has a concern - take it away from this particular meeting, what if you had a concern that there hadn't been appropriate consultation or consideration about a particular issue? How does a councillor raise that without getting into the territory that you were concerned about in this meeting?

15 **MR MANNOUN:** I think I would have said something along the lines that this is a - and this is being on the verge of critical but not crossing the line - saying that we should be - we should be - we should be doing further consultation, we should be going out wider - wider and further, it is a contentious issue if we made that
20 assumption, and I would be more comfortable if before making a decision - if we consulted further and wider, and therefore I recommend - because - and this is where I move an alternate motion or foreshadowed motion, and saying conduct a further round of consultation.

25 So it's identifying the problem statement and then putting it with a solution. Because by not putting a solution, just speaking against it, it's been left hanging that we're not being transparent. If there was another situation, not in a council meeting, then I would raise it with the CEO, or by email to the staff and - in private.

30 **MS McDONALD:** Sorry, your point was that you assume that the council is being transparent?

MR MANNOUN: That's the baseline, yes.

35 **MS McDONALD:** And if a councillor raises an issue where they don't think the council is being transparent, that's not legitimate?

MR MANNOUN: In - it is legitimate, but it has to be in the right form.

40 **MS McDONALD:** But if the substance is raising a valid criticism of council that it hasn't been transparent in respect of a particular proposal or a particular transaction, one looks at the substance, you don't look at form in determining whether it's a valid matter to raise?

45 **MR MANNOUN:** The substance of the actual comment?

MS McDONALD: You look at the substance of what is being raised by the councillor. You don't look at form, you look at substance.

MR MANNOUN: Yes, which I think is what happened afterwards in this discussion.

5 **MS McDONALD:** Well, I'm - can you answer my questions? You agree that you look at substance, not form?

MR MANNOUN: We still have to - if you read the code of conduct, we still have - the baseline position that we should all - to use your word of "form", we have
10 to work on the assumption that the staff are being transparent.

MS McDONALD: Sorry, that's set out in the code of conduct?

MR MANNOUN: Generally speaking, yes.
15

MS McDONALD: Where in the code of conduct?

MR MANNOUN: If you can bring it up, I'm happy to go through it with you.

20 **MS McDONALD:** What provision in the code of conduct? INQ.001.001.1134. Right. Where is it?

MR MANNOUN: If I can have a copy and go through it?

25 **MS McDONALD:** Well, maybe - is there a - maybe if we go to table of contents, that can guide you.

MR MANNOUN: Is there a hard copy? Because I can do it much quicker if I have a hard copy.
30

MS McDONALD: I haven't got a hard copy.

MR MANNOUN: Can we just go through it - scroll through quickly, I can tell you when to stop. Go back up, please.
35

MS McDONALD: How about we stop? I assume we'll be - because we're going to attempt to sit later today, we should have a - I assume, Commissioner, we will be having a break at some time.

40 **COMMISSIONER:** Definitely.

MS McDONALD: What about during the break we'll get a copy of the code of conduct printed out and you can identify which section you're referring to?

45 **MR MANNOUN:** Yes. We can start at point 3 if you want to, as a - which is the beginning.

MS McDONALD: We'll do it that way. All right. If we -

COMMISSIONER: One of the functions of the governing body is to keep the performance of the council under review.

5

MR MANNOUN: Yes.

COMMISSIONER: It's in the Act. How does the governing body go about doing that if it has concerns about the performance of the council organisation? How does it call that - how does a councillor go about calling that issue to attention without transgressing the code of conduct as you understand it?

10

MR MANNOUN: The - so I guess we're doing that on an ongoing basis throughout the 12 months of the year, in - say, for example, quarterly budget review, we're looking at the performance of council, you know, in that. There is the - probably the more detailed one is through the CEO and the KPI - the CEO and the performance - review panel of the CEO. So there is that mechanism as well, which probably can really drill down into it.

15

20 And then I guess from - once again, from - if councils have a specific issue they wanted to raise - let's say, for example, going to this pool issue. A councillor can raise a question with notice - could ask is how many times or what consultation has council staff done on this matter. And then they've started once again from a neutral position. They may have concerns privately, but they ask the question, they get the facts. Then from getting the facts and the report from staff, then they can determine whether their concerns are valid or not valid.

25

COMMISSIONER: But say that they still consider their concerns to be valid after getting the answer, what do they do next?

30

MR MANNOUN: Sorry, their - the concerns are valid?

COMMISSIONER: Well, the councillor gets the response to their question, and to their mind they still hold the concern that they had which prompt them to ask the question, what do they do next?

35

MR MANNOUN: This is where - it's a case-by-case basis. If I look at the concerns that, let's say, I personally have - I wish I would have - I wish they were resolved but they're still not resolved, the - there was a situation where I was concerned with elements along, say, contributions, and the use of contributions in a timely fashion. After asking the questions, having the meetings, doing the fact-finding part of things, I put forward a resolution to council to form a committee to start looking at resolutions to allow us to have, I guess, a more focused approach to their implementation. And then that was defined by a - by a charter. And that's probably on the - dare I say on the extreme end of things.

40

45

COMMISSIONER: Take this - take an example where a councillor is contacted by a number of members of the community concerned about reliability of rubbish collection in their particular part of the LGA, and the councillor wants to put a motion up to get a report back to council on what it's doing about those concerns.

5 Does a councillor - in putting that forward, would need to express, wouldn't they, the reason, to try and get their support for their motion for the meeting? That is, "I've been contacted by a number of constituents who tell me that rubbish collection in their area is unreliable," and -

10 **MR MANNOUN:** Mm-hmm.

COMMISSIONER: And the like. That would be something that they would have to inform the meeting on, wouldn't it?

15 **MR MANNOUN:** It's probably not the - probably not the place for it, because that's probably - could just be a phone call to -

COMMISSIONER: Well, how does a councillor get support for the motion to get a report back if they don't express the basis of their concern to the meeting?

20

MR MANNOUN: Sorry, for getting - for asking for a report? Yes.

COMMISSIONER: Yes.

25 **MR MANNOUN:** You would put - you would put it to the meeting.

COMMISSIONER: So is there a difference in that, in your mind, that - is that questioning the staff in any way, by relaying those reports? Is it suggesting that the organisation isn't doing its job properly or is it passing on the concerns of the community?

30

MR MANNOUN: Well, ultimately, under - is it 232 - you know, you're passing on the concerns to the - councillor to the governing body, so that's okay, but - it says about - I think if you - then it gets down to a matter of wording - of how you word it. If you were to say, "The staff aren't doing a good enough job," in my opinion you've crossed the line.

35

COMMISSIONER: Well, that's a clear example of personal criticism of staff.

40 **MR MANNOUN:** Yes.

COMMISSIONER: There's none in the example - nothing like that in the example I proposed to you. It's, "I have heard reports that rubbish delivery is unreliable."

45 **MR MANNOUN:** Yes.

COMMISSIONER: So there is an implicit criticism in the way that that's put, but it's not saying staff are not doing their job.

5 **MR MANNOUN:** Yes. I think that would probably be on the - that would be acceptable.

MS McDONALD: With the example you just gave, to say something publicly along the lines of "staff are lazy", that would be inappropriate?

10 **MR MANNOUN:** Yes.

MS McDONALD: I want to take you to another section of this meeting. I think it's INQ.011.001.0004.

15 **MR MANNOUN:** And I should say I have done that before and I did apologise for that.

MS McDONALD: Sorry?

20 **MR MANNOUN:** I have done that before and I did apologise for that.

MS McDONALD: It was totally inappropriate, wasn't it?

MR MANNOUN: I apologised for the errors of my ways.

25 **(Video played)**

30 **MS McDONALD:** Can you just pause that. Maybe if we can just bring up INQ.001.001.1056, just to orientate. 1056. So these are the minutes. If we'd go through to page 6. I think it's down the bottom. Can you see this is a motion of urgency by Councillor Green dealing with Project Control Committee?

MR MANNOUN: Yes.

35 **MS McDONALD:** There's the recommendation and then the council decision, which was in substantially the same terms but I think with some tweaks:

40 "...seek legal advice from General Counsel to determine the legality and legitimacy of the Project Committee..."

Advice, and also:

45 "...advice to address the risk of public perception of Councillor Conflict of Interest in Councillors being actively involved in the overseeing, monitoring and/or allocation in determining any said project or subsequent allocation of s7.11 developer contribution funds."

Now, if we can go back to the video. If we can go to 22.04.

(Video played)

5 **MS McDONALD:** All right. Can we stop. And I'll take you forward. Can we go to about 27.30?

(Video played)

10 **MS McDONALD:** Can we stop. Mayor - sorry, Mr Mannoun, Councillor Green has brought an urgent notice of motion of a matter that she is legitimately concerned about?

MR MANNOUN: Yes.

15

MS McDONALD: And as she has set out in her argument in support of the motion, she is seeking some clarification?

MR MANNOUN: Yes.

20

MS McDONALD: It would appear that she has attended some Local Government meeting, has heard some discussion. This has raised a legitimate concern in her mind and she is seeking, as she sets out, some legal advice from general counsel to make sure that everything is legitimate, or if it needs some tweaking or changes that can be done?

25

MR MANNOUN: No, not from general counsel.

COMMISSIONER: It was external at the start.

30

MR MANNOUN: From external.

MS McDONALD: Okay. Originally she said external, and then ultimately it was from the general counsel, the motion that was passed?

35

MR MANNOUN: I don't remember the motion specifically.

MS McDONALD: I took you to it - to seek legal advice from general counsel to determine the legality and legitimacy of the Project Committee.

40

MR MANNOUN: That was the motion? Okay. All right.

MS McDONALD: Now, to then first raise with her that she is implying that council has acted outside of the Act does not arise from her legitimate motion that she's raised. That's quite clear from its terms and from the way that she spoke in favour of the motion.

45

MR MANNOUN: Yes.

MS McDONALD: So by stating to her that - or accusing her that she is implying the council has acted outside of the Act, that was an assertion without a basis?

5

MR MANNOUN: The -

MS McDONALD: Do you agree with that or not? Do you agree with it or not, Mr Mannoun?

10

MR MANNOUN: I'm just replaying the question in my head. I would - I had concerns about this motion with respect to the matter raised and in the - and how it was being - the implication - what she was implying in it didn't cross - didn't cross the line, but the reality is it was a notice of motion which was checked by the CEO as being lawful, formation of the committee - council resolved that way, so therefore I made a ruling on lawfulness. A charter was then created -

15

MS McDONALD: No, look, I'm asking about your comment.

20 **MR MANNOUN:** Yes. Yes.

MS McDONALD: And what I'm saying to you is that comment was completely unwarranted.

25 **MR MANNOUN:** I don't agree.

MS McDONALD: Again, it's an example of you being a bully in a council meeting - of stating to Councillor Green, first, that she's implying that council is outside - has acted outside of the Act - that was bullying?

30

MR MANNOUN: I don't agree with your statement.

MS McDONALD: And then you proceed to some very condescending comments, that she needs to be mindful of "some of the basic reading that we should do, all of the Act".

35

MR MANNOUN: I don't agree with your comments.

MS McDONALD: Then you again continued with being condescending in saying that section 377 makes blatantly clear what the councillors' roles are, and you're concerned that councillors haven't grasped that. Again, you're being very condescending to a fellow councillor.

40

MR MANNOUN: I don't agree with that.

45

MS McDONALD: Where the councillor has raised what appears to be a very legitimate issue which ultimately her fellow councillors vote in favour of.

MR MANNOUN: And I think myself as well.

5 **MS McDONALD:** There was no need for the condescending comments about "basic reading" or "it's blatantly clear what councillors' roles are"?

MR MANNOUN: No, I disagree with that.

10 **MS McDONALD:** You don't have to express it in those terms, you could - if it was relevant for some reason, you could have just said, "I refer you to the Local Government Act and section 377, which sets out councillors' roles."

MR MANNOUN: Yes, I guess the point I was making was -

15 **MS McDONALD:** No, no. You could have done it that way, couldn't have you?

MR MANNOUN: To do what, exactly?

20 **MS McDONALD:** In the meeting, if you wanted to raise with her that the Local Government Act was relevant and that in particular section 377, setting out the roles of councillors was relevant, you could have stated that?

MR MANNOUN: Which is what I did, yes.

25 **MS McDONALD:** No. What you did is you combined it with condescending comments along the lines of "a basic reading that we should all do of the Act". It's adding the little adjectives and the niggly little comments which I'm saying to you are treating a fellow councillor in a condescending fashion.

30 **MR MANNOUN:** Matters of conduct between councillors, should there be an issue, are dealt with through code of conducts.

35 **MS McDONALD:** But that doesn't excuse you, at a council meeting where you're the chair, and under the Code of Meeting Practice you were supposed to be dealing with fellow councillors in a respectful manner, to include in comments that you're making - as I said, condescending comments to a fellow councillor. There's no need for it.

40 **MR MANNOUN:** It's - well, in - there is no need for it - in your opinion it's condescending. No one else has expressed that - that view to me.

MS McDONALD: I'm sorry?

45 **MR MANNOUN:** Nobody else expressed that view to me. The councillor herself did not do so, and she was fully entitled to do so.

5 **MS McDONALD:** Right. There was - if we get back to my question, there was no necessity for you to add those additional comments? If you want to raise the Act has some relevance here, sections 377, there was a way, if it was a legitimate point of raising it, without making the little condescending comments, do you agree about that or not?

MR MANNOUN: I don't agree the comments were condescending.

10 **MS McDONALD:** Do you agree that there was no necessity to include those comments?

MR MANNOUN: The -

15 **MS McDONALD:** Do you agree that there was no necessity to include those superfluous or additional comments?

MR MANNOUN: So the - the superfluous words being "basic"? Generally speaking, no.

20 **MS McDONALD:** Yes. Would you excuse me.

MR MANNOUN: The superfluousness was the motion itself.

25 **COMMISSIONER:** I'm sorry, what?

MR MANNOUN: The superfluousness of this was the motion, in my opinion, itself. I know I subsequently voted for it, but I was happy, if a councillor wanted to go into - seek an external opinion again, then I have no issue with that. But the - my point I was raising is the allocation of funds, and that's why I think the - the advice ended up showing was that, yes -

COMMISSIONER: This committee that was stood up and was the subject of this advice, was its role to allocate funds or just to look at better ways of doing that?

35 **MR MANNOUN:** Yes, it was the one I referred to. Yes. It was - wasn't to allocate funds. I don't -

40 **COMMISSIONER:** Because that's the role of the governing body and its meetings; correct?

MR MANNOUN: Correct. And -

45 **COMMISSIONER:** So the committee wasn't - correct me if I'm wrong, but the committee's function was to examine ways that the 7.11 contributions could be enhanced and used -

MR MANNOUN: Yes.

COMMISSIONER: - to make recommendations to the governing body?

5 **MR MANNOUN:** Yes. And I think the key word is "used". Even yesterday, we had a briefing in the governance meeting from the Department of Planning where the - there was a lot of money held in contributions that should be expended.

10 **COMMISSIONER:** I'm alive to the issue, don't get me wrong, but the committee's role was to look at ways that that could be done and then make recommendations to the governing body -

MR MANNOUN: Yes.

15 **COMMISSIONER:** To the governing body to take up in its function of allocating money.

MR MANNOUN: Yes.

20 **COMMISSIONER:** But the committee itself wasn't allocating money.

MR MANNOUN: Correct. Yes.

25 **MS McDONALD:** Even if you - you ultimately voted in favour of the motion. If you were of the view that it was - that the motion was not legitimate or not meaningful, again, that does not excuse your inclusion of those superfluous - of those additional comments when you raised the Act and section 377?

30 **MR MANNOUN:** I - I disagree in - if you want to go - yes, if it's about semantics, I -

35 **MS McDONALD:** Could you just excuse me? If you'd just excuse me for a minute, I'm just trying to cut back. Could you just excuse me for a minute. Can we bring up another video recording of INQ.069.001.0003. If I can bring it up - Mr Mannoun, this is the meeting of 7 February, but I already took you through that chronology from the probity report which referred to a rescission motion rescinding the December resolution to sell lots 101 and 102.

MR MANNOUN: Yes.

40 **MS McDONALD:** Do you remember that? And the extract I want to take you to is concerning that rescission motion. Do you need to see the rescission motion or can I just go straight to part of the video?

45 **MR MANNOUN:** I don't remember it, but if you can just tell me what it is roughly? Was the -

MS McDONALD: You can just quickly bring up -

MR MANNOUN: So that -

MS McDONALD: - INQ.001.001.1057.

5

MR MANNOUN: So that rescinded - the December meeting.

MS McDONALD: December, decided to sell.

10 **MR MANNOUN:** Yes. And then the alternate - so I don't need to see that, but I guess - are we going to talk about the alternate motion?

MS McDONALD: No, we're looking at February, where there was a motion to rescind.

15

MR MANNOUN: Yes.

COMMISSIONER: Let's bring up the motion, then we're all clear.

20 **MS McDONALD:** Sorry, we might be at cross-purposes.

MR MANNOUN: No, I'm trying to help save time.

25 **COMMISSIONER:** So there's a vote in the December to sell, and then there's a rescission motion that comes up in February.

MR MANNOUN: Yes.

30 **COMMISSIONER:** And I think we're going to the rescission motion in February.

MR MANNOUN: Yes.

MS McDONALD: Can you -

35 **MR MANNOUN:** I think - is the alternate motion the motion about more consultation? Is that where we're going?

MS McDONALD: It rescinds -

40 **MR MANNOUN:** Yes.

MS McDONALD: - and then it sets out "further consultation to be undertaken".

MR MANNOUN: Yes.

45

MS McDONALD: So you remember what we're talking - what I'm referring to?

MR MANNOUN: Yes, the - the alternate motion, yes.

MS McDONALD: In February?

5 **MR MANNOUN:** Yes.

MS McDONALD: Right. Okay. Can we bring up video INQ.069.001.0003? You've got it. Sorry. If we jump to 58.50 - just before then.

10 **MR MANNOUN:** Can I just ask a procedural question?

MS McDONALD: Yes.

15 **MR MANNOUN:** Are we going till 7 o'clock tonight? I guess, if so, what's our break schedule?

COMMISSIONER: We'll have ample break. Do you need a break now? Is that why you're asking?

20 **MR MANNOUN:** If we're going to 10 minutes of discussion I probably would like a very quick one.

COMMISSIONER: All right. Yes.

25 **MS McDONALD:** Yes.

COMMISSIONER: You take a break. I'll remain here, but you feel free to stretch your legs.

30 **MR MANNOUN:** Thank you.

<THE HEARING ADJOURNED AT 3.17 PM

<THE HEARING RESUMED AT 3.20 PM

35

COMMISSIONER: We'll keep an eye on the break situation, but if at any time you need a break beforehand, you just feel free to let me know, okay?

MR MANNOUN: Thank you, Commissioner.

40

COMMISSIONER: Yes, Ms McDonald.

MS McDONALD: If we can go - you've gone through to just before 58.50. About 58.40. No, if we could start at about 58.40.

45

(Video played)

MS McDONALD: Can we just jump to 1.07.50?

(Video played)

5 **MS McDONALD:** Could we stop and now jump to 1.15, at about 44.

(Video played)

10 **MS McDONALD:** We can stop there. In the December motion that was passed, there was a provision for consultation?

MR MANNOUN: Yes.

15 **MS McDONALD:** There was no funding source identified in that motion for that consultation?

MR MANNOUN: I will - without seeing it, I'll accept it, yes.

20 **MS McDONALD:** Here, what you have spent about 20 minutes on - as you concede, I think, when Councillor Ammoun suggests "we are going over and above", are procedural matters?

MR MANNOUN: Yes.

25 **MS McDONALD:** And procedural matters that under clause 3.18 - sorry, 3.12 of the Code of Meeting Practice should have been determined by the CEO preparing a report on the source of the funding?

30 **MR MANNOUN:** Yes, as part of the agenda.

MS McDONALD: Yes. Here, the councillor - sorry, the general manager didn't do that?

35 **MR MANNOUN:** Yes.

MS McDONALD: Your quizzing of Councillor Green, I would suggest, was in a rather patronising manner. Do you accept that?

40 **MR MANNOUN:** No.

MS McDONALD: It is a matter that could have easily been resolved first before the meeting by the general manager - or the CEO because - I'm sorry, I withdraw that. As we just heard, Councillor Green gave an indication that the notice of motion had been lodged a time before the agenda papers went out.

45

MR MANNOUN: Yes.

MS McDONALD: So clearly was before - well, should have been in the - should have been a matter considered by the CEO before the meeting?

5 **MR MANNOUN:** Yes, that's a point I make at the end.

MS McDONALD: And so instead of wasting time for about 15 to 20 minutes and belittling Councillor Green in your number of questions, it's a matter that could have been - should have been resolved beforehand?

10 **MR MANNOUN:** I disagree with the belittling comment, but, yes, it should have been resolved beforehand.

MS McDONALD: Did you inquire of the CEO as to why that hadn't been done?

15 **MR MANNOUN:** During that discussion I think I did. During the meeting, should I say.

20 **MS McDONALD:** Our note is that after all this nit-picking about whether she wants to jump across the river and the cost of letters, et cetera, it finalises with - ultimately, the way it was resolved was that there was an allocation of \$50,000 from general funds?

MR MANNOUN: Is it 90,000 or 50? I thought it was 90.

25 **MS McDONALD:** Five-zero in the - so that is a matter that could have been resolved relatively quickly?

MR MANNOUN: No. The variable in her motion, as written, was anywhere from 20,000 to \$375,000.

30 **MS McDONALD:** Should have been resolved beforehand, you agree with that?

MR MANNOUN: Yes, by the CEO.

35 **MS McDONALD:** And it could have been resolved in a more expeditious manner during the meeting, except you were trying to belittle Councillor Green through your various questions and issues being put to her. Do you agree with that or not?

40 **MR MANNOUN:** No, because she wasn't answering my questions. I was actually - I was asking analytical questions and she did not respond with the answer. She was referring to the point of wide consultation and I just tried to get it defined and what she viewed it - because consultation was the key question - that point - of the rescission motion.

45 **MS McDONALD:** Throughout - and I haven't played it all - she's not avoiding questions, she's answering questions and trying, as she said, to get back to the actual

rescission motion and intent of the rescission motion, which you were distracting the meeting from for about 20 minutes?

5 **MR MANNOUN:** No, because there was not a valid motion on the floor of council.

MS McDONALD: And the motion was ultimately passed with a resolution that - I think it's 50,000 comes out of general reserve?

10 **MR MANNOUN:** I think unanimously.

MS McDONALD: Yes. But my point is that, again, this is another example of you belittling or being condescending to a fellow councillor during a council meeting. Do you agree with that or not?

15 **MR MANNOUN:** No.

MS McDONALD: Can you just excuse me for a minute. What was the explanation the CEO gave as to why he hadn't done the work of pricing it or the amount that was required to be paid for the consultation before the meeting?

20 **MR MANNOUN:** My recollection is more that it was just an acknowledgment that, yes, we should have done it.

25 **MS McDONALD:** Sorry?

MR MANNOUN: I said my recollection was that it was more an acknowledgment that, yes, we should have.

30 **MS McDONALD:** By the CEO?

MR MANNOUN: Yes.

MS McDONALD: Did you ask him at the meeting why he hadn't done it?

35 **MR MANNOUN:** I think it was more along the lines of, you know, this more should have been done before -

MS McDONALD: All right. So the answer to my question is you didn't ask?

40 **MR MANNOUN:** I don't have a specific recollection.

MS McDONALD: The sale of lots 1 and 2 were - I think ultimately they were sold, and the funds have gone into some kind of internally restricted account?

45 **MR MANNOUN:** Reserve.

MS McDONALD: Reserve. Thank you. And that's an internally restricted reserve which is looking at - or to be used for the development of some kind of recreation centre at Hammondville Park?

5 **MR MANNOUN:** Yes.

MS McDONALD: Which will include an aquatic centre?

MR MANNOUN: Yes.

10

MS McDONALD: Now, dealing with aquatic centres, in February 2022 there was a report by Warren Green Consulting to the council dealing with Liverpool Aquatic and Leisure Centre Provision - Implementation Priority Plan?

15 **MR MANNOUN:** Yes.

MS McDONALD: And as part of that, they looked at a number of - well, all of the pools that were available throughout the Local Government Area?

20 **MR MANNOUN:** Yes.

MS McDONALD: And that included the current pool at Holsworthy?

MR MANNOUN: Yes.

25

MS McDONALD: And the current pool at Holsworthy, it's part of the Hammondville Park?

MR MANNOUN: No.

30

MS McDONALD: It's located nearby?

MR MANNOUN: Yes.

35 **MS McDONALD:** So if you're looking at facilities available to the community around the Hammondville Park area, the pool at Holsworthy is one of the facilities that's available to them?

40 **MR MANNOUN:** Yes, to an extent. It has a different operating model than the other pools.

MS McDONALD: But it's a pool that's operating? People can go and swim in the 25 metre pool?

45 **MR MANNOUN:** There's only, I think, one lane allocated to that in the pool.

MS McDONALD: People can go and swim in the pool, can't they, Mr Mannoun, at Holsworthy?

MR MANNOUN: Yes.

5

MS McDONALD: Yes.

MR MANNOUN: But not like the other pools.

10 **MS McDONALD:** And as part of the Warren Green Consulting report, in respect of
Holsworthy - sorry, I'm just trying to find the appropriate section. They - excuse me.
If we can bring up INQ.001.001.1113. And this can be live streamed. If you can go
through to page 27 to begin with. You can see - this was just the easiest way to
get - bring up a copy of it. You can see that's the first page, if we just move a little bit
15 down the page, of the Warren Green Consulting. Maybe just - if we can show the
heading. Yes. Perfect.

And if we go through to page 33, under Key Recommendations. In respect of
Holsworthy Aquatic Centre - and that's the Holsworthy pool - it's talking about it is
20 noted that while a review is ongoing, there may be potential for a sale of the centre
and this should be explored further. And the reference to the study is a reference to a
feasibility study of the Holsworthy Aquatic Centre?

COMMISSIONER: So whereabouts on the page are you, Ms McDonald?

25

MS McDONALD: Can you see under key recommendation C?

COMMISSIONER: Yes. Thank you.

30 **MS McDONALD:** That was the case?

MR MANNOUN: I'm not aware of a feasibility.

MS McDONALD: All right. If we jump back to page 30, can you see towards the
35 bottom of the page there's Holsworthy Aquatic Centre feasibility study?

MR MANNOUN: Yes.

40 **MS McDONALD:** And you've got a short-term feasibility study, dilapidation report,
probable cost to upgrade, undertake minor accessibility works, et cetera?

MR MANNOUN: Where it says "alternate sites" and "consider gym" and all that?
Yes.

45 **MS McDONALD:** And then a longer term feasibility study of preparing a design
and management plan for an alternative site, et cetera.

MR MANNOUN: Yes.

5 **MS McDONALD:** So as part of this report, unlike some of the other swimming pool or aquatic centres where there has been a masterplan dealing with them and an identification of what is proposed to be done with, for example, the Whitlam Leisure Centre - to be replaced with a greenfields development. Michael Clarke Recreation Centre, masterplan in conjunction with two other centres, et cetera. So what I'm suggesting to you in this report - there is no immediate proposal to replace the Holsworthy pool. It's a matter of feasibility studies, looking at can we do anything in 10 the short term - that is, undertake minor accessibility works, et cetera?

MR MANNOUN: Then -

15 **MS McDONALD:** And then a longer term, looking for an alternative site?

MR MANNOUN: The short term was - after that point, the next was - says conduct a feasibility study of alternate sites in east to consider gym, and blah, blah, blah.

20 **MS McDONALD:** Yes.

MR MANNOUN: And investigate funding options and potential development partners, including - yes.

25 **MS McDONALD:** So you agree with what I've said to you. In this report there was no recommendation that there should be a new Holsworthy pool at a particular site, let alone costing for such a pool?

30 **MR MANNOUN:** I would have to go through the whole report, but it clearly envisages an alternate site with improvements to it.

MS McDONALD: Yes. But there is no recommendation in this report that the new site or an alternative site is X?

35 **MR MANNOUN:** I haven't read this report in an extremely long time, but I'm assuming in that - in those final two sentences, it's referring to the work that we did at Hammondville Park.

MS McDONALD: Right. The work on Hammondville Park is later.

40 **MR MANNOUN:** 2019. 2020.

45 **MS McDONALD:** It's after - well, the work on Hammondville Park isn't referred to in this report, and it - what I'm - the proposition, if we're not distracted, is that in this report there is no identification of this is the alternative site for Holsworthy Park and this is what it's going to cost.

MR MANNOUN: I - as I said, I haven't read this report in a very long time, so I'm -

MS McDONALD: And in 2022 and in 2023 there was no resolution by council that a pool will be built to replace the Holsworthy pool at this cost?

5 **MR MANNOUN:** And I don't think - I'm not sure if anything - I don't think there was anything specific about cost, but there were resolutions and adopted masterplans for Hammondville.

10 **MS McDONALD:** And what I want to suggest is the Hammondville masterplan is after - in the latter part of March 2023.

MR MANNOUN: A version of it, but there was one earlier than that.

15 **MS McDONALD:** But you agree there is no resolution that a pool be constructed at a particular site by council?

MR MANNOUN: I think there's a resolution in 2019, 2020, and -

20 **MS McDONALD:** Sorry, what's the resolution?

MR MANNOUN: About Hammondville Park and improved facilities there. And I think -

25 **MS McDONALD:** But what's the resolution? You weren't even on council then, were you?

MR MANNOUN: No, but I -

30 **MS McDONALD:** So what was the resolution?

MR MANNOUN: I can look for it in the break and bring it up. I'm sure there's - there are resolutions - there's a further report that came to us about this project which outlined all the different resolutions there were in the lead-up to that - in that - in that decade, and - yes. And there were - there were discussions, documents drawn between Liverpool City Council and the Moorebank Sports Club about construction of a pool at that site, which were ongoing discussions with the then CEO Eddie Jackson.

40 **MS McDONALD:** But no resolution of council?

MR MANNOUN: No, I said there was - my understanding, resolutions in that '19, '20 period.

45 **MS McDONALD:** Well, you just said there's a document that Dr Jackson was discussing with Moorebank Sports Club about the construction of the swimming pool. My question to you was that that didn't result in any resolution of council, did it?

MR MANNOUN: I'm not sure. But I know there were - there were significant discussions with Moorebank Sports Club's - whether Moorebank Sports Club was there. Yes, there's a lot of correspondence back and forth about that issue.

5

MS McDONALD: But, again, no resolution of council that, "We accept the proposal by Moorebank Sports Club to build this pool"?

MR MANNOUN: Yes.

10

MS McDONALD: You agree there's no resolution from that -

MR MANNOUN: I'm fairly certain there's no resolution.

15

MS McDONALD: Can we bring up, please, INQ.011.001.0005. It can be live streamed if we can find it. You know this article in the Sydney Morning Herald?

MR MANNOUN: Not specifically. I'm aware of an article in the Herald.

20

MS McDONALD: In it, if we keep on moving down the page, it refers to an announcement - a joint announcement by you and your wife, who was at that stage the Liberal candidate for Holsworthy, in which you committed - or you committed \$28 million in council funds for a state-of-the-art aquatic centre at Holsworthy.

25

MR MANNOUN: Can we - can I read the whole article, please?

MS McDONALD: So:

30

"The package was to [also] upgrade fields [but] develop a new aquatic centre ... announced by the duo at a sports club last Sunday..."

And you had then Roads Minister Natalie Ward representing the government at the announcement.

35

MR MANNOUN: Yes.

MS McDONALD: You made that announcement at that sports club?

40

MR MANNOUN: Sorry, can I read the other pages? I'm still reading the article.

MS McDONALD: No, no, no. Sorry, the other question - other pages I'll get to, but I'm asking you about what is reported there, that:

45

"...at a sports club last Sunday, after the Liberal Party's official campaign..."

Sorry, "at a sports club last Sunday, after the Liberal Party's official campaign launch at the Liverpool Catholic Club" you made an announcement of committing \$28 million to the project of new aquatic centre plus upgrading some fields?

5 **MR MANNOUN:** I need to be taken to what I said, please.

10 **MS McDONALD:** Well, if you go back to the beginning of the article - can you go back to the beginning? It records that you joined your wife and Liberal candidate to commit \$28 million in council funds for a state-of-the-art precinct in the electorate "if the Coalition is returned to government next Saturday". Now, implicit in that is that you announced at this meeting that you were committing \$28 million in council funds for this project. Are you saying that you didn't do that?

15 **MR MANNOUN:** I'm yet to finish reading the article and I don't see anything quoting where I've said that.

20 **MS McDONALD:** No, no, no, no. I'm referring you to that part where it reports that you joined your wife at this event and committed \$28 million in council funds for the project. Are you denying that you did that?

MR MANNOUN: I would like to read the whole article to see what I actually said.

25 **MS McDONALD:** Mr Mannoun, I have taken you to the part of the article which records what - the article records you stating.

30 **MS RICHARDSON:** I object to that. This is, in effect, a lead-in paragraph in an article. It's not put in direct quotes. The witness has asked to read the article, which is absolutely fair enough. This is something that happened two and a half years ago. He should be given the opportunity to see - or at least taken to him if there is anywhere in the article where the Herald puts in direct quotes that he has used those words, in my submission.

35 **MS McDONALD:** I withdraw the question. Did you, at a campaign launch with your wife, when she was standing for election at Holsworthy, commit council funds of \$28 million to the project?

MR MANNOUN: No, because I can't commit funds on behalf of council.

40 **MS McDONALD:** All right. Did you announce at this meeting that the council would contribute \$28 million to the project?

MR MANNOUN: I don't have a specific recollection, but if you can take me to it I'm happy to look at it.

45 **MS McDONALD:** No, no, no. I'm asking you about your recollection.

MR MANNOUN: Okay.

MS McDONALD: I'm asking you do you recall, at this meeting, saying anything about the council will contribute to this project \$28 million?

5 **MR MANNOUN:** I don't have a specific recollection. I remember speaking about the Holsworthy masterplan and, I guess, my commitment that I made to the community, and I think my mayoral minute, when I first got elected -

10 **MS McDONALD:** Did you say at this meeting that there was going to be a contribution by the council towards the project?

MR MANNOUN: I don't have a specific recollection of exactly what I said.

15 **MS McDONALD:** Do you have a recollection of whether you specified an amount of money that the council would contribute to the project?

MR MANNOUN: Not specifically, no.

20 **MS McDONALD:** If that was the case that you - sorry, I withdraw that. There was no resolution of council whereby any amount of funds were to be allocated for the Holsworthy Aquatic Centre?

MR MANNOUN: Sorry, what was the question?

25 **MS McDONALD:** There was no resolution by council as at the end of March 2023 that X amount of money will be allocated to the Holsworthy Aquatic Centre project?

MR MANNOUN: No, I don't believe so.

30 **MS McDONALD:** And to announce that council would contribute 22 or \$28 million to such a project would be inappropriate, wouldn't it?

MR MANNOUN: I don't see myself announcing that.

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

MR MANNOUN: I don't see myself announcing -

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

MR MANNOUN: Okay. All right.

MS McDONALD: Listen to the question.

45 **MR MANNOUN:** Yes.

MS McDONALD: Try and listen.

MS RICHARDSON: I object to this. If this has been put as an assumption it has to be clearly foreshadowed to the witness, who's been giving evidence all day. It's not clear, in my submission, expressly, "If X happened, do you accept Y."

5

COMMISSIONER: Yes, that should happen. That should happen.

MS McDONALD: I'm sorry?

10 **COMMISSIONER:** That should happen, given the answers - the previous answers.

MS McDONALD: If - assume that a mayor made an announcement of X amount of dollars is being contributed to a project. In the absence of a council resolution that such money would be allocated, it would be inappropriate, wouldn't it?

15

MR MANNOUN: A mayor cannot allocate funds. They can advocate to put funds, they can put it to council for resolution, right, and you can say, "I'm going to be advocating to get this through council," you know, that's - everyone's entitled to do that.

20

MS McDONALD: So the answer to my question is it would be inappropriate? Yes, it would be?

MR MANNOUN: Breaches of the Act would be inappropriate, yes.

25

MS McDONALD: And you're denying - I'm sorry, withdraw that. You have no recollection at this - do you remember the launch with your wife for her candidacy to stand for Holsworthy?

30 **MR MANNOUN:** Vaguely.

MS McDONALD: Right. Do you remember that the Roads Minister, Ms Ward, was present?

35 **MR MANNOUN:** I remember her present at an event with her.

MS McDONALD: And you have no recollection of announcing at this meeting that council would be contributing to a - jointly with the New South Wales Government X amount of money to the Holsworthy Aquatic Centre project?

40

MR MANNOUN: I don't have anything specific or specific wording of what I actually said.

45 **MS McDONALD:** What I'm asking you, Mr Mannoun, I'll try again, is your evidence is you do not have a recollection of saying that at that this event?

MR MANNOUN: Yes, I do not have a recollection of the exact words that I said at that event.

MS McDONALD: We haven't discussed breaks.

5

COMMISSIONER: I think we should have one.

MS McDONALD: Yes.

10 **COMMISSIONER:** 15 minutes?

MS McDONALD: Yes.

15 **COMMISSIONER:** Councillor, we'll take a break for 15 minutes. Feel free to stretch your legs, get some fresh air. Then I'll resume again at 25 past 4.

<THE HEARING ADJOURNED AT 4.08 PM

<THE HEARING RESUMED AT 4.42 PM

20

COMMISSIONER: Yes, Mr Andrews.

MR ANDREWS: Commissioner, can I just raise a matter of housekeeping.

25 **COMMISSIONER:** Yes.

30 **MR ANDREWS:** Earlier today, I think the witness was taken to the 13 December 2023 council meeting, and I raise that something may be the subject of a confidentiality claim. I can confirm that neither the video nor the transcript - document IDs for which are LCC.024.001.0001 for the video and INQ.091.001.0005 - are the subject of a claim for confidentiality or an application pursuant to section 12B.

35 **COMMISSIONER:** Thank you.

MS McDONALD: Mr Mannoun, you first met Jason Breton around June 2021?

MR MANNOUN: No.

40 **MS McDONALD:** When did you first meet him?

MR MANNOUN: In 2019 or 2020.

45 **MS McDONALD:** And in what circumstances did you first meet him?

MR MANNOUN: I was introduced to him by a gentleman by the name of Arvind Lal.

MS McDONALD: Could you spell that, please?

MR MANNOUN: A-r-v-i-n-d, Lal, L-a-l.

5

MS McDONALD: That meeting didn't occur in 2021?

MR MANNOUN: No.

10 **MS McDONALD:** Right. Were you introduced to Mr Breton by Mr Lal?

MR MANNOUN: Yes.

15 **MS McDONALD:** And this was before - I'm sorry, withdraw that. At this stage you were not a councillor?

MR MANNOUN: Yes.

20 **MS McDONALD:** The circumstances in which Mr Lal introduced Mr Breton to you, was it a by chance meeting or was it organised?

MR MANNOUN: Organised.

25 **MS McDONALD:** Organised by Mr Lal?

MR MANNOUN: Yes.

MS McDONALD: How did you know Mr Lal?

30 **MR MANNOUN:** Mr Lal was a former manager at Liverpool City Council.

MS McDONALD: In which area was he a manager?

35 **MR MANNOUN:** I think waste.

MS McDONALD: Sorry?

MR MANNOUN: Waste.

40 **MS McDONALD:** Waste. Sorry. I thought you said "west", that's why I looked confused. All right. So by the time this meeting was organised, Mr Lal had left - to your knowledge, left the employment of the council?

45 **MR MANNOUN:** Yes.

MS McDONALD: And what was the purpose of the meeting?

MR MANNOUN: I think it was two-fold at the time. One was there's a - there was a share - a shared enthusiasm of getting a football team - well, I'll say for Liverpool, not for south-west. For Liverpool.

5 **MS McDONALD:** And when you say "football team", are we talking soccer?

MR MANNOUN: Yes. And I think we - discussions around trains and metro trains - trains.

10 **MS McDONALD:** All right. And did anything result from the meeting?

MR MANNOUN: Other than getting to meeting someone new, that's pretty much it.

15 **MS McDONALD:** Okay. So the two-fold purpose, to share your enthusiasm, was it to establish a new soccer team? Is that what you were looking at?

MR MANNOUN: Yes. I think - think there were also discussions regarding waste and recycling, because that's something that my family has been involved in for a while, and - and I think - yes.

20 **MS McDONALD:** All right. So the result of the meeting was that you've met - you've been introduced to a new person and you share an enthusiasm for a soccer team. Correct?

25 **MR MANNOUN:** Yes, and I think - sorry, at the time I think there was - there was a - I'm trying to think of the timing. The A-League was going through a process of getting a new team in the south-west for -

COMMISSIONER: Is that what led to Macarthur?

30

MR MANNOUN: Yes.

MS McDONALD: Okay. So after that -

35 **COMMISSIONER:** I know about sports other than cricket too, Ms McDonald.

MS McDONALD: I was going to make a comment but decided not to. All right. So after that meeting, when did you come across Mr Breton again?

40 **MR MANNOUN:** I - I think in early '21.

MS McDONALD: In what circumstances?

45 **MR MANNOUN:** A catch-up. I don't think there was - I don't remember any specific topic of conversation.

MS McDONALD: And when you say "a catch-up", you attended the catch-up?

MR MANNOUN: Yes.

MS McDONALD: Mr Breton?

5

MR MANNOUN: Yes.

MS McDONALD: And did Mr Lal?

10 **MR MANNOUN:** No. No. No, I don't think so.

MS McDONALD: And what can you recall was discussed at this catch-up in early 2021?

15 **MR MANNOUN:** I think it was around the bid for the - for the soccer team. Or the results of the bid. I forget.

MS McDONALD: At some time during 2021, did you have another catch-up or meeting with Mr Breton and at this time he was unemployed?

20

MR MANNOUN: Yes.

MS McDONALD: When was that, roughly?

25 **MR MANNOUN:** I think mid '21 or - I think it was in between contracts versus unemployed.

MS McDONALD: He wasn't working?

30 **MR MANNOUN:** Yes, as in waiting to go to another - something was starting or something along those lines.

MS McDONALD: And at this - and who attended this meeting? It was obviously you and Mr Breton. Was Mr Lal there?

35

MR MANNOUN: No, I don't believe so.

MS McDONALD: Anybody else?

40 **MR MANNOUN:** No - in June, no, I don't think so.

MS McDONALD: And at this meeting, was your decision to stand again for council discussed?

45 **MR MANNOUN:** Yes.

MS McDONALD: And as Mr Breton wasn't working at the time, was some kind of suggestion made that he would work on your campaign?

MR MANNOUN: Yes.

5

MS McDONALD: Right. Who raised that? Who suggested it?

MR MANNOUN: Me.

10 **MS McDONALD:** You suggested to him, "If you've got some time to spare, why don't you on my campaign"?

MR MANNOUN: Yes.

15 **MS McDONALD:** By that stage, had the campaign office, I think at Terminus Street, been opened?

MR MANNOUN: Yes, I think so.

20 **MS McDONALD:** What was Mr Harte's role in your election campaign in 2021?

MR MANNOUN: I guess it sort of evolved from first meeting him - toward - he effectively became campaign director or one of the campaign directors. Initially, he was basically - he was doing modelling and data analytics.

25

MS McDONALD: That was at the campaign office?

MR MANNOUN: Yes.

30 **MS McDONALD:** And you said over time he became your campaign director?

MR MANNOUN: Yes.

35 **MS McDONALD:** All right. So mid '21 you have this further catch-up or meeting with Mr Breton and you suggest to him, "Look, why don't you" - "If you've got spare time, why don't you come and assist on my campaign"?

MR MANNOUN: Yes.

40 **MS McDONALD:** All right. He - do you - so assist in your campaign. Do you suggest that he contact anybody or just rock up to the campaign office? Or what did you suggest?

MR MANNOUN: I think just turn up and meet at the office.

45

MS McDONALD: Did you give him Mr Harte's name?

MR MANNOUN: I think he met him there.

MS McDONALD: When he arrived at the office?

5 **MR MANNOUN:** Yes.

MS McDONALD: So you didn't say to him, "This is the address of the office, ask for Matthew Harte"?

10 **MR MANNOUN:** No, I don't believe so.

MS McDONALD: When he turned up to the office, were you there?

15 **MR MANNOUN:** I assume so, yes.

MS McDONALD: You say, "I assume so." Do you have a recollection of him being there when he arrives for the first time?

20 **MR MANNOUN:** I'm trying to think back exactly, but I would say yes.

MS McDONALD: Now - excuse me for a minute. Now, in evidence before the inquiry there's a text message from Mr Harte to Mr Breton on 22 June, where he sends him a head shot of you.

25 **MR MANNOUN:** Yes.

MS McDONALD: The date of the - and also refers to a Google drive, "so I can add you to our shared folder". So that message was sent on 22 June. That would suggest that Mr Breton is working on your campaign by at least 22 June?

30

MR MANNOUN: Yes.

35 **MS McDONALD:** The work that he was doing on your campaign, what work, to your knowledge - I'm sorry, I should start again. In 2021, in a sense, there were two campaigns. There was the campaign when the election was going to be held in September and then COVID cancelled that election, and then the election was subsequently held in December. Do you remember those two stages?

40 **MR MANNOUN:** Yes. I would say there's three stages.

MS McDONALD: Right. You say three.

MR MANNOUN: Yes.

45 **MS McDONALD:** What's your first stage?

MR MANNOUN: The pre-selection, i.e. becoming the candidate.

MS McDONALD: All right. And the pre-selection, that's a Liberal Party pre-selection?

5 **MR MANNOUN:** Yes.

MS McDONALD: Was that undertaken for the election that was planned originally for September?

10 **MR MANNOUN:** Yes.

MS McDONALD: And when did you get pre-selection?

15 **MR MANNOUN:** August.

MS McDONALD: All right. But even though - if you're saying you were pre-selected in August, there was already a campaign office in June - operating in June?

20 **MR MANNOUN:** Yes.

MS McDONALD: You were going to obviously nominate for the - to be the mayoral candidate?

25 **MR MANNOUN:** Yes.

MS McDONALD: Did anybody else from the Liberal Party stand for that?

30 **MR MANNOUN:** Yes.

MS McDONALD: Who was that?

MR MANNOUN: Mr Peter Ristevski.

35 **MS McDONALD:** In 2021?

MR MANNOUN: Yes.

40 **MS McDONALD:** Was he still a member of the Liberal Party then?

MR MANNOUN: Yes.

45 **MS McDONALD:** Okay. But in June and July, Mr Breton is performing work on your potential campaign?

MR MANNOUN: Yes.

MS McDONALD: If you didn't get the mayoral pre-selection, you also seek pre-selection for a councillor position?

MR MANNOUN: Yes.

5

MS McDONALD: Was - were you, in a sense, definitely going to get a councillor position or, again, was that contested?

MR MANNOUN: Contested. Contested.

10

COMMISSIONER: August to September seems like a fairly short run-in, Councillor. Is it always that tight?

MR MANNOUN: The biggest gripe - yes, the biggest gripe we have is getting pre-selected early, and there is a significant amount of logistics required for Local Government pre-selections, based on sheer quantity. So it does sometimes take a bit longer, but, yes, we all hope that we can get it done early. I'm just trying to remember my previous one, when it was done - how many months that went.

COMMISSIONER: That's all right. Nothing much turns on it. I was just curious as to the timing.

MS McDONALD: Well, you - so you were pre-selected for the election that was going to originally take place on 4 September?

25

MR MANNOUN: Was it the 4th? It was 4 December.

MS McDONALD: No, no, no. Do you remember I said to you there was an - a Local Government election called and it was going to be held on 4 September, and then was cancelled because of - or postponed because of COVID, and the postponed date was December.

30

MR MANNOUN: Yes, but I think elections are held on the second Saturday of September, as - by - regardless of - early September.

35

COMMISSIONER: Do you remember if the pre-selection was finalised after the postponement had been announced by government?

MR MANNOUN: I don't, but I can -

40

COMMISSIONER: It's all right. Just my curiosity. In any event, there was one scheduled for September, it was deferred due to COVID and -

MS McDONALD: To December.

45

COMMISSIONER: When it happened.

MS McDONALD: But in June and July, Mr Breton is working on your potential campaign?

MR MANNOUN: Yes.

5

MS McDONALD: Part of the work that he's been undertaking was to identify key themes for your campaign?

MR MANNOUN: I would say more manage logistics.

10

MS McDONALD: No. Do you remember him identifying key themes for your campaign and drafting letters articulating those key fact - themes?

MR MANNOUN: I remember him doing that, but that's not what he was there for.

15

MS McDONALD: I'm not asking you that, I'm asking you about what work he was doing. And you recall that he was doing some of that work?

MR MANNOUN: Yes.

20

MS McDONALD: And you were actually sent - if we can bring up, please, HAR.004.001.0001. Yes, that'll be fine. You can see there that's an email - excuse me for a minute. Sorry -

25

COMMISSIONER: Don't - it has private email addresses.

MS McDONALD: - can you pull that down, please.

COMMISSIONER: Off the live stream. Just in the room.

30

MS McDONALD: Sorry, there is a redacted version. I'm - it's on my copy. If you bring up HAR.004.001.0001.

COMMISSIONER: It's page 1.

35

MS McDONALD: Page 5, please. You can see there on 2 July Mr Breton emails you and also Mr Harte "re Liverpool debt" and "NM letters", key themes and five letters documents.

40

MR MANNOUN: Yes.

MS McDONALD: And if we go to page 6, these were the various letters with particular themes and key points that he'd written?

45

MR MANNOUN: No - yes.

MS McDONALD: And then if you - if we go to page 7, this is an example of one of the draft letters that he had written, which was dealing with theme number 1, debt?

MR MANNOUN: Yes.

5

MS McDONALD: And then if you go to page 9, you can see there letter 2. This is "Introducing Ned Mannoun", and that was theme number 2 in his original table?

MR MANNOUN: Yes.

10

MS McDONALD: So that was some of the work that Mr Breton was undertaking at this time in July 2021?

MR MANNOUN: Yes.

15

MS McDONALD: And then I don't think it's necessary for me to take you to this, but Mr Harte sends back his feedback to you and Mr Breton about the draft letters.

MR MANNOUN: Yes.

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MS McDONALD: Now - also there's evidence of Mr Breton, I think, in one of the rooms at the office, putting brown paper around the sides of the wall and setting out kind of a timetable for the election?

MR MANNOUN: Yes.

25

MS McDONALD: The idea being that particular relevant dates - what you have to do or what should be achieved by particular points are going to be put on this - like, a chronology leading up to the election?

30

MR MANNOUN: Yes.

MS McDONALD: Now, as part of the strategy leading up to the Local Government election, you and Mr Harte were trying to identify a person who would stand as an independent?

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MR MANNOUN: What was the first part? We were - prior -

MS McDONALD: Trying to identify a person who would stand for election as an independent?

40

MR MANNOUN: Yes, I had identified somebody already.

MS McDONALD: Yes. I'm taking it in stages, okay?

45

MR MANNOUN: Yes.

MS McDONALD: So you agree with me that you were identifying a person to stand as an independent in the Local Government elections?

MR MANNOUN: Yes.

5

MS McDONALD: And in June or July you had identified a person?

MR MANNOUN: I think earlier than that, but yes.

10 **MS McDONALD:** Who was that person?

MR MANNOUN: Mr Gary O'Neill.

MS McDONALD: O'Neill?

15

MR MANNOUN: Yes.

MS McDONALD: All right. Ultimately, in the December election he didn't stand as an independent?

20

MR MANNOUN: Yes. Correct.

MS McDONALD: And you raised with Mr Breton that - sorry, at some time - and it may have been after Mr O'Neill decided not to stand as an independent - you raised with Mr Breton the potential for him to stand as an independent?

25

MR MANNOUN: Yes.

MS McDONALD: When did you do that?

30

MR MANNOUN: I don't have a specific recollection.

MS McDONALD: After Mr O'Neill said no?

35 **MR MANNOUN:** Mr O'Neill never said no.

MS McDONALD: You decided not to run with Mr O'Neill?

MR MANNOUN: Ultimately, the - the ball was, I guess, in his court, you know?

40

MS McDONALD: The what, sorry?

MR MANNOUN: The ball was in his court.

45 **MS McDONALD:** Yes.

MR MANNOUN: As in the - he was identified because he's a long-term Liverpool resident -

MS McDONALD: Yes.

5

MR MANNOUN: Or, sorry, associated with the area - didn't live in there specifically but associated in there. He used to have a - well, he does have a carnival ride business.

10 **MS McDONALD:** Yes.

MR MANNOUN: So anyway -

15 **MS McDONALD:** But I'm - sorry, I'm asking you did he decide not to run? Or what was the issue?

MR MANNOUN: I guess, once again, it was how enthusiastic he was about it.

20 **MS McDONALD:** All right.

MR MANNOUN: And he was saying yes, yes, yes, but ultimately got down to what actions he puts behind that.

25 **MS McDONALD:** All right. And is this around - when he's not showing that enthusiasm, you raise with Mr Breton the potential for him to stand as the independent?

MR MANNOUN: No.

30 **MS McDONALD:** Sorry?

MR MANNOUN: No.

35 **MS McDONALD:** All right. Did you - I thought you gave evidence that you raised it with Mr Breton?

MR MANNOUN: Yes, I did.

40 **MS McDONALD:** When did you raise it with him?

MR MANNOUN: The - I don't specifically remember. What I remember, though, is in the context that I raised it - as in, "If you care and want to do so much, well, have you considered becoming a councillor? Have you considered running?" And that's not something uncommon for me to - to do.

45

MS McDONALD: I'm sorry, what was the last part you said?

MR MANNOUN: I said that's not something uncommon for me to do.

MS McDONALD: Okay. But with Mr Breton, you knew that he was sympathetic to some of the campaign issues that you were going to run on?

5

MR MANNOUN: Yes.

MS McDONALD: And also you understood that he would give his preferences to the Liberal Party?

10

MR MANNOUN: Without splitting hairs, yes.

MS McDONALD: Excuse me for a minute.

15 **MR MANNOUN:** I guess what I mean by splitting hairs is ultimately it's not for him to give preferences, it's to make recommendations to give preferences.

MS McDONALD: You are splitting hairs. You know on his how-to-vote card it has "vote 1 Breton" and the people standing on his ticket, and then the first preference he gives on his how-to-vote card is to the Liberal Party.

20

MR MANNOUN: Having - having seen it in recent times, it doesn't actually tell anyone to vote for the Liberal Party.

25 **MS McDONALD:** What it does is it sets out Mr Breton's tickets - suggestion to people as to how to vote. Correct?

MR MANNOUN: Yes, and it says "vote 1 Jason" -

30 **MS McDONALD:** And - correct or not?

MR MANNOUN: Yes, it says "vote 1 Jason Breton".

MS McDONALD: And it then indicates number 1 in the box with Mr Breton, it then indicates number 2, the Liberal Party, doesn't it?

35

MR MANNOUN: I think it has a number 2 written there.

MS McDONALD: Yes, it does.

40

MR MANNOUN: But it doesn't actually say to people, "Place a number 2 in the box."

MS McDONALD: Mr Mannoun, you understand that when somebody is given a how-to-vote card, what that how-to-vote card is suggesting is - this is the way that you - we suggest that you vote. "If you want to vote for us, you tick 1 in the Jason Breton box and you put number 2 in the Liberal Party box."

45

MR MANNOUN: Yes, so they have on them place a number 1 in - it says, "Follow the instructions. Place a number 1 in this box."

5 **MS McDONALD:** Yes.

MR MANNOUN: And then you would have another arrow, saying, "Fill in the boxes," or as - instructing people to fill in the boxes as shown. Or, "Place a number 2 here."

10

MS McDONALD: So it's giving the preferences to the Liberal Party.

MR MANNOUN: Yes, but it's instructing them. I've seen many - I've probably seen too many how-to-votes in my lifetime, but there is normally a clear - in an optional preferential system a clear direction to the voter to fill in the boxes and "number 1 here and number 2" - or whatever onwards.

15

MS McDONALD: Well, he's not suggesting to them that they fill out the Labor Party for number 2, was he?

20

MR MANNOUN: No, I don't actually - says it - I don't think it actually says put number 2 anywhere.

MS McDONALD: He wasn't suggesting that they should vote for the Labor Party number 2 - was it?

25

MR MANNOUN: No.

MS McDONALD: Now - excuse me for a minute. If you bring up, please - excuse me. HAR.003.001.0001. Have you got it? Can we try page 11 before you live stream it. There is a redaction. Terrific. It can be live streamed. Now, this is dated, I think, some time in October 2021. Can you see that Mr Breton is texting Mr Harte, saying:

30

"Am I running? As Ned suggested this once but nothing since. I'm happy too - send me the form, mate."

35

And Mr Harte responds with:

"I'm pretty sure we wants you to, but we're just flat chat getting the campaign moving."

40

MR MANNOUN: Yes.

MS McDONALD: All right. So that reflects that you had suggested it once, and when Mr Harte says he's pretty sure he wants you to, that is consistent with your recollection? That you wanted Mr Breton to run?

45

MR MANNOUN: Well, I suggested it and then did nothing since.

MS McDONALD: Well, what I'm asking you, if you can listen to my question - Mr Harte says:

5

"I'm pretty sure he wants you to..."

Was that the position that you were - that you wanted Mr Breton to run? Or has Mr Harte got it wrong?

10

MR MANNOUN: Well, he's assuming that's what I want.

MS McDONALD: No, I'm not asking you that. Mr Harte has said, "I'm pretty sure Ned wants you to," right?

15

MR MANNOUN: Mm-hmm.

MS McDONALD: Was that the case that you wanted Mr Breton to run?

MR MANNOUN: The - in the context of who would be a better councillor between himself and -

20

MS McDONALD: No, I'm just asking you -

MR MANNOUN: - Mr O'Neill -

25

MS McDONALD: - were you of the view that - did you want him to run? Did you or didn't you?

MR MANNOUN: I preferred him over Mr O'Neill.

30

MS McDONALD: So the answer to my question is, "Yes, I wanted him to run"?

MR MANNOUN: I - I'd say yes.

35

MS McDONALD: And then, as Mr Harte says:

"Reach out to Ned to set a time for a meeting to discuss tactics, signing of forms, et cetera."

40

MR MANNOUN: Yes.

MS McDONALD: And Mr Breton did contact you to set up a time for such meeting?

45

MR MANNOUN: I don't have any specific recollection, only a vague one.

MS McDONALD: Now, Mr Breton, though agreeable to stand as an independent, has concerns throughout the campaign about money?

MR MANNOUN: Yes.

5

MS McDONALD: His first question to Mr Harte was, "Well, look, what's the nomination fee"?

MR MANNOUN: I think that was shown, yes.

10

MS McDONALD: And Mr Harte responds:

"...at this stage, Ned will guide his donors towards you if you decide to nominate, and the costs can be offset from that."

15

MR MANNOUN: Yes.

MS McDONALD: And that's the case? You did guide some of your donors towards Mr Breton?

20

MR MANNOUN: No.

MS McDONALD: You didn't guide any of your donors towards Mr Breton?

25

MR MANNOUN: I don't have donors.

MS McDONALD: All right. What do you have?

MR MANNOUN: A good understanding of people's political views in the area.

30

MS McDONALD: Mr Mannoun, you had people within the Liverpool City Council area who were willing to provide some financial assistance to you for - as part of your campaign?

35

MR MANNOUN: No, I don't think I took any -

MS McDONALD: No, I'm not asking you whether you took anything. What I'm asking you is that there were people within the Liverpool Council area who were willing to donate money towards your campaign?

40

MR MANNOUN: Yes.

MS McDONALD: And what you did as part of the campaign with those people who said something like, "Ned, you're terrific, want to help you out, donate some money" - what you did in respect of some of those people is that you suggested, "You should donate to Jason Breton's campaign."

45

MR MANNOUN: No.

MS McDONALD: Never did that?

5 **MR MANNOUN:** Not in that context.

MS McDONALD: Right. In what context did you?

10 **MR MANNOUN:** So if - if people were, I guess, willing to donate, then I would have recommended them to go to the Liberal Party in the first call.

MS McDONALD: Yes. And then with some of those people, you told them - or suggested to them that they should donate to Mr Breton's campaign?

15 **MR MANNOUN:** No.

MS McDONALD: Are you denying that?

20 **MR MANNOUN:** Yes.

MS McDONALD: So page 12 of HAR.003.001.0001, Mr Harte is mistaken, is he, when he says:

25 "From my understanding at this stage, Ned will guide his donors towards you if you decide to nominate."

MR MANNOUN: No.

30 **MS McDONALD:** Mr Harte's incorrect, is he?

MR MANNOUN: Yes, I don't have donors.

35 **MS McDONALD:** All right. You have people who say to you that they are willing to contribute to your campaign financially?

MR MANNOUN: No.

40 **MS McDONALD:** You don't have people saying to you, "I would like to contribute to your campaign financially"?

MR MANNOUN: Yes. My recollection is I self-funded my campaign.

45 **MS McDONALD:** No, I didn't ask you that, Mr Mannoun. Please try and listen to the question. You had people who said to you, "I would like to contribute financially to your campaign"?

MR MANNOUN: Not specifically, no.

MS McDONALD: Nobody ever said that to you, "I would like to contribute to your campaign"?

5 **MR MANNOUN:** Campaign fundraising isn't that - isn't that easy.

MS McDONALD: No, I'm not asking you that.

MR MANNOUN: Yes.

10

MS McDONALD: Nobody ever said to you, in the campaign leading up to December 2021, "I would like to contribute to your campaign financially"?

MR MANNOUN: I don't have a specific recollection of someone doing that.

15

MS McDONALD: Now, the plan was that Mr Breton wouldn't stand as a single independent?

MR MANNOUN: Yes.

20

MS McDONALD: He had to have a ticket?

MR MANNOUN: Yes.

25 **MS McDONALD:** And you assisted in finding some people to stand on his ticket?

MR MANNOUN: I'd say yes.

MS McDONALD: I think Mr Harte's parents stood -

30

MR MANNOUN: Yes.

MS McDONALD: - on the ticket? And there were two other - I think there were two other people who were either friends or associates of you - of yours?

35

MR MANNOUN: Yes.

MS McDONALD: And you organised for them to stand on the ticket?

40 **MR MANNOUN:** Not specifically, no.

MS McDONALD: All right. You didn't speak to them about it?

MR MANNOUN: I think the -

45

MS McDONALD: Did you speak to them about it?

MR MANNOUN: Yes.

MS McDONALD: Did you say to - did you suggest to them that it would be a good idea or, "Could you stand as a ticket" - on this independent candidate's ticket?

5

MR MANNOUN: My recollection is that they checked with me about, you know, "What do you think of this." I think, yes, the proposition had been put to them by Matthew Harte at the time.

10 **MS McDONALD:** All right. I think Mr -

MR MANNOUN: And then they checked with me and said, "Well, what do you think?" And I gave them my opinion.

15 **MS McDONALD:** Right. And I think Mr Harte's evidence might have been different. My recollection of his evidence was that at least two of the people who were on the ticket were nominated or were brought on board by you.

MR MANNOUN: So I - I - in the secondary - in the secondary fashion, yes.

20

MS McDONALD: Not in a secondary fashion. You were the one who contacted them and organised for them to be on the ticket?

MR MANNOUN: No.

25

MS McDONALD: Now, one of the difficulties with Mr Breton standing as a candidate in the Liverpool City Council Local Government election is that he's not a resident?

30 **MR MANNOUN:** Yes. It had to be organised that he go on the non-residential roll?

MR MANNOUN: Yes.

MS McDONALD: And the person who nominated him as the representative of the particular business so he could go on the roll was Azam Dabbagh, D-a-b-b-a-g-h?

35

MR MANNOUN: Dabbagh.

MS McDONALD: Dabbagh?

40

MR MANNOUN: Yes.

MS McDONALD: He's a friend of yours?

45 **MR MANNOUN:** Yes.

MS McDONALD: You organised for him to be the nominator of Mr Brereton - Mr Breton, I'm sorry, onto the non-residential roll?

MR MANNOUN: I don't recall.

5

MS McDONALD: Possibly you did that?

MR MANNOUN: Yes, I'm not sure - I'm not sure if he's actually the nominee.

10 **MS McDONALD:** Sorry?

MR MANNOUN: I'm not sure he is the nominee for Mr Breton.

15 **MS McDONALD:** Commissioner, I have some more questions on this part but I wasn't expecting the resistance, which means I've got to go back and locate some documents. After this topic there are a couple of small topics to complete Mr Mannoun's evidence. I think I might speak for Mr Mannoun, who's been yawning a bit.

20 **MR MANNOUN:** Yes.

MS McDONALD: I've been on my feet all day.

COMMISSIONER: Yes.

25

MS McDONALD: We have an 8 o'clock start tomorrow morning.

COMMISSIONER: Yes.

30 **MS McDONALD:** What I was going to suggest is that we pull up stumps now and resume at 8 am in the morning.

COMMISSIONER: Okay. Are we going to finish?

35 **MS McDONALD:** I'll finish. Relatively - I - after Mr Breton's evidence.

COMMISSIONER: How long with Mr Breton, do you think?

MS McDONALD: Can you just excuse me. Mr Breton has to go by 9.30.

40

COMMISSIONER: Okay. So that -

MS McDONALD: That gives us -

45 **COMMISSIONER:** - clips us along.

MS McDONALD: - the time limit there.

COMMISSIONER: All right.

5 **MS McDONALD:** And, I'm sorry, there was a question that my learned friend raised before you came onto the bench - that is, what time should Mr Mannoun be here tomorrow. I think maybe about 20 past 9.

COMMISSIONER: To start at - immediately after Mr Breton?

10 **MS McDONALD:** Yes.

COMMISSIONER: Is that - you can be here at 20 past 9 tomorrow?

15 **MR MANNOUN:** Yes.

COMMISSIONER: All right.

20 **MS McDONALD:** And then, Mr Mannoun's the - I think the only witness for tomorrow.

COMMISSIONER: And that's it?

MS McDONALD: Yes.

25 **COMMISSIONER:** All right. Well, I take it you won't object to finishing now. So I'll let you go with my thanks for a very long day. I'll see you again tomorrow at about 20 past 9, or I might see you at about 9.30. But you're free to go for the rest of today. Thank you.

30 **<THE WITNESS WITHDREW**

COMMISSIONER: So I'll adjourn until 8 o'clock.

35 **MS McDONALD:** We might be able to order coffees in or something.

COMMISSIONER: On an IV, perhaps. Anything else to do this afternoon?

MS McDONALD: No.

40 **COMMISSIONER:** All right. I'll adjourn until 8 am tomorrow. Thank you.

<THE HEARING ADJOURNED AT 5.31 PM