



PUBLIC INQUIRY INTO LIVERPOOL CITY COUNCIL

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

**PUBLIC HEARING
SYDNEY**

**FRIDAY, 5 DECEMBER 2025
AT 8.10 AM**

DAY 52

APPEARANCES

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

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<THE HEARING COMMENCED AT 8.10 AM

MS McDONALD: Mr Breton -

5 **COMMISSIONER:** Yes, Mr Breton's here. We'll have him resworn.

<JASON BRETON, SWORN

10 **MS McDONALD:** Mr Breton, notices were served on the council which sought videos of certain confidential sessions. They included the confidential session in which the council argued or deliberated about the termination of Dr Jackson's employment. No video was produced. The notice - another notice was served, seeking the video of the closed session in which council discussed and by majority determined that Mr Ajaka's employment would be terminated. That video was not
15 produced. What is - is there a policy of council not to record sessions where something like termination of the CEO's employment is being discussed?

MR BRETON: Not to my knowledge.

20 **MS McDONALD:** Is it the practice or policy of the council to video closed session?

MR BRETON: Record closed sessions, I understand. Record.

25 **MS McDONALD:** All right. When it's recorded, the closed sessions, obviously they're not put on the website or on the YouTube station, but where are they maintained? Where are they kept?

MR BRETON: Somewhere in the cloud, I assume. They're stored in a database.

30 **MS McDONALD:** All right. Stored by whom?

MR BRETON: Executive services.

35 **MS McDONALD:** Because of the non-production of those two videos, has there been any investigation or inquiry by council as to what has happened to those two videos?

MR BRETON: This is news to me. I didn't know they weren't produced.

40 **MS McDONALD:** Aren't you being informed about the various notices that have been served by the Commissioner?

MR BRETON: They go through general counsel typically, yes.

45 **MS McDONALD:** So you haven't been shown the various notices that have been issued by the Commissioner?

MR BRETON: Some of them. But since I've been a witness, typically the ones that I have to respond to for things that I would know about are the ones that have been brought to my attention. But we had a team organised very - well before the 438 inquiry to make sure that those notices were produced. That team was led by the GC.

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MS McDONALD: Who had, with the exceptional of you in respect of some notices and the team - who was in the team?

MR BRETON: There was a small team led by the general counsel. I think there was a mix of people within his team and some people from executive services. In fact, the original construct of the team was one from every directorate would participate in the collation because I think there was tens of thousands of documents presented. So there was a tiger team organised well before these proceedings to make sure that we had the width to get every available document or piece of evidence for you.

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MS McDONALD: Putting you to one side and this team, did anybody else have access to the notices issued by the Commissioner?

MR BRETON: Yes, but I don't know who.

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MS McDONALD: What about councillors?

MR BRETON: I wouldn't have thought so.

MS McDONALD: What about the mayor?

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MR BRETON: I wouldn't have thought so.

MS McDONALD: When I say councillors, I'm including the mayor. Have any of them been given access to any documents produced by council in response to a notice by council?

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MR BRETON: I don't know.

MS McDONALD: Were any protocols put in place to prevent that happening?

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MR BRETON: I don't know.

MS McDONALD: For example, it wouldn't be appropriate if a councillor in the normal course of business didn't have access to a document, that document was produced to the Commissioner but was not downloaded or uploaded onto what is known as the database, the HighQ? In those circumstances, it would not be appropriate for a councillor to be given access to a document produced by the council to the commission?

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MR BRETON: If that's a question - I don't know of the protocol and I don't know how the Act that we are working in this jurisdiction governs the documents to be produced as they relate to witnesses upcoming or prior.

5 **MS McDONALD:** What I'm - I'm not talking about the Act or anything like that. You have a document which - if a councillor says to you, "I want to see that document," in the normal course you would say, "No, you can't. That's not an appropriate document for you to have a look at"?

10 **MR BRETON:** If it wasn't an appropriate document - so let's say it was an operational document, not appropriate, yes, we could do that.

MS McDONALD: Or something to do with a member of staff?

15 **MR BRETON:** Yes. Correct. That's covered under the policy, yes.

MS McDONALD: No, no, no. Sorry. And when you say it's covered by the policy, a councillor, in the normal course, who said to you, "I want to see that document dealing with that member of staff's employment conditions or application," the
20 answer would be no?

MR BRETON: No. Yes, capital N. Yes.

MS McDONALD: Where a document is produced by council but has not been
25 included in the database of documents that are before the inquiry or potentially before the inquiry, a councillor should not be given - have been given access to it, do you agree with that?

MR BRETON: Hypothetically? Okay.
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MS McDONALD: Do you agree with that?

MR BRETON: Do I agree with the hypothesis?

35 **MS McDONALD:** Yes.

MR BRETON: Again, subject to the protocols governing witnesses here, yes.

MS McDONALD: Yes. So for example, if a councillor obtained personnel
40 information about, let's say, Ms Boustani which hasn't been uploaded onto the HighQ system, the councillor shouldn't have been provided with that material?

MR BRETON: That - because your hypothesis is too wide. I don't understand the
45 question. If it's to do with these proceedings -

MS McDONALD: No, listen to my question -

MR BRETON: I did.

MS McDONALD: - Mr Breton, okay? I'll try and make it simple.

5 **MR BRETON:** Okay.

MS McDONALD: Notices are issued to the council. You understand that?

10 **MR BRETON:** I do.

MS McDONALD: Documents are produced.

MR BRETON: Yes.

15 **MS McDONALD:** You understand that? What happens with the documents - there is a pool of documents.

MR BRETON: Yes.

20 **MS McDONALD:** There is then a determination that documents will then be uploaded to a database that all the parties have access to.

MR BRETON: Yes.

25 **MS McDONALD:** There is a pool of documents which haven't been uploaded to that database.

MR BRETON: Okay.

30 **MS McDONALD:** Right. So none of the parties have access to that pool of documents not uploaded to the database.

MR BRETON: Okay.

35 **MS McDONALD:** Right. If a document - for example, employment information about an employee that is not - a councillor, in the course of - course of council business would not be given access to, a councillor should not be given access to that document just because it was produced pursuant to a notice?

40 **MR BRETON:** Okay.

MS McDONALD: Do you agree with that?

45 **MR BRETON:** Yes, hypothetically.

MS McDONALD: Right. Do you know of any instances where a councillor has been provided with documents produced pursuant to a notice but not downloaded into the database?

5 **MR BRETON:** No.

MS McDONALD: If that occurred, would you agree that that's inappropriate?

10 **MR TYNAN:** I rise at this moment to interject, Commissioner. Mr Breton's already indicated he's not responsible for the responses to the notices that are not directed to him. So I'm not sure it advances the inquiry very much for Mr Breton to be speculating on what is appropriate and not appropriate in these hypothetical circumstances.

15 **MS McDONALD:** Commissioner, I'm not - my questions are not going to that and I thought that was obvious. What they are going to is a notice has been issued, documents have been provided by council to the inquiry. Only part of those documents have been uploaded to HighQ. In the pool of documents not uploaded to HighQ, if council provide access to a councillor to those non-uploaded documents,
20 does Mr Breton see a problem with that.

COMMISSIONER: I'll allow the question.

25 **MS McDONALD:** Do you understand the question?

MR BRETON: Yes, I understand the question.

MS McDONALD: Right. Do you see a problem with a councillor gaining access to a document that he would not in normal circumstances have access to, but because it
30 was produced to the - to the inquiry, not uploaded to the database, do you see a problem with the councillor now getting access to those documents?

35 **MR BRETON:** Yes. In the scenario that you presented in relation to a person's personnel record, yes, that's - that would be something that would not normally occur in the -

MS McDONALD: Normal course.

40 **MR BRETON:** - normal course of our - our work, and is covered by that staff interaction policy.

MS McDONALD: Right. And the consequence of that last answer is that the councillor shouldn't have been given access to those documents just because they were produced pursuant to a notice, and not uploaded to HighQ.
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MR BRETON: Yes, but that - I mean, yes, that's also subject to an interpretation of - I'm not a hundred per cent around the requirements of persons called to give

evidence as it relates to information that may or may not pertain to them. And again, I haven't got the knowledge as to what the Act says in relation to those documents, but under the council policies, in the normal course of business that would be covered by that policy and it would not be appropriate in that particular hypothesis.

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MS McDONALD: And from the council's perspective, the inappropriateness of access to those documents would continue in circumstances where the council is producing documents to the inquiry?

10 **MR BRETON:** Subject to the caveat I described, yes.

MS McDONALD: Yes. Well, that's really nothing to do with you, that's to do with the inquiry and the Act and aspects like that?

15 **MR BRETON:** Correct.

MS McDONALD: Right. Excuse me for a minute. Mr Breton, since you last gave evidence a number of documents have been produced concerning the campaign - your campaign and also Mr Mannoun's campaign for the Local Government elections held in December 2021.

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MR BRETON: Yes.

MS McDONALD: The evidence includes quite a few text messages -

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MR BRETON: Yes.

MS McDONALD: - between you and Mr Harte.

30 **MR BRETON:** I've seen all the evidence.

MS McDONALD: Between you and Mr Mannoun at times.

MR BRETON: A couple of occasions, yes.

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MS McDONALD: And also emails between, again, you and Mr Harte.

MR BRETON: Correct.

40 **MS McDONALD:** And again between you and Mr Mannoun.

MR BRETON: Correct.

MS McDONALD: Now, I don't want to have to take you through it step by step, but your involvement in June and July with Mr Mannoun's campaign - you were quite involved, do you agree with that description?

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MR BRETON: Absolutely not.

MS McDONALD: All right. You were provided with access to a key to the campaign offices at Terminus Street?

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MR BRETON: There was a key attached to a - I think it was the wall, yes.

MS McDONALD: And you needed a code to get access to the key?

10 **MR BRETON:** Yes. That's right.

MS McDONALD: And you were given the code?

MR BRETON: Yes, I got a code.

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MS McDONALD: You drafted a table of particular issues for Mr Mannoun's campaign?

MR BRETON: Very poorly.

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MS McDONALD: You drafted - so you agree with - that you did that. And that you also drafted - probably poorly -

MR BRETON: Very.

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MS McDONALD: - but you drafted a number of letters planned to be - with a proposal to send them to constituents?

MR BRETON: Also very poorly and never used, yes.

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MS McDONALD: But that reflects your involvement in the campaign, doesn't it?

MR BRETON: It doesn't reflect your original statement, though.

35 **COMMISSIONER:** I'm sorry, I didn't catch that.

MR BRETON: Well, sorry, counsel assisting said that I was heavily involved in the - Ned Mannoun's campaign. That is incorrect.

40 **MS McDONALD:** My term was "quite involved". You were provided with links to the Electoral Commission with a suggestion of, "This is the gospel for the campaign. Please read, it will be good to have a few of us around the details of it"?

45 **MR BRETON:** There was an email suggesting I should read that, given the fact that I was a novice, yes.

MS McDONALD: It was an email sent to you, "Some light reading gospel for the campaign. It would be good to have a few of us around the details of it"?

MR BRETON: Thank you. Yes.

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MS McDONALD: You suggested aspects like asking for pre-poll locations, plotting them on a map with round stickers?

MR BRETON: A Gantt chart, yes.

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MS McDONALD: You joined a Google drive to gain access to collective clerical documents and other documents for the campaign?

MR BRETON: I was provided access to a drive, yes.

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MS McDONALD: You requested a head shot of Mr Mannoun, which was provided to you?

MR BRETON: Yes.

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MS McDONALD: You were provided with a Ned Mannoun document of 17 June and when you received it you responded, "Appreciated"?

MR BRETON: I guess so.

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MS McDONALD: You were sent a text message concerning an email with, "If you're sending email to everyone, confirm with Ned to send it to Courtney"?

MR BRETON: Okay.

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MR TYNAN: Can I - I'm loath to interrupt, but it seems to be a wrap-up of events that occurred some time ago - several years ago. It's apparent from Mr Breton's responses - it would appear to me at least, Commissioner, that he doesn't have accurate recollection of the details of whatever text messages or emails these are. I'm loath to require counsel assisting to go to them, but if Mr Breton doesn't recall the specifics of these, I think, in fairness, he needs to be shown them.

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COMMISSIONER: Well, Mr Breton can answer if he doesn't recall. I had understood him to say that he's read all the material. But if at any stage you don't recall a particular exchange or proposition, then feel free to say that.

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MR BRETON: Understood.

MS McDONALD: In July you receive a text message from Mr Harte saying, "We need to convene a meeting with brains trust to hash out a three-week plan. Want a day to day plan because this is the period we have to do work pre-poll. Can do online."

45

MR BRETON: That's the Gantt chart, yes.

5 **MS McDONALD:** You responded, "Let's stay online after the Monday meeting at 10 am."

MR BRETON: Yes.

10 **MS McDONALD:** Mr Harte also in that - text messages raises the then independent candidate, "I'll look after his campaign, so we may be able to prepare our printing and distribution capabilities. Just depend on when he can get registered and officially a candidate." So at that stage there was another independent candidate that the Liberal Party had identified to stand?

15 **MR BRETON:** Didn't know that.

MS McDONALD: Well, you received the email - the text message from Mr Harte.

20 **MR BRETON:** Thank you.

MS McDONALD: I'm sorry?

25 **MR BRETON:** Thank you for telling me that. I don't - I didn't know there was an independent.

MS McDONALD: You received a -

MR BRETON: I accept - I accept I received it.

30 **MS McDONALD:** I would - Mr Breton, I would prefer you not to be rude and aggressive in your answers. I referred you -

35 **MR TYNAN:** Commissioner, it's a matter of characterisation. No disrespect to counsel assisting, but Mr Breton is not being rude or aggressive before this inquiry. Mr Breton's been asked questions about a number of these topics previously and he's given evidence about them, so insofar as we're going at the same material - I'm not sure that that's the best use of the inquiry's time, but certainly I want to put on the record Mr Breton's not being rude or aggressive.

40 **COMMISSIONER:** I'm not sure Mr Breton was asked about these exchanges because they were only produced after he last gave evidence. But the topic certainly was, I accept that.

45 **MR TYNAN:** Certainly some of these emails and Mr Breton producing a Gantt chart and all of these matters, they've all been traversed before.

COMMISSIONER: You're quite right about that.

MR TYNAN: And we've got limited time, as you're well aware.

COMMISSIONER: All right. Well -

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MS McDONALD: Look, Commissioner -

COMMISSIONER: First, everyone just pause. As I apprehend it, Mr Breton is here to be given an opportunity to respond to some evidence which I have heard since he was last here.

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MR TYNAN: Yes.

COMMISSIONER: Now, yes, we have time constraints, but it's important that he be given that opportunity to respond, should he wish to -

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MR TYNAN: (Crosstalk).

COMMISSIONER: Should he wish to do so. So we'll just take a breath. Counsel assisting will put the question. If you recall the exchange, answer as you wish. If you don't recall the exchange, please tell me that you don't recall the exchange. And if you need to see an exchange, feel free to say so. And we'll just take it one step at a time.

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MS McDONALD: In a text message on 17 July, Matthew Harte informed you that, "We have our independent candidate ready to go. I'll look after his campaign." That's the case, wasn't it?

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MR BRETON: I accept you have an email before you that says that, yes. I don't remember the text message.

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MS McDONALD: It wasn't an email, it was a text message. You were provided with some video of Councillor Hagarty on some kind of Facebook Watch and you received a text message from Mr Harte, something along the lines of, "This doesn't look too legal, does it? Can we do anything with this?" Do you remember receiving that text message?

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MR BRETON: I didn't until Mr Harte - it came up through your questioning of Mr Harte.

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MS McDONALD: And that reveals that you are being asked about electoral campaign strategy -

MR BRETON: No, it doesn't.

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MS McDONALD: - doesn't it? Mr Hagarty was a Labor Party-affiliated candidate?

MR BRETON: Still is, yes.

5 **MS McDONALD:** You were being asked by Mr Harte, as - in those words, "This doesn't look too legal, does it? Can we do anything with this?" He's including you in a consideration of campaign strategy, "Can we use this video"?

MR BRETON: No.

10 **MS McDONALD:** Why did he text you, "This doesn't look too legal, does it? Can we do anything with this"?

MR TYNAN: Mr Breton -

15 **COMMISSIONER:** I think that's right.

MR BRETON: I -

COMMISSIONER: Hang on. Stop.

20 **MR BRETON:** Sorry.

COMMISSIONER: I reject the question. Mr Breton can't know what's in Councillor Harte's mind.

25 **MS McDONALD:** Did you respond to it?

MR BRETON: Don't recall.

30 **MS McDONALD:** Have you checked all your text messages to see if there's anything that you've kept in respect of this campaign?

MR BRETON: I was required to by subpoena.

35 **MS McDONALD:** No, you weren't required to look at everything, you were required to look pursuant to a notice -

MR BRETON: I looked at everything.

40 **MS McDONALD:** - in respect of - can you let me finish my question. You were asked particularly about the donations that you received. You weren't asked about - you weren't asked to produce wider documents, were you?

45 **MR BRETON:** I think I was asked to supply any correspondence, text messages or otherwise, back from that period.

MS McDONALD: No.

MR BRETON: Okay.

MS McDONALD: Now, on about 19 July, it would appear that you're attending some kind of meeting with Mr Harte.

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MR BRETON: Okay.

MS McDONALD: There's a text message from Mr Harte to you - exchange, trying to get onto a meeting.

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MR BRETON: Okay.

MS McDONALD: You were attending meetings to do with Mr Mannoun's campaign?

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MR BRETON: No.

MS McDONALD: You were part of a WhatsApp group for social media for the campaign?

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MR BRETON: I was added to the group, yes.

MS McDONALD: And that was for the campaign?

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MR BRETON: It was to assist the campaign, yes.

MS McDONALD: Yes. So again, involvement by you in the campaign?

MR BRETON: Yes.

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MS McDONALD: Now, after the original election was postponed, by 21 October you had been approached by Mr Mannoun to stand as an independent candidate?

MR BRETON: I think there was some discussion about it.

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MS McDONALD: Mr Mannoun suggested it to you?

MR BRETON: There was some discussion about it. I don't know the - or recall the exact circumstances. I'm just relying on the factual and documentary evidence presented already where there was a text or an email from me asking Matt Harte whether he still wanted me to run, "I'm keen to do it" or something similar to that. I think that came up in the evidence of Mannoun yesterday. There was a bit of ambiguity about it - whether I could, whether I would or whether I will.

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MS McDONALD: The words in your text message to Mr Harte, "Am I running? As Ned suggested this once but nothing since. I'm happy to - send me the form, mate."

MR BRETON: That's consistent, yes.

MS McDONALD: And consistent with my question, it was suggested to you by Mr Mannoun?

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MR TYNAN: Commissioner, I'm sorry to interrupt, but Mr Breton is being asked questions about events that occurred a long time ago. Clearly counsel assisting has the benefit of the emails and the documents in front of her. Mr Breton was asked, for example, who suggested running as an independent councillor. Mr Breton doesn't have a clear recollection of that. If he can be shown the document, then he give more accurate evidence.

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COMMISSIONER: All right. Well, let's show the document.

MS McDONALD: Certainly. Can you just excuse me. All right. Can you bring up HAR.003.001.0001. Yes. Thanks. On page 11. That's what I was referring you to, Mr Breton. Your text message:

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"Am I running? As Ned suggested this once but nothing since. I'm happy to - send me the form, mate."

20

So my question to you was that Ned, Mr Mannoun, suggested to you to run, and based on your text message that was the case, wasn't it?

MR BRETON: This document certainly clears up - particularly with the juxtaposition of the blue dot above it, that the nomination was just about to run out, so that is where my question was lying, i.e. at that stage didn't know whether I'm running, and I - "Am I running?" is contextually sound, yes.

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MS McDONALD: My question to you, Mr Breton - and I'll ask it again, see if I can get an answer - Mr Mannoun suggested to you that - to run as an independent?

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MR BRETON: He suggested this once, yes, but nothing since.

MS McDONALD: And you were informed by Mr Harte that he's pretty sure he wants you to, reach out to Ned, set a time for a meeting, discuss tactics, signing forms, et cetera.

35

MR BRETON: Yes.

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MS McDONALD: And you did contact Mr Mannoun?

MR BRETON: Yes.

MS McDONALD: You had a meeting with him?

45

MR BRETON: Yes.

MS McDONALD: And you discussed tactics?

5 **MR BRETON:** Okay. I don't - I don't - I had a meeting with him. I don't know what we discussed other than the fact that I was going to run. Whether it extended to discrete tactics at that stage, I don't know.

10 **MS McDONALD:** And it's also the case that during the campaign there were expenses involved?

MR BRETON: Yes.

MS McDONALD: You had a nomination fee?

15 **MR BRETON:** I did.

MS McDONALD: You had to pay for corflutes?

20 **MR BRETON:** I did.

MS McDONALD: You had to pay for how-to-votes?

MR BRETON: Yes.

25 **MS McDONALD:** You had to pay for a letter to the constituents?

MR BRETON: Yes.

30 **MS McDONALD:** And you raised with Mr Harte that at times you didn't have the money to pay for those?

MR BRETON: Yes.

35 **MS McDONALD:** And Mr Harte informed you, first, that Ned will guide his donors towards you if you decide to nominate?

MR BRETON: That was the evidence yesterday, yes.

40 **MS McDONALD:** But you received a text message from Mr Harte, stating that to you?

MR BRETON: Yes, I did.

45 **MS McDONALD:** And it is the case that donors - or if I describe them as supporters of Mr Mannoun - did donate money to your campaign?

MR BRETON: In hindsight, yes.

MS McDONALD: Well, you knew at the time you were receiving that money?

5 **MR BRETON:** Yes, but I didn't know the context of who - how the relationships were, but yes.

MS McDONALD: Well, if we can just take it in stages -

10 **MR BRETON:** Yes.

MS McDONALD: - you agree that it was said to you that Mr Mannoun will be able to guide his donors towards you?

15 **MR BRETON:** Yes.

MS McDONALD: Your understanding of that was that you would be receiving some financial support from supporters of Mr Mannoun?

20 **MR BRETON:** Persons he knew, yes.

MS McDONALD: Well, they would be supporters. That would be a -

25 **MR BRETON:** No, it wouldn't. No. Because if they were supporters of Mannoun, doesn't mean they were supporters of Breton. They were people he knew, and he clearly had a lot of contacts around Liverpool.

30 **MS McDONALD:** Now, during this period when you're running as a candidate, you receive assistance from Mr Harte - well, sorry, I'll start again. Mr Harte constructs the ticket that you're standing on?

MR BRETON: Yes.

MS McDONALD: He arranges for you to become part of the non-residential roll?

35 **MR BRETON:** He did everything, yes.

MS McDONALD: He assists you in completing your document?

40 **MR BRETON:** He did all that, yes. He had access to the portal for the documents. Yes.

MS McDONALD: But you're the candidate?

45 **MR BRETON:** Yes, I was the candidate.

MS McDONALD: You're the candidate. And as in the information provided to you by the Electoral Commission, you have obligations and responsibilities -

MR BRETON: There's no evidence that -

5 **MS McDONALD:** Mr Breton, in information provided to you by the Electoral Commission, you were told that you had obligations and responsibilities as a candidate, weren't you?

MR BRETON: I can't answer your question.

10 **MS McDONALD:** You didn't receive any information from the Electoral Commission?

MR BRETON: I was guided towards a website. That's the only evidence available.

15 **MS McDONALD:** I'm not talking about the - Mr Breton, this isn't a matter of what evidence is before the inquiry. I'm asking you, as somebody who has taken an oath or an affirmation to tell the truth, what your recollection is.

20 **MR BRETON:** I haven't lied.

MS McDONALD: Mr Breton, will you just listen to my questions. You were provided with information by the Electoral Commission about your responsibilities and duties as a candidate? Were you or weren't you?

25 **MR BRETON:** I may have read the website I was provided - accessed details about.

MS McDONALD: You were provided by the Electoral Commission with material as a candidate which set out your obligations and responsibilities. As a candidate, you enrolled, didn't you?

30 **MR BRETON:** Yes.

MS McDONALD: The enrolment was under your email address?

35 **MR BRETON:** Well, Matt Harte enrolled for me, but yes.

MS McDONALD: That wasn't my question, Mr Breton. My question was -

40 **MR BRETON:** Well, it was. You said "you enrolled".

MS McDONALD: - that was your candidacy - your enrolment was under your private email address?

45 **MR BRETON:** Yes.

MS McDONALD: And as it was under your private email address, you received back from the Electoral Commission a document which set out your responsibilities and obligations as a candidate?

5 **MR BRETON:** Yes.

MS McDONALD: And you read that?

MR BRETON: I don't recall to the extent I read it.

10

MS McDONALD: Did you read it at all?

MR BRETON: Yes.

15 **MS McDONALD:** You keep on saying, "I was a novice, this was the first time I did it."

MR BRETON: It was, yes.

20 **MS McDONALD:** That would have been the responsible thing to do, wouldn't it, to read what the Electoral Commission is informing you about your rights and obligations? That was the responsible thing to do, wasn't it, Mr Breton?

MR BRETON: Responsible?

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MS McDONALD: Yes, responsible.

MR BRETON: It was part of the process.

30 **MS McDONALD:** Yes. And it would have been - you're denying that it was the responsible thing to do - as a candidate, to read the information provided by the regulatory authority concerning your responsibilities and obligations?

35 **MR BRETON:** It was in information from the Electoral Commission, which was - which was of interest to me.

MS McDONALD: Mr Breton, can you answer my question. Is it your position that it wasn't a responsible position to read what was provided to you by the regulatory agency?

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MR BRETON: It was absolutely appropriate. Absolutely appropriate to read it, yes.

MS McDONALD: Now, the statutory declaration that you had to complete for your candidacy form, that was arranged to be declared before Mr Ammoun?

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MR BRETON: Yes.

MS McDONALD: Who again was standing for the Liberal Party at the election?

MR BRETON: Yes.

5 **MS McDONALD:** You provided to Mr Harte on two occasions your signature?

MR BRETON: I did.

10 **MS McDONALD:** With a direction on - when you provided it to him on 2
November, "use as required"?

MR BRETON: Yes.

15 **MS McDONALD:** So Mr Harte, who was the campaign director for Mr Mannoun
and who appears to be running your campaign in conjunction, you just provided him
with your signature with "use as required"?

MR BRETON: Yes.

20 **MS McDONALD:** Mr Mannoun - sorry, withdraw that. Mr Harte informed you
about the necessity of opening a standalone bank account?

MR BRETON: Yes.

25 **MS McDONALD:** Which you did?

MR BRETON: Yes.

30 **MS McDONALD:** With your police credit union?

MR BRETON: Yes.

35 **MS McDONALD:** You had a discussion with Mr Mannoun concerning preferences
that you were going to give?

MR BRETON: I discussed that with many candidates, yes.

40 **MS McDONALD:** But can you answer my question. You had a discussion with
Mr Mannoun -

MR BRETON: Yes.

MS McDONALD: - concerning the preferences -

45 **MR BRETON:** He was one of -

MS McDONALD: - you were going to give to the Liberal Party?

MR BRETON: He was one of them, yes.

5 **MS McDONALD:** And given all the assistance and - that the Liberal Party is providing to you through Mr Harte, the donations being provided to you through Mr Mannoun, it was inevitable that you were going to provide your preferences to the Liberal Party, wasn't it?

10 **MR TYNAN:** I object. There's a - the question was that the Liberal Party was providing Mr Breton - the assistance has been -

MS McDONALD: I said the Liberal Party, through Mr Harte.

15 **MR TYNAN:** That's (indistinct) objection.

COMMISSIONER: I think that is still problematic in that form, so I reject the question.

20 **MS McDONALD:** Mr Harte - who was Mr Mannoun's campaign manager; that's correct?

MR BRETON: Yes.

25 **MS McDONALD:** Campaign director. He provided you with all this assistance?

MR BRETON: Yes.

30 **MS McDONALD:** He was not providing - to your understanding, he wasn't providing that assistance through some kind of benevolence, was he?

MR BRETON: I - well, I didn't pay him for it.

35 **MS McDONALD:** He wasn't providing the assistance through the goodness of his heart, was he?

MR BRETON: I'm not sure I can answer what was in his mind.

40 **MS McDONALD:** I didn't ask you that. Your understanding - that's what I asked you - your understanding was that in providing you with all this assistance and with Mr Mannoun arranging for money to be provided or donations to be provided to you, there was a quid pro quo?

MR BRETON: No.

45 **MS McDONALD:** The quid pro quo, number 1, was that you would direct your preferences on your how-to-vote to the Liberals?

MR BRETON: No.

5 **MS McDONALD:** And if you were elected as a councillor, you would be a councillor who would be sympathetic towards the Liberal Party's issues and campaigns?

MR BRETON: No.

10 **MS McDONALD:** A local journalist was seeking information about your campaign?

MR BRETON: Yes.

15 **MS McDONALD:** You couldn't answer the question about the other people standing on your ticket?

MR BRETON: No.

MS McDONALD: Because you'd never met them?

20 **MR BRETON:** Never met them.

MS McDONALD: And that was - that job was delegated to Ray, who was, again, another worker at Terminus Street?

25 **MR BRETON:** Okay.

MS McDONALD: Well, you saw the email exchange -

30 **COMMISSIONER:** Just -

MS McDONALD: Sorry.

35 **COMMISSIONER:** Do you agree, disagree, don't remember? What should I understand that "okay" to mean?

MR BRETON: Sorry, Commissioner. I heard that evidence from Matt Harte and that's - that's generally my recollection, that another person did it.

40 **COMMISSIONER:** All right.

MS McDONALD: Did you verify it before it went out?

MR BRETON: No.

45 **MS McDONALD:** Just went out?

MR BRETON: Just went out.

MS McDONALD: You're still attending the offices at Terminus Street?

MR BRETON: Not very often, no.

5

MS McDONALD: But my question was you're still attending the offices at Terminus Street, aren't you?

COMMISSIONER: When?

10

MR BRETON: When?

MS McDONALD: In November, for example.

15 **MR BRETON:** No.

MS McDONALD: So when on 12 November you text message Mr Harte, "May have left my glasses in one of the offices," and Mr Harte's evidence was at Terminus Street, that would reflect that you were attending the Terminus Street office in November?

20

MR BRETON: Well, hypothetically. It's the closest proximity. And I - I could have left them there on the last day of October, but yes, generally.

25 **MS McDONALD:** Mr Breton, please don't. When you inquired on 14 November, "Anybody at the Liverpool office?" and Mr Harte responds, "Yes, call Ned," that would suggest that you want to either attend the Liverpool office -

MR BRETON: Yes.

30

MS McDONALD: - or speak to somebody there?

MR BRETON: Yes.

35 **MS McDONALD:** You receive advice about what address you should put on the authorisations?

MR BRETON: Yes.

40 **MS McDONALD:** You're provided with a recommendation for a printer with the suggestion, "Mention that you are associated with Ned"?

MR BRETON: Yes.

45 **MS McDONALD:** On 22 November, you email Mr Harte and say, "I simply do not have the funds unless they come in through new donors"?

MR BRETON: Yes.

MS McDONALD: And more money did come in on 23 November?

5 **MR BRETON:** Yes.

MS McDONALD: From Squashlands?

MR BRETON: Yes.

10

MS McDONALD: There was evidence of donations in kind?

MR BRETON: Yes.

15 **MS McDONALD:** And also you received the money from Mr Cannavo?

MR BRETON: Yes.

20 **MS McDONALD:** And you draft a letter as part of the election. You send that to Mr Harte for his suggestions?

MR BRETON: Yes.

25 **MS McDONALD:** And again, there's a number of suggestions, where you're saying things like, "I don't like the yellow writing." And again, this is another time where you send your signature through?

MR BRETON: Yes.

30 **MS McDONALD:** Now, the involvement that you've had that I have outlined, in Mr Mannoun's campaign, went beyond putting up a brown piece of paper as - I think you've described it as the Gantt project manager. You were more involved than that, weren't you? I've taken you through your involvement. You were more involved in that?

35

MR BRETON: In Mr Mannoun's campaign? No.

40 **MS McDONALD:** All right. I've taken you through the various involvement up until October, and it goes beyond putting up brown paper in an office and setting out a chronology for a project management.

MR BRETON: Only to the extent of the letters, and that was about it.

MS McDONALD: And attending meetings?

45

MR BRETON: A couple of meetings.

MS McDONALD: Attending strategies, discussing tactics?

MR TYNAN: Mr Breton's given evidence that he doesn't recall whether he discussed that.

5

COMMISSIONER: I think counsel assisting is testing the evidence.

MS McDONALD: The evidence shows that you did more than a little bit of work putting up Gantt charts?

10

MR BRETON: A little bit, yes.

MS McDONALD: More than a little bit?

15

MR BRETON: No.

MS McDONALD: Mr Breton, the evidence before the inquiry is that you did more work than your indication previously of attending the office, putting up the brown paper and explaining, "This is a chronology with a project management for the campaign." Do you agree with that or not?

20

MR BRETON: I do not.

MS McDONALD: All right. What I want to suggest to you, that - transcript 1895 - when you said to the Commissioner, "I did a little bit of work for him putting up the Gantt chart," that was not - that was not accurate evidence.

25

MR BRETON: It was 100 per cent factual.

30

MS McDONALD: It does not accord with the evidence that is before the inquiry through text messages and emails?

MR BRETON: It does, and it's absolutely consistent.

35

MS McDONALD: You lied to the commission at transcript 1895 when you said, "I did a little bit of work for him, putting up the Gantt charts."

MR BRETON: I did not lie to the commission.

40

MS McDONALD: Now, your role as an independent - you ran at the suggestion of Mr Mannoun, you've agreed with that.

MR BRETON: Yes.

45

MS McDONALD: Your campaign was basically run by Mr Harte?

MR BRETON: Almost a hundred per cent, yes.

MS McDONALD: Mr Harte was the campaign manager for the Liberal Party - or for Mr Mannoun?

5 **MR BRETON:** Yes.

MS McDONALD: Probably the same thing. Well, look, I withdraw that.

MS RICHARDSON: Withdraw it.

10

MS McDONALD: So Mr Harte was the campaign manager for Mr Mannoun, and Mr Mannoun was pre-selected by the Liberal Party to stand for mayor and councillor in the election?

15 **MR BRETON:** Yes.

MS McDONALD: You were provided with information by Mr Harte?

MR BRETON: Yes.

20

MS McDONALD: You were provided with assistance by Mr Harte?

MR BRETON: Substantial.

25 **MS McDONALD:** Substantial assistance?

MR BRETON: Substantial.

30 **MS McDONALD:** And as I've said to you, there was a quid pro quo attached to providing that assistance?

MR BRETON: No.

35 **MS McDONALD:** You were not a true independent standing for election in December 2021?

MR BRETON: I disagree.

40 **MS McDONALD:** All right. What I suggest to you is that you were, open quotation marks, "independent". You agree with that, don't you?

MR BRETON: No.

MS McDONALD: Never used those terms before?

45

MR BRETON: I think the mantra was "truly independent" on the banner.

MS McDONALD: No - okay. So that's the only time you've used or referred to "truly independent". You've never said, open quotation marks, "independent"?

MR BRETON: I may have.

5

MS McDONALD: You recall doing that?

MR BRETON: I may have.

10 **MS McDONALD:** Do you recall doing that?

MR BRETON: I don't recall the specific -

15 **MS McDONALD:** Why would you put - people - do you agree with this, people often put a word in quotation marks when they're suggesting that's really not the case? Do you agree with that?

MR TYNAN: I -

20 **MS McDONALD:** Does this have to be done in the absence of the witness?

MR TYNAN: I'm just not sure Mr Breton can give evidence about what people use quotation marks for.

25 **MS McDONALD:** I'm asking him about common use of quotation marks, if he's come across it.

COMMISSIONER: He can surely give his understanding of what he would understand it to mean, can't he?

30

MR TYNAN: It seemed like - Commissioner, this is in the context of Mr Breton being asked whether he's ever used this. These are events from five years ago, which we say is - withdraw that.

35 **MS McDONALD:** Does this -

MR TYNAN: In fairness to Mr Breton -

MS McDONALD: - need to be raised in the absence -

40

MR TYNAN: - if there a document -

MS McDONALD: - of the witness?

45 **MR TYNAN:** If the -

COMMISSIONER: Please, one at a time.

MR TYNAN: If there is a document to show to Mr Breton, then show it to Mr Breton rather than trying to catch him out with events that occurred from five years ago - as to whether he used quotation marks or not.

5

MS McDONALD: Commissioner, may I ask my questions in my order? I'm asking some questions, there is nothing objectionable to the questions.

COMMISSIONER: I'll allow the question on the basis that it's asking Mr Breton's personal understanding of the use of that grammatical construct, however far that goes. And then we'll go from there.

10

MS McDONALD: You understand what I'm asking you? You've come across where a word is used and it's put in quotation marks?

15

MR BRETON: I have certainly come across that.

MS McDONALD: And your understanding of when that is done, the person is indicating that this is not the real position?

20

MR BRETON: I don't think I can take that further. I -

MS McDONALD: Well, what's your understanding? If you see in an article that -

MR BRETON: Direct quote.

25

MS McDONALD: - he was a "supporter" of a particular football club, do you have any consideration -

MR BRETON: No.

30

MS McDONALD: Doesn't mean anything to you?

MR BRETON: Not really. I've never taken my mind to it, to be fair.

35

MS McDONALD: You've never used quotation marks in that way? Can you recall doing that?

MR BRETON: I can't recall.

40

MS McDONALD: Because what I want to suggest to you is your role as an independent in the December 2021 election was as, open quotation marks, "independent". Do you agree with that or not?

MR BRETON: I ran as an independent.

45

MS McDONALD: In this document, can we turn to page 19, please. Now, you can see there that we've got Mr Harte in blue, saying:

5 "Can I make an email for your campaign to send through the nomination form?"

"I will share the details to you to do it" - "to you" - "do" - "you can access it", and you say yes.

10 **MR BRETON:** Yes.

MS McDONALD: And then, if we follow down:

15 "Let me know the best social sites to spruik my [open quotation marks] 'independence'."

MR BRETON: Yes.

MS McDONALD: And Mr Harte says, "Will do."

20 **MR BRETON:** Yes.

MS McDONALD: When you used quotation marks, "independence", what you were suggesting to Mr Harte was that you're not truly independent?

25 **MR BRETON:** No.

MS McDONALD: What you're suggesting to Mr Harte, as supported by the evidence - that you were not truly an independent?

30 **MR BRETON:** No.

(REDACTED PURSUANT TO THE COMMISSIONER'S DIRECTION)

35 **COMMISSIONER:** That's all right. Thank you. You might be right.

MS McDONALD: Can we cut the - we have?

40 **COMMISSIONER:** We'll cut the feed, take it back. Yes. All right. Pursuant to section 12B of the Royal Commissions Act, I direct that - I'm just going to take the whole question - the last question asked by counsel assisting not to be published otherwise than in accordance with my usual direction.

MS McDONALD: Mr Breton - sorry, are we -

45 **COMMISSIONER:** We're good to go.

MS McDONALD: Good. Mr Breton, what this interchange between you and Mr Harte indicates is that you were not truly an independent?

MR BRETON: No.

5

MS McDONALD: Your use of the quotation marks in your message "to spruik my 'independence'" clearly indicates that you know that you're not a true independent?

MR TYNAN: Commissioner, this is the third time this question has been asked.

10

MS McDONALD: I'm wrapping up this section.

COMMISSIONER: I think counsel assisting is entitled to test the evidence, but we are at the limit.

15

MS McDONALD: Yes.

MR BRETON: No is the answer.

20

MS McDONALD: Mr Harte, in constructing an email account, jasonbretonindependent, is joining in this indication by you that you're not a true independent, do you agree with that?

MR TYNAN: Mr Breton can't give evidence in respect of Mr Harte.

25

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

MS McDONALD: By formulating an email address jasonbretonindependent@gmail and you responding "nice", you're confirming that this "independence", in quotation marks, and Mr Harte's formulation of an email address incorporating "independent", you're indicating that, from your perspective, he's in on the joke?

30

MR BRETON: No.

35

MS McDONALD: He's in on the true position, which you were not a true independent?

MR BRETON: No.

40

MS McDONALD: Why did you put "independence" in quotation marks?

MR BRETON: It was in the context of what websites I could go on to.

45

MS McDONALD: Yes. Why did you have to put "independence" in quotation marks?

MR BRETON: It was - it's very important. Why did I put it in quotation marks?

MS McDONALD: Yes.

MR BRETON: I don't know.

5

MS McDONALD: If it was just to find out about social sites "to spruik my independence", didn't need to be in quotation marks?

MR BRETON: Thank you.

10

COMMISSIONER: Do you agree or disagree?

MS McDONALD: Do you agree -

15

MR BRETON: I - I disagree. Yes, I'm not - sorry, Commissioner, I wasn't given a question.

20

MS McDONALD: Yes, you were. You just answered the question. Mr Breton, again, your evidence at page 1661 - I'm sorry, withdraw that. Your previous evidence to the commission that you were standing as an independent with - was not truthful evidence?

MR BRETON: I have always told the truth to the commission.

25

MS McDONALD: You clearly, as evidenced by this exchange, knew that you weren't a real independent?

MR BRETON: That is not correct.

30

MS McDONALD: And when I asked you a series of questions on the last occasion about whether at the time you knew of a strategy of a technique where major parties would use a dummy or a front as an independent, and you said, "No, I've never heard of that," that evidence is inconsistent with your use of the quotation marks around "independent"?

35

MR TYNAN: Can Mr Breton and perhaps the rest of us be shown the transcript reference for this so the question can be put accurately, so that Mr -

40

MS McDONALD: Page 1890. There were lots of objections to the - if I can take you to 1890, Commissioner. Can you just go back. Can you see at line 30, Mr Breton says:

"I understand."

45

Then Mr Tynan says timing is important, so on the next page I go back and say, right, talking about roughly October, November, December '21, and you said:

"I had no idea of that concept."

So that's the evidence I'm putting to Mr Breton was not truthful.

5 **COMMISSIONER:** I think I said "timing is important", but - perhaps prompted by Mr Tynan, but in any event -

MS McDONALD: No, no, no. But -

10 **COMMISSIONER:** So where's the answer?

MS McDONALD: The next page, line 5. So I asked the question, he answers:

"I understand."

15

Then a point is made about timing.

COMMISSIONER: Yes.

20 **MS McDONALD:** I clarify the timing and Mr Breton says:

"I had no idea of that concept."

COMMISSIONER: Yes.

25

MS McDONALD: And what I'm saying to Mr Breton is that text message exchange, which I've taken you to, where you used the - you refer to "independent" - "independence", I'm sorry, in quotation marks, is inconsistent with the evidence that you gave on 1 September.

30

MR BRETON: I disagree.

MS McDONALD: And as you said, you opened a separate bank account?

35 **MR BRETON:** Yes.

MS McDONALD: What your procedure was that - was that the money would be deposited into your main bank account and then you would transfer it across?

40 **MR BRETON:** This is unique to credit unions. It has to happen that way, yes.

MS McDONALD: But that was how it occurred?

MR BRETON: Yes.

45

MS McDONALD: If we can bring up very quickly HAR.005.001.0002. I'll just check with Mr Tynan. I can't remember whether we have in the past - we probably won't, sorry.

5 **COMMISSIONER:** No, there's an account detail there.

MS McDONALD: Yes.

COMMISSIONER: So that shouldn't be live streamed.

10

MS McDONALD: That was a document that you sent to Mr Harte?

MR BRETON: Yes.

15 **MS McDONALD:** That was some kind of download or print from this second bank account?

MR BRETON: Yes.

20 **MS McDONALD:** It identifies the \$5,000 that you got from Sam Sofi?

MR BRETON: Yes.

MS McDONALD: The \$1,000 you got from Squashlands?

25

MR BRETON: Yes.

MS McDONALD: And also the 1,000 from the Liverpool private donation?

30 **COMMISSIONER:** Where's that?

MR BRETON: Yes.

MS McDONALD: 26 November, \$1,000.

35

MR BRETON: Yes. Yes, that -

MS McDONALD: Liverpool private donation.

40 **MR BRETON:** Yes. So that would have come in through the S1. And if you look at the top account, there's the S2. That's right.

MS McDONALD: Yes. And that's how you explain it.

45 **MR BRETON:** Correct.

MS McDONALD: It goes into your main account, then you transfer it across?

MR BRETON: Correct.

5 **MS McDONALD:** Yes. Excuse me for a minute. I'm sorry. Can we just scroll down? That was probably what you were -

COMMISSIONER: That's what I was -

10 **MR BRETON:** Yes.

MS McDONALD: I have a -

COMMISSIONER: - inquiring about. Okay.

15 **MS McDONALD:** I have a complete document.

COMMISSIONER: All right.

20 **MS McDONALD:** I didn't realise the screen was like that. And that was information that you provided to Mr Harte when he was completing on your behalf those post-election forms?

MR BRETON: Correct.

25 **MS McDONALD:** You signed those forms?

MR BRETON: Yes.

30 **MS McDONALD:** I think on the last occasion we only had copies from the electoral website which had blacked out your signature, but now we have - and we showed them to Mr Harte first -

MR BRETON: Yes, I saw them. Yes.

35 **MS McDONALD:** And when you saw them, you said, "Yes, that's my signature"?

MR BRETON: Yes.

40 **MS McDONALD:** Okay. And on the last occasion, your recollection was you could remember getting money from Sam Sofi, but quite clearly you got \$1,000 from Squashlands and you got \$1,000 from a Liverpool private donation - and I took you to this on the last occasion, I don't want to take it to you again, you make inquiries of Mr Mannoun and you - and you actually thanked Joe, didn't you, towards the end of the campaign? You sent some kind of text message?

45 **MR BRETON:** Yes.

MS McDONALD: And then you get confirmation from Mr Mannoun that it was Joe Cannavo?

MR BRETON: That's correct.

5

MS McDONALD: Now, I want to turn to a different topic, and that is the restructure. Now, I'm going to try and do this quickly, Mr Breton, but we've heard evidence from Mr Knappick that the organisational structure for tranche 2 that you gave evidence about, which was attached to that glossy brochure of "doing better" or something along those lines -

10

MR BRETON: Yes.

MS McDONALD: - that's now been replaced?

15

MR BRETON: It's been adjusted, yes.

MS McDONALD: And that there are now, I think, new positions?

20

MR BRETON: It's been - it's been adjusted. There's a couple of - there was two streams, if you remember, to the Office of the CEO. One was manager Performance and Innovation and one was Strategic Projects. Only as late as last Monday we sat in the city and done a workshop, Mr Knappick, myself and Mr Scicluna, in relation to how the - that performance and innovation stream might look. So that - that's been parked on hold, and we anticipate that to go through to the February JCC.

25

MS McDONALD: So there's going to be further amendments?

MR BRETON: There will be further amendments because we received - we sent it out for consultation, and the union wrote to us on probably 11 dot points. We've considered all that consultation, and in the true sense of that we've actually taken some of their improvements and suggestions into the next tranche - so it's still tranche 2, but it's an adjusted tranche 2, considerate of the feedback we got. All the feedback. And we went through that feedback form - and so that's being prepared now. So a new org design will be prepared. It'll go back out for what we hope to be 60 days' consultation and the - and the February JCC - it'll be raised at that JCC.

35

MS McDONALD: And then do you have to go through consultation again after that JCC?

40

MR BRETON: It - you do if it's materially different, and we just erred on the side of caution - that we take the extra period and make it 60 days, given it's Christmas, and go through to the February JCC. So all those - all the roles that were affected-person roles, they've - the eight people who were affected persons in the tranche that you're talking about were all spoken to by Mr Knappick and I last week, and just advised that, look, little bit grey and ambiguous, but hold through to February and we can -

45

MS McDONALD: Who are the eight people who are affected?

MR BRETON: Okay.

5 **MR ANDREWS:** Commissioner, if these positions are to be affected, I'm just concerned that it might reveal council's future plans and it might be sensitive to those people's roles.

10 **MS McDONALD:** I would like the details.

15 **COMMISSIONER:** All right. Well, pursuant to section 12B of the Royal Commissions Act, I direct that the next passage of the hearing take place in private, the transcript of this passage of hearing not be published otherwise than in accordance with my usual direction. Those who are - is everybody in the hearing room - thank you. Everyone who is now in the hearing room can remain.

<THE HEARING ADJOURNED TO PRIVATE SESSION AT 9.21 AM

<THE HEARING RESUMED AT 9.24 AM

5 **MS McDONALD:** Mr Simat, did he - sorry. Thank you. Mr Simat, did he recently go on the Saudi Arabia trip?

MR BRETON: Yes.

10 **MS McDONALD:** He was - other than the mayor, who I understand went independently?

MR BRETON: Yes.

15 **MS McDONALD:** Mr Simat was the only member of staff who went?

MR BRETON: The only member. It was my invitation - to me, and I sent Steve Simat.

20 **MS McDONALD:** Mr Hadchiti was supposed to go?

25 **MR BRETON:** No. At the - at the initial - on the initial opportunity I was going to send Julie Scott, Tony Hadchiti and Steve Simat. That was my original intention, given - given the nature of the investment opportunity. That didn't eventuate. I only sent Steve.

MS McDONALD: Why didn't you send the other two?

MR BRETON: I thought that Steve was the - probably the best placed person to go.

30 **MS McDONALD:** The - I know you've given evidence that the structure that we were shown, which I - by Mr Knappick, which I think was dated about September may be further tweaked. Can I describe it in that way?

35 **MR BRETON:** Yes. Yes.

MS McDONALD: The roles in the new - in the new two sections which are reporting directly to you as part of the Office of the CEO - the various roles within those structures, are they going to be open to application by all members of staff?

40 **MR BRETON:** Yes.

MS McDONALD: Are they going to be open for application to outside candidates?

45 **MR BRETON:** Yes.

MS McDONALD: So the proposal in respect of all the positions are that they are going to be advertised?

MR BRETON: Yes. There's been a - there's been a redeployment of Simat already.

MS McDONALD: Where's Mr Simat been redeployed?

5

MR BRETON: Well, it's a - in the same job, but the deployment was only - he went from City Futures to the OCEO structure. And there was a - a recalibration of rem.

MS McDONALD: A what?

10

MR BRETON: A recalibration of remuneration.

MS McDONALD: For Mr Simat? Is that correct?

15

MR BRETON: Correct. Yes, I'm just mindful of what - the topic, yes.

MS McDONALD: But the rest of the positions, your proposal is that they will not be filled by redeployment but will be advertised and appointed on merit?

20

MR BRETON: Yes. Not only that, advertised probably - I think they'll go external on all those roles.

MS McDONALD: Well, that would be appropriate, wouldn't it -

25

MR BRETON: Yes.

MS McDONALD: - in the circumstances?

MR BRETON: In the circumstances.

30

MS McDONALD: So Mr Hadchiti hasn't been earmarked for a particular role in - sorry, am I getting into - sorry, I withdraw that. Has anybody been earmarked for a role in the new structure?

35

MR BRETON: Difficult question, earmarked. There are - there are strong candidates from within the cohort.

MS McDONALD: Right. But they haven't been promised roles?

40

MR BRETON: No.

MS McDONALD: And your evidence on your affirmation is that your proposal is that they're going to be advertised externally, appropriate recruitment processes undertaken?

45

MR BRETON: Yes.

MS McDONALD: And as set out in the Local Government Act, there'll be appointment according to merit?

MR BRETON: Absolutely.

5

COMMISSIONER: And those strong candidates, to use your phrase, will go through that process?

MR BRETON: They'll have to go through the same process. I'm actually keen to test the market because some of these are quite uncouncil-like roles.

COMMISSIONER: So they'll be - those people who have been identified as potential strong candidates will go through the external recruitment process, and if they arise to the top, so be it.

15

MR BRETON: Yes.

COMMISSIONER: Or if it's someone else, so be it.

MR BRETON: Merit-based.

20

MS McDONALD: The role - and we were provided with a number of position descriptions - they've obviously been subject to consultation?

MR BRETON: Yes.

25

MS McDONALD: Have any candidate - sorry, I withdraw that. Have any members of staff been asked to specifically - I'm sorry, withdraw that. Have any members of staff before that consultation been provided with a draft position description and asked to comment upon it?

30

MR BRETON: Yes, I understand Ms Boustani was.

MS McDONALD: Right. Why was she?

35

MR BRETON: I don't know.

MS McDONALD: That really was - that wasn't - because the position that she was commenting upon, that was even before the August structure?

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MR BRETON: Yes, it's quite early on in the piece, where it was - I think the rationale was that the current role was being expunged. That is, the senior adviser to the mayor. And the role had to then fit within a more strategic position about 226(c). And what I mean by that is, if we are in support of the mayor as his spokesperson's duty, then my approach was to have the SME, in whatever stream that was, fulfil the role as senior adviser. So for - just on a loose example, if the mayor was speaking to the Property Council of New South Wales about housing, then maybe Steve Simat,

45

as the property lead, would be that support under 226(c). If it was about economic development, Julie Scott would do it, and so on. So that - that was my rationale.

5 **MS McDONALD:** So why the necessity to include, in particular, in a position description of a role in - which appears to be earmarked for Ms Boustani, to include 226(c)? There's no need for that. 226(c) speaks about the mayor being a spokesperson, doesn't it?

10 **MR BRETON:** Yes, but later in the Act it also talks about what we - what I must supply the mayor in relation to that.

MS McDONALD: In the Act?

15 **MR BRETON:** Sorry, in the - in the - in the policy. The -

MS McDONALD: Civic expenses?

20 **MR BRETON:** Civic, yes. It tells - it informs the general manager or the CEO what he must do in support of that, essentially.

MS McDONALD: And what does the policy say you've got to provide to the mayor?

25 **MR BRETON:** Administration support and - and, I think - I just - I can't remember the exact title, but it's support in relation to -

MS McDONALD: Advice services?

30 **MR BRETON:** Yes. Okay. Thank you.

MS McDONALD: It doesn't say that there's got to be a designated role, it just says that the mayor should be provided - and I think there's secretarial services -

35 **MR BRETON:** Secretarial services.

MS McDONALD: - and advice services.

MR BRETON: Okay.

40 **MS McDONALD:** Advice services don't need to be provided by a particular - by creation of a particular role, do they?

MR BRETON: No. That's my point.

45 **MS McDONALD:** Sorry?

MR BRETON: To my - to my reconstruction of that advice services portfolio, yes.

MS McDONALD: They can be provided by any member of staff?

MR BRETON: Yes. Deep SME, ideally.

5

MS McDONALD: A what, sorry?

MR BRETON: Sorry, a deep subject matter expert in that area.

10 **MS McDONALD:** Which - in your staff, you have many deep knowledge people, don't you?

MR BRETON: Yes.

15 **MS McDONALD:** So you have no understanding as to why Ms Boustani appears to have been given preferential treatment in being able to comment on a position description before it was distributed at large to other staff?

MR BRETON: I don't think it is without precedent that the situation has occurred.

20

MS McDONALD: I'm just asking you why.

MR BRETON: But - yes. Sorry. The issue is preferential - so I've got a problem with the inclusion of "preferential treatment". That's why I'm having - struggling with the question.

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MS McDONALD: All right. I'll remove the word "preferential".

MR BRETON: Yes.

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MS McDONALD: Why was she, before the positions were distributed to all other staff, given an opportunity to comment and make suggestions which were taken up into the position description?

35 **MR BRETON:** Yes, I think - I think HR thought she could add value to the - the construct of the - of the role.

MS McDONALD: See -

40 **MR BRETON:** That's why.

MS McDONALD: - it led to evidence that she was offered a position, she accepted the position. You signed a contract -

45 **MR BRETON:** I did.

MS McDONALD: - for the position. And then it appears that you revoked the contract.

5 **MR BRETON:** Revoked is probably too harsh a word. I signed the contract in anticipation of finalising the contract. I then had a meeting with her and I said that I'm going to err on the side of caution for a short period and make some decisions later on in relation to the role.

10 **MS McDONALD:** Make some decisions in relation to the role?

MR BRETON: Correct.

15 **MS McDONALD:** And those - do those decisions now include that it will be advertised publicly?

MR BRETON: Yes.

MS McDONALD: And subject to a proper recruitment process?

20 **MR BRETON:** 100 per cent.

MS McDONALD: Could you quickly bring up LCC.032.001.0086. Just while we're doing that, when you go on leave, who replaces you? Who's the acting CEO?

25 **MR BRETON:** I rotate it across the floor.

MS McDONALD: Yes.

30 **MR BRETON:** Give everybody an equal chance. And Lina Kakish is on rotation at the moment. My problem is, if I only take a very short period, it's not fair giving somebody three days and then somebody a month, so I try and aggregate those periods. So at the moment Lina's stepping in. If I can't make a meeting or I - I'm on leave, Lina would be doing it. And that rotates.

35 **MS McDONALD:** All right. I think at the recent meeting where the code of conflict reports were debated, you withdrew from the meeting and Ms Kakish took over?

MR BRETON: Exactly the right -

40 **MS McDONALD:** So that reflects that she's part of - it's her turn on the rotation?

MR BRETON: It's her turn on the rotation, and that was a good time to give her that experience.

45 **MS McDONALD:** All right. And so is the rotation idea - she's given a particular period of time and then you move to -

MR BRETON: Probably four weeks is fair. There's been some - there's some skewing historically. So I know Tina's had a nine-month block prior to Mr Ajaka. I know Farooq's held the position - he's not particularly interested -

5 **MS McDONALD:** Yes.

MR BRETON: - in rotation.

MS McDONALD: I would think that.

10

MR BRETON: So - yes. But it's fair - I'd typically work on four weeks, yes.

MS McDONALD: Now, look, this is an email that you sent to Ms Boustani.

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MR BRETON: Yes.

MS McDONALD: And you can see you refer to a phone conversation?

MR BRETON: Yes.

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MS McDONALD: And then you say - you refer in the first dot point:

"...your role has been made redundant ... you have been advised around an offered redeployment ... [and then you say] (subject to a confidential discussion we have had) as the head of Strategic Precincts..."

25

MR BRETON: Yes.

MS McDONALD: What was the confidential discussion you had?

30

MR BRETON: These proceedings.

MS McDONALD: I'm sorry?

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MR BRETON: These proceedings.

MS McDONALD: Right. You had a confidential discussion with her about the inquiry?

40

MR BRETON: No, no. No, no. Generally about her and what I want to do in relation to restructuring if it was affected by the proceedings. Nothing to do with her or evidence - or anybody's evidence. In context, it was I think I'm going to just park the brake on some of the - my - the speed at which I'm moving towards tranche 2. That was - that was - that's the context of that dot point.

45

MS McDONALD: All right. Yes, I think so. Sorry, I forgot to say that. And you then say:

"I hope to have some clarity soon as the model which will support the Mayor [and then you've got 226(c) specifically] more holistically that are proposed to be in place shortly."

5

What are you referring to there?

MR BRETON: The spokesperson's role.

10 **MS McDONALD:** But the mayor's got the spokesperson's role under section 226(c).

MR BRETON: Correct.

15 **MS McDONALD:** And he doesn't need somebody especially to assist him in the spokesperson role?

MR BRETON: But most of the engagements are - most of the engagements where there was a strategic advisory context or content were speaking roles. The - I've now - I've got my own problems with 226(c), but in context, that's where the interface was between the mayor speaking on behalf of council and whether the strategy - from a strategic adviser's perspective - was actually part of that narrative. And the real touch point, Commissioner, is where you come up to an election period, where council - the council officers have to be very careful indeed about what messages are going out from the mayor or other councillors at that time.

25

MS McDONALD: And if we just move down this document, you've then got:

30 "I will make arrangements for some subtle changes to be made to you [I think that's 'your current working environment'] including removal of access to the mayor's emails."

MR BRETON: Yes.

35 **MS McDONALD:** So she had - she's had access to the mayor's emails?

MR BRETON: Yes.

40 **MS McDONALD:** And in the interim, it would appear from - and I can take you to this - I think it's the JCC meeting that you attend at the beginning of July, where it says her position's been made redundant.

MR BRETON: Yes.

45 **MS McDONALD:** But she's just continued in employment?

MR BRETON: Yes. Yes.

MS McDONALD: Where?

MR BRETON: So she - well, physically where?

5 **MS McDONALD:** Well, start off with physically where.

MR BRETON: So I've moved her into - near Shayne Mallard's old office. So she is in - at City Futures. Most of the affected people are in that - in that area of the building. That's a part of the building where councillors do not have access to.

10

MS McDONALD: Yes.

MR BRETON: That's the first thing. The removal of the email was a no-brainer. And she works - again, the word "ambiguity" is in here for this purpose. I'm the caretaker now of all those persons who were displaced from City Futures but didn't find another finger in the glove. So they didn't go to another directorate. So there's about eight of those - seven or eight of those people who now report direct to me.

15

MS McDONALD: All right.

20

MR BRETON: So it was a - it was a - it was intended to be quite a short period of this arrangement, but it's gone on a little bit longer than I expected.

MS McDONALD: Excuse me for a minute.

25

COMMISSIONER: So the roles have been earmarked to be made redundant but it - as I understand it, they haven't - that hasn't actually yet happened?

MR BRETON: There is a -

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COMMISSIONER: They're still in these roles?

MR BRETON: Well, my understanding in relation to one of the workers is that a redundancy will take place on 31 December. So the redundancy was then forecast. So it wasn't an immediate redundancy. I'm -

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COMMISSIONER: But even that yet hasn't taken effect and is -

MR BRETON: No, but it will. Yes.

40

COMMISSIONER: It will on the 31st?

MR BRETON: Yes. And I would say that the people involved who are in this ambiguous area - that's why we spoke to them again last week - have been efficiently doing special project kind of work.

45

MS McDONALD: Mr Simat - you've given evidence that he went over to Saudi Arabia.

MR BRETON: Yes.

5

MS McDONALD: Has he provided a report to council yet?

MR BRETON: Yes, he has. Well, the report on the back of the costings has come back. He's required to provide a report to me as part of his agreement to travel. And as it - as it happens, Saudi Arabia are over here on Monday. So he's been verbally briefing me as to the - his actions over there, and he's given me an email, but - he has to give me a report, yes, but it hasn't gone to council.

10

MS McDONALD: So you haven't received that email - sorry, that report yet.

15

MR BRETON: Not a formal report.

MS McDONALD: When you receive that report, will that be provided to council?

MR BRETON: Yes. Yes, it will. Yes. I would do that. Again, there were some questions without notice in relation to this trip about its relative cost, and they were responded to.

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MS McDONALD: Well, that's separate from the actual substance of what went on at this meeting and -

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MR BRETON: Yes.

MS McDONALD: Which I was more interested in - a report that was go going to -

30

MR BRETON: Yes. So I would say that councillors were advised of the - of the actions of Steve over there, because of the upcoming visit which they've been invited to next Monday. But, yes, there will be a formal report as to - the economic benefits, of course, won't - may not be realised, but the report will indicate the types of things and the types of persons that Steve has met, and how that might interface with the investment - the Saudi investment fund.

35

MS McDONALD: And the position of council was that, as Mr Mannoun was going - was paying his own way, there was no necessity for approval to be obtained from the council about his attendance at the conference?

40

MR BRETON: Yes. Is your - sorry, yes, I just need to clarify that - the first part of the question. The position of council - the governing body?

MS McDONALD: Yes.

45

MR BRETON: I think the governing body was perhaps right. I think - I think, in hindsight - there were some timing issues, but I think, in hindsight, the policy would dictate that he would have to tell the governing body. Even if he was paying himself.

5 **MS McDONALD:** And that -

MR BRETON: Because it's international travel. Domestic no, international yes.

MS McDONALD: And that hasn't occurred?

10

MR BRETON: It - I don't think it occurred in this instance. And the issue was in the - the position I think of the mayor was he can't unbadge and he was going in a - in a private capacity, paying his own way. There was no expense to Liverpool City Council on the mayor's trip to Saudi Arabia. I think he was doing some family stuff as well. My understanding, he may or may not have taken his son. And all these things contributed to his position that he was on a private trip, couldn't unbadge as mayor, but over - in Saudi Arabia, again with the principles of not being able to unbadge, did represent, if you - you know, loose terms, represent Liverpool City Council.

20

MS McDONALD: Excuse me for a minute. The - you have a Liverpool City Council website?

MR BRETON: Yes.

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MS McDONALD: Where there are council events, photos can be taken, which are put on the website?

MR BRETON: Yes.

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MS McDONALD: Videos that can be taken, which are put on the website?

MR BRETON: Yes.

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MS McDONALD: Is there a policy which determines, when a councillor wishes to post one of those photos or a video on their councillor website, in what circumstances that will be provided to them?

MR BRETON: Yes.

40

MS McDONALD: And what's the policy?

MR BRETON: I think it's the media policy. But if it's council product to a councillor's website, I think that is arbitrated but permissible.

45

MS McDONALD: What do you mean arbitrated?

MR BRETON: Well, I think you would have to clearly articulate to executive services or the media team that that is the purpose of why you want the content, as opposed to reposting it without permissions. I think it's a permissions threshold.

5 **MS McDONALD:** But there - if a councillor contacts either the media group or Councillor Support and says, "The photo of us opening the new library, I want to post that to my councillor website, can you provide me with a link or a photo," they're asking permission, that permission would be given?

10 **MR BRETON:** I would have thought so. It's for a civic purpose and totally - appears, on that scenario, totally legitimate.

MS McDONALD: Can you excuse me. No further questions.

15 **MS RICHARDSON:** Can I just raise one matter before Mr Mannoun (indistinct) is outside. I just might close the door.

COMMISSIONER: Sure.

20 **MS HAMILTON-JEWELL:** Councillor, I also - once Ms Richardson's dealt with that - not "councillor" - Commissioner - a very brief - possibly two minutes of questions for Mr Breton arising from counsel assisting's inquiries.

MR TYNAN: Yes. I also need to take some instructions from Mr Breton.

25 **COMMISSIONER:** I'll definitely allow you that time, Mr Tynan.

MR TYNAN: Thank you.

30 **COMMISSIONER:** Yes, Ms Hamilton-Jewell.

MS HAMILTON-JEWELL: Mr Breton, I just wanted to ask you some very quick questions about those comments about resolutions of council and travelling overseas.

35 **MR BRETON:** Yes.

MS HAMILTON-JEWELL: Operator, if you can please bring up the civic expenses and facilities policy, which is LCC.038.001.0036. And it can be live streamed. Now, Mr Breton, apologies if I slightly mischaracterise your evidence just a moment ago, but I understood you to be saying that overseas travel does require confirmation or a resolution from council. Is that - my understanding correct?

MR BRETON: Yes.

45 **MS HAMILTON-JEWELL:** And if we go down to clause 4.8.10, please, which you will find on page 12 of that document.

COMMISSIONER: What was the number again, sorry?

MS HAMILTON-JEWELL: I have written down 4.8.10, but there is no 4.8.10, so - yes. Thank you. I'm grateful to senior counsel assisting. 4.10.2. You'll see there:

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"Councillors should avoid international visits, unless direct and tangible benefits..."

MR BRETON: Yes.

10 **MS HAMILTON-JEWELL:** In clause 4.10.3:

"Overseas travel must be approved by a meeting of the full Council prior to a Councillor undertaking a trip."

15 You see that there?

MR BRETON: Yes.

20 **MS HAMILTON-JEWELL:** It was 4.8.1, not 4.8.10, that I wished to take you to initially. Back up a page, please, or two. You can see there:

"Conferences, seminars and courses are an important means..."

25 And if you can go down, please, to line 5, there's a sentence that starts:

"Councillors may attend training courses and seminars related to their duties ... at their own discretion provided that the cost can be met ... and attendance at the course [and] seminar is organised through the ... CEO."

30 **MR BRETON:** Yes.

MS HAMILTON-JEWELL: And there's also a reference there:

35 "Councillors may attend those conferences, seminars and courses listed below if there is a resolution of Council to do so."

See that?

MR BRETON: Yes.

40

MS HAMILTON-JEWELL: Is that also - if I can then ask you, please, to bring up the Local Government (General) Regulations. Can you excuse me just one moment, Commissioner. I'll actually get the doc ID. It's - thank you, Associate. And down at clause 217 on page 124. Thank you, Associate. You can see there regulation
45 217(1)(a):

"For the purposes of section 482(4)(b) of the Act, an annual report of a council is to include the following..."

And you'll see, relevantly there in (a):

5

"Details (including the purpose) of overseas visits undertaken during the year..."

You see that?

10 **MR BRETON:** Yes.

MS HAMILTON-JEWELL: And in subsection (a1)(iii), the report is to include information of:

15 "The attendance of councillors at conferences and seminars."

MR BRETON: Yes.

MS HAMILTON-JEWELL: And in (vi) - (a1)(vi), down a little bit further - there:

20

"Overseas visits undertaken during the year by councillors..."

And do you agree with me that the purpose of seeking a resolution of council before overseas travel facilitates and assists council staff in reporting on these matters?

25

MR BRETON: It does. Only with the exception of point - back to point (a), where - my comments in my evidence in relation to unbadging constitute representing the council. So it hangs on - it does hang on that word, but the answer to your question is yes.

30

MS HAMILTON-JEWELL: May it please. Those are all my questions. Thank you, Commissioner.

35 **COMMISSIONER:** We only saw a couple of clauses of that policy, but do you think the policy might benefit from some clarification about these self-funded trips, given -

40 **MR BRETON:** We've had two incidents, yes. Recently Hong Kong, of course, and Saudi Arabia. The - there was no ordinary meeting of council within the period before the flight left. They would have had a - been an extraordinary meeting. But that doesn't dilute your question, Commissioner. The answer is yes. I think -

COMMISSIONER: There was a bit of -

45 **MR BRETON:** I - yes.

COMMISSIONER: Bit of ambiguity around self-funded trips and the ability of a councillor to take one hat off and wear another. Not -

5 **MR BRETON:** Yes. I mean, that -

COMMISSIONER: That's not being critical of them, but that's a reality of council life?

10 **MR BRETON:** Yes. I mean, if the mayor was on holiday on the Gold Coast and the Gold Coast mayor bumped into him on Cavill Avenue and he said, "Well, do you want to come and talk at" - "a quick talk about Liverpool's new airport" - I mean, there's - there's going to be some grey areas all over the place. But I do agree that in this scenario, it - to the strict letter of the policy, we could have done better.

15 **COMMISSIONER:** Could the policy benefit from some clarification that -

MR BRETON: Yes.

20 **COMMISSIONER:** Even where self-funded, given the nature of a councillor's role -

MR BRETON: Yes.

25 **COMMISSIONER:** - and the inability to effectively debadge or unbadge -

MR BRETON: Yes. Yes, I think so.

30 **COMMISSIONER:** - whatever phrase you use, there could be some more guidance about it?

MR BRETON: I think that'd be helpful.

COMMISSIONER: Mr - sorry, I think you finished?

35 **MS HAMILTON-JEWELL:** Nothing - yes, I have. Thank you, Commissioner.

COMMISSIONER: Thank you. Do you need some time, Mr Tynan?

40 **MR TYNAN:** Yes.

COMMISSIONER: All right. How long would you like?

MR TYNAN: Is it time for the morning tea adjournment or the breakfast adjournment at this time? Could we -

45 **COMMISSIONER:** The first of several coffee adjournments.

MS McDONALD: We've been going for - sorry. We've been going for two hours. I - if we could have a coffee break I'd be grateful.

COMMISSIONER: Yes. All right. Quarter past?

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MR TYNAN: Yes. Thank you.

COMMISSIONER: And if you need more than that you can get message to me.

10 **MR TYNAN:** Thank you.

COMMISSIONER: I'll adjourn till quarter past 10.

<THE HEARING ADJOURNED AT 9.55 AM

15

<THE HEARING RESUMED AT 10.29 AM

COMMISSIONER: Yes, Mr Tynan.

20 **MR TYNAN:** Thank you. Mr Breton, it was put to you this morning by senior counsel assisting that you lied before this inquiry. Do you recall that?

MR BRETON: Yes.

25 **MR TYNAN:** And you deny that you've given any false evidence before this inquiry; is that correct?

MR BRETON: Categorically.

30 **MR TYNAN:** Now, in putting that assertion to you, Mr Breton, senior counsel assisting put to you in summary form that part of the evidence on which she made that assertion was that your involvement in Mr Mannoun's campaign was limited to the Gantt chart and putting up some brown bits of paper on the wall. Do you recall that?

35

MR BRETON: Yes.

MR TYNAN: But - and you weren't taken to that particular transcript reference that was summarised, were you, Mr Breton?

40

MR BRETON: I was not.

MR TYNAN: Can I - and on that occasion that you gave evidence, you in fact said more than that, didn't you, Mr Breton?

45

MR BRETON: Yes.

MR TYNAN: Can I take the commission to - inquiry to transcript page 1895, please.

COMMISSIONER: One-eight -

5 **MR TYNAN:** Nine-five. Yes, please. Yes, please. Thank you very much. Do you have that, Mr Breton, in front of you?

MR BRETON: Yes.

10 **MR TYNAN:** And you'll see there, at line 10 - you'll see you start answering the question in respect of - actually, if you go up to line 4, this is in relation to whether you revealed your involvement, and you said you only met him for a short period of time. If you go down to line 10, you see there that your evidence was:

15 "The period of time between these events, it's not - I didn't ... have never, you know, had a meal at anybody's home, I haven't - I'm not this person's friend ... I was in a circumstance where I was introduced to Mr Mannoun - this is all in evidence - I did a little bit of work for him, putting [up] the Gantt chart ... and during that process had a discussion about some candidacy for running."

20 Do you see that?

MR BRETON: Yes.

25 **MR TYNAN:** So you gave evidence beyond reference to the Gantt chart and the brown bits of paper. Do you see that?

MR BRETON: Yes.

30 **MR TYNAN:** And you then go on to say you didn't have a clue how to do, and that's a reference to running a campaign; is that right?

MR BRETON: Correct.

35 **MR TYNAN:** And then you go on, in the remainder of that answer, to refer to the matters that you were not involved in. You didn't do the forms, et cetera. You didn't know who was on your ticket, et cetera. Do you see that?

MR BRETON: Correct.

40 **MR TYNAN:** And then, at the end of that section, the final three lines, you say:

45 "And the assumption is that - or the assertion ... which is, with respect, really distasteful, that by some ... what I [say] - the circumstance in two thousand - parachuted me into this - well, my talent -"

And senior counsel assisting said:

"...I'm not putting that."

And you responded:

5

"My talent got me there."

MR BRETON: Yes.

10 **MR TYNAN:** Now, the - you were referred to this morning - you were - sorry, withdraw that. Senior counsel assisting this morning referred to some letters that you sent to Mr Harte in July 2021.

MR BRETON: Yes.

15

MR TYNAN: Do you recall that? Now, when you gave your evidence on a previous occasion - not today, but previously when you were before the inquiry - did you recall at that time whether you had sent those draft letters to Mr Harte?

20 **MR BRETON:** No.

MR TYNAN: Just excuse me for a second. But you've seen those draft letters recently; is that right?

25 **MR BRETON:** Yes.

MR TYNAN: During the course of this inquiry; is that right?

MR BRETON: Correct.

30

MR TYNAN: Were those letters part - were the preparation of those draft letters sent to Mr Harte part of the Gantt chart process?

35 **MR BRETON:** They're critical, and the rationale is this - so there's a little bit of a lack of understanding what a Gantt chart is. It's not just a brown paper - piece of - piece of paper put against a wall. The Gantt chart has a lot of information in it, backdate - which should be backdated from the election day. So it has a critical path that are - things that must be done. It has milestones. It has interdependencies. It has actions. It has plans and it also has sequencing, so what are the periods where one
40 might send a letter. So letter 1 through to letter - how many letters there were - let's say there were six letters, the sequencing of those letters will be plotted on the Gantt chart.

MR TYNAN: Yes.

45

MR BRETON: So the Gantt chart then becomes central to the discussion about the letters - and they are instrumental, it's just another action that the team would have

had to have done, moving forward. And that was really my - and that's why - I've always stated in evidence that the Gantt chart was kind of - that's what I was really doing.

5 **MR TYNAN:** Yes. And so is it fair to say, then, when you gave evidence previously before this inquiry, you weren't trying to or seeking to limit your involvement in the campaign in 2021?

10 **MR BRETON:** I would have thought, Mr Tynan, I had been absolutely, to the point of embarrassment, detailed my involvement in 2021 as a civilian in an election I didn't win.

MR TYNAN: Why do you say to the point of embarrassment?

15 **MR BRETON:** Well, it's - much has been made of the word "novice", as if we can leverage off this term. The fact is that no one's an expert in everything. I certainly wasn't an expert in Local Government. And to the extent that I didn't even really understand whether I was running until the Monday beforehand might indicate to the Commissioner those terms.

20 All the evidence that Matthew Harte gave in relation to the percentage of work he did in my campaign is correct. I - it was a - it's, in retrospect, a period of my life where if I had my time again I may be - may have not done that decision. But again, I gave it no thought until these proceedings occurred. I had never given it a second
25 thought, and that was my position.

MR TYNAN: And you gave other evidence in relation to the Gantt chart and your involvement in the campaign. Do you recall, on a previous occasion - can I take, Commissioner, the inquiry to transcript page 1662.

30 **COMMISSIONER:** Do you know what date that is, Mr Tynan?

MR TYNAN: 26 August 2025.

35 **COMMISSIONER:** Thank you. Do you want the witness to have it?

MR TYNAN: Yes, please. That can be streamed. Page 1662.

40 **MR BRETON:** Yes.

MR TYNAN: And you'll see there, Mr Breton - I don't need to read it all out - you gave further evidence in response to senior counsel assisting's questions about meeting Mr Mannoun. If you go to line 27, you had no intention, ego got the better of you. You had a strong civic duty and you hoped to make a difference. Is that
45 right?

MR BRETON: Yes. Yes.

MR TYNAN: There was no - not some grand conspiracy between you and the Liberal Party or the mayor?

5 **MR BRETON:** No.

MR TYNAN: It was put to you this morning that there was some kind of quid pro quo between the Liberal Party or the mayor assisting in your campaign and you getting some kind of beneficial outcome. Do you recall that?

10

MR BRETON: Yes.

MR TYNAN: Was a quid pro quo ever discussed with you - between you and Mr Mannoun or you and Mr Harte?

15

MR BRETON: Never.

MR TYNAN: Were you ever promised a job at the council?

20 **MR BRETON:** Never.

MR TYNAN: You - it's correct, isn't it, that in October 2022, so about a year later, you applied independently for the role of CEO at council?

25 **MR BRETON:** I did.

MR TYNAN: And what was the outcome of your application?

MR BRETON: I didn't win the job.

30

MR TYNAN: You failed?

MR BRETON: Yes.

35 **MR TYNAN:** There was no promise or - made by Mr Mannoun or anybody else that you'd get that job?

MR BRETON: Absolutely not.

40 **MR TYNAN:** And you did not get that job?

MR BRETON: I did not get that job.

45 **MR TYNAN:** And that process went through an independent selection process conducted by Blackadder and Associates?

MR BRETON: It did.

MR TYNAN: Now, during the course of your election campaign, 2021, did you take any steps to organise - to obtain preferences from other candidates?

5 **MR BRETON:** Yes.

MS McDONALD: I object. Mr Breton has given evidence about this on a previous occasion. Why are we repeating questions?

10 **COMMISSIONER:** Well, you went to the topic earlier today.

MS McDONALD: But he provided evidence on a previous occasion about preferences, and indeed Mr Tynan took another witness - sorry, Mr Harte to that evidence. I'm just wondering what's the purpose of repeating -

15

COMMISSIONER: Well, there's been a significant attack on the witness's credit. I'll allow the question.

20 **MR TYNAN:** Did you take steps during the course of that campaign to organise preferences, Mr Breton?

MR BRETON: Yes.

25 **MR TYNAN:** What were those steps?

MR BRETON: I rang Councillor - no, sorry, I rang Nathan Hagarty twice, did not receive a call back. And I saw Karress Rhodes when I was putting up corflutes at Carnes Hill Recreation Centre, and there was just no appetite from Ms Rhodes in that regard.

30

MR TYNAN: Yes.

MR BRETON: So essentially that left me with no other position.

35 **MR TYNAN:** And did you understand at that time how one goes about obtaining preference deals?

MR BRETON: No.

40 **MR TYNAN:** Why is that?

MR BRETON: I knew that I - it would be - although - I understood how preferences worked generally, because - through watching federal and state elections -

45 **MR TYNAN:** Yes.

MR BRETON: - but I had no discrete knowledge of how they're apportioned.

MR TYNAN: Yes.

5 **MR BRETON:** I've since seen the metrics about how my preferences were apportioned, and they are inconsequential to any result.

10 **MR TYNAN:** Just bear with me a moment, Commissioner. Mr Breton, I want to take you to another topic. Can I take the witness and the inquiry to transcript page 3914. This is 27 November. That can be streamed and put on the screen for the witness, please.

COMMISSIONER: Can I have the page again?

15 **MR TYNAN:** Yes. 3914.

COMMISSIONER: Thank you. 27th?

MR TYNAN: The 27th. 3914. Thank you. Do you see that, Mr Breton?

20 **MR BRETON:** Yes.

MR TYNAN: So if you go to - this is evidence that was given by Councillor Monaghan. You'll see on line 34, on page 3914, senior counsel assisting was asking some questions. And in the final two lines, so at line 36 and 37, you'll see:

25 "First question is what are the current issues that are facing the council?"

Do you see that?

30 **MR BRETON:** Yes. Yes.

MR TYNAN: And then the answer is:

35 "The most obvious that springs to mind is financial issues."

MR BRETON: Yes.

MR TYNAN: And then the Commissioner says - sorry, Mr Monaghan continues:

40 "I spoke about them on the last occasion..."

The Commissioner says:

45 "That is the discrepancy between the forecast and the actuals?"

Mr Monaghan replies:

"Yes."

The Commissioner says:

5 "Anything else..."

And then over the page, Mr Monaghan gives evidence. And then if you look at line 6 to about line 13, Mr Monaghan said:

10 "Other issues I would identify - there seems, at least historically, at the beginning of
the term - with a particular project in mind, being the Carnes Hill pool - issues in
respect of project management. And again going towards financial planning and
expenditure, given that that project was slated to cost in the order of \$53 million to
15 provide a specific pool, being 100 metres. Turns out we're now going to need at least
\$100 million to provide a 100-metre pool [which he corrects below is a 25-metre
pool]. That's an obvious concern. Again, the intersection between appropriate project
management and financial management."

20 That ends there. Mr Breton, having now seen that evidence, is there anything you can
say in respect of the evidence given by Mr Monaghan in respect of the pool and the
expenditure?

25 **MR BRETON:** It's truly remarkable evidence that that is put before this jurisdiction,
and the reason is the witness himself identified his relative project and -

30 **MS McDONALD:** I object. This answer has become an attack on a witness. If
Mr Breton has some issue with the content of Mr Monaghan's answer - that there
hasn't been project management issues or those project management issues now are
solved in this way - well and good. But to commence an answer with - along the
lines of, "It is extraordinary that that evidence was given by that witness in these
circumstances", in my submission is (a) not responsive to the question, and is not
evidence that you'll - assist you, Commissioner. And also, I note no
cross-examination along the lines - of Mr Monaghan was made by Mr Tynan.

35 **COMMISSIONER:** Well, it's -

MR TYNAN: Well -

40 **COMMISSIONER:** I'm sorry.

MR TYNAN: I was just going to say, in response to that - we've read the transcript
about this being an inquiry and lines of inquiry being open, but I think Mr Breton,
before he was interrupted, was trying to give context to his answer, which is going to
the substantive issues of the financials.

45 **MS McDONALD:** Well, we don't need the commentary, when it's being critical of -

MR TYNAN: Well, perhaps Mr Breton -

5 **COMMISSIONER:** I am very interested to hear what Mr Breton has to say about the substantive matters. The commentary on the circumstances in which a particular witness might have given evidence is perhaps a matter for submission, but I'm maybe not as assisted by that through Mr Breton as perhaps from all of you at the bar table. But I am interested to hear the substance of what Mr Breton has to say, so perhaps if we could approach it in that way.

10 **MR TYNAN:** Yes. Certainly.

COMMISSIONER: That might be most of assistance to me.

15 **MR TYNAN:** Yes. Thank you, Commissioner. Mr Breton, in respect of the evidence that's given there by Mr Monaghan, can you comment on the evidence he's given in respect of the expenditure and cost implication of this project?

20 **MR BRETON:** Yes. The response is impossible. That is because - first, principles. The Carnes Hill project is 100 per cent grant-funded and has no implication on the budget. That's the first thing. Any variation in scope did not increase the project budget. Therefore there is not only no material difference, but it's not ever captured in our operational budget because it's grant funding. There's no additional money coming into this project. Thus, the stated concerns around project management and financial acumen are unhelpful.

25 **MR TYNAN:** Okay. Now -

30 **COMMISSIONER:** Do you agree there's some legacy issues, though, with this project? I've heard some evidence about changes from 25 to 50 and the like.

MR TYNAN: Other way around.

COMMISSIONER: Sorry.

35 **MR TYNAN:** Other way around. 50 to 25.

COMMISSIONER: Yes. Anyway, it was one thing, it then became something else.

40 **MR BRETON:** Yes, it did. And this is presented in almost every WestInvest or WSIG project around Sydney, where the aspirational application for cost was then met with escalation of price. So what most councils, including Liverpool, have done on these projects is to descope rather than run down a whole - if we were to have continued with the 50-metre pool, Commissioner, I think the number was around an additional \$40 million.

45 **COMMISSIONER:** Above the grant funding?

MR BRETON: Above grant funding.

COMMISSIONER: That would need to be -

5 **MR BRETON:** So what we've done is we're going to keep the budget - we've had to
descope. There were some - I think there were some saunas and other areas inside the
facility. These had to be descope. This is a - a project fundamental 101, but it
has - the issue here for us is that if this matter was left alone it looks like the staff
haven't managed the budget. The budget variance mentioned to you at that time
10 represents one per cent of total budget. One per cent. That's 5.6 against 530.

COMMISSIONER: Can you just explain that to me?

15 **MR BRETON:** Okay. So we had some evidence in relation to - that same
witness - about not understanding how budget variations flex and how that's
managed. Now, the budget variations are managed by the staff and presented at the
governance meeting. That's the - that's the instrument we use to tell councillors how
these variations - and what's - in - at any one point of time how we're moving. Now,
\$5.6 million deficit is where we - projected deficit at Q1 is where we sit here, today.
20 That number represents one per cent of our budget. We're a \$531 million business.
Or two per cent of operational expenses only. And I would argue that that's a - quite
a successful outcome at Q1.

25 The other thing about the governance meeting is that these meetings were a very
deliberate - when we start to talk about finance, because we - in this new term of
council we have taken significant additional steps to look at financial literacy and to
take the councillors along a journey where financial decisions can be explained.
These are explained in the governance meeting. Now, where a councillor - there's
been 11 of those since this term. When the councillor doesn't attend any, it's difficult
30 for the staff to understand where comments can be made about financial approach or
financial professionalism when the very conduit to allow those variations to be
explained has not attended.

35 **COMMISSIONER:** Correct me - my recollection might be wrong, but was there a
piece of work around - being done around improving or enhancing how projects are
scoped at the beginning, to try and avoid this situation? Have I - if my -

40 **MR BRETON:** The delivery management framework was - was in the context of
my original evidence, and I think Ms Tinson spoke also about the DMF.

COMMISSIONER: Yes.

45 **MR BRETON:** That's really - that's an inherited framework from one of my
previous companies, which really looks at project governance. What it does do, to
your point, Commissioner, is it allows us to make better forecasts at any one point of
time. For example, it puts gates in. So if - and this project got stopped by one of
those gates. So if we - we can't work on a - on a bill of materials or a QS that's more

than six months old because of the escalation problem. These things were bid for four years before they were granted and the cost assumptions were all wrong.

5 Now, we couldn't move forward on a similar project now, if - if our QS on the cost of materials was more than six months old, it has to be repeated to nip this in the bud - about running down large potential gaps in project deficit, and it's - there's two other major projects, Edmondson Avenue, M7 underpass, which are not grant-funded. There were promissory grants by the Federal
10 Government - co-contribution grants, which we applied the same methodology and we've captured now. So the actual project methodology and comments, like "appropriate project management" and "financial management" are deleterious to our staff.

15 **MR TYNAN:** So the assumption here that this is a cost blowout is wrong?

MR BRETON: Correct.

20 **MR TYNAN:** Now, Mr Breton, are there any other matters you wish to raise before the inquiry that you think would assist the commission?

25 **MR BRETON:** I guess, like, again - it's my final time here, maybe - hopefully - I guess - I guess the - the message is on behalf of the staff, Commissioner. I think they have seen the process as particularly valuable. I don't think many of the staff really understood the context of which this inquiry was being undertaken. I think they
30 thought a lot of it was about them, and I think they've been very anxious and apprehensive about this process as it relates to their brand and their personal brand and working at Liverpool. I think that's - it's had a really significant effect on morale.

35 There's been a recent comment around deadwood, which was particularly unhelpful, in relation to trying to separate the governing body from what their perception about staff is. I would say that - and I've never - again, I've done a bit of time at the - ombudsman at Warringah, but I've never worked for a council before. But as I settle into my new role, I'm just very, very impressed at their resilience and professionalism. But they are affected by what is said in any forum.

40 I was pleased - we had our Christmas party two weeks ago, Commissioner, and I've been to - that was my third one. I don't think I've been to a more positive staff Christmas party. So I think they see the light at the end of the tunnel. I think that's a message that the staff would want me to - to get through my evidence. But I think
45 they - they understand there's lots of opportunities and - and weaknesses, whether they are in potential improvements or things staff can do - hate to use my theme for the term, but better. I think "better" is a good term. It doesn't mean world's best. I just think we have to get better, and if we can be the council that can set some catalyst - improvement for Local Government in - in a few of the areas discussed, I think that's important.

Again, we have - there is so much - there's not a crane in the sky still, Commissioner, at Liverpool, and it frustrates me because I can see Parramatta from my window and Hurstville and Macquarie Park and the CBD and - but we're right on the precipice at - in a local government of - of our success. Organically or otherwise, that - the city
5 is moving towards the south-west. The council is positioning itself with projects, with - with appetite for investment. Again, we have the Saudi infrastructure fund coming over on Monday. We have major investment now working outside what would typically be our council environment, and we are trying to do things a little bit, again, uncouncil-like.

10 If you look at our funding model or any council, it's grants and rates, rates and grants - rates and grants or grants and rates. Okay. We've taken a particular focus on revenues. We've taken a particular focus on investment. We've put together an investment committee only this year which looked at how we are hedging our
15 contributions money held in term deposits. By putting that meeting in place, that's with Nadan and Portelli, we've recovered or - so we've improved our position \$1.1 million in the last three months by just looking at some of the bonds we are buying, cutting them short and buying bonds at a better price. That's simple process. So we're starting to think about all those revenues.

20 The Office of the CEO, it may be a little bit of an outlier in construct, the organisational design, but its concept is about how do we get the revenues, how do we get property portfolio, our assets, our opportunities to return better value for money for ratepayers. That's the intent of it. So we are trying to be an outlier,
25 disrupter council, and trying to be innovative in that term. So I kind of wanted to leave you on a positive, and I think that's what I wanted to say in relation to the staff and what I believe - what I believe personally that council is doing - and that's the whole of council - is doing to move forward.

30 **COMMISSIONER:** Well, I can say, perhaps through you to everybody at the bar table, what I'll be most interested in in the submissions that will be forthcoming to me is some constructive ideas on how any recommendations I can make would support improvement, monitoring of improvement over the short term and anything I
35 can recommend that might assist in managing some of the challenges, because although - when you were last here, I think you told me very clearly that the financial position is tight. And still is, I take it?

MR BRETON: Yes.

40 **COMMISSIONER:** And that's something that needs careful attention over the next little while.

MR BRETON: Yes. Commissioner, they're lining up like Heathrow Airport at
45 4 o'clock to help with the submission.

COMMISSIONER: Good.

MR BRETON: They are - everybody's keen.

COMMISSIONER: My last experience at Heathrow was not that pleasant, so hopefully it goes better than that, but -

5

MR BRETON: Everybody's keen on contributing, again - and I'm going to use my word again - to make it better. Everybody is keen, and I hope to participate in that myself.

10 **MR TYNAN:** No further questions.

MS McDONALD: You just spoke about staff were affected by statements about them. Public statements.

15 **MR BRETON:** Yes.

MS McDONALD: To call staff or sections of staff lazy on a radio station during a radio program would be, to your understanding, very hurtful to staff?

20 **MR BRETON:** I agree.

MS McDONALD: Just coming back to some of the questions you were asked about - your election - you were asked a question about - you said, "It was not clear that I was running until the Monday before." Do you remember that answer?

25

MR BRETON: That was in response to - yes, in response to the text interchange.

MS McDONALD: What was the Monday before? What date are you referring to?

30 **MR BRETON:** No, I think there was a blue bubble above it, which I mentioned in my evidence, and I think that said, in the blue bubble, the - something closes on Monday. I think it might have been -

35 **MS McDONALD:** You weren't taken to anything. Your counsel asked you along the lines you were novice and not expert, and then you said, "It was not clear I was running until the Monday before," and I'm just trying to work out, when you said "the Monday before", the Monday before what.

40 **MR BRETON:** Nominations close, I think it was.

MS McDONALD: Which was at the beginning of November?

MR BRETON: Yes, it was in that bubble above.

45 **MS McDONALD:** All right. Excuse me for a minute. Can we bring up, please, ELC.003.001.0005. Can be live streamed. That was your how-to-vote card?

MR BRETON: Yes.

MS McDONALD: You're Group D?

5 **MR BRETON:** Yes.

MS McDONALD: And in a how to-vote card you obviously have to put "1" in the box above your ticket?

10 **MR BRETON:** Yes.

MS McDONALD: There is no necessity for you to put any numbers in any other boxes, is there?

15 **MR BRETON:** There's no necessity for me to do it, no.

MS McDONALD: And - sorry, on your how-to-vote card there was no necessity for you to put a number 2 in any box?

20 **MR BRETON:** No necessity.

MS McDONALD: No. So when you were asked again, and you repeated your evidence about contacting different people about preferences - when you said there was no other position other than to give your second preference to the Liberals, that wasn't right? You could have just left that box vacant?

25

MR BRETON: I could have left it blank, yes.

MS McDONALD: Yes. So there was another position?

30

MR BRETON: No. I could have left it blank. I think the design of this form was probably - was probably via Harte.

MS McDONALD: All right. But it's your how-to-vote card.

35

MR BRETON: It's mine, yes.

MS McDONALD: Right. What I'm saying to you is that there was no necessity for you to put in your how-to-vote card - to put number 2 over Group C, Liberal.

40

MR BRETON: Well, there was if I valued preferences.

MS McDONALD: No, but there's no - listen to my question. There's no requirement that you indicate preferences?

45

MR BRETON: There's no requirement.

MS McDONALD: Yes. So there was an option - that you could have just said, "All I want on my form is Group D, put '1'," and then, "I'm not making any suggestion about any other preferences. Completely up to the voter"?

5 **MR BRETON:** Could have done that.

MS McDONALD: Yes. And that was another possible position?

MR BRETON: I could have done that.

10

MS McDONALD: Yes. No further questions.

COMMISSIONER: Thank you. Mr Breton, that again, for the moment at least, concludes your oral evidence. I'm very grateful for your attendance at a very unusual
15 hour this morning to enable all of this to be completed today. And you're free to go for the moment.

MR BRETON: Thank you.

20 <THE WITNESS WITHDREW

MS RICHARDSON: Could I raise one matter before Mr Mannoun comes into the room?

25 **COMMISSIONER:** Of course.

MS RICHARDSON: In relation to evidence or questions that learned senior counsel assisting put to Mr Breton about whether a particular council - sorry, a particular
30 councillor may have had access to documents that were not uploaded onto the HighQ portal and so on, I just wanted to put the following on the record - that my instructing solicitors, Kennedys, made a request of the council lawyers for various documents, relevantly here, in terms of what Ms McDonald was exploring in relation to Ms Boustani. Those documents were provided by council's solicitors to Kennedys
35 lawyers.

35

A request was then made to have those four or so documents given an inquiry number and uploaded onto the portal, and that happened. And importantly, solicitors assisting accepted that tender and put those documents up on the portal. In doing so, my instructing solicitors did not provide those documents to Mr Mannoun. I don't
40 know whether he has accessed them after they have gone onto the portal. I haven't had an opportunity and I have not asked him those (indistinct).

COMMISSIONER: Are these the documents that you identified and I marked as an MFI some time - when -
45

45

MS RICHARDSON: I don't know, because my learned friend hasn't identified them, but I have been shown by my instructing solicitors four documents that were

uploaded by solicitors assisting onto the portal on 16 November. And then they're documents that have the stem number NMA.018.001, and then they end in, four documents, .0001, 0002, 0003 and then 0004. Sorry. Counsel for the council has handed me a note saying MFI 39. I don't know whether that's correct.

5

COMMISSIONER: I don't think it is. I think MFI 39 is some Facebook posts. That was what I had in mind, but it seems as though you're referring - what you're referring to -

10 **MS RICHARDSON:** So, yes, I don't know what's been MFied, but I just wanted to make plain that that is something that was done - that the request came from solicitors to the council's solicitors. It was then uploaded by Holding Redlich. And I would say, in that respect, in my submission it is not only perfectly proper but also procedurally fair, when a person is a subject of interest in an inquiry - that if matters
15 are being raised about the proprietary or otherwise of a particular subject matter, that lawyers for that person are entitled to request access to documents and have them uploaded so that they can do their job. So I just wanted to make that clear before Mr Mannoun is examined about those topics - as to how those documents were
20 uploaded onto the portal.

20

COMMISSIONER: All right. Thank you.

MS McDONALD: Can I just respond. We were concerned when we received those documents from my learned friend's legal representatives because they were
25 documents which a councillor would not have access to, they were not on the HighQ system, though they had been produced by council pursuant to a notice. I raised with Mr Parish how Mr Mannoun's legal representatives got access to it because we were concerned, if it was the case that councillors - or a councillor was somehow accessing documents that usually they wouldn't have access to but had been
30 produced to the inquiry. Mr Parish never responded to my request.

When Mr Breton was in the witness box this morning I took the opportunity to ask questions about - the question of the notices, who had access to the documents, et cetera. At the morning tea break or whatever break it was, my learned friend
35 approached and explained the situation. That is appropriately fine. Of course they could have contacted the inquiry and asked about particular documents - if we had them pursuant to a notice and they hadn't been uploaded to HighQ. That was one way they could have done it. They did it another way. I've got -

40 **COMMISSIONER:** In any event, Ms Richardson's clarified the position -

MS McDONALD: Yes.

COMMISSIONER: - and I'm not being asked to do anything about it?
45

MS McDONALD: No.

COMMISSIONER: Are we ready for Councillor Mannoun?

MS McDONALD: Yes.

5 **COMMISSIONER:** Thank you.

MS RICHARDSON: Mr Mannoun will just be one minute, if that's okay?

10 **COMMISSIONER:** Of course. Yes. Not a problem.

MR TYNAN: Commissioner, I'm just going to step outside for a moment, but I'll be back.

15 **COMMISSIONER:** All right. You feel free to come and go as you please, Mr Tynan.

MR TYNAN: Thank you.

20 **COMMISSIONER:** Thanks, Councillor. Just come forward.

<NED MANNOUN, ON FORMER OATH

25 **COMMISSIONER:** And you're still on your oath from the other day. Thank you. Just take a seat.

MR MANNOUN: Is that a new glass?

COMMISSIONER: It is, yes.

30 **MR MANNOUN:** Thank you.

MS McDONALD: Could you just excuse me for a minute. Excuse me for a minute. Mr Mannoun, during the December 2021 election campaign, you had a network of people who were willing to support you in your campaign?

35

MR MANNOUN: Yes.

40 **MS McDONALD:** That support could be support, for example, by conduct, handing out how-to-votes for you?

MR MANNOUN: I think I had around 300 volunteers during the campaign.

45 **MS McDONALD:** Well, can you answer my question. Part of the support could be by conduct, handing out how-to-vote cards?

MR MANNOUN: Yes.

MS McDONALD: Also, support could be an offer of financial support?

MR MANNOUN: Yes.

5 **MS McDONALD:** There were a number of people in your network who were willing to provide financial support to you?

MR MANNOUN: None that I can specifically recall.

10 **MS McDONALD:** Nobody said to you, "I'd like to provide some financial support for you"?

MR MANNOUN: Normally you have to ask for financial support from people by way of an event or a fundraiser.

15 **MS McDONALD:** All right. Nobody raised with you, "I would like to provide some financial support for you"?

MR MANNOUN: None that I can specifically recall.

20 **MS McDONALD:** All right. Mr Cannavo didn't raise with you that he would like to provide some financial support to you?

MR MANNOUN: No, not that I can recall.

25 **MS McDONALD:** All right. You organised through - you organised for Mr Cannavo or one of his companies to provide financial support to Mr Breton?

MR MANNOUN: No, I didn't.

30 **MS McDONALD:** You knew at the time that Mr Cannavo was providing financial support to Mr Breton?

MR MANNOUN: At what time?

35 **MS McDONALD:** Around November/December 2021?

40 **MR MANNOUN:** I - I was asked to forward an email to Mr Cannavo, but I don't have any other understanding of the outcome. But it was, from my understanding, to - I think lead to financial support request.

MS McDONALD: Okay. Through Mr Breton's campaign, at times he was having difficulty in financing his campaign as an independent, you knew that?

45 **MR MANNOUN:** Through the evidence I've heard, I've been aware of that. But I didn't have a specific overview of his campaign.

MS McDONALD: All right. So the - if we can bring up HAR.003.001.0001. If we'd go through to page 12. Mr Breton is raising with Mr Harte the nomination fee, and Mr Harte states:

5 "From my understanding, at this stage, Ned will guide his donors towards you if you decide to nominate. The cost can be offset from that."

Now, you made the point yesterday that you don't have donors. What Mr Harte said is that his understanding was that you had had a strong network of people that you
10 knew would be willing to donate to an election campaign or to support him. Now, do you agree with Mr Harte's evidence - of what he meant by stating in that text message "Ned will guide his donors"?

MR MANNOUN: I don't understand the question.
15

MS McDONALD: All right. Mr Harte uses the word there, "donors".

MR MANNOUN: Yes.

20 **MS McDONALD:** You took issue yesterday and said, "I don't have donors. They're donors for the Liberal Party." You said that yesterday -

MS RICHARDSON: I -

25 **MS McDONALD:** - do you remember that?

MR MANNOUN: Not in a dramatic sense.

MS RICHARDSON: Sorry, I object.
30

MS McDONALD: Sorry, I -

MS RICHARDSON: I'm objecting. I object to this tone of voice being used with the witness. I know it's been a long inquiry, but it was used in relation to Mr Breton,
35 which is not my witness - but as counsel assisting, adopting a neutral pitch position - in my submission, this tone of voice should not be used with the witness.

MS McDONALD: Right. I withdraw the question, I'll start again. Yesterday you took issue with the use of the word "donors", didn't you?
40

MR MANNOUN: Yes.

MS McDONALD: What Mr Harte said in evidence, when he was explaining that text message, was that you had a strong network of people that you would know
45 would be willing to donate to an election campaign or to support you in some way.

MR MANNOUN: Sorry, whose evidence is that?

MS McDONALD: Mr Harte's.

MR MANNOUN: Yes.

5

MS McDONALD: So that was Mr Harte's evidence, right? You've got that?

MR MANNOUN: Yes.

10 **MS McDONALD:** Do you agree with what - Mr Harte's description of when he said "Ned will guide his donors towards you", what he was referring to was the strong network of people that would be willing to donate to an election campaign or support you in an election campaign?

15 **MS RICHARDSON:** I object to that question. Happy to do it in the absence of the witness. The evidence of Mr Harte - I'll just do this obliquely so the witness doesn't have to go out. The evidence of Mr Harte at transcript 2762, line 19, is that it's his understanding. Needs to be put that that was Mr Harte's understanding, not anything that was told to him.

20

MS McDONALD: I wasn't putting it that he was told. I'm trying to work out -

COMMISSIONER: It might be a different issue, though. Are you asking the witness to agree with Councillor Harte's evidence about what Councillor Harte meant in a text message?

25

MS McDONALD: What I'm saying is Mr - maybe if the witness can go outside, please.

30 **COMMISSIONER:** Yes. Sorry, councillor. Thank you.

<THE WITNESS WITHDREW

MS McDONALD: The text message uses the word "donors".

35

COMMISSIONER: Yes.

MS McDONALD: In evidence, Mr Harte - actually, in an answer to a question from you - elaborated, as I have stated:

40

"...Mr Mannoun has a strong network of people that he would know that would be willing to donate to an election campaign or support him."

COMMISSIONER: Yes.

45

MS McDONALD: What I'm saying to the witness is that that was Mr Harte's evidence, does he agree with that description that when - of "Mr Mannoun's donors"

are the strong network of people that he would know that would be willing to donate to an election campaign or to support him.

5 **MS RICHARDSON:** The difficulty I have is that it's not been plainly - it's been, in my submission, perhaps inadvertently obfuscated - that the evidence of Mr Harte is that that was his understanding, not that it's based on anything that Mr Mannoun has told him will happen. And when one looks more fully at Mr Harte's evidence, at no point did my learned friend elicit from him whether Mr Mannoun told him anything about - that would give rise to this understanding. So all the evidence is at a level of
10 understanding.

So in my submission, given that Mr Harte has not given any evidence beyond, "Well, this is what I thought was happening," it needs to be put with pellucid clearness to this witness, so that there's - otherwise this witness could inadvertently receive the
15 suggestion that another witness has said on oath that Mr Mannoun's said certain things to him about strong networks or not.

Now, I know my learned friend has not submitted that these words were said, but she also has not made clear that it's just Mr Harte's evidence of what he understood.
20 There is no evidence from Mr Harte that Mr Mannoun said these things to him. It's just that this is the understanding he had.

MS McDONALD: I thought it was clear. I've referred to the use of the word "donors", which is in the text message. I -
25

COMMISSIONER: Mr Harte's "donors".

MS McDONALD: I'm sorry?

30 **COMMISSIONER:** Mr Harte's - it's a message from Mr Harte.

MS McDONALD: Yes.

35 **COMMISSIONER:** Yes.

MS McDONALD: I confirmed with Mr Mannoun his evidence from yesterday that he doesn't agree with the word, he doesn't have donors, because there's donors with the Liberal Party.

40 **COMMISSIONER:** Yes.

MS McDONALD: And then I said to him Mr Harte's evidence was - when he was referring to "donors" he was talking about the network.

45 **COMMISSIONER:** Yes.

MS McDONALD: And my question is does Mr Mannoun agree with that concept that he has a strong network of people who would be willing to donate to an election campaign or support him.

5 **MS RICHARDSON:** In my submission, the question was different. It was not a
standalone proposition, "Do you have a strong network." It's asking one witness to
agree - he's not been given the transcript, he's being said - told this is the evidence
that was given by another witness on oath, do you agree with it. It needs to be put
10 very clearly, in my submission, that there's no suggestion that - Mr Harte saying that
Mr Mannoun told him any of this, it's just an understanding he had. That's the
fairness objection I have.

COMMISSIONER: Yes. I think the question was linked to what - also linked to
15 what Councillor Harte said he meant by "donors" in this text message, which adds a
further layer. I think you can explore with the witness whether he had a group of
supporters falling within the description that Councillor Harte gave in his evidence,
but - as a standalone proposition, but linking it to the text message is problematic. So
I reject the question in that form. Thank you.

20 <**NED MANNOUN, ON FORMER OATH**

MS McDONALD: Mr Mannoun, at the time of the election campaign leading to the
December 2021 Local Government election, you had a strong network of people who
25 were willing to support you?

MR MANNOUN: Yes.

MS McDONALD: That support can be in the form of conduct, handing out forms,
30 how-to-votes?

MR MANNOUN: Yes.

MS McDONALD: It was also - took the form of willing to make - give you some
35 financial assistance in your campaign?

MR MANNOUN: That could be constituted as one, yes.

MS McDONALD: And what you were able to do was, acting as a conduit, suggest
40 to people that they should donate to Mr Breton's campaign?

MR MANNOUN: Sorry, what's the question?

MS McDONALD: You suggested to some of these people who were supporting you
45 that they should financially contribute to Mr Breton's campaign?

MR MANNOUN: Sorry, that's a statement or a question?

MS McDONALD: It is a question, Mr Mannoun. That's what you did, didn't you?

MR MANNOUN: No.

5 **MS McDONALD:** So your evidence is that you did not act as a conduit in providing or suggesting to Mr Cannavo or to one of his companies that they should contribute \$1,000 to Mr Breton's campaign?

MR MANNOUN: Yes.

10

MS McDONALD: You did or you didn't?

MR MANNOUN: I didn't.

15 **MS McDONALD:** All right. Excuse me for a minute. Did you suggest to Squashlands Gymnasium Liverpool to donate money to Mr Breton's account - sorry, financial - sorry, donate financially to Mr Breton's campaign?

MR MANNOUN: I was asked by them about Mr Breton.

20

MS McDONALD: All right. So when did they - who was it?

MR MANNOUN: Mr Peter Georgieff.

25 **MS McDONALD:** And in what circumstances did he ask you?

MR MANNOUN: I was at the gym, Squashlands, and he was - we were talking about the campaign, and I think this was very - very late in the piece. And he said to me that he'd been - I think he had seen Mr Breton's signs around the place, and he
30 asked me about him.

MS McDONALD: And what did you say to him?

MR MANNOUN: I - he'd be a good candidate if he was on council.

35

MS McDONALD: And how did Squashlands Gymnasium - to your knowledge, did you - sorry. To your knowledge, how did they then contribute the \$1,000?

MR MANNOUN: I'm not aware.

40

MS McDONALD: Your brother's company - you have a brother who is a director of SA Emerald Proprietary Limited?

MR MANNOUN: Yes.

45

MS McDONALD: You arranged for SA Emerald Proprietary Limited to donate some envelopes?

MR MANNOUN: No.

MS McDONALD: To donate a mailout?

5

MR MANNOUN: No.

MS McDONALD: Do you have any knowledge of how your brother's company, SA Emerald Proprietary Limited, came to contribute envelopes in the mailout to Mr Breton's campaign?

10

MR MANNOUN: I know that my brother and Mr Breton had met throughout the use of Terminus Street, and the exact - of how donations happened between them, I have no involvement or understanding.

15

MS McDONALD: So when Mr Breton was attending the Liberal campaign office in Terminus Street, your understanding is he met your brother?

MR MANNOUN: Yes. My brother's one of the owners of that property.

20

MS McDONALD: And how many times, to your knowledge, did he meet with your brother?

MR MANNOUN: I'm not aware. I did not spend much time in that - in the office during the campaign period.

25

MS McDONALD: In this document, can you bring up page 39. Now, you've heard evidence that Mr Harte assisted Mr Breton in completing post-election documents?

MR MANNOUN: Yes.

30

MS McDONALD: Post-election reports to the Electoral Commission?

MR MANNOUN: Yes.

35

MS McDONALD: Can you see Mr Harte is inquiring:

"Hi Jason, there was a \$1,000 donation that says Liverpool Private. Who is that from?"

40

MR MANNOUN: Yes.

MS McDONALD: And you've seen in the evidence the bank statement printout from Mr Breton's campaign bank account?

45

MR MANNOUN: No.

MS McDONALD: Excuse me for a minute.

MR MANNOUN: I think I heard that. That was this - what was discussed this morning, but I was driving in.

5

MS McDONALD: Can you bring up, please, HAR.005.001.0002. This is problematic. Can you see the entry on 26 November, \$1,000?

MR MANNOUN: Yes.

10

MS McDONALD: And if we go to the next page, can you see it is nominated "Liverpool private donation"?

MR MANNOUN: Yes.

15

MS McDONALD: See that? If we can jump back to the text messages, page 39. Can you see there Mr Harte asks, "There was a \$1,000 donation that says Liverpool Private. Who is this from?" And Mr Breton responds:

20

"Anonymous. Ned knows. I had his name, but forgot."

MR MANNOUN: Yes.

MS McDONALD: And then Mr Harte says:

25

"Hi Jason, Ned reckons you would have sent an email to the person that donated. Are you able to check your emails just in case?"

30

Now, what I want to suggest to you - that Mr Breton's response is - "Ned knows. I had his name, but forgot" suggests that you organised this donation.

MS RICHARDSON: I object to that question. I need to do this in the absence of the witness.

35

COMMISSIONER: Thank you, Councillor. Just step outside.

<THE WITNESS WITHDREW

40

MS RICHARDSON: I may need time to give my client some legal advice. I'm concerned that, because my learned friend is persisting with this questioning - as to whether or not she may inadvertently be eliciting questions that are relevant to - or directly relevant to an offence under the Electoral Funding Act. And so that - I would need to invoke a privilege.

45

COMMISSIONER: Well, consistent with the approach that I've taken in other occasions when issues like this have arisen, then I will of course give you that opportunity. Do you want to do that now?

MS RICHARDSON: Yes, please. Well, if the question is pressed. Thank you.

5 **COMMISSIONER:** All right. Well, I'll adjourn. And, Ms Richardson, you just let me know when you're ready to resume.

MS RICHARDSON: Thank you.

10 <**THE HEARING ADJOURNED AT 11.36 AM**

<**THE HEARING RESUMED AT 11.41 AM**

<**NED MANNOUN, ON FORMER OATH**

15 **MS RICHARDSON:** We do invoke the privilege, Mr Commissioner. I don't know whether I need to spell it out, but there is an offence under the Electoral Funding Act 2018, section 48, which makes it unlawful, relevantly, for a candidate affiliated with a party to make a political donation to the candidate not endorsed by that - or the relevant party and so on. And then there's an extending provision in 144 in effect. I
20 don't have it in front of me, but if you are engaged in a scheme - or whatever the language is - to achieve that purpose.

So in my submission, the questions that my learned friend is putting to the witness, even if not by design, are directly addressed to that question, and so we invoke the
25 privilege on that basis. The relevant provision I call in aid is section 11, subsection (2)(c) of the Royal Commissions Act, which is relevantly picked up. I note, in this respect, that when Mr Ristevski engaged the privilege he was allowed not to answer and matters moved on very quickly.

30 **COMMISSIONER:** 11(2)(c), did you say?

MS RICHARDSON: Yes.

COMMISSIONER: 11(2)(c) of the Royal Commissions Act?

35

MS RICHARDSON: Sorry, 11, subsection (2), subsection (c).

COMMISSIONER: Okay. I might have a different version, but mine only goes to
40 (b).

40

MS RICHARDSON: Sorry, what version does yours -

COMMISSIONER: Mine was printed on 13 June.

45 **MS RICHARDSON:** Do you have a section 11?

COMMISSIONER: 11? Sorry -

MS RICHARDSON: Sorry.

COMMISSIONER: I think - I heard 12.

5

MS RICHARDSON: Section 11, subsection (2).

COMMISSIONER: Subsection (1) has a (c), but that's about production of documents. 11, subsection (2) only goes to (b) in my version, but there might be a recent amendment that I'm not aware of.

10

MS RICHARDSON: Your Honour's - Commissioner, you're definitely right that there's no 11(2)(c). So I'll just pick up - well, 11, subsection (2)(a) says:

15 "Nothing in this section shall make it compulsory for any witness to answer any question ... if the witness has a reasonable excuse for refusing."

COMMISSIONER: Yes.

20 **MS RICHARDSON:** And then that picks up what's a reasonable excuse.

COMMISSIONER: Yes. Which, consistently with what then Commissioner Beasley concluded in the Auburn inquiry extends to - effectively means that I have no right to - or a power to abrogate privilege in proceedings of this kind, which has been common ground since Mr Emmett raised it very, very early on.

25

MS RICHARDSON: Yes. Also I note the definition of "reasonable excuse" in the Act (indistinct) section 4.

30 **COMMISSIONER:** Yes.

MS RICHARDSON: And it picks up what would be a reasonable excuse -

COMMISSIONER: Yes.

35

MS RICHARDSON: - in a court of law, which of course would pick up this privilege.

COMMISSIONER: Yes.

40

MS McDONALD: No issue.

COMMISSIONER: All right. Well, we'll move on. Thank you.

45 **MS McDONALD:** If we can bring up HAR.003.001.0001 at page 39 again. On 25 February Mr Harte sends an email:

"Hi Jason, Ned reckons you would have sent an email to the person that donated. Are you able to check your emails just in case?"

5 So again, Mr Harte's email is an indication that you were involved in obtaining the donation by Mr Cannavo or his companies to Mr Breton?

MS RICHARDSON: I object -

10 **COMMISSIONER:** Isn't this the same issue?

MS RICHARDSON: - on the same basis. It's the same -

MS McDONALD: Yes.

15 **MS RICHARDSON:** - basis and I object.

COMMISSIONER: Well, on -

20 **MS McDONALD:** I want to - I have a right to state the question. It's a different question, it's relying on a different point, and if Mr Mannoun's position is that he raises the privilege, then fine, I'll move on.

MS RICHARDSON: I've raise the privilege on his behalf and I -

25 **COMMISSIONER:** I'm not going to compel an answer.

MS RICHARDSON: I think, in fairness to this witness, the same approach should be taken that was taken with Councillor Ristevski - that when the privilege was invoked, the problem was moved on from.

30 **COMMISSIONER:** I think that's right.

MS RICHARDSON: That question goes directly to the heart of the privilege.

35 **COMMISSIONER:** It does. So you don't need to answer that question, Councillor.

40 **MS McDONALD:** I wasn't going to compel him. As I said, I have a right to - in my submission, I have a right to put questions, and if Mr Mannoun claims the privilege, then fine. As part of the assistance you've provided Mr Breton in his campaign, you assisted him in finding a person to nominate him as the - to be placed on the non-residential roll?

MR MANNOUN: No.

45 **MS McDONALD:** Could HAR.004.001.0001 be brought up. Yes. Thank you. Sorry. Could you go through to page 23. This is the non-residential roll application for Mr Breton. And if we continue down the page - keep on going. You can see that

it's a Mr Raad, who is, I think, a director of Raad Property Group. Do you know him?

5 **MR MANNOUN:** Yes. Is this the one that we were talking about yesterday before we finished up?

MS McDONALD: Yes.

10 **MR MANNOUN:** Because I think you asked me if it was Mr Dabbagh yesterday.

MS McDONALD: That was a different document, which I'm about to take you to. At the moment I'm taking you to the nomination form for the non-residential roll. The person nominating is Mr Raad?

15 **MR MANNOUN:** Yes.

MS McDONALD: Do you know him?

20 **MR MANNOUN:** Yes.

MS McDONALD: Do you know him through the Liberal Party?

MR MANNOUN: No.

25 **MS McDONALD:** But he is a friend of yours?

MR MANNOUN: Yes.

30 **MS McDONALD:** You assisted Mr Breton in obtaining Mr Raad's nomination for the non-residential roll?

MR MANNOUN: No.

35 **MS McDONALD:** If we turn to - excuse me for a minute. If you can bring up, please, ELC.003.001.0007. This can be live streamed. You can see from this document this is Mr Breton's nomination form?

MR MANNOUN: Yes.

40 **MS McDONALD:** If we just go to page 2 of that document, you can see Mr Breton - keep on going. Mr Breton signs it on 2 November?

MR MANNOUN: Yes.

45 **MS McDONALD:** Would you then bring up ELC.003.001.0010. Yes, please. This is the next page of that nomination form, and can you see that the nominators include - the first person is Mr Dabbagh?

MR MANNOUN: Yes.

5 **MS McDONALD:** You know him?

MR MANNOUN: Yes.

MS McDONALD: You know him through the Liberal Party?

10 **MR MANNOUN:** No.

MS McDONALD: He's a managing director of Cubic Realestate Liverpool?

15 **MR MANNOUN:** Yes.

MS McDONALD: That's a real estate agency at which Councillor Adjei is employed?

20 **MR MANNOUN:** I'm not exactly sure, no.

MS McDONALD: But Mr Dabbagh is a friend of yours?

MR MANNOUN: Yes.

25 **MS McDONALD:** And then the second person who nominated Mr Breton, if we can continue down the page, is Joseph Aoukar, is it?

MR MANNOUN: Aoukar.

30 **MS McDONALD:** Aoukar. Do you know him?

MR MANNOUN: Yes.

35 **MS McDONALD:** Do you know him through the Liberal Party?

MR MANNOUN: No.

MS McDONALD: Is he a friend of yours?

40 **MR MANNOUN:** Yes.

MS McDONALD: You arranged for those two gentlemen to nominate Mr Breton to - in his nomination form to stand as a councillor?

45 **MR MANNOUN:** No.

MS McDONALD: If you'll just excuse me. Mr Breton has applied for the position of CEO on two occasions?

MR MANNOUN: Yes.

5

MS McDONALD: The first occasion, it was when Mr Ajaka was successful?

MR MANNOUN: Yes.

10 **MS McDONALD:** And I think that was roughly around November/December 2022?

MR MANNOUN: Yes.

MS McDONALD: You completed a conflict declaration form -

15

MR MANNOUN: Yes.

MS McDONALD: - for that recruitment process?

20 **MR MANNOUN:** Yes.

MS McDONALD: If we can bring up, please, OLG.001.001.1254. Yes, please. Just to orientate you, if we go to page 3 - section 6, you can see you've ticked "mayor", your name - and it's hard to - no, it's better on the screen. You sign it on 6 December

25

MR MANNOUN: Yes.

MS McDONALD: At that stage there were three shortlisted for the position of CEO?

30

MR MANNOUN: Yes.

MS McDONALD: Mr Ajaka, [redacted], was it?

35

MR MANNOUN: Yes.

MS McDONALD: And Mr Breton.

40 **MR MANNOUN:** Yes.

MS McDONALD: You declare a conflict of interest in respect of -

MR ANDREWS: Commissioner, I apologise - to interrupt my learned friend, but I think the applicants for the role of CEO are not public.

45

COMMISSIONER: What do you want me to do? Do you want me to dump the stream?

5 **MR ANDREWS:** Just the last question. The reference to the person whose surname's starting with [redacted].

COMMISSIONER: Can we cut the stream and reinstate it immediately, please. And that name can be redacted from the public version of the transcript.

10 **MS McDONALD:** I thought it was in an open document, that's why I didn't pause, but -

COMMISSIONER: You might be right -

15 **MS McDONALD:** In any case -

COMMISSIONER: - but let's just be cautious about it. Thank you. Yes.

20 **MS McDONALD:** Thank you. The - Mr Ajaka and the second name that I nominated - you know who I'm talking about?

MR MANNOUN: Yes.

25 **MS McDONALD:** They were members of the Liberal Party?

MR MANNOUN: Yes.

30 **MS McDONALD:** Your nature of interest which you identify is on page 2, up towards the top of the page. And you say:

"All three candidates for CEO. Known through [I think it's 'my involvement'] in local government since 2008 and my membership of the Liberal Party."

35 **MR MANNOUN:** Yes.

MS McDONALD: Nowhere in this declaration form do you speak about or refer to your dealings with Mr Breton during the December 2021 campaign?

40 **MR MANNOUN:** I cover that in the first part of that statement.

MS McDONALD: You do not refer to your - other than "my involvement in local government since 2008", nowhere in this form do you provide details of your dealings with Mr Breton during the 2021 Local Government campaign?

45 **MR MANNOUN:** Yes.

MS McDONALD: Nowhere do you refer to organising donations or financial assistance to him?

5 **MS RICHARDSON:** I object. We've invoked the privilege about organising donations. That's a question that has a loaded premise within it.

COMMISSIONER: Yes.

10 **MS RICHARDSON:** It should be re-put, in my submission.

COMMISSIONER: I reject the question.

15 **MS McDONALD:** You did not list his work on your campaign? Expressly list his work on your campaign -

MR MANNOUN: No.

20 **MS McDONALD:** - do you? You do not list that you assisted him in finding people to nominate him -

MR MANNOUN: No.

25 **MS McDONALD:** - as a councillor? You do not indicate any of the assistance that I have taken you to yesterday afternoon and this morning in his campaign?

MR MANNOUN: No.

30 **MS McDONALD:** Now, if we jump to - excuse me for a minute - February of this year - can you just excuse me for a minute. I'll bring up a document, LCC.034.002.0008. And if you don't live stream it. Just to orientate you, if we go to page 3, that the your signature and it's 13 February?

MR MANNOUN: Yes.

35 **MS McDONALD:** All right. If we jump back to the first page - and I'll try and do this without naming the two other names, but if we go down towards the bottom of the page you can - keep on going. You can see the first name. Under section 4, details of the conflict of interest, you say:

40 "I have a conflict with three applicants."

Right?

45 **MR MANNOUN:** Yes.

MS McDONALD: You see the first name?

MR MANNOUN: Yes.

MS McDONALD: The second name is Mr Breton?

5 **MR MANNOUN:** Yes.

MS McDONALD: And then there's a third name?

10 **MR MANNOUN:** Yes.

MS McDONALD: And you say the conflict is non-pecuniary "as I've worked with each of them" -

15 **MR MANNOUN:** Yes.

MS McDONALD: - correct? "Built relationships with them"?

MR MANNOUN: Yes.

20 **MS McDONALD:** And then you say.

"I also know Mr Breton from the 2021 council election, through each other's campaigns."

25 **MR MANNOUN:** Yes.

MS McDONALD: Mr Mannoun, given the evidence that's before the inquiry about your role in providing assistance to Mr Breton during that campaign, that was not an adequate declaration of your interest?

30 **MR MANNOUN:** I think - no, one could have put more detail in it, but generally I remember, when I was doing the research on this - of what is the appropriate thing to declare.

35 **MS McDONALD:** When were you doing the research?

MR MANNOUN: Prior to this.

40 **MS McDONALD:** Prior to giving evidence here?

MR MANNOUN: No, no. Prior to filling out this form.

MS McDONALD: All right. What research did you do? What did you look at?

45 **MR MANNOUN:** I was looking for, I guess, examples of, you know, precedence, what's happened when there have been, I guess, appointments where someone has been involved in a campaign or been a political donor and things like that.

MS McDONALD: But where did you look?

MR MANNOUN: I did a -

5

MS McDONALD: Did you google it?

MR MANNOUN: Googled, researched, read a lot - I read some Hansard.

10 **MS McDONALD:** You read Hansard?

MR MANNOUN: Yes.

MS McDONALD: What were you looking for in Hansard?

15

MR MANNOUN: So the case in point that I found is - I guess established the baseline was the appointment of Josh Murray, the Transport Secretary. That was a controversial matter. He was - he donated to the Minister for Transport at the time - I think it was Jo Haylen. And he was then - went through recruitment process, wasn't recommended for recruitment by the independent panel, the minister's office intervened, got him to interview, and then ultimately that was then looked into and said, yes - well, yes, Mr Murray did donate to Ms Haylen's campaign - his wife donated to them as well, and ultimately he was found by Parliament, in the discussion from everyone - from the Premier down below that it was - she did not have to excuse herself from the process, as the minister.

20

25

MS McDONALD: Right. But as part of that process, did you see what was included in any conflict of interest form completed in respect of the appointment of Mr Murray?

30

MR MANNOUN: There was none, from my understanding.

MS McDONALD: Well, why would that assist you in determining what information you should provide in this conflict of interest form?

35

MR MANNOUN: Because ultimately it was a - a senior appointment - senior position appointed, in this situation, by a minister, right? There was a relationship with regards to political activities. In this situation, Mr Murray had donated directly to her campaign. She then found it - that is, accepted -

40

MS McDONALD: I know all that. You've set -

MR MANNOUN: Yes.

45 **MS McDONALD:** - that out. Can I just interrupt you, because we're running out of time.

MR MANNOUN: No, but I need to - I need to -

MS McDONALD: What I'm -

5 **MR MANNOUN:** I need step out my thought process. You've asked me -

MS McDONALD: I'm not interested in that. What I'm interested in is what was included which would set out the information that you had to provide in this detail of conflict of interest.

10

MR MANNOUN: What was set out where?

MS McDONALD: Section 4.

15 **MR MANNOUN:** Yes.

MS McDONALD: Yes. Did you - what I'm saying to you - did you see any form completed by Mr Murray, Minister Haylen or anybody else about a conflict of interest?

20

MR MANNOUN: No. Only the media articles and the debate and the discussion about that issue.

25 **MS McDONALD:** What I want to suggest to you is that what you have included there was not adequate. Do you agree or not agree?

MR MANNOUN: No, but I agree that I - I could have provided more detail. And I think with the amount of space provided on the forms, it probably is an indication of the level of detail to be provided.

30

MS McDONALD: You filled out another conflict of interest form when the panel became smaller. Do you remember, in respect of Mr Breton's appointment, there was the original panel which was all 11 of you?

35 **MR MANNOUN:** Yes.

MS McDONALD: After the infamous 20 February meeting, it becomes a smaller panel?

40 **MR MANNOUN:** Yes.

MS McDONALD: Do you fill out another conflict of interest form for that panel?

45 **MR MANNOUN:** Yes.

MS McDONALD: Can document LCC.034.002.0003 be brought up. And if we jump to - I think it's page 2. Yes, sorry. And if we'd jump to page 2. There's your name and signature again. See that?

5 **MR MANNOUN:** Yes.

MS McDONALD: And a date of 8 April 2025.

MR MANNOUN: Yes.

10

MS McDONALD: And this is a conflict of interest form and it's in respect of the same three people?

MR MANNOUN: If you can show me the form? Yes.

15

MS McDONALD: Yes. Hold on for - stop, stop, stop, stop, stop. Yes. Sorry. If go back to the first page - can we stop the live streaming? Are we right? Good. Well done.

20 **COMMISSIONER:** Pretty sure all that's public, but anyway -

MS McDONALD: I'm sorry?

25 **COMMISSIONER:** I'm pretty sure that those three candidates have been mentioned -

MS McDONALD: Yes.

COMMISSIONER: But in any event, let's proceed with caution.

30

MS McDONALD: Can you see there it's the same three candidates but in a different order?

MR MANNOUN: Yes.

35

MS McDONALD: And this time you say:

"I've known and worked with all three applicants at the council."

40 **MR MANNOUN:** Yes.

MS McDONALD: You no longer refer to any relationship between you and Mr Breton arising from the 2021 campaign.

45 **MR MANNOUN:** Yes. Was this was before - the form you've - the date that - the form you showed me before, what was the date of that? Was that previous or after this?

MS McDONALD: It was beforehand. It was 13 February, when you had all 11 of you on the panel.

5 **MR MANNOUN:** Yes.

MS McDONALD: And so now there's the smaller panel.

MR MANNOUN: Mm-hmm.

10

MS McDONALD: And they ask you to complete a conflict of interest form again.

MR MANNOUN: Mm-hmm.

15 **MS McDONALD:** And in this form you do not mention anything about a prior relationship with Mr Breton arising from the 2021 election campaign.

MR MANNOUN: Yes.

20 **MS McDONALD:** That's correct?

MR MANNOUN: Yes.

MS McDONALD: Why didn't you include it in this form?

25

MR MANNOUN: I don't have a specific recollection. I can only assume - I guess that other form still had standing in itself, so -

MS McDONALD: Well, you could have just said "refer to the previous form"?

30

MR MANNOUN: Yes, I could have put more - I could have - I could have - if I had that form, I potentially would have copied it directly - of what was there.

35 **MS McDONALD:** Could you excuse me for one moment. At this stage it was a new recruitment agency that was providing recruitment services to the council for this appointment?

MR MANNOUN: Yes.

40 **MS McDONALD:** In those circumstances, shouldn't you have completed a form more thoroughly with - including your - what you identify as a basis for your conflict?

45 **MR MANNOUN:** Yes, at a bare minimum it should have been consistent. Yes.

MS McDONALD: Can you just excuse me for a minute. Mr Mannoun, when you were re-elected in December 2021, one of the projects that was still being completed was the construction of Liverpool Civic Place?

5 **MR MANNOUN:** Yes.

MS McDONALD: Can we brick up, please, LCC.002 - I think it's 0010.1765. Sorry, I think I've - yes. Thanks. And this is one of the reports, it's called the Prosperity Report on Liverpool City Council Independent Review Report dated June 2020.

10

MR MANNOUN: Yes.

MS McDONALD: In addition, over time, you have asked questions with notice about Civic Place?

15

MR MANNOUN: Yes.

MS McDONALD: Could we bring up, please, INQ.072.001.0004. Sorry, 0004. And if we can go through to page 324. And these are some - a question with notice that you made on 24 September 2025; correct?

20

MR MANNOUN: Yes.

MS McDONALD: And various responses were provided by the Operations section?

25

MR MANNOUN: Yes.

MS McDONALD: And if we look down the bottom of the page, there's an attachment, Liverpool Civic Place Capital Expenditure Review Business Case Final, which was referred to.

30

MR MANNOUN: Yes.

MS McDONALD: And I think it's after:

35

"A search of the project files uncovered the attached (confidential) relevant business case."

MR MANNOUN: Yes.

40

MS McDONALD: And, Commissioner, for your purposes, that confidential report is LCC.002.002.0692.

COMMISSIONER: Thank you.

45

MS McDONALD: And then if we can bring up, please, LCC.040.001.0258. Sorry. LCC.040.001.0258. And if we can go through - I'm sorry, I think it's page 4. Sorry,

can we just pause. If we go through to page 4 - again, this is another question on - with notice, I'm sorry, that you've made about Civic Place expansion.

MR MANNOUN: Yes.

5

MS McDONALD: And various responses provided by Operations.

MR MANNOUN: Yes.

10 **MS McDONALD:** In addition, on 18 December 2024 there was an announcement by the Liverpool Council that it is celebrating 100 per cent occupancy of Civic Place?

MR MANNOUN: Yes.

15

MS McDONALD: Could we bring up INQ.102.001.0004. Yes. That's the announcement.

MR MANNOUN: Yes.

20

MS McDONALD: And as it sets out:

25 "Liverpool City Council is celebrating the full leasing of the 11-storey commercial tower at 52 Scott Street in the Liverpool CBD's \$600 million Civic Place. The leases have been signed at or above market rates, including incentives."

MR MANNOUN: Yes.

30 **MS McDONALD:** And if we can bring up INQ.095.001.0002. If we go through to the - first, page 3. You can see it's the annual report, '24-'25.

MR MANNOUN: Yes.

35 **MS McDONALD:** And if we'd go through to page 8. This is your message; correct? Your message - the mayor's message?

MR MANNOUN: Yes, but I didn't write it.

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

MR MANNOUN: I didn't write it or -

MS McDONALD: You signed it.

45 **MR MANNOUN:** It was - the staff have my e-signature and apply it onto numerous documents.

COMMISSIONER: Were you asked to approve it?

5 **MR MANNOUN:** In - it's possible that there is an email that asked me to, but I don't have a specific recollection. There have been some administrative things that have fallen through the cracks with the time constraints in the last couple of months.

MS McDONALD: You -

10 **MR MANNOUN:** Council regularly releases statements from myself with my signature and photo on it.

MS McDONALD: And this is the annual report.

15 **MR MANNOUN:** Yes.

MS McDONALD: This is a document that has to be prepared under the Local Government Act?

20 **MR MANNOUN:** Yes.

MS McDONALD: It's a very important document?

MR MANNOUN: Yes.

25 **MS McDONALD:** It complies in certain parts with statutory requirements?

MR MANNOUN: Yes.

30 **MS McDONALD:** Given the important and serious nature of the document, you would have reviewed your message?

MR MANNOUN: In general circumstances, yes.

35 **MS McDONALD:** Are you saying you didn't approve this message?

40 **MR MANNOUN:** I don't have a specific recollection of it, no. I have been a bit hard to contact in recent times with regards to my time constraints, appearing in the inquiry and watching all the evidence that I've had to for 50-odd days now. But generally speaking, I don't have a - I don't have an issue with it, and I have a - faith in the staff in doing it.

MS McDONALD: You haven't raised any issues subsequently about the content of your message, have you?

45 **MR MANNOUN:** No. Not particularly, no.

MS McDONALD: You haven't raised with anybody, "This is wrong. I wouldn't have said that. I disagree with this"?

5 **MR MANNOUN:** Like, normal course of business is that these would be put to me by either the relevant manager who's putting it, they'd go to - when I had a senior adviser they would go to the senior adviser. I would sit with the senior adviser, we would go through our messages - or we would go through the manager of communications. But that doesn't exist any more, so there are things that are falling through the cracks.

10 **MS McDONALD:** I didn't ask you that question, Mr Mannoun. What I asked you was you don't - you have not raised an issue with the content of your mayoral message?

15 **MR MANNOUN:** Yes.

MS McDONALD: That's correct?

20 **MR MANNOUN:** That's correct.

MS McDONALD: And in the second paragraph, if we can expand this, it speaks about:

25 "The official opening of Liverpool Civic Place marked a defining milestone. More than a new civic precinct, it represents the heart of our city's renewal, a place where learning, creativity and community come together."

And you agree with that?

30 **MR MANNOUN:** Yes.

MS McDONALD: Then there's a reference to housing the various - the university. There's a reference to the library and gallery and the new council chambers, and that:

35 "...the \$600 million development stands as a symbol of confidence and collaboration."

MR MANNOUN: Yes.

40 **MS McDONALD:** You agree with that?

MR MANNOUN: Yes.

45 **MS McDONALD:** And then it goes on. And I think I've asked you about this before, but Mr Breton at least gave some evidence about it, your library came second in an international competition, if it's that, for the public library of the year?

MR MANNOUN: Technically top 4, but yes, we're assuming second because it's silent on who came second.

MS McDONALD: I think Mr Breton was claiming second, but anyway -

5

MR MANNOUN: Yes.

MS McDONALD: And again, there's nothing that you -

10 **COMMISSIONER:** At least equal second.

MS McDONALD: There's nothing you disagree with in that paragraph?

MR MANNOUN: No.

15

MS McDONALD: Right. Commissioner, I note that we've been going, again, for over two hours.

COMMISSIONER: Yes.

20

MS McDONALD: I'm just wondering if we could take the lunch break?

COMMISSIONER: Yes. How long?

25 **MS McDONALD:** Could I suggest if we can come back at about 10 past 1?

COMMISSIONER: Yes. Mr Andrews, you -

30 **MR ANDREWS:** May I clarify something? I inadvertently gave Ms Richardson the incorrect MFI reference before of MFI 39. Those particular documents are known by exhibits 378, 379 and 380.

COMMISSIONER: Okay. Thank you. I'll adjourn until 10 past 1.

35 **MS RICHARDSON:** If I could just indicate I might be five minutes or 10 minutes late, but my learned junior will be here. I have another commitment at 1 o'clock.

COMMISSIONER: Do you want to start at quarter past? Would that assist?

40 **MS RICHARDSON:** I think you can get going - keep going without me.

COMMISSIONER: All right. 10 past.

<THE HEARING ADJOURNED AT 12.24 PM

45

<THE HEARING RESUMED AT 1.22 PM

COMMISSIONER: Good to go. Yes.

MS McDONALD: Mr Mannoun, before our lunch break I was asking you some questions about conflict of interest forms that completed.

5

MR MANNOUN: Yes.

MS McDONALD: And in particular, two conflict of interest forms that you completed as part of the recruitment process earlier this year where Mr Breton was eventually appointed CEO.

10

MR MANNOUN: Yes.

MS McDONALD: Now, we've heard some evidence about a meeting where, I think, all of the panel of councillors, maybe with the exception of Councillor Adjei, attended on 20 February.

15

MR MANNOUN: Yes, but I think he was there.

MS McDONALD: You think he was there?

20

MR MANNOUN: Yes.

MS McDONALD: I thought somebody was missing. It doesn't matter, but the - at least 10 of the councillors were there.

25

MR MANNOUN: Yes.

MS McDONALD: Now, during - at one stage during this meeting, you raised with Mr Ristevski evidence that was either led or emerged from your defamation proceedings against him?

30

MR MANNOUN: Yes. I don't think it was specifically to him. It was more for the information of the other - or for the people who were present.

35

MS McDONALD: All right. And this was in the context of there was this - it's described as a leak, but it's a particular article that appeared on a - a website that deals with Liverpool matters?

MR MANNOUN: I was referring to what I had seen on the Facebook page of the Liverpool Labor Party.

40

MS McDONALD: All right. Well, what I'm talking about is wasn't there - during the meeting, was there a reference to postings on Liverpool Shenanigans Facebook page?

45

MR MANNOUN: The - I think there eventually was a reference. What I referred to is the Liverpool Labor Party Facebook page had shared a post, which I think was - I think was from the Shenanigans Facebook.

5 **MS McDONALD:** All right. That -

MR MANNOUN: I think they shared the Shenanigans page.

10 **MS McDONALD:** That's what I'm trying to get you to concentrate upon.

MR MANNOUN: Yes.

15 **MS McDONALD:** You raised in a context - at this meeting some post on the Liverpool Shenanigans webpage.

MR MANNOUN: Yes.

20 **MS McDONALD:** And your reference - and you're saying - your evidence is that you said this to everybody present at the meeting. You referred to some evidence that emerged during your defamation proceedings?

MR MANNOUN: Yes.

25 **MS McDONALD:** And was that in respect of the person who organises that particular website?

MR MANNOUN: Yes, I think it was either the owner or the administrator.

30 **MS McDONALD:** Yes. "Administrator", that was the word I was looking for. And after you raised that, there were raised voices between yourself and Mr Ristevski?

MR MANNOUN: I remember he raised his voice at me.

35 **MS McDONALD:** Did you raise your voice to him?

MR MANNOUN: I don't have a specific recollection of that. I did respond to him.

40 **MS McDONALD:** Excuse me for a minute. Ms Hamilton-Jewell has just raised that in the past issues arising from the 20 February meeting - I do note that at a recent council meeting some code of conflict matters have been dealt with. I understand from Ms Hamilton-Jewell her client doesn't have a problem with me exploring this not in a closed session. I was going to proceed in that fashion.

45 **MS HAMILTON-JEWELL:** Commissioner, for my part, we don't have any issue with this being traversed in the public hearing. My understanding is that this particular matter was not one of the code of conduct complaints that recently came back before council. But if it is to be raised in open hearing, it may well be that I

need to ask some questions as well, and I'm just mindful not to traverse any existing non-publication orders. So if you, Commissioner, are content for me to ask questions in the open hearing as well, I'm content to proceed as you, Commissioner, see fit.

5 **COMMISSIONER:** Thank you. Mr Parish?

MR PARISH: We need to be consistent with the previous methodology. I thought senior counsel assisting was being very careful about where she was going, and I don't think she actually traversed anything -

10

COMMISSIONER: Not yet.

MR PARISH: - controversial - yes.

15 **COMMISSIONER:** It might be coming.

MR PARISH: Yes.

COMMISSIONER: I'm aware that there's some proposed directions about this issue that are being circulated - or have been circulated, which we might return to.

20

MR PARISH: Yes.

COMMISSIONER: I think - all right. I think that's probably right, even at this late hour. So pursuant to section 12B of the Royal Commissions Act, I direct that the next passage of hearing take place in private, that the transcript of this passage of hearing not be published otherwise than in accordance with my usual direction as amended. Everybody who is in the room appears to be a legal adviser or associated with the legal team, so they can stay. And we'll just pause until the operator tells us we're good to go.

30

<THE HEARING ADJOURNED TO PRIVATE SESSION AT 1.28 PM

<THE HEARING RESUMED AT 1.32 PM

COMMISSIONER: And we're back. Yes. Yes, Ms McDonald.

5 **MS McDONALD:** So you return to the room?

MR MANNOUN: Yes.

10 **MS McDONALD:** And you have a discussion with your other councillors, in which you raise an issue of work health and safety?

MR MANNOUN: Yes.

15 **MS McDONALD:** And during that discussion with your fellow councillors - thank you so much. I'm sorry. In that discussion with those other councillors, Councillor Monaghan raised with you that you're now raising these concerns, there should be a substantive report prepared under confidential cover for the councillors to consider?

MR MANNOUN: Yes.

20 **MS McDONALD:** And you agreed with that proposal?

MR MANNOUN: Yes.

25 **MS McDONALD:** Now, on 26 February, there was the council meeting?

MR MANNOUN: Yes.

30 **MS McDONALD:** This is the council meeting that we've heard a lot of evidence about, where the aerotropolis visit was referred to.

MR MANNOUN: Yes.

35 **MS McDONALD:** At one point, you raise moving into a closed session?

MR MANNOUN: Yes.

40 **MS McDONALD:** You did not on the record identify broadly the reason for that. You just referred to a section and subsection of the Local Government Act?

MR MANNOUN: Yes, I referred to the Act.

45 **MS McDONALD:** Yes. But you didn't say, "It raises X matter," or, "Raises Y matter" - like, a broad description of why. You know, for example, if you were about to discuss commercial-in-confidence, you could say, "Well, look, it raises a financial matter that's confidential," so you're giving an earmark or an indication to the rest of the councillors as to why you want to go into closed session.

MR MANNOUN: I didn't, because under the Act it sets out the different provisions, which - like, commercial-in-confidence, personnel or staff matters and a few other ones. So I guess in - so when we go into closed session we identify that, and I guess
5 under that section of the Act provides the cover - the coverage of the matter.

MS McDONALD: So you agree with my - the question that I put to you, before you moved into closed session you didn't in some broad sense identify to the councillors what the issue was?
10

MR MANNOUN: Well, I - I did by saying it's a personnel and staff matter, whatever the relevant section was, but I did not add onto it anything further.

MS McDONALD: The motion to move into closed session was lost?
15

MR MANNOUN: Yes.

MS McDONALD: You then left the meeting?

MR MANNOUN: Yes.
20

MS McDONALD: Did you go upstairs?

MR MANNOUN: Yes.
25

MS McDONALD: To your offices?

MR MANNOUN: Yes.

MS McDONALD: Or chambers.
30

MR MANNOUN: Yes.

MS McDONALD: When you were up there, were you texting any of your - any of
35 the councillors still at the meeting?

MR MANNOUN: Yes.

MS McDONALD: Who did you text?
40

MR MANNOUN: I think I had texted the group of - the Liberal councillors.

MS McDONALD: Yes.

MR MANNOUN: I received a question from one of them, asking if I'm okay, and I responded to that.
45

MS McDONALD: Okay. So you were texting - this is a WhatsApp group which has - I think you've given evidence about this - that is only for the Liberal-affiliated councillors?

5 **MR MANNOUN:** Yes.

MS McDONALD: Plus Ms Boustani?

10 **MR MANNOUN:** I don't think this group had her on that. There is a different group that does have her, but I don't think these messages was with her.

MS McDONALD: All right. So you've got one group for Liberal councillors with Ms Boustani?

15 **MR MANNOUN:** Yes.

MS McDONALD: And then you have another group without Ms Boustani?

20 **MR MANNOUN:** Yes. Sorry, it has - the distinction - one of them has, I think, my EA - my EA, Ms Boustani and the councillors.

MS McDONALD: The Liberal-affiliated councillors?

25 **MR MANNOUN:** The Liberal-affiliated councillors, yes. And then one is just Liberal councillors.

MS McDONALD: All right. At - the report that was requested by Mr Monaghan and which you agreed to prepare, it was never prepared, was it?

30 **MR MANNOUN:** I - the -

MS McDONALD: Was it prepared or not?

35 **MR MANNOUN:** The - Mr Breton did not prepare it. I asked him to, and I informed him of the conversation and I explained to him -

MS McDONALD: All right. So you delegated that job or asked Mr Breton to perform that task?

40 **MR MANNOUN:** Yes. So -

MS McDONALD: And -

45 **MR MANNOUN:** Sorry. Mr Monaghan had - during that discussion that we had at the February 20 meeting, he asked clearly if Mr Breton can notify us.

MS McDONALD: That's fine. I'm just trying to work out whether the report that Mr Monaghan requested -

MR MANNOUN: Yes.

5

MS McDONALD: - and which you agreed with was ever prepared.

MR MANNOUN: Yes.

10 **MS McDONALD:** When was it prepared?

MR MANNOUN: No, sorry, it wasn't prepared.

MS McDONALD: It wasn't prepared?

15

MR MANNOUN: Yes.

MS McDONALD: So it wasn't prepared before the council meeting of the 26th?

20 **MR MANNOUN:** Yes.

MS McDONALD: And wasn't prepared subsequently?

MR MANNOUN: Yes.

25

COMMISSIONER: Do you know why?

MR MANNOUN: The - I think there's a question of whether I can ask for a report to be prepared and whether I can ask the CEO to prepare one, and the view is that I cannot.

30

COMMISSIONER: On that particular issue?

MR MANNOUN: On any issue.

35

MS McDONALD: Was it -

COMMISSIONER: Sorry, the view expressed to you was you, as mayor, can't ask the CEO to report - prepare a report for councillors on any issue at all?

40

MR MANNOUN: Yes.

MS McDONALD: Who gave you that -

45 **MR MANNOUN:** There's -

COMMISSIONER: What, that it needs a resolution of council to have that done? Is that the - is that -

5 **MR MANNOUN:** Yes. They - yes. I think there is a - the view that the - "It's an operational, the CEO should prepare the reports. If you wanted a report, you do your own report."

10 **MS McDONALD:** Who prepared - provided you with that advice that you couldn't request a report?

MR MANNOUN: That's the - the general consensus of how Liverpool Council has operated over many years.

15 **MS McDONALD:** All right. So it wasn't from advice. You're saying it's the way that Liverpool City Council operates over a number of years?

MR MANNOUN: Yes. It's deemed operational.

20 **MS McDONALD:** So when Mr Monaghan raised with you on 20 February that - on your evidence - he would like this report and that Mr Breton should prepare it, you didn't say to him that can't be done because of this longstanding practice?

MR MANNOUN: No, I didn't.

25 **MS McDONALD:** Did you ever raise with Mr Monaghan, "I'm sorry, that report hasn't been prepared because of this longstanding practice"?

MR MANNOUN: No.

30 **COMMISSIONER:** I don't want to divert too much attention on this, but I'm just having a little difficulty understanding. What is the difficulty in councillors requesting a report about a matter from the general manager? Why is that operational? As you understand it.

35 **MR MANNOUN:** The - because, I guess, of the silence in the Act. There's nothing that puts - stipulates that I can actually request for a report. Sections of the Act talk about being able to request modelling, things like that. But to be able to say to the CEO, "Can you please prepare a report on subject X," they don't believe that's something that's within the role of the mayor to do.

40 **COMMISSIONER:** Does the governing body do that, through resolutions passed at meetings, all the time?

MR MANNOUN: Yes.

45 **COMMISSIONER:** So it's okay in that context?

MR MANNOUN: Yes.

COMMISSIONER: But you can't say to the general manager/CEO, "I'd like a report on the status of X issue" -

5

MR MANNOUN: Nothing -

COMMISSIONER: - outside of having a resolution of council?

10 **MR MANNOUN:** Yes, nothing under 226 stipulates that. The only one that comes close is - the number escapes me at the moment, but I'll come back - but, yes, there's nothing that it - says that. And it's - even gets down - even to the agenda - I receive the agenda at the same time to the councillors - as the councillors, and I've asked - I have had some times where I've been able to get a bit of a heads up on what's going
15 on in the agenda, but I think - where other mayors around New South Wales are - are subject to council, and I guess the customs of how they operate - do have meetings with CEOs about that.

20 **COMMISSIONER:** The agenda might be different, but in your role as mayor there's the provision - and I'm not going to quote it directly without it in front of me, but where you're providing guidance to the general manager about the strategic direction and decisions of the governing body?

25 **MR MANNOUN:** Yes.

COMMISSIONER: And as part of that, as you understand it, you're not able to ask for a report on any matter, it has to come from a resolution of council?

30 **MR MANNOUN:** That's how it's interpreted at Liverpool.

COMMISSIONER: All right. I might be assisted by submissions on this.

MS McDONALD: Well -

35 **COMMISSIONER:** It might be right. I -

MR MANNOUN: I think it's 226(j). Advise, consult and provide strategic direction to the CEO with regards to the -

40 **COMMISSIONER:** There you go. You know it well.

MR MANNOUN: - plans, policies and something else of council.

45 **MS McDONALD:** Could you bring up INQ.012.001.0005, please.

MR MANNOUN: I should note, Commissioner, I only received access to my mayor email address in early 2024 - see emails, and only received the ability to send emails

from that email address two months ago, as that was deemed as an operational email address.

5 **COMMISSIONER:** What was operational?

MR MANNOUN: My - the mayor@liverpool.nsw.gov.au.

COMMISSIONER: Okay.

10 **MS McDONALD:** Could you bring up, please, page 245 of this document. And keep - section 352. Now, subsection (1):

15 "A member of staff of a council is not subject to direction by the council or by a councillor as to the content of any advice or recommendation made by the member."

Subsection (2):

20 "This section does not prevent the council or the mayor from directing the general manager of the council to provide advice or a recommendation."

MR MANNOUN: Yes, this was the one I was thinking about. Yes.

25 **MS McDONALD:** So subsection (2) would appear to provide the green light for Mr Breton to prepare that report.

MR MANNOUN: Yes. I guess if the - I would - I interpret it that way, but others do not.

30 **MS McDONALD:** All right.

COMMISSIONER: Anyway, could we perhaps -

MS McDONALD: Yes.

35 **COMMISSIONER:** I can say that I think I might like some submissions from counsel assisting and Mr Parish and Mr Mannoun and anybody else who wants to address on it. I know the operational/strategic divide can be challenging at times, but this might be able to be looked at with some clarity perhaps.

40 **MR MANNOUN:** And regulation 208 is also another very interesting one as well.

COMMISSIONER: Yes.

45 **MS McDONALD:** Now, we've heard evidence through the inquiry about the role of the senior adviser.

MR MANNOUN: Yes.

MS McDONALD: The senior adviser, according to the position description, was to provide support, analysis, strategic advice not only to you but also to the director of City Futures and the chief executive officer. That's correct?

5

MR MANNOUN: Yes.

MS McDONALD: But there were restraints on matters that she could be involved in. That was the case?

10

MR MANNOUN: Yes. The same that - what would appear to - yes, any council staff.

MS McDONALD: Confidential meetings between councillors, she shouldn't have been - she shouldn't attend?

15

MR MANNOUN: Not necessarily. Depends - I think it's on a case by case basis.

MS McDONALD: All right. But do you agree that there are some confidential meetings that she shouldn't be attending?

20

MR MANNOUN: In the very rare circumstances.

MS McDONALD: There are matters which the council or councillors are discussing in which she should not be in attendance - that it's inappropriate. Do you agree that there are circumstances along those lines?

25

MR MANNOUN: Very rare. Extremely rare.

MS McDONALD: All right. For example, meetings of a committee which are looking at the appointment of the CEO, she should not be attending?

30

MR MANNOUN: Yes.

MS McDONALD: She attended the meeting on 20 February?

35

MR MANNOUN: I think for a short period of time.

MS McDONALD: All right. The evidence - I'm sorry, withdraw that. Could we bring up, please, LCC.003.001.0040. Don't live stream it, please. This is a letter from Mr Monaghan to Ms McIlvenny on 22 February. And you can see in the second paragraph he refers to the meeting on 20 February.

40

MR MANNOUN: Yes. 22 February, yes.

45

MS McDONALD: The letter's the 22nd. You can see -

MR MANNOUN: Yes.

MS McDONALD: - in the second paragraph he's referring to the meeting of 20 February.

5

MR MANNOUN: Yes.

MS McDONALD: Can we turn to page 2 of the document. And there he raises:

10 "I am also frustrated and concerned that a member of staff totally unrelated, uninvolved, uninvited and uninformed of the process surrounding the CEO recruitment, Ms Boustani, was present at a confidential meeting of a selection panel of which she was not a member. This was totally inappropriate."

15 See that?

MR MANNOUN: Yes.

MS McDONALD: And what he is raising is an appropriate comment, isn't it?

20

MR MANNOUN: The -

MS McDONALD: Do you agree that it's an appropriate comment or not, Mr Mannoun?

25

MR MANNOUN: Not necessarily. And if I - previous CEO panels, there has always been a member of staff taking notes or providing logistical support for parts of those meetings.

30 **MS McDONALD:** That's why Mr Knappick was there.

MR MANNOUN: Yes. And in previous times the - the recruitment of a CEO has not been done through HR and there's - that's probably - that's the first time there's been a HR manager involved. In previous situations it's organised through the mayor's office, i.e. - so previously it was done by Ms Myers. So in - in - once again, in this situation I did not ask anyone to be there or not be there. My assumption was that the staff amongst themselves had organised those resources between themselves.

35

MS McDONALD: So she just turned up at the meeting?

40

MR MANNOUN: No, I'm - whether it was - my assumption, through Mr Knappick or whoever it was - that that process, which is normally run from the mayor's office, would - is - would have happened normally. But rather than being my executive assistant doing it, in this situation it was the senior adviser.

45

MS McDONALD: But she's a senior advisor on a substantial salary, wasn't she?

MR MANNOUN: Depends on your definition of "substantial".

MS McDONALD: Well, I don't want to name the amount, but we've heard evidence of a substantial salary that she was receiving.

5

MR MANNOUN: Yes.

MS McDONALD: And she was there to take notes?

10 **MR MANNOUN:** Well, it's - running - there's running the process. It gets down to a question of who runs the process.

MS McDONALD: Yes. And that was Mr Knappick.

15 **MR MANNOUN:** Well - and that's the first time that HR has run that process.

MS McDONALD: Yes, but Mr Knappick was there. He was - HR were organising the process, so why didn't you turn to Ms Boustani and say, "You're not needed, please leave"?

20

MR MANNOUN: Well, number 1, I wasn't aware of the discussions between the staff about who's going to handle the administrative side of the recruitment process. That's the first - that's the first. The second point is my recollection is she left pretty early on in the process.

25

MS McDONALD: Well, she was there for an extent of time that - Mr Monaghan expressed his frustration and concern that a member of staff totally unrelated, uninvolved, uninvited and uninformed of the process was present at the confidential meeting.

30

MR MANNOUN: Yes. And I don't - I don't know how he was - how he makes those assumptions - whether she was uninformed or uninvited.

MS McDONALD: Because -

35

MR MANNOUN: Or uninvolved. I think - as I said, in previous situations, Lauren Myers has participated in the process as an executive assistant, so -

40 **MS McDONALD:** Having Lauren Myers there taking notes when - during the process whereby Mr Ajaka was appointed is completely different from having somebody who operates - who's not your executive assistant but is a member of staff who is reporting directly to Mr Mallard.

MR MANNOUN: Yes.

45

MS McDONALD: In those circumstances, she's not - though in practice it may be the case, but according to the organisational chart she was located in City Futures.

MR MANNOUN: Yes.

5 **MS McDONALD:** She was reporting, I think at that stage, either to Julie Scott or directly to Mr Mallard?

MR MANNOUN: Yes.

10 **MS McDONALD:** If you were concerned about somebody taking notes, that could have been organised with your executive assistant at the time?

MR MANNOUN: Well, so I was under - under the understanding that she was there on the invitation of Mr Knappick.

15 **MS McDONALD:** And your understanding arose - that during Mr Ajaka's appointment process your executive assistant, Lauren Myers, at times attended meetings to take notes?

20 **MR MANNOUN:** She - she pretty much ran the process and the coordination with the external recruitment agency.

MS McDONALD: So I'm trying to make a distinction between an executive assistant -

25 **MR MANNOUN:** Yes.

MS McDONALD: - taking notes and a senior adviser.

MR MANNOUN: Yes.

30

MS McDONALD: And your understanding was based on the fact that your executive assistant back in 2022 attended meetings and was part of the organisation of bringing recruitment - people on board, interviews, et cetera?

35 **MR MANNOUN:** Yes. She was - she was the - the operational lead on the - the significant process. And in that time, there - I did not have a senior adviser. So I - yes, I - I think, once again, Ms Boustani ended up leaving that process early, and this was just an inception process.

40 **MS McDONALD:** Could you bring up LCC.006.001.1873, please. Don't live stream yet, I'll just see - sorry, LCC.006.001.1873. Excuse me for a minute. I'll just come back to that in a minute. You agreed, when I asked you questions - my recollection was yesterday - was that members of staff should not be involved in party - political deliberations?

45

MR MANNOUN: Yes.

MS McDONALD: Should not be involved in any personal matters that you may be involved in?

MR MANNOUN: Depends on your definition of "personal".

5

MS McDONALD: In this particular, for example, a meeting of councillors of a particular political affiliation to discuss matters from a Liberal Party - for example, a Liberal Party perspective - a meeting of councillors for that purpose.

10 **MR MANNOUN:** Yes, I don't think - that's not personal, no.

MS McDONALD: No, but do you agree that in those circumstances, where councillors of a particular political affiliation are getting together to discuss issues that are going to arise at council -

15

MR MANNOUN: No.

MS McDONALD: You think a member of staff should attend that?

20 **MR MANNOUN:** I think every mayor in the country has their senior adviser with them with - when discussing agendas for upcoming council meetings with their like-minded colleagues.

MS McDONALD: Not talking -

25

MR MANNOUN: Of the same political ilk.

MS McDONALD: Not talking about other mayors. I'm talking about your conduct at Liverpool City Council.

30

MR MANNOUN: Yes.

MS McDONALD: And what I'm saying to you - it is inappropriate, where you're having a meeting with your fellow Liberal-affiliated councillors, to have somebody like a senior adviser present.

35

MR MANNOUN: No, I follow the custom that every other mayor does.

MS McDONALD: I don't care about what you say are other customs of other mayors, what I'm saying to you is that is inappropriate. Don't agree with that?

40

MR MANNOUN: No.

MS McDONALD: If we can jump back to LCC.006.001.1873. Don't live stream it, please. And can we go through to page 4, please. You can see there's a heading, Meeting of 20 Feb. And if we just - sorry, if we go, maybe, to the bottom of the previous page, we can see this is an email from Mr Portelli?

45

MR MANNOUN: Yes.

5 **MS McDONALD:** And then if we keep on going down the page - next page - can you see Mr Portelli says:

"I agree. Boustani should not have been there [talking about the meeting of 20 February]. Yet another stupid act on her behalf."

10 So what I'm pointing out is not only did Councillor Monaghan have very grave concerns about Ms Boustani being present at this meeting, one of your directors describes it - says that she should not have been there, "yet another stupid act on her behalf" - of the view that she should not have been there and it was inappropriate. Do you see that's what Mr Portelli's saying?

15

MR MANNOUN: Yes.

20 **MS McDONALD:** Does that change your mind or your view on whether it was appropriate for her to be at the meeting?

MR MANNOUN: I think I already expressed my view on that.

25 **MS McDONALD:** Yes. But when you've got one of your directors describing it as "another stupid act on her behalf", does that change the evidence that you recently gave?

30 **MR MANNOUN:** I don't agree it's stupid, no, but I think I ultimately agreed with your position. And then what I then did is clarified that - normally that somebody from the mayor's office would be organising this and not somebody from HR.

30

COMMISSIONER: Let's just go back a step so I'm clear. Tell me if I've misunderstood you in any way. As I understand your answers, you agree with the proposition that Ms Boustani shouldn't have been at the meeting on the 20th?

35 **MR MANNOUN:** Yes.

40 **COMMISSIONER:** But you're drawing to my attention - I'll go - I'll withdraw that. Did you know that she was going to be in attendance at the meeting when you arrived on the 20th?

40

MR MANNOUN: No. No.

COMMISSIONER: Did you know why she was there when you saw her there?

45 **MR MANNOUN:** I assume -

COMMISSIONER: Leaving aside assumptions, but -

MR MANNOUN: Okay.

5 **COMMISSIONER:** - did you have knowledge of what she was doing there when you arrived?

MR MANNOUN: No.

10 **COMMISSIONER:** Right. And as I understand your answers, you assumed that she was there performing a similar role that you had observed others perform in earlier recruitment processes. Like, for example, Ms Myers?

MR MANNOUN: Yes.

15 **MS McDONALD:** On the -

20 **COMMISSIONER:** And - I'm sorry. But in the context where this was a different process, with Mr Knappick's involvement and external recruitment agency and a probity adviser, you agree that in those circumstances it probably wasn't appropriate for her to be there?

25 **MR MANNOUN:** Yes. When I said it should have - this being the inception, meaning of the panel and the process - I knew somebody from staff was there - would be there. And when you have both of them - there's no need for both of them to be there.

30 **COMMISSIONER:** Yes. Mr Knappick was sort of driving the process. Well, sorry, was responsible for the process being driven by the external recruitment agency and the probity adviser.

MR MANNOUN: Yes, which is the - I guess the non-customary way of doing it.

COMMISSIONER: Yes. This was a new way going about it?

35 **MR MANNOUN:** Yes.

COMMISSIONER: Yes.

40 **MS McDONALD:** You had a meeting on 13 February, the selection committee, when you shortlisted the candidates. I showed you the conflict of interest form that you completed on 13 February before lunch.

MR MANNOUN: Yes.

45 **MS McDONALD:** There was a meeting of the selection panel on 13 February, where you compiled the shortlist of candidates - or you reviewed the shortlist of

candidates, and as part of that process you had to complete your conflict of interest form.

5 **MR MANNOUN:** I remember the form that you showed. But then if - who else was at that meeting?

10 **MS McDONALD:** The rest of the selection panel. I can take you to a collection of conflict of interest forms, including Mr Harte. He's given evidence about it. But before the inquiry we have all the conflict of interest forms completed by all the councillors on 13 February 2025.

MR MANNOUN: Mm-hmm.

15 **MS McDONALD:** And the evidence before the inquiry is that there was a meeting of the panel on 30 February which considered the shortlist, because by having the shortlist you could then work out who's on the shortlist, who do I have to make a conflict of interest declaration about.

20 **MR MANNOUN:** My recollection is 20 February was the shortlist meeting.

MS McDONALD: Could you just excuse me.

25 **COMMISSIONER:** There's a long list and then, as I understand it, council was presented with a number - 10 or thereabouts, I think, in the evidence, but number, and then there was a meeting to narrow that further. Is that what was happening on the 20th? That there was already a - the recruitment consultant had - I don't want to use the word "culled", but narrowed the applicants to a number - 10 or thereabouts - and then there was to be a further meeting to narrow that even further. Is that the distinction? If you don't remember, say so.

30 **MR MANNOUN:** Yes, I guess with the - with the focus on the 20th being discussed so much, the - there could have been a meeting beforehand. I'm not - and that process - undertake it. But I will accept that there was a meeting, if it helps speed things up.

35 **MS McDONALD:** Well, the evidence before the inquiry is there was a meeting on the 13th.

40 **MR MANNOUN:** Yes.

45 **MS McDONALD:** Mr Knappick gave evidence about it. Mr Harte gave evidence about it. It was in the context of that meeting where you get the shortlist, and then you've got to work out who on the shortlist is there a conflict of - do I have a conflict of interest with. And that reflects the fact that you, Mr Harte completed that conflict of interest form on 13 February, where you specifically identify three people who were shortlisted.

MR MANNOUN: Okay. Not at this meeting. Okay.

5 **MS McDONALD:** So what I'm saying to you - the first meeting wasn't 20 February, the first meeting was the 13th. Mr Knappick was there. And it was evident from that meeting that Mr Knappick and human resources were running the organisation of the recruitment of the CEO.

MR MANNOUN: Yes.

10 **MS McDONALD:** And in those circumstances, there was no need for Ms Boustani to be there on the 20th.

MR MANNOUN: Yes.

15 **MS McDONALD:** Now, Ms - on 22 April, you and a number of - sorry, all the fellow councillors affiliated with the Liberal Party had a meeting off-site, away from council chambers?

20 **MR MANNOUN:** What year, sorry?

MS McDONALD: 2024.

MR MANNOUN: Yes.

25 **MS McDONALD:** At Lilys?

MR MANNOUN: Yes.

30 **MS McDONALD:** You had, like, organised a separate room that's available within Lilys to meet?

MR MANNOUN: Yes.

35 **MS McDONALD:** That was to discuss matters arising from Mr Ajaka?

MR MANNOUN: No.

MS McDONALD: It wasn't to discuss Mr Ajaka?

40 **MR MANNOUN:** It was to adjust - it was to discuss the agenda, which is - we would have a - we have a meeting before every council meeting, and obviously this one did have Mr - Mr Ajaka as a topic.

45 **MS McDONALD:** Ms Boustani was there?

MR MANNOUN: Yes.

MS McDONALD: So this is a meeting away from council - not within your offices at the council, away from the council premises?

MR MANNOUN: Yes.

5

MS McDONALD: Discussing matters, including a controversial matter of - arising from Mr Ajaka?

MR MANNOUN: Yes.

10

MS McDONALD: And you have a senior - your - sorry, a senior adviser there?

MR MANNOUN: Yes.

15

MS McDONALD: That's not appropriate, was it, Mr Mannoun?

MR MANNOUN: Which part?

20

MS McDONALD: Having Ms Boustani present at this meeting. Do you agree or not?

MR MANNOUN: Do I agree that -

25

MS McDONALD: It was not appropriate to have Ms Boustani at that meeting?

MR MANNOUN: No, I don't - I don't agree.

30

COMMISSIONER: Is it appropriate for a staff member to be present at a meeting of councillors where those councillors are discussing the future employment of the CEO?

35

MR MANNOUN: The - this is where a challenge arises and where - for example, if I go back to when - Mr Jackson's scenario, where I had to work with general counsel in preparation of a mayoral minute - and Ms Lauren Myers - about it.

COMMISSIONER: This staff member, though, wasn't the legal adviser or an executive assistant, this was a different category.

40

MR MANNOUN: Yes.

COMMISSIONER: Is it appropriate for a staff member of that kind, an adviser who reports to a director in the organisation, to be present when part of the governing body is discussing the employment of the general manager?

45

MR MANNOUN: The - I think there could be different views about the matter. The general - generally speaking, the role of a senior adviser is, effectively, to know everything that the mayor is going through - or understanding, and acts as a conduit

between - you could say the rest of the organisation or whatever else is happening. So I guess in this situation it was a - quite an important matter. I see that there - a conflict arising with regards to ultimately the person who employs that person being discussed, but that is - this is where there becomes a - said a problem.

5

I know you distinguish between those two other positions. I don't - I understand that potential conflict, but I - I just don't see another way of going about it, because ultimately it's that - at that point it's, like, I need help drafting something to go forward. I need to be doing something - taking action, and I need - I need support from council staff to be able to do that. And I guess if I didn't have a senior adviser in this situation, I probably would have had general counsel joining -

10

COMMISSIONER: Is there a difference between a staff member helping you do the draft and the formulating of the mayoral minute or the recommendation and the staff member being present whilst the discussion about the general manager is taking place?

15

MR MANNOUN: If there was - if there was and the adviser wasn't there, I would go back and have a one-on-one with them, which would effectively communicate the discussion that happened for at least, I think - that's - that's the reality. Yes. And even - you know, it does happen. You know, it does happen with regards to even the executive assistants as well, because they are - there's a close circle that happens in this - in those situations. So it could - yes, ultimately, if they weren't there, it would - they - it still would have been downloaded to them. Going into, I guess, nitty-gritty where councillors are going through - let's say expressing views of a CEO - of personal nature -

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COMMISSIONER: Or even not - their views of the CEO's performance or -

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MR MANNOUN: Yes. And I guess from that point of view, if it - they shouldn't be involved in that. But as I said, as it - if I can use the term "get to a pointy end", that's probably where their support is required. And, I guess, an element of advice, at least to me personally, i.e. here are the implications - you know, roles of senior advisers generally are meant to prevent an elected official - there had to be a sounding board for an elected official.

35

COMMISSIONER: So from that, do I understand that you can see a distinction between the discussion - thought process around, "Okay. Well, what should happen? The staff member probably shouldn't be a part of that." But at some point, if - once you, as mayor, have made a decision, "I'm going to move in a certain way," that's where the staff member might plug in, to provide you with that support and advice?

40

MR MANNOUN: Yes. And we had had, at that point - the councillors alone had already had a discussion prior to that, in that sort of - what do we do, where do we go sort of situation. Not with anything finalised or - but an - I guess, once again, a discussion of the situation.

45

MS McDONALD: Ms Boustani's role was subject to a position description, wasn't it?

MR MANNOUN: Yes.

5

MS McDONALD: Nowhere in that position description does it say she has to know everything that the mayor is going through. I can bring it up.

MR MANNOUN: Yes, if you can, please.

10

MS McDONALD: LCC.001.003.0091. Could you just excuse me for a minute. We'll just - sorry, we're just having some trouble locating it. I'll come back to that in a minute. Can you just excuse me.

15

MR MANNOUN: I'm fine without it, if that saves time.

MS McDONALD: We've also - there is also evidence that I've taken you to previously that in the number of code of conduct complaints that you have lodged since the end of last year, when forwarding either a complaint or a post or whatever to Mr Breton, you have copied Ms Boustani in.

20

MR MANNOUN: I think there was one or two examples of that.

MS McDONALD: There are many more examples, which I can take you to if you want to, but do you accept that that was part of your practice? That you would forward something to Mr Breton and automatically copy her in?

25

MR MANNOUN: Yes. Just about every email I would be cc-ing - I think it was - when it was Shayne Mallard, when he was my senior adviser, that was a protocol that we put in place that, when you email the CEO, that - cc me in on it so I can keep up to date with what's happening.

30

MS McDONALD: Right. And what I - and what I raised with you previously is copying her into those emails which contain a code of - conflict complaint was inappropriate.

35

MR MANNOUN: And I agreed with you at the time.

MS McDONALD: And you acknowledged that, didn't you?

40

MR MANNOUN: Yes.

MS McDONALD: It was in breach of the code of conduct, arguably? Do you agree with that? Code of conduct says it should all be kept confidential.

45

MR MANNOUN: Yes.

5 **MS McDONALD:** Can you just excuse me. If we bring up this document, please. LCC.010.009.9400. Yes, please. And if we can go through to page 7. This was - it's not the first position description but the second one, which I think developed around maybe May or June 2024. The first thing to note is that the position purpose is not described as only providing support, analysis and strategic advice to you, but also to two other members - well, employees of the council. The CEO, and the director of City Futures.

10 **MR MANNOUN:** Yes.

MS McDONALD: So it's not a role exclusively for you.

MR MANNOUN: Yes.

15 **MS McDONALD:** Right. And if you go - if we continue down to the key accountabilities and responsibilities - stop there. Where does it say that the senior adviser must know everything that the mayor is going through?

20 **MR MANNOUN:** If you go back up.

MS McDONALD: Yes.

MR MANNOUN: The - if you read that, I would say the second paragraph.

25 **MS McDONALD:** The "pivotal strategic role"?

MR MANNOUN: "In guiding the organisation".

30 **MS McDONALD:** Yes, not the mayor.

MR MANNOUN: Pardon?

MS McDONALD: Sorry, keep on going.

35 **MR MANNOUN:** Yes, I've never said that she's exclusively for use of the mayor. But guiding the organisation through complex, political and policy landscapes.

MS McDONALD: Yes.

40 **MR MANNOUN:** So in reading that, the - it's clearly stating that it's a senior role in guiding the organisation - right, so not just the mayor, which even lifts it up to a higher level - through complex political and policy landscapes.

45 **MS McDONALD:** Yes.

MR MANNOUN: So you - understanding and recognising complexity, right, you - basically means you need to know everything that is going on because if you

do not have that vision then how do you guide through - in those situations? Then it turns on to say that, you know, remaining - remains politically aware and strategically positioned. None of those can be achieved if you don't have a 360-degree view of the organisation, the mayor and what's happened.

5

MS McDONALD: All right. When you describe what the senior adviser was to do, your answer was "to know everything that the mayor is going through". You did not answer "know everything that the council is going through, know everything that the organisation is going through". Your answer, senior adviser has to know everything the mayor is going through. Your answer restricted it to yourself. You said it was part of the position description. What I'm saying to you - it's not part of the position description that the senior adviser has to know everything that the mayor is going through.

10

15 **MR MANNOUN:** I'm trying not to use superfluous language. I can - I can expand further, if you like, in future answers.

MS McDONALD: What I'm saying to you, Mr Mannoun, is Ms Boustani occupied a position where she was exclusively working for you.

20

MR MANNOUN: No.

MS McDONALD: She was, to the extent - as we've seen, attending meetings when she should not be attending meetings. For example, the -

25

MR MANNOUN: Yes.

MS McDONALD: - recruitment. She had access to all your emails?

30

MR MANNOUN: Yes.

MS McDONALD: She was part -

MR MANNOUN: Sorry, no. No.

35

MS McDONALD: She didn't have access to all the mayoral emails?

MR MANNOUN: That's correct. There were two email addresses. She had access to the operational email address, the mayor email address, not my Councillor Mannoun email address, which is the one that I use.

40

MS McDONALD: What I'm suggesting to you is this position description, first, does not establish that her role was to know everything that the mayor is going through. You agree with that?

45

MR MANNOUN: No.

MS McDONALD: And the fact that you gave that answer reflects that her role and the way her role was developed and the way you used her role was not appropriate.

5 **MR MANNOUN:** I disagree with your characterisation of it.

MS McDONALD: There's nothing in the civic expenses and facilities policy that states that you have the right to have an - an exclusive role working to use, such as a senior - sorry, a senior adviser.

10 **MR MANNOUN:** The - it doesn't clearly stipulate it, but if you can bring it up I'm happy to go through it.

MS McDONALD: Well, what it says - it's LCC.038.001.0036. There's a provision in this entitled Support to the Mayor.

15 **MR MANNOUN:** Yes.

MS McDONALD: If we go through to 4.4.2, which I think is on page 7 - sorry, it can be live streamed. Towards the bottom of the page:

20 "Council will provide to the mayor at its cost..."

There's something about a car, to begin with.

25 **MR MANNOUN:** Yes.

MS McDONALD: And then if we go across the page -

MR MANNOUN: Just before we go, can I just read that? Yes.

30 **MS McDONALD:** If we go across the page, (f):

35 "Secretarial, research and public relations services relating to the discharge of his civic function, including the use of official stationary and postage of official correspondence."

Correct?

40 **MR MANNOUN:** Yes.

MS McDONALD: Nothing about you have - sorry, "The support to the mayor will be the creation of a senior adviser position"?

45 **MR MANNOUN:** No.

MS McDONALD: Is there another section in this that you wish to refer to?

MR MANNOUN: I will just - I think (f) is the - (f) is a relevant one -

MS McDONALD: Yes.

5 **MR MANNOUN:** - (g) is a relevant point. The personal assistant is covered in (d), and I think just the other - the only thing I would read it with is in conjunction with everything else under 226 I need to do.

10 **MS McDONALD:** If you're relying on (f), it is not saying that you have a right to a position to be created that's working for you, does it?

MR MANNOUN: Well, nobody is working for me. Everybody works for council and the - and the CEO.

15 **MS McDONALD:** There's nothing in (f) about the creation of a particular position that is, for example, a research or a senior adviser? Nothing in (f) that says that?

MR MANNOUN: Specific position? That's correct.

20 **MS McDONALD:** What it talks about is the provision of secretarial, research and public relations services.

MR MANNOUN: Yes.

25 **MS McDONALD:** Research services can be provided by current - other staff at the organisation in different sections, can't they?

MR MANNOUN: In - in my first term as mayor there was a particular - there was actually one person employed as a research officer.

30

MS McDONALD: Mr Mannoun, my -

MR MANNOUN: Full-time. I think that position stayed.

35 **MS McDONALD:** Mr Mannoun, my question to you, if you could please listen and answer it, is if you were looking for research services to be provided to you relating to the discharge of your civic functions, that can be provided by a member of staff?

MR MANNOUN: From my point of view, through the CEO.

40

MS McDONALD: All right. So -

MR MANNOUN: The CEO is responsible for the day-to-day operational implementation of the policy.

45

MS McDONALD: So for example, if in the discharge of your duties you wanted some research done on has the Land and Environment Court considered this

particular provision in a LEP or something along those lines, that research service could be provided by, for example, a member of the legal team at council?

5 **MR MANNOUN:** I would go to the CEO.

MS McDONALD: Yes. And that research service can be provided by a member of the legal team?

10 **MR MANNOUN:** It's operational. Up to the CEO how he or she provides that - provides that service.

MS McDONALD: So you say to the CEO, "I have a right for research services to be provided to me" -

15 **MR MANNOUN:** Yes.

MS McDONALD: - correct? "I want research on Land and Environment Court decisions which consider this provision of our LEP"?

20 **MR MANNOUN:** Yes.

MS McDONALD: And the CEO then organises the provision of those research services by giving the job or the task to one of the lawyers in your legal department?

25 **MR MANNOUN:** If that's their will, yes.

MS McDONALD: Yes. That's a way that services - research services can be provided?

30 **MR MANNOUN:** Yes.

MS McDONALD: It doesn't require or necessitate a particular role designated as a - a senior adviser role being created?

35 **MR MANNOUN:** It would be subject to the amount of work being provided. So in - previously, in my first term as mayor, there were four people. There was Mr Mallard, who was there as a senior adviser, who didn't - who reported directly to the CEO and didn't go through the directors. There was a research officer. I think there were two research officers, actually, and I have a vague recollection of a fourth
40 person. But that's how things operated back then, because of the sheer quantity of work.

45 Now, this time it's not operating like that, as you can see, and - but then, once again, if you go back to the previous page - if we can, please, because I believe it's relevant as well. So in the - in the first paragraph it talks about the growth and Sydney - being recognised as the third regional city after Sydney and Parramatta.

MS McDONALD: Yes.

MR MANNOUN: My understanding is Clover Moore has around 20 people in her office. The Lord Mayor of Parramatta has a - directly, as the advisers -

5

MS McDONALD: Commissioner, the answer has now become non-responsive. The question was - a quite simple question - that in the provision that Mr Mannoun was relying upon, there is no necessity for research services to be provided for a designated role - senior adviser to be created. I think quite a simple question that he can answer "yes" or "no".

10

COMMISSIONER: Do you agree or disagree with that proposition?

MR MANNOUN: Okay. I agree, and I think I - that's what I answered before.

15

MS McDONALD: Okay. Can you just excuse me for a minute.

MR MANNOUN: And the point I was saying - the Lord Mayor of -

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COMMISSIONER: So hang on.

MR MANNOUN: - Parramatta has six employees.

COMMISSIONER: I think there's an issue being raised. Sorry to -

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MR PARISH: Can I just interpose, as the councillor - I think on behalf of the council - just say that there's nothing in the policy which says that a position cannot be created to that extent either.

30

COMMISSIONER: Thank you.

MS McDONALD: Can you just excuse me for a minute.

COMMISSIONER: What's the ultimate submission?

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MS McDONALD: Sorry, I've just got to reorganise some papers.

COMMISSIONER: Are you moving away from this topic?

40

MS McDONALD: Yes. Just before I leave Ms Boustani, her employment arose after you had lunch with her?

MR MANNOUN: Yes.

45

MS McDONALD: You had a prior connection. She did some legal work for you previously?

MR MANNOUN: Yes. Yes.

MS McDONALD: You had lunch with her?

5 **MR MANNOUN:** Yes.

MS McDONALD: And you - both of you came back to the council's chambers and you contacted Mr Ajaka?

10 **MR MANNOUN:** Mr Ajaka -

MS McDONALD: Mr Ajaka came up to your offices?

15 **MR MANNOUN:** Mr Ajaka walked past my office to get to his office, and as - usual circumstances - will drop by and pop his head in.

MS McDONALD: Right. And in that - when Mr Ajaka popped his head in, you suggested to him that the council should look at employing her?

20 **MR MANNOUN:** No.

MS McDONALD: Mr Mallard was called up to meet her when Mr Ajaka was there in your office?

25 **MR MANNOUN:** Yes.

MS McDONALD: And the indication was that - your indication to him was that she should be employed as the replacement for the senior adviser position, given his promotion?

30

MR MANNOUN: No. Mr Ajaka, I think, made that recommendation to Mr Mallard.

MS McDONALD: But you raised with them, when she was there, that she would be an appropriate candidate, didn't you?

35

MR MANNOUN: No.

MS McDONALD: Excuse me for a minute. Mr Mannoun, you're currently building a new house?

40

MR MANNOUN: Yes.

MS McDONALD: The house is in a municipality other than Liverpool City Council?

45

MR MANNOUN: Yes. I just want to - sorry, just seek some legal advice, please.

MS McDONALD: Mr Mannoun, if I can indicate I'm not going to refer to the address. I just wanted to establish that it's in another municipality so it's quite clear that you are not dealing with Liverpool City Council in respect of this construction.

5 **MR MANNOUN:** Yes, but I'm - have a significant concern of anything being revealed about my dwelling, especially in regards to certain recent events.

COMMISSIONER: All right. Well - yes.

10 **MS RICHARDSON:** Can I have a short opportunity to -

COMMISSIONER: Yes, of course you can.

15 **MS RICHARDSON:** - provide that legal advice? I note the witness has been giving evidence for more than 90 minutes.

COMMISSIONER: Yes, it's probably time to stretch your legs anyway. So I'll take a break until a message is got to me that we're ready to resume, and you can seek the advice that you need.

20 **MS RICHARDSON:** Thank you.

MR MANNOUN: Thank you.

25 **<THE HEARING ADJOURNED AT 2.36 PM**

<THE HEARING RESUMED AT 2.46 PM

30 **MS McDONALD:** (Audio drop) Constructed, around - towards the end of 2020, development consent was granted?

MR MANNOUN: Yes.

35 **MS McDONALD:** I can give you a month if you want me to -

MR MANNOUN: No. No.

40 **MS McDONALD:** - but that development consent was then amended towards the end of 2021?

MR MANNOUN: Yes.

45 **MS McDONALD:** And then in September 2022 - sorry - yes, September 2022, there was a notification of commencement of work?

MR MANNOUN: Yes.

MS McDONALD: The builder of the house is your brother?

MR MANNOUN: Yes.

5 **MS McDONALD:** He operates through a company called - or a construction company called Winsman Group?

MR MANNOUN: Yes.

10 **MS McDONALD:** And if I can - I think there's been some evidence about this, but the particular dwelling that is being built involves concrete?

MR MANNOUN: Yes.

15 **MS McDONALD:** And when a building involves concrete, part of the work that has to be done is done by formworkers?

MR MANNOUN: Yes.

20 **MS McDONALD:** That is, putting down the - this is a really basic description - putting down pieces of wood so that the concrete can be poured and kind of kept in place until it sets?

MR MANNOUN: Yes.

25 **MS McDONALD:** And the formwork was being performed by a company called Future Form.

MR MANNOUN: Yes.

30 **MS McDONALD:** To your knowledge, do they regularly work for your brother?

MR MANNOUN: I'm not aware.

35 **MS McDONALD:** All right. You've come across them towards the end - sorry, towards the beginning of 2022? The company Form - Future Form, I'm sorry.

MR MANNOUN: Before, I've known them for a long time.

40 **MS McDONALD:** How have you known them a long time?

MR MANNOUN: The - I used to know the previous owners of that business, but they're community members.

45 **MS McDONALD:** All right. When you say the previous owners, when did the ownership change?

MR MANNOUN: I'm not aware of a specific date.

MS McDONALD: And you say they're community members. They live - sorry, the previous owners lived in the Liverpool area?

5

MR MANNOUN: Yes.

MS McDONALD: Do you know the new owners?

10 **MR MANNOUN:** Yes.

MS McDONALD: Do they live in the Liverpool area?

MR MANNOUN: I'm not sure.

15

MS McDONALD: I don't - I think they used to.

MS McDONALD: All right. The previous owners, who are you talking about?

20 **MR MANNOUN:** My understanding - it was a gentleman by the name of Khalil Hafda and Amen Zoabi.

MS McDONALD: You better spell that for me. The first person?

25 **MR MANNOUN:** Khalil, K-h-a-l-i-l.

MS McDONALD: Yes.

MR MANNOUN: Hafda, H-a-f-d-a.

30

MS McDONALD: Yes. And the second person?

MR MANNOUN: Amen, A-m-e-n.

35 **MS McDONALD:** Yes.

MR MANNOUN: Zoabi, Z-o-a-b-i.

40 **MS McDONALD:** Could you just - now, you referred to Hafda. Is it Hafza, H-a-f-z-a?

MR MANNOUN: I know it as Hafda. They also have a butchery, which is where - we know that.

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

MR MANNOUN: They have a butchery. It's a very big family.

MS McDONALD: Okay. In January 2021, you were contacted by some representatives of Future Form concerning enforcement action being taken by the council?

5

MR MANNOUN: When?

MS McDONALD: January - sorry, January 2022.

10 **MR MANNOUN:** Yes.

MS McDONALD: And you asked for a meeting to be arranged that was going to be held in your office?

15 **MR MANNOUN:** Yes, or - that or online, I think. I can't exactly -

MS McDONALD: Well, you were -

20 **MR MANNOUN:** As COVID - that was - I had just been re-elected. I think that was one of the first meetings that I had as mayor. Very early on in January. But that's when COVID had - COVID had gone out. So I'm not sure - we had a lot of online -

25 **MS McDONALD:** If we can just take it in stages. You remember contacting relevant members of staff to organise a meeting concerning enforcement action being taken by the council?

MR MANNOUN: I remember the meeting taking place.

30 **MS McDONALD:** All right. And that request for the meeting, I think it was made by Ms Myers? Was she - she was your executive assistant at the time?

MR MANNOUN: Yes.

35 **MS McDONALD:** Maybe if we bring up, please, LCC.033.002.0001. And can we go through to page 9, please. Can you see there an email from Lauren Myers, and you can see her signature block is executive assistant to the mayor?

MR MANNOUN: Yes.

40 **MS McDONALD:** And can you see from Lauren Myers to David Smith and some other people:

"Urgent request for meeting and briefing note, 615 Fifteenth Avenue, Austral."

45 **MR MANNOUN:** Yes.

MS McDONALD: And Ms Myers says:

"The mayor's received representation from Nabil Hafza from Fifteenth Avenue developments regarding 615 Fifteenth Avenue, Austral, requesting a meeting tomorrow at 9.30."

5

MR MANNOUN: Yes.

MS McDONALD: And so - and:

10 "Can we please get an urgent briefing note on the issues with this property."

MR MANNOUN: Yes.

MS McDONALD: And an urgent briefing note was prepared?

15

MR MANNOUN: I don't recall.

MS McDONALD: Excuse me for a minute. If we'd go through to page 3. Can you see down the bottom, Robert Bennett has prepared - in respect of an urgent request for meeting and briefing note, sets out the history - you can see down there, under 20 615 Fifteenth. And then across the page, some photographs. Keep on going. And then if you keep on going, you can see some further information being provided by Robert Bennett. Now, I can take you, but that information was put in a separate briefing note. Do you recall receiving that briefing note?

25

MR MANNOUN: No.

MS McDONALD: The meeting was held on - sorry, on 19 January. No, I'm sorry, I withdraw that. The meeting was held on 20 January.

30

MR MANNOUN: I will accept that.

MS McDONALD: You attended the meeting in your office?

35

MR MANNOUN: Yes.

MS McDONALD: A representative from the - sorry. A representative from 615 Fifteenth Avenue was in attendance in your office?

40

MR MANNOUN: Either online or in my office. I don't recollect.

MS McDONALD: And also they brought a person from - a planning consultant for Future Form attended. A Gilbert de Chalain.

45

MR MANNOUN: Yes.

MS McDONALD: And in that meeting, a discussion was held about some enforcement action that was being commenced against - I think it was use - non-authorised use at 615 Fifteenth Avenue?

5 **MR MANNOUN:** Yes.

MS McDONALD: Now - and it was agreed, in respect of - I'm sorry, withdraw that. During the meeting, there was an agreement that in respect of 615 enforcement action would be put on hold but not the investigation that was being conducted by
10 the relevant section of council.

MR MANNOUN: I don't remember that detail, but that would be - yes, possible more than likely.

15 **MS McDONALD:** All right. Why did you have the meeting - why did you attend the meeting?

MR MANNOUN: The - councillors and the mayor normally get asked to organise meetings with council staff when - with regards to - compliance matters is one of the
20 matters.

MS McDONALD: All right. Isn't it more appropriate, if a constituent raises with you an enforcement issue - for you, through the CEO, to refer it to the relevant director or manager and get them to deal with whatever the issue was?
25

MR MANNOUN: Well, that - it's been customary that - ever since being elected to council in 2008, that when a constituent would raise an issue, whether a compliance or even, say, a development application or - whether it's about their property or a neighbour's property, that a - people request to have a meeting. Meetings take place.
30 The elected representative is there with a councillor or mayor and relevant councillor - relevant council staff.

MS McDONALD: So your view is, in respect of an enforcement issue, it's appropriate for you to be in attendance?
35

MR MANNOUN: Yes, that - so that's the customary that would happen.

MS McDONALD: Right.

40 **MR MANNOUN:** At Liverpool. And I daresay all other councils - or many other councils.

MS McDONALD: What I'm asking you is not whether it's customary but whether your view is it was appropriate.
45

MR MANNOUN: Yes.

MS McDONALD: You think it's appropriate?

MR MANNOUN: Yes, and I can give many examples of that and why.

5 **MS McDONALD:** Now, one of the issues that arose after the meeting was that there was a dispute between the representative from 615 Fifteenth Avenue and the council officers about what was actually determined - what was decided at the meeting. Do you remember hearing the evidence of Mr Bennett?

10 **MR MANNOUN:** Not specifically, but I will accept that.

MS McDONALD: All right. Do you - you didn't keep any record of what was discussed or decided at the meeting?

15 **MR MANNOUN:** I think Lauren Myers was in the meeting, taking notes on my behalf.

MS McDONALD: Right. Well, we've sought production of any record arising from that meeting, and no notes prepared by Lauren Myers have been provided. And
20 indeed, I don't think the evidence has been that Ms Myers was present at the meeting. So you didn't take any notes?

MR MANNOUN: No.

25 **MS McDONALD:** You didn't make a recording or some kind of record afterwards?

MR MANNOUN: No.

MS McDONALD: If we bring up LCC.004.008.0055 - this can be live streamed.
30 Can you see there there's an email from Nada Mardini to Alvin Morales, "Re urgent Future Form - 370 and 615 Fifteenth Avenue"? Do you see that?

MR MANNOUN: Yes.

35 **MS McDONALD:** And Ms Mardini says:

"The meeting with the Mayor took place in relation to 615 Fifteenth Ave only."

MR MANNOUN: Yes.

40

MS McDONALD: And then:

"Refer to email from Steven Tuntevski."

45 Then:

"He is requesting legal action to cease for 370 Fifteenth Ave so this should be [reviewed] to your team."

5 That's a reference to you requesting legal action which had been commenced for 370 Fifteenth Avenue should be - should stop?

MR MANNOUN: Me or Steve Tuntevski?

10 **MS McDONALD:** I don't think Mr Tuntevski's doing it.

MS RICHARDSON: I think, in fairness, it's referring to an email that - the witness should be shown the email from Mr Tuntevski that's being referred to.

15 **COMMISSIONER:** Is it in this chain?

MS McDONALD: Sorry?

20 **COMMISSIONER:** Is the email from Mr Tuntevski - apologies if I've mispronounced his name - is it in this chain?

MS McDONALD: It's not in chain.

COMMISSIONER: Well -

25 **MS McDONALD:** I can -

COMMISSIONER: I mean, you can - exploring it by asking whether the councillor did the thing in the last sentence, which might avoid the issue.

30 **MS McDONALD:** That's what I was asking.

COMMISSIONER: I think the challenge is referencing it to the email. But anyway, we'll have the question again and we'll see if it -

35 **MS McDONALD:** What you were doing at this point was requesting that legal action that had been brought by the council in respect of 370 Fifteenth Avenue should be stopped?

40 **MR MANNOUN:** At this point. So I don't think Nada was involved in the said meeting in January.

MS McDONALD: No, no. Can you listen to my question.

45 **MR MANNOUN:** I am, yes.

MS McDONALD: No, no, listen to my question. You can see there:

"He is requesting legal action to cease for 370 Fifteenth Ave..."

Right? You can see that's written?

5 **MR MANNOUN:** Yes.

MS McDONALD: What I'm suggesting - what I'm saying to you is the "he" who is requesting legal action to cease was you.

10 **MR MANNOUN:** I - no. What I did request in the January meeting is that that matter be treated consistent with council's enforcement policies.

MS McDONALD: Which matter?

15 **MR MANNOUN:** The matter regarding the property you referred to that the meeting in January was about.

MS McDONALD: 615?

20 **MR MANNOUN:** Yes.

MS McDONALD: Well, this - if we go across to page 2 of this document, right down the bottom, can you see you are a recipient of an email from Yasmin Hafza, "Urgent Future Form - 370 and 615 Fifteenth Avenue, Austral"? Do you see that?

25 **MR MANNOUN:** I see the email.

MS McDONALD: Yes.

30 **MR MANNOUN:** But I don't have - as I said before, I only started having access to this email address in early 2024, as it was deemed an operational email address.

MS McDONALD: You were provided - Mr Mannoun, I find that rather incredible evidence that you have an email addressed mayor@liverpool.nsw.gov.au and you didn't have access to it - what, for a couple of years?

MR MANNOUN: Welcome to my world. Yes.

40 **MS McDONALD:** Are you telling the truth?

MR MANNOUN: I'm under oath, and you can go out there and ask numerous council staff - my frustration repeatedly with not having access to my email address. And like I said, only two months ago did I receive access to be able to send emails from that email address.

45 **COMMISSIONER:** You have - I didn't mean to interrupt you. You go.

5 **MR MANNOUN:** I share the same frustrations and sentiments, and it has been a bone of contention in numerous situations. And where the matter came to a head was when there was a car accident on - in Ashcroft, where I was asked to do TV interviews with, I think, Today Show in the morning, and it was, I think, set up for the Monday morning and I insisted to get access to my emails because I had to know whether I received an email from anybody about the speeding issues on that street - and when I could say I probably got very strongly worded, where I would not accept not having access to it any more - that I finally got access to that email address.

10

COMMISSIONER: I think you told me earlier that you have a Councillor Mannoun email address as well.

MR MANNOUN: Yes.

15

MS McDONALD:

COMMISSIONER: And you have access to that one?

20

MR MANNOUN: Yes.

COMMISSIONER: But not to the mayoral inbox until when, sorry?

25

MR MANNOUN: It was, I think, early 2024 - till I had viewing access.

COMMISSIONER: (Crosstalk). I see. And had you had access in your previous term as mayor?

30

MR MANNOUN: Yes.

COMMISSIONER: But when you were re-elected in 2021, you weren't given access to the mayor@liverpool.nsw.gov.au inbox?

35

MR MANNOUN: Correct. And that's mainly because - the way that the office had - the office of the mayor had operated in that '16 to '21 period. Ms Myers had control of that email address and had a - had a workflow, to her credit, that was working efficiently, and the view was that if I was in that email address it would disrupt that workflow. It gets a lot of emails every day. A lot of responses have to go to community members.

40

COMMISSIONER: She wasn't suggesting you might get in the way of her work, was she? In any event - all right. Thank you. You don't have to answer that.

45

MS McDONALD: What is included in this email is Ms Hafza's assertion that - in which she refers to a court attendance notice having been issued concerning another property that they owned at 370 Fifteenth Avenue, Austral. Do you see that?

MR MANNOUN: Yes.

MS McDONALD: And if you go - if we go across to the page, she asserts:

5 "We respectfully request the council ceases legal proceedings and withdraws the charge."

That's in respect of the court attendance notice issued for breaches in respect of 370 Fifteenth Avenue?

10

MR MANNOUN: Yes.

MS McDONALD: All right. What - if we go back to the first page of these emails, the reference to "he is requesting legal action to cease for 370 Fifteenth Avenue" is a
15 reference to - or it arises from Ms Hafza's request that the council cease the legal proceedings in respect of 370?

MR MANNOUN: I don't see that connection.

20 **MS McDONALD:** It specifically states:

"He is requesting legal action to cease for 370 Fifteenth Avenue..."

Right?

25

MR MANNOUN: Yes.

MS McDONALD: So what these emails are focusing on or raising is that legal proceedings have been commenced concerning 370, right? Ms Hafza has written, saying can the council - "We request that the council cease legal proceedings," right?
30

MR MANNOUN: Yes.

MS McDONALD: Against 370. They're the only charges at the moment.
35

MR MANNOUN: They are the only -

MS McDONALD: Charges.

40 **MR MANNOUN:** Yes.

MS McDONALD: And so the reference here in this email is a reference - I'm just doing it in stages - is a reference to legal action to cease for 370.

45 **MR MANNOUN:** Yes.

MS McDONALD: So that's what's being raised. What I'm putting to you is that the "he" who is requesting legal action to cease is you.

MR MANNOUN: No, but can we just scroll down for a second?

5

MS McDONALD: To where?

MR MANNOUN: To that other email.

10 **MS McDONALD:** To the one from Ms Hafza?

MR MANNOUN: Yes, I'm just - yes. Can we go up, please? Just one sec. Sorry.

15 **MS RICHARDSON:** In my submission, in fairness to the witness, given this question is repeatedly being put about who the "he" is, where the email also refers to another "he", being Mr Tuntevski, and also Mr Bennett gave evidence that Sheila Naidoo with Mr Tuntevski's EA - so in fairness to the witness, given that there are multiple links here to Mr Tuntevski - that the email that's cross-referred to should be sourced and provided to the witness.

20

MS McDONALD: I can easily do that. It's LCC.004.008.0056. Can we go through to page 3? You can see there, David Day, with the subject matter "Mr Nabil Hafza 615 Fifteenth Avenue", says - refers to the meeting between the mayor and Steven Tuntevski - acting, Nada. There's a question about any recorded minutes:

25

"I only have ... emails between myself and Steven ... I believe Mr Hafza may have misinterpreted some of the Council's commitments..."

Right?

30

MR MANNOUN: Yes.

MS McDONALD: And then if we go across the page, down the bottom, Leanne Bourne - Mr Tuntevski is copied in - referring to the briefing note which has been TRIMed, and:

35

"Steven may be able to assist further as he was in the meeting?"

And then immediately above that, Mr Day asks Steven:

40

"...are you able to confirm ... the only commitment was that ... an application be submitted prior to 4 March, then Council will continue to hold in abeyance enforcement action ... [the position] put forward to me by Mr Hafza and his consultants is that ... it was agreed that the Council will not proceed with any further enforcement action against the work carried out at 615 ... preceding the date of the meeting. As you can appreciate [this] is a vastly different point of view and we have to be clear..."

45

And then if you go to the top of the page, Mr Tuntevski, "David, I can confirm that the only" - you can see subject matter "615":

5 "I can confirm that the only commitment was that 'Should an application be submitted prior to the 4 March ... Council will continue to hold in abeyance enforcement action for non-compliance with the Orders whilst the application is assessed'. Robert was also at the meeting."

10 That's Mr Tuntevski's email?

MR MANNOUN: Yes.

15 **MS McDONALD:** And then if we jump back to LCC.004.008.0055 - and if we jump to the bottom at page 2. That was the email I took you to. Now, you've given evidence you didn't have access to that email address, but your executive assistant did, didn't she?

MR MANNOUN: Yes.

20

MS McDONALD: And she would draw to your attention emails of importance?

MR MANNOUN: From time to time she would forward them or -

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

MR MANNOUN: From time to time she would forward emails, yes.

30 **MS McDONALD:** And this is the type of email, which has got "urgent Future Form", addressed specifically to you - that's the type of email that she would have drawn - that she did draw your attention to?

MR MANNOUN: Not necessarily.

35 **MS McDONALD:** Mr Mannoun, this is from a constituent. She knew the company because she was the one who arranged the meeting back in January - I took you to that email.

MR MANNOUN: Yes.

40

MS McDONALD: She - you obviously instructed her to organise the meeting?

MR MANNOUN: Yes.

45 **MS McDONALD:** The email referred to a matter of importance, urgent meeting to be organised.

MR MANNOUN: Which one, this email?

MS McDONALD: No, no, no.

5 **MR MANNOUN:** A previous one?

MS McDONALD: I took you to it.

MR MANNOUN: Yes.

10

MS McDONALD: The fact that the person who attended the meeting then sends an email through to you with a subject matter "Urgent Future Form - 370 and 615", she would - she drew this to your attention?

15 **MR MANNOUN:** Not from my recollection.

MS McDONALD: Are you telling the truth, Mr Mannoun?

MR MANNOUN: Yes.

20

MS McDONALD: And if we go back to page 1 of this document, the reference to - Ms Mardini, "He is requesting legal action to cease for 370 Fifteenth Avenue" is a reference to you?

25 **MR MANNOUN:** I don't think Mr Tuntevski's email states that.

MS McDONALD: No. No, of course it doesn't. What it's saying is - the meeting in January was about 615?

30 **MR MANNOUN:** Yes.

MS McDONALD: In the email that Ms Hafza sent on 21 February, she raises a different address, 370, doesn't she?

35 **MR MANNOUN:** Yes.

MS McDONALD: What Mr Tuntevski's email confirms is that the meeting in January didn't consider 370, it considered 615. That was the topic.

40 **MR MANNOUN:** Sorry, I wasn't focusing on exact addresses, I was focusing on that last sentence and establishing that.

MS McDONALD: Well, can you listen to my question?

45 **MR MANNOUN:** Yes.

MS McDONALD: What the meeting -

MR MANNOUN: Can we put the email -

MS McDONALD: - in January -

5

MR MANNOUN: - side by side?

MS McDONALD: - dealt with was 615. I've taken you to the briefing note.

10 **MR MANNOUN:** My understanding, there's an interrelationship between those two properties.

MS McDONALD: But six-one - the meeting in January considered the orders issued - the stop orders that had been issued in respect of 615.

15

MR MANNOUN: Yes.

MS McDONALD: It didn't concern - or didn't consider a court attendance notice issued for 370.

20

MR MANNOUN: Sorry, I'm getting confused with the addresses. The - I thought we were trying to establish who is "he" in this email.

MS McDONALD: No, can you listen to my questions, Mr Mannoun.

25

MR MANNOUN: Yes, I am - I'm trying to, but -

MS McDONALD: Mr Mannoun, in the meeting in January, the issue was stop orders issued by the council in respect of 615?

30

MR MANNOUN: Yes, can we bring it back up, please? Because I'm confused with the addresses. I thought we went through to find out who Mr Steven - Steven Tuntevski in his email, and we're trying to establish that, because in that email it doesn't - "he" is not me in that email.

35

MS McDONALD: I don't think I can take this further, I think it's going to be a matter of submissions. But as a matter of fairness, I will put this to you. Can you bring up LCC.004.008.0055. And I'm going to put a series of propositions to you. If you'd go through to page 2. Down the bottom, that's the email from Yasmin Hafza, and across the page, on 21 February she asks that the court attendance notice in respect of 370 is withdrawn.

40

MR MANNOUN: Sorry, just one second.

45 **MS McDONALD:** Sorry, that was just to wake (indistinct).

COMMISSIONER: That woke me up. It certainly woke Mr Boyle up. It's just that you're in my eye line.

MS McDONALD: Can I put the propositions, Mr Mannoun?

5

MR MANNOUN: Yes, but I'm - she's asking for the charges to be withdrawn.

MS McDONALD: For 370.

10 **MR MANNOUN:** I'm just trying to see where does it say - does it refer to that. So - and then also my other question is is there, at this point in time, enforcement action on 615.

15 **MS McDONALD:** What had been issued in respect of 615 and which prompted the meeting was its stop orders -

MR MANNOUN: On 615?

20 **MS McDONALD:** Yes. No - at the time of the meeting in January, no court attendance notice had been issued in respect of 370, right?

MR MANNOUN: So only for 615?

25 **MS McDONALD:** But there's a difference - you understand the difference between a court attendance notice, which is a prosecution brought before a court -

MR MANNOUN: Yes.

30 **MS McDONALD:** And you understand the difference between that and a stop order being issued by council?

MR MANNOUN: Yes. Stop order would be first, and then enforcement action - the court would be secondary. After.

35 **MS McDONALD:** Yes. So what the January meeting concerned were the first stage of the process, the stop orders issued against 615.

MR MANNOUN: Okay. Yes.

40 **MS McDONALD:** What then happened was 370 - court proceedings were started in respect of 370.

MR MANNOUN: So therefore, they were already - there was already stop work or something at 370.

45

MS McDONALD: Something in the year before, but that wasn't discussed. Can I just put my propositions, because I really just need to finish this. What Ms Hafza is

asking for is that the council seek the court proceedings - the charge brought in respect of 370. Do you agree with that?

MR MANNOUN: Yes.

5

MS McDONALD: All right. Over the page, if we go to the first page of the document - the first part of the email from Ms Mardini confirms that the meeting with you in January took place in relation to 615. Right?

10 **MR MANNOUN:** That's what she's saying.

MS McDONALD: Yes.

MR MANNOUN: Yes.

15

MS McDONALD: And she refers to an email from Mr Tuntevski that confirms that.

MR MANNOUN: I don't recall whether it had both addresses on it or not - his email.

20

MS McDONALD: When the - next sentence is:

"He is requesting legal action to cease for 370 Fifteenth Ave..."

25 That is a reference to you requesting legal action to cease for 370, do you agree -

MR MANNOUN: No.

MS McDONALD: - with that or not?

30

MR MANNOUN: No.

MS McDONALD: Okay.

35 **MR MANNOUN:** And that's not this email says.

MS McDONALD: You don't agree with that. The - you've given evidence that you have known the owners of 615 for a period of time?

40 **MR MANNOUN:** Yes.

MS McDONALD: Sorry, as at January/February 2022?

MR MANNOUN: Yes.

45

MS McDONALD: Did you declare in this meeting your association with the representatives from 615 Fifteenth Avenue?

MR MANNOUN: At that point in time, no, because my relationship was not any different than it would be with any other business owner within the Liverpool LGA.

5 **MS McDONALD:** It wasn't anticipated in respect of the construction of your house by the beginning of January that they would be providing the formwork?

MR MANNOUN: No.

10 **MS McDONALD:** Because you've heard evidence from Mr Mallard that the next year, I think it was 2023, when you both visited the construction site, Future Form were present at the site?

MR MANNOUN: Yes.

15

MS McDONALD: And that you indicated - I think you might have introduced Mr Mallard to a representative of the company, and you said, "This is a company that employs people and the council is trying to shut them down."

20 **MR MANNOUN:** I informed Mr Mallard, so he could be aware that there is a - legal proceedings with this, so he could tread cautiously in his role as a director of council - or whatever he was at that time.

25 **MS McDONALD:** You said to Mr Mallard that, "This company employs X amount of people and the council is trying to shut it down"?

MR MANNOUN: Yes.

MS McDONALD: That's what you've said?

30

MR MANNOUN: Yes. Or words to that effect.

35 **MS McDONALD:** And the reason why you've said that was that you - throughout your dealings with the representatives of either 370 or 615 Fifteenth Avenue, you were trying to stop proceedings being taken against them?

MR MANNOUN: No.

40 **MS McDONALD:** That's why you called the meeting about the stop orders for 615 in January 2022?

MR MANNOUN: Yes, I called it - yes.

45 **MS McDONALD:** And that's why you requested that legal action against - for 370 in the courts be stopped?

MR MANNOUN: No, I requested that they be treated like every other person and be treated consistently with regards to how council applies its enforcement policy.

5 **MS McDONALD:** Because it would be inappropriate for you to request that legal action - charge that had been brought against a company be stopped or ceased or withdrawn, wouldn't it?

MR MANNOUN: The -

10 **MS McDONALD:** Do you agree with that?

MR MANNOUN: Depending on where it is in the process, council ultimately needs to be mindful of how much it spends on going to court. And I know we haven't been very successful in recent times. So there's - I think our policy states that we should
15 try to resolve the matter where it can be resolved, which is why I asked for the consistent application of the policy.

MS McDONALD: Where charges have been brought and are before the court, it is inappropriate for a councillor to request that those legal proceedings be withdrawn?
20

MR MANNOUN: Yes.

MS McDONALD: And at no time in this process or these various meetings and issues in the first couple of months of 2022 did you disclose in detail your dealings
25 or relationship with the owners of 615?

MS RICHARDSON: I object to that. What is the relationship that my learned friend is referring to? The witness has already given evidence as to the nature of that relationship - that it was no different to any other business constituent in the
30 Liverpool area. What is the basis of that question?

COMMISSIONER: I think there is a preceding step, given the answer that has been given to what the nature of the relationship was at that time, if you want to challenge that before that next proposition can be put. So I reject the question in that form.
35

MS McDONALD: You knew them for a number of years?

MR MANNOUN: Them? Who is -

40 **MS McDONALD:** 615.

MR MANNOUN: Who are you referring to as "them"?

MS McDONALD: I just said to you, Mr Mannoun, you knew the owners of 615 for
45 a number of years?

MR MANNOUN: What - my evidence was that I knew the previous owners of Future Form.

5 **MS McDONALD:** You knew the owners, the people who arrived at the meeting in January, for a number of years?

MR MANNOUN: I knew them, yes, and had no involvement with them - or minimal involvement.

10 **MS McDONALD:** Did you have knowledge of them through your brother's construction company?

15 **MR MANNOUN:** No. No. I first met Mr Nabil Hafda when I went to his house when his three year old daughter had drowned, and I went to offer my condolences. That's when I met Mr Nabil Hafda.

MS McDONALD: And when was that?

20 **MR MANNOUN:** Around 2015, I think.

MS McDONALD: Yes. No further questions.

25 **COMMISSIONER:** Can I just ask you one - not about the example that you've just been taken to, but the practice of councillors meeting with constituents and members of staff. And I think in an earlier answer you said that that's fairly common. Is it?

MR MANNOUN: Yes.

30 **COMMISSIONER:** Is there a need in those meetings for councillors, whether mayor or otherwise, to be careful in those meetings that anything they may say or express not be taken as a direction to staff about something that should or shouldn't happen going forward?

35 **MR MANNOUN:** Yes.

40 **COMMISSIONER:** How do you balance that? How do you go about balancing that issue in these meetings? Because, in particular as mayor, one can see how a constituent might be looking to you for a solution. But it might be an operational matter, for example. Does that happen from time to time?

MR MANNOUN: Yes.

COMMISSIONER: How do you go about balancing that?

45 **MR MANNOUN:** Well, we try to seek the wisdom of Solomon in making decisions and trying to be balanced. There was a lot - probably more so in my first term, where issues would be raised and I would almost have a - I would have one day a week

where we would allocate for these sort of issues where people would come in. And I remember sitting and having a person one side there and the other side of the council staff and trying to understand the issues. A lot of the breakdown gets down to the form of communication, i.e. letters back and forth.

5

So someone comes - someone has a café, the chairs are put outside - outside of the licensed area. They get a letter back from council staff saying if you don't remove them you will get a \$1.1 million fine and that. So that obviously is a very harsh letter if you are a small business owner. So in circumstances - this is just an example, I don't think I actually had a meeting with this one - but it's about working that issue out saying well, Mr Café-owner, Mrs Café-owner, your issue - they are just quoting the legislation to you. You resolve that, apply to the licensing and you can get that extra area, and then all you need to do in this is communicate to the staff by email saying you will comply and then they will be happy with that. That's what they try and do. The letters don't state that clearly, and that's what happens.

10
15

There are other situations where compliance action was taken on a restaurant and it was told that they had to close down and cancel bookings, which they subsequently did, because the compliance officers said that you don't have a development - you don't have a valid consent to do so. So the person reached out. I'm like, well, I know there is a consent for this. And it turned out that the issue was - it was raised by mistake. There was another one with a Sikh temple in Austral. The same thing happened where they were given orders - I forget the type of orders - but they were given orders, and it turns out that there was an oversight from the staff. So -

20
25

COMMISSIONER: So these are examples where there is some further explanation of council's position and what might be required of their constituent going forward to resolve the issue?

30

MR MANNOUN: Yes.

COMMISSIONER: And you are there as a facilitator for that discussion. Is that the sort of the role that you would take on?

35

MR MANNOUN: Yes. Facilitator, conflict resolution - mediator a lot of the time.

COMMISSIONER: But not directing the response of the organisation?

40

MR MANNOUN: Yes, it would be - it would be asking questions.

COMMISSIONER: All right.

MR MANNOUN: "Can this be resolved in another way?" "Do we have to do this?"

45

COMMISSIONER: To avoid a circumstance where there might be a conflict of views about the outcome of the meeting, do you think it would help if there was some record kept of what those next steps were to be?

MR MANNOUN: Yes.

5 **COMMISSIONER:** Do you think it might also help if present with you in that meeting was someone of a relatively senior level within the organisation?

MR MANNOUN: They are -

10 **COMMISSIONER:** Preferably a director?

MR MANNOUN: They are pretty much always - well, there would - there would only be a - either - there would at least be a director or a manager. Very rarely would you need the CEO.

15 **COMMISSIONER:** Is that important in your view? That someone of that seniority is there?

20 **MR MANNOUN:** Yes, 100 per cent. Because ultimately, I guess, my role is making the representation to the staff on behalf of the residents or people. So in - but it's ultimately up to them to solve the issue within the framework and policies of council.

25 **COMMISSIONER:** And I think you agreed with this earlier, but correct me if I have misunderstood you. In making that representation on behalf of the staff I think you agree that a councillor needs to be careful not to be seen to be giving a direction or seeking to influence the direction that the organisation might take. Is that right?

30 **MR MANNOUN:** Yes. You know, you - you have a sort of this challenging role when your constituent expects you to represent on their behalf, and their views. But then at the same time maintaining, I guess, your role - especially probably my so more than the councillor, being the leader of the organisation and saying, "Well, how can we solve this?"

35 **COMMISSIONER:** I well accept the community looks to councillors to solve their issues for them, and may not necessarily - and this is no criticism of them - appreciate the distinction between your role and the role of the general manager and staff. That's the challenge you are talking about?

40 **MR MANNOUN:** Yes, indeed. And then you just try to - and then you basically are just trying to play a middle ground, trying to be, I guess, more representative of the resident. But I think that in normal circumstances what I find is that if they believe that you have tried and done what you can do, 90-plus per cent of the time they understand that that's the way it is.

45 **COMMISSIONER:** In any event, from those answers, I take it, that you - you think it's important for senior staff, a director or a manager to accompany councillors to those sorts of meetings and for there to be a record kept of the outcomes, whatever there may be?

MR MANNOUN: Yes.

5 **COMMISSIONER:** So there can be no confusion as to what was agreed or if anything was agreed at all.

10 **MR MANNOUN:** Yes. Which is then generally the case in point. There is - when we do have meetings there is someone there and there is someone on the staff taking notes. Not everybody is taking notes, but there is at least one person in there.

COMMISSIONER: Thank you. Do you need a minute?

MR MANNOUN: If I can, please.

15 **COMMISSIONER:** Yes, feel free. We'll just wait until you get back.

<THE HEARING ADJOURNED AT 3.39 PM

20 **<THE HEARING RESUMED AT 3.43 PM**

COMMISSIONER: Yes, Ms Hamilton-Jewell.

25 **MS HAMILTON-JEWELL:** Thank you, Commissioner. Mr Mannoun, do you refer to yourself as part of the staff of council?

MR MANNOUN: No.

30 **MS HAMILTON-JEWELL:** Do you refer to councillors as part of the staff of council?

MR MANNOUN: No.

35 **MS HAMILTON-JEWELL:** So if the CEO sends an email that says, "The CEO has been informed of an issue concerning staff", would you understand that email to be referring to an issue concerning you or the mayor?

MR MANNOUN: Sorry, can you just repeat it, please?

40 **MS HAMILTON-JEWELL:** If the CEO sends an email -

MR MANNOUN: Mm-hmm.

45 **MS HAMILTON-JEWELL:** - and the email refers to "the CEO has been informed of an issue concerning staff", would you understand that email to be referring to an issue concerning you as the mayor?

MR MANNOUN: No.

MS HAMILTON-JEWELL: Would you understand that email to be referring to an issue concerning councillors?

5 **MR MANNOUN:** No.

MS HAMILTON-JEWELL: And in the same vein, if that email from the CEO had said, "staff had approached me", would you understand that to be a reference to you having approached the CEO?

10

MR MANNOUN: No.

MS HAMILTON-JEWELL: And if there was an email from the CEO that said, "concerns have been raised about social media posts concerning staff", would you understand that email to be referring to social media posts concerning you?

15

MR MANNOUN: No.

MS HAMILTON-JEWELL: And you gave evidence on 25 November that - and this is at transcript 3780, lines 4 to 12. And if you need it brought up, please just ask for it to be brought up on the screen. But the evidence that you gave was to the effect that:

20

"Any councillor who would like to know - you know, I have never said no to having a cup of coffee with someone."

25

Do you recall that evidence?

MR MANNOUN: Yes.

30

MS HAMILTON-JEWELL: And then you gave evidence that:

"I have never rejected anybody's phone call and not been open to a discussion."

35

Do you recall that evidence?

MR MANNOUN: Yes.

MS HAMILTON-JEWELL: So if someone reached out to you to discuss an issue, would you be open to meeting with them?

40

MR MANNOUN: Yes.

MS HAMILTON-JEWELL: So you would be open to having a discussion with that person?

45

MR MANNOUN: Yes.

MS HAMILTON-JEWELL: If we can bring up a document, please.
LCC.003.003.0010. And perhaps don't live stream it because I think it hasn't been
live streamed before. Now, this is not a document that was sent to you, it's a memo
5 that was prepared by Michelle McIlvenny and sent to Jason Breton following the
CEO recruitment meeting on 20 February 2025.

MR MANNOUN: Yes.

10 **MS HAMILTON-JEWELL:** And it is summarises the events of that meeting? I
don't need to take you to that summary, but if you want to read it please let me know.
And over on page 2 under the heading Recommendations. You can see there it says:

"Offer mediation to the two parties."

15

MR MANNOUN: Yes.

MS HAMILTON-JEWELL: Did the council ever offer for you to attend a
mediation with Councillor Ristevski after 20 February 2025?

20

MR MANNOUN: Nothing that I can specifically recall.

MS HAMILTON-JEWELL: If they had offered you a mediation, would you have
been willing to participate in it?

25

MR MANNOUN: Yes.

MS HAMILTON-JEWELL: If you can bring up a letter, please. RIS.008.001.0001.

30 **MR MANNOUN:** It's - the only proviso is the - status code of conduct, subject to
who the person -

MS HAMILTON-JEWELL: Yes, please. This is a letter from Lander & Rogers.
You understand that Lander & Rodgers acts for Councillor Ristevski in this inquiry?

35

MR MANNOUN: I do now.

MS HAMILTON-JEWELL: Have you seen this letter before? Please take your
time to read it.

40

MR MANNOUN: Just scroll down for a moment, please. Yes.

MS HAMILTON-JEWELL: Yes, you've seen that letter before?

45 **MR MANNOUN:** Yes.

MS HAMILTON-JEWELL: And so you can see there - you agree, don't you, that that is an offer that is being made to you by Councillor Ristevski for you and he to participate in a mediation. You agree we that, don't you?

5 **MR MANNOUN:** In a very expensive fashion, yes.

MS HAMILTON-JEWELL: And you say "in a very expensive fashion" because it is the costs of the mediator to be shared?

10 **MR MANNOUN:** Yes.

MS HAMILTON-JEWELL: And did you write back to Councillor Ristevski and say that the cost of the mediation was of a concern to you?

15 **MR MANNOUN:** The letter, from my recollection, was made to Ms Wearne from Kennedys who was representing me. And I believe she asked in that letter what are the issues you would like to mediate on.

20 **MS HAMILTON-JEWELL:** And just having a look at this letter here, is there a reference to any code of conduct complaints in that letter?

MR MANNOUN: Not - not specifically.

25 **MS HAMILTON-JEWELL:** And you can see in paragraph 2 it refers to:

"Whether the personal relationship, between our respected clients [that is between yourself and Councillor Ristevski] is impeding the proper functioning of the council."

30 Do you see that?

MR MANNOUN: Yes.

35 **MS HAMILTON-JEWELL:** And you referenced a letter a moment ago that was sent back. If that can be brought up, RIS.0008.001.0002. Yes, please. And that's the response that was sent by the solicitors acting for you?

MR MANNOUN: Can we just - yes.

40 **MS HAMILTON-JEWELL:** And I'm not asking you to divulge the substance of any legal advice, but that letter was sent on instructions from you. Is that right?

MR MANNOUN: Yes.

45 **MS HAMILTON-JEWELL:** And that letter refers to the offer to attend mediation and asks for the identification of code of conduct complaints proposed to be the subject of any mediation. Do you see that?

MR MANNOUN: Yes.

5 **MS HAMILTON-JEWELL:** But you agree with me, don't you, the letter from Lander & Rogers didn't refer to any code of conduct complaints being the subject of mediation, did it?

MR MANNOUN: Not specifically.

10 **MS HAMILTON-JEWELL:** Not at all?

MR MANNOUN: Again, it talks about - again in the second paragraph it talks about relationships, right, which - but they are not specific.

15 **MS HAMILTON-JEWELL:** For completeness if you can scroll down to the bottom of that letter, please. And you ask how - or your solicitor asks how the private mediation process would interact with formal complaints and procedures under the code of conduct.

20 **MR MANNOUN:** Yes.

MS HAMILTON-JEWELL: And was a response received to this letter to your knowledge?

25 **MR MANNOUN:** Nothing that I can recall.

MS HAMILTON-JEWELL: If you can bring up, please, RIS.008.001.0003, and it can be live streamed. That's a letter from Lander & Rogers dated 18 September 2025. Perhaps if you can zoom out so we can see all the text on one page, please. Take a
30 moment to read that letter.

MR MANNOUN: Yes.

MS HAMILTON-JEWELL: Do you recall receiving that letter at the time?
35

MR MANNOUN: Not specifically.

MS HAMILTON-JEWELL: But your solicitor's practice is to provide
40 correspondence to you?

MR MANNOUN: Yes.

MS HAMILTON-JEWELL: So you accept that your solicitor would have provided
45 a copy of this to you even if you don't know recall it?

MR MANNOUN: Yes.

MS HAMILTON-JEWELL: And you can see there it clarifies that it's "the working relationship between our respective clients" - that's in paragraph 2 - "rather than any code of conduct matters". Do you see that?

5 **MR MANNOUN:** Yes.

MS HAMILTON-JEWELL: And there was no response to that letter sent by your solicitors, was there?

10 **MR MANNOUN:** I - I - I don't recall.

MS HAMILTON-JEWELL: Well, you didn't provide any instructions to your solicitors to respond, did you?

15 **MR MANNOUN:** I don't - I had - barely have a recollection of this letter, let alone a response to it.

MS HAMILTON-JEWELL: But you haven't attended any mediation with Councillor Ristevski to work on your working relationship, have you?

20

MR MANNOUN: No, I couldn't afford the - the offer. It was my - my understanding it was around \$15,000 to - that mediator charges. So his offer of me paying \$7,500 to attend is currently outside of my financial position.

25 **MS HAMILTON-JEWELL:** Well, the letter from Lander & Rogers dated 10 September doesn't refer to the amount of \$15,000, does it?

MR MANNOUN: No, but we did research on how much that mediator - the mediator that was proposed and the costs were assumed of how much they would be.

30

MS HAMILTON-JEWELL: And the letter on 10 September says, "we are open to alternative mediators". Do you recall that?

MR MANNOUN: No. But, yes, I will accept that.

35

MS HAMILTON-JEWELL: And you don't suggest in your solicitor's letter any alternative mediators, do you?

MR MANNOUN: No.

40

MS HAMILTON-JEWELL: And you don't suggest in your solicitor's letter that you can't afford the cost of the mediation and would Councillor Ristevski be prepared to pay the full cost, do you?

45 **MR MANNOUN:** No.

MS HAMILTON-JEWELL: And so you agree with me, don't you, that you weren't prepared to take up the offer to mediate with Councillor Ristevski, were you?

5 **MR MANNOUN:** No. As in no, I - I would be - if he is happy to pay for it. He doesn't even have to pay for any mediator, I'm happy to sit down and have a - as I gave evidence before - to sit down with anyone and have a discussion.

10 **COMMISSIONER:** Just so I'm clear, does that mean you are willing to engage in some sort of process, perhaps facilitated by someone with appropriate expertise and experience, which might or might not help, I don't know. But leaving aside the question of cost, I'm not for a moment saying it's not important, but would you be willing to enter into some sort of process with Councillor Ristevski in an attempt to improve the working relationship between you on this governing body?

15 **MR MANNOUN:** Yes. And I - the - I think it's important to point out, in functioning as the governing body the - despite matters of say conduct, putting them to one side, that when a motion - I have seconded his motions before. I have voted for more of his motions than I have voted against I would say. So, I guess, if - when it gets to a governing body and a discussion point of view, and it could be evidenced by how as chair I'm working in the meeting with him, I don't believe there is anything that is impeding that, regardless of the history, except when this is conduct issue and things that happen outside of the meeting. But I agree that it would be extremely helpful to go out there and to resolve any issue that exists or that would hopefully prevent some of the commentary that happens.

25 **MS HAMILTON-JEWELL:** But, Mr Mannoun, you don't - you didn't instruct your solicitors to raise that in the correspondence in response, did you?

30 **MR MANNOUN:** No. I think my recollection actually, where we got to, is that this effectively is outside of the public inquiry and ultimately that Kennedy's is engaged through council's insurance for the purposes of the public inquiry. So therefore it wouldn't - yes, it's - they received a letter, they have dealt with it, they responded. But I think there was - the view was at the time that it is no longer appropriate for them to have an involvement because it sits - it is not covered under terms of the insurance or -

40 **MS HAMILTON-JEWELL:** And having reached that view, did you send a personal email to Councillor Ristevski saying, "received your offer to mediate, let's have a discussion to talk about our relationship"?

MR MANNOUN: No.

45 **MS HAMILTON-JEWELL:** Senior counsel assisting asked you some questions about the CEO recruitment meeting that that took place on 25 February 2025.

MR MANNOUN: Yes.

MS HAMILTON-JEWELL: And that meeting was called in part because there were concerns about a newspaper article that had been published setting out the names of some of the CEO candidates. Do you recall that?

5 **MR MANNOUN:** Yes, I wouldn't use the term "newspaper article", but yes.

MS HAMILTON-JEWELL: All right. If we can bring up RIS.004.001.0001. Yes, please. And you are - that is an article there that talks about "11 times a charm. Liverpool council interviews for new CEO"?

10

MR MANNOUN: Yes.

MS HAMILTON-JEWELL: Is that the article that had been released referring to candidate names?

15

MR MANNOUN: Yes.

MS HAMILTON-JEWELL: And you are correct, this isn't a mainstream newspaper article, is it?

20

MR MANNOUN: No, it's not.

MS HAMILTON-JEWELL: The Local Pulse Press are a local news organisation. Do you agree with that?

25

MR MANNOUN: No.

MS HAMILTON-JEWELL: No? They are not local to Liverpool City Council?

30 **MR MANNOUN:** No, I don't believe they are a news organisation.

MS HAMILTON-JEWELL: All right. But they are local to Liverpool City Council?

35 **MR MANNOUN:** Yes.

MS HAMILTON-JEWELL: Sorry, Liverpool council area?

MR MANNOUN: Yes.

40

MS HAMILTON-JEWELL: And if we can go over the page, please. Just for completion, you can see there "the last wicket to fall". It's quite small, but you can see "the last wicket to fall", there's a reference there to Ajaka's dramatic exit. Do you see that?

45

MR MANNOUN: Yes.

MS HAMILTON-JEWELL: And under the heading The Night Watchman, you can see there's a reference to Jason Breton. Do you see that?

MR MANNOUN: Yes.

5

MS HAMILTON-JEWELL: And under the heading A Former Captain Returns, you see there's a reference to the CEO, Dr Eddie Jackson? Former CEO Dr Eddie Jackson?

10 **MR MANNOUN:** Yes.

MS HAMILTON-JEWELL: And that was the online article that was released at the time that caused the concern?

15 **MR MANNOUN:** Yes.

MS HAMILTON-JEWELL: And this article - and if you need to read the whole of it, please do - it makes no reference to the Liverpool Shenanigans Facebook page, does it?

20

MR MANNOUN: Not that I'm aware of, but I will take your word for it.

MS HAMILTON-JEWELL: And it makes no reference to the Liverpool Labor Party Facebook page either, does it?

25

MR MANNOUN: No, other than Nathan Hagarty's sponsorship of it on the first page.

MS HAMILTON-JEWELL: And to your knowledge, the - this organisation, the Local Pulse Press, they are completely separate to the Liverpool Shenanigans Facebook page. Do you agree with that?

30

MR MANNOUN: The - what do you mean by "separate"?

MS HAMILTON-JEWELL: Well, the administrator of the Liverpool Shenanigans Facebook page does not - is not one of the journalists or media personalities behind Local Pulse Press, is he?

35

MR MANNOUN: Well, it's - in my discussion with the local area commander of Liverpool this week, the administrator of the Shenanigans page is a social media team based in Macedonia, according to Mr Billy - I can't pronounce his last name.

40

MS HAMILTON-JEWELL: Well, there is no indication the Local Pulse Press -

MS RICHARDSON: I'm sorry, the witness has been asked for his understanding about who the administrator of the page is and the witness is being interrupted. He should be entitled to finish his answers.

45

MS HAMILTON-JEWELL: Well, Commissioner, my question was not who is the administrator of the Liverpool Shenanigans Facebook page, it was whether it is the same person as the Local Pulse Press.

5

MS RICHARDSON: Well, that - the difficulty with that is that it is an unstated premise as to who the administrator of the page is, and the witness is giving his answer. So in my submission, counsel can't interrupt the answer if it's giving evidence that she doesn't like. She has opened this question up as to who is the administrator, and the witness is giving his understanding as to his understanding of that.

10

COMMISSIONER: Finish your answer.

15

MR MANNOUN: So the - at this point in time through the affidavit that has been referred to for the defamation proceedings, the owner of the Shenanigans - the administrator was Mr Billy - I don't know his last name. The police had spoken - have spoken to - the police have spoken to Billy this week and the local area commander informed me that the administrator, as what he said to them, is now a company based in Macedonia who is running the social - who are doing social media and now doing the social media for the Shenanigans page.

20

COMMISSIONER: Are you aware of any connection between that individual or the company in Macedonia and what is known as the Local Pulse Press? Is that what this is? The Local Pulse Press?

25

MR MANNOUN: No. Only that they constantly comment on each other's pages.

MS HAMILTON-JEWELL: Commissioner, the next section of questions relates to evidence that has traditionally been done by way of private hearing.

30

COMMISSIONER: All right. Pursuant to section 12B of the Royal Commissions Act, I direct that the next passage of hearing take place in private, transcript of this passage of hearing not be published otherwise than in accordance with my usual direction. Those who are in the room can remain, and I think senior counsel assisting is requesting that the door remain open.

35

MS McDONALD: Yes, please.

COMMISSIONER: I haven't seen in anyone hallway, so let's leave it open. But if someone loiters I'll ask Mr Parish to close it.

40

MS HAMILTON-JEWELL: Mr Mannoun, you just -

COMMISSIONER: Sorry, just pause until we're - I've got the nod. Thank you.

45

<THE HEARING ADJOURNED TO PRIVATE SESSION AT 4.05 PM

<THE HEARING RESUMED AT 4.21 PM

COMMISSIONER: Yes.

5 **MS HAMILTON-JEWELL:** You gave some evidence earlier to counsel assisting about Councillor Monaghan after that CEO recruitment meeting asking you to put any issues concerning work health and safety in a substantial report. Do you recall that?

10 **MR MANNOUN:** Yes. To get the CEO to do it, yes.

MS HAMILTON-JEWELL: And there was no reason why you could not prepare a report, was there?

15 **MR MANNOUN:** Yes, there was.

MS HAMILTON-JEWELL: Well, there was no reason why you couldn't set out in an email what your concerns were, was there?

20 **MR MANNOUN:** I - I did subsequently.

MS HAMILTON-JEWELL: After the meeting on 26 February 2025?

25 **MR MANNOUN:** Yes, but I still don't think that's the - the type of report that was expected.

MS HAMILTON-JEWELL: And there was nothing that prevented you from sending that email to councillors before the council meeting on 26 February 2025?

30 **MR MANNOUN:** No.

35 **MS HAMILTON-JEWELL:** Moving now to a different topic. In your view, if someone is not complying with workplace policies and procedures they should be given an opportunity to correct their behaviour before formal complaints are made against them. Do you agree with that?

MR MANNOUN: Sorry, which workplace?

40 **MS HAMILTON-JEWELL:** It doesn't matter. Any workplace policy or procedure that a person is not complying with. Do you agree that they should be told about the issue and given an opportunity to correct their behaviour before a formal complaint is made against them?

45 **MR MANNOUN:** I think it really depends on the circumstance.

MS HAMILTON-JEWELL: And when Councillor Ristevski was appointed, was elected in October 2024, you never raised with him your concerns about his use of social media, did you?

5 **MR MANNOUN:** I think I spent \$100,000 on a court case doing that.

MS HAMILTON-JEWELL: But that was before he was elected as a councillor?

10 **MR MANNOUN:** The proceedings started beforehand and concluded - or it was during that declaration of polls, and I think the judgment was handed down in December while he was a councillor.

MS HAMILTON-JEWELL: Now, you have heard evidence in this inquiry about the number of code of conduct complaints?

15 **MR MANNOUN:** Yes.

MS HAMILTON-JEWELL: And you have seen the spreadsheet INQ.077.001.0002. Don't live stream it, please.

20 **MR MANNOUN:** I have seen a spreadsheet.

MS HAMILTON-JEWELL: And it's not necessary to go through this whole spreadsheet, but if we can zoom in a little bit, please. You can see that there's a column that records the complainant and a column that that records the respondent.

25 **MR MANNOUN:** Yes.

MS HAMILTON-JEWELL: And just looking at the first four on that list, you can see the first three are by Councillor Harle? Sorry, Harte.

30 **MR MANNOUN:** Harte.

MS RICHARDSON: Sorry, is this allowed to be read?

35 **MR MANNOUN:** Is it being live streamed?

MS HAMILTON-JEWELL: The document is not being live streamed. And there's a complaint there. You can see that you're one of the complainants against Councillor Ristevski. Do you see that?

40 **MR MANNOUN:** Yes.

MS HAMILTON-JEWELL: And certainly if I'm incorrect in these numbers your counsel will correct me, but there's about 101 complaints about Councillor Ristevski. Are you aware of that?

MR MANNOUN: Not the specific number, but I will accept that.

MS HAMILTON-JEWELL: And you have lodged about 31 of the code of conduct complaints against Councillor Ristevski?

5

MR MANNOUN: I don't recall specifically, but I will accept that.

MS HAMILTON-JEWELL: And Councillor Harte has given evidence, and the spreadsheet records, that he has lodged about 36 code of conduct complaints against Councillor Ristevski.

10

MR MANNOUN: I will accept that.

MS HAMILTON-JEWELL: And Councillor Macnaught has lodged approximately six complaints against Councillor Ristevski.

15

MR MANNOUN: I'll - I'll accept what's written on the spreadsheet.

MS HAMILTON-JEWELL: And yourself, Councillor Harte and Councillor Macnaught are all councillors affiliated with the Liberal Party?

20

MR MANNOUN: Yes.

MS HAMILTON-JEWELL: And between the three of you, you have lodged about 73 of the 101 complaints about Councillor Ristevski?

25

MR MANNOUN: I will accept that.

MS HAMILTON-JEWELL: Commissioner, if I can just have a moment to check. Thank you, Commissioner. Those are my questions.

30

COMMISSIONER: Thank you. No one else? All right. Ms Richardson, you need some time?

35

MS RICHARDSON: Can I just have five minutes to talk to Mr Mannoun?

COMMISSIONER: Of course. I won't leave the bench, to save time, but you come back whenever you are ready.

40

MS RICHARDSON: Thank you.

COMMISSIONER: Mr Boyle, I saw you shake your head, but there's nothing from you? Otherwise you would have stopped me. Yes. Thank you.

45

<THE HEARING ADJOURNED AT 4.27 PM

<THE HEARING RESUMED AT 4.36 PM

COMMISSIONER: Yes, Ms Richardson.

5 **MS RICHARDSON:** Mr Mannoun, Ms McDonald, senior counsel assisting, took you to a video of a council meeting on 13 December 2023.

MR MANNOUN: Yes.

10 **MS RICHARDSON:** So in the interests of time I'm going to try to do this without taking you to the video, but was that the video where people had their jackets off because it was so hot?

MR MANNOUN: Yes.

15 **MS RICHARDSON:** And some questions were put to you. Do you recall that in that meeting you were having interactions with Councillor Kaliyanda?

MR MANNOUN: Yes.

20 **MS RICHARDSON:** And Ms McDonald put questions to you about whether you were being condescending to Councillor Kaliyanda and bullying her. Do you remember that?

MR MANNOUN: Yes.

25 **MS RICHARDSON:** Do you - is it your evidence to the Commissioner that that style of interaction at the meeting is the way you would ordinarily chair a meeting?

MR MANNOUN: No, that was out of the ordinary.

30 **MS RICHARDSON:** Why was it out of the ordinary?

MR MANNOUN: It's very rare that we would have a situation, I guess, to heat up like that. So out of the - I think I have chaired over 100 council meetings, probably a
35 good couple of hundred committee meetings. I have probably only had to exercise my right to stand up - or my - the exercise standing up, dare I say, less than 10 times. They usually are pretty - pretty common and that usually fixes the situation and, well - so as I said, that was a rare meeting.

40 **MS RICHARDSON:** Was there something happening on that day that you think also took that meeting out of the ordinary, in terms of your conduct chairing that meeting?

45 **MR MANNOUN:** In reflection, I - the - the first thing - I don't mean to, I guess, make this as any excuse. I guess, having people in a room where it's extremely hot - an AC in the middle of summer was probably something - I should have said as a chair we should have tried to reschedule or cancel the meeting. It was physically

hot. But then with respect to what then happened at the meeting, I guess that could have been done - there are better ways of doing that.

5 **MS RICHARDSON:** So looking at the videos you did yesterday, as an observer rather than when you were a participant in the middle of it, can you see that your response may have been perceived by Councillor Kaliyanda or others as being overbearing?

10 **MR MANNOUN:** Yes.

MS RICHARDSON: And that your interactions with her on that day may have hindered legitimate debate on a substantive issue on that day?

15 **MR MANNOUN:** With the amount of energy that was consumed with regards to what ensued with the point of order, or calling the council to order, then, yes, that's - the time could have been used better and - to actually debate the issue. And the energy could have been used better to debate the issue.

20 **MS RICHARDSON:** And do you accept that when a councillor raises comments concerning transparency and sale of council assets, that that they are legitimate matters for discussion in a council meeting?

MR MANNOUN: Yes.

25 **MS RICHARDSON:** You have since become aware of the free speech guidelines that have been introduced in respect of local governments?

MR MANNOUN: Yes.

30 **MS RICHARDSON:** Has that affected your thinking in how to manage the debate on topics, for example, in council meetings?

MR MANNOUN: Yes.

35 **MS RICHARDSON:** How is that?

40 **MR MANNOUN:** It, I guess, gives us a guideline in its - in its existence of, I guess, what is appropriate, what's not appropriate. So sort of bookends that we could work towards. And I think in - in essence, it's probably providing more flexibility - or providing a guideline which has led to probably more flexibility than the lack of interpretation allowed for.

45 **MS RICHARDSON:** So do you - what do you - how do you see those free speech - I'm using the shorthand - guidelines as assisting your understanding in terms of how to conduct a meeting in council?

MR MANNOUN: I think once - it goes to that, if there is a - if there is a question that I - of order or something that I'm concerned about, I at least have that to be able to refer to it. Obviously I'm not going to have that - I don't have it sitting with me when I'm - when I'm chairing the meeting. But ultimately the principle of allowing
5 councils - councillors - the requirement leeway that they see fit to have a proper discussion, or raise matters that they would like to raise, does - it helps provide that sort of, as I said, those guidelines or those -

MS RICHARDSON: Senior counsel assisting also took you to part of the same
10 meeting on 13 December 2023, where Councillor Green requested a motion of urgency in relation to independent third party advice about the status of the project control committee. Do you recall being taken to that part of the video?

MR MANNOUN: I think that was a different meeting.
15

MS RICHARDSON: I think it was the same meeting.

MR MANNOUN: Yes, I will accept that.

MS RICHARDSON: Do you recall that seeing the video with the interchange with
20 Councillor Green -

MR MANNOUN: Yes.

MS RICHARDSON: Do you recall seeing that recently?
25

MR MANNOUN: Yes.

MS RICHARDSON: Looking back now, what do you think about the use of your
30 phrases, such as talking to her about "a basic reading of the Act" and "it's blatantly clear what councillors' roles are"? How do you think Councillor Green might perceive those comments or outside -

MR MANNOUN: As mayor - as anyone, but particularly as mayor one has to be
35 careful with language and the impacts of - the impacts of language. And looking and reflecting on - yesterday and saying, well, the - how those, I guess, two words - or the small amount of words can take a - can take what is something that is, you know, valid but can have it be misinterpreted or interpreted in a negative fashion to the recipient, probably - it's probably good to be - I guess, once again, exercise more
40 caution and, very importantly, remove, I would say, any emotion or emotive words from it because ultimately the - it's important that councillors are all working together and don't feel whether - that they're being - if I can use the term - word "put down" by another councillor.

MS RICHARDSON: Senior counsel assisting also took you to another
45 meeting - that was, I think, the following council meeting on 7 February 2024 -

MR MANNOUN: Yes.

MS RICHARDSON: - where there was an issue about a funding source for a proposal. And time was spent dealing with - working out the funding source. Do you
5 recall seeing that video?

MR MANNOUN: Yes.

MS RICHARDSON: Looking at that video yesterday, what observations do you
10 have for the Commissioner about the tone or your style of questioning of Councillor Green and whether that's something you would do, going forward?

MR MANNOUN: Yes. So I guess when you look - looking at the video, but also, I
15 guess, what's happened before - I think after the deputy mayor's - or Councillor Green at the time, when she was on the council - her evidence in regards to, I guess, her feelings - how that made her feel - I think she was asked at the time.

MS RICHARDSON: This is Councillor Green?

MR MANNOUN: Yes. So I think when she was giving evidence she was asked
20 about her feelings. So we've had a discussion since that point in time, and obviously now as deputy mayor - we obviously work closer with each other and have more communication with regards to that. And where - I guess we're both, behind closed doors, very upfront with, you know, our feelings and - and situations. So I guess
25 ideally, once again, that is the - looking at how that embarked on it, the - that whole situation, I believe there's better ways of being able to handle it, in hindsight.

MS RICHARDSON: And do you agree, in hindsight, it would be more constructive
30 to refer the administrative details about the funding source to a member of staff for that to be worked out, rather than take the time at the meeting to do that?

MR MANNOUN: Yes, we have to - if we could - you know, instead of us putting
20 minutes on, if we had just allocated an amount - or provide - probably - once again, I spend time drafting motions that are workable, and I guess what I - what I
35 was doing in that was going to a level of, sort of, minutiae that probably wasn't - was out of the ordinary, and it's the - yes, looking at it now, putting myself in Councillor Green's shoes and see the - how it made her feel, that it's - could have been handled better and left ideally to the staff.

MS RICHARDSON: In terms of voting patterns in council, you referred in your
40 evidence earlier this afternoon about - for example, with Councillor Ristevski, that there were occasions where you've seconded his motions and so on. I just want to ask you some general questions about voting patterns in councils in the current governing body that was elected late last year. What proportion of matters before
45 council are typically resolved unanimously, to your understanding?

MR MANNOUN: Over 90 per cent.

MS RICHARDSON: And does that include matters that are put forward by councillors other than yourself?

5 **MR MANNOUN:** That - that is the whole agenda, including notices of motions, mayoral minutes, and the reports put up by staff.

MS RICHARDSON: So given your relatively long history in Local Government, would you see that as a barometer of the ability of this governing body to function?
10

MR MANNOUN: Yes. And I look at my role. Ultimately, if I look at 226(a), the first word being the leader of council - it's important that a leader takes everybody with them. And my goal as the chair of the meetings is to build - build a consensus, and that's why we may spend a little bit more time, but ultimately, when we're going
15 back and forth, we are getting to positions where everyone is agreeing with that, and that is the overwhelming outcome of the governing body.

We resolve matters. We resolve them together, we get to a position where compromise from different - let's call it different - or from all the different
20 councillors, because even though councillors are of the same political persuasion, they from time to time have different views from their colleagues of the same colour, and we do vote against each other. But ultimately, the - that stat of everybody - us voting together in 90 per cent of the time, with the dynamics that exist, I believe is a - a very good barometer of the functionality of council, and I don't think many
25 other councils could say the same.

MS RICHARDSON: So in terms of the consensus you speak of in terms of this governing body - I note the time, so just - apologise, you'll have to keep your answers at, sort of, bullet-point level if possible, but what are the key things that
30 council has decided or been voted on in terms of key things that have actually been voted on and achieved in this term?

MR MANNOUN: So the - there is a lot of things that have to be done within the first 12 months under the Act. Just about every single one of them is done. And
35 putting in place our community strategic plan, which is a big process, that's done and that's a very - it got the Northern Star for our term on council. Our budget. Appointing the CEO unanimously as well. You know, significant - I gave evidence on Friday about many of those - many of other things that were done, and I won't rehash them.
40

But ultimately, we've achieved our legislative requirements. There aren't things that are in abeyance. So things are moving, and when the reports are put to council - they're going good. Another very, very good measure is the amount of rescission motions. Rescission motion - I don't think there has been any. Maybe one.
45 I've seen councils, for example, that constantly get stuck in rescission motions every meeting, because ultimately, you know, three councillors are trying to delay things or slow things down, they don't have the majority, so they're lodging rescission

motions. We don't have that, and I think that gets down to the consensus building. So to me that's a very, very positive thing, in that rescission motion - if there has been one, it - I think it's only been one.

5 **MS RICHARDSON:** Those are my questions.

COMMISSIONER: Thank you, Ms Richardson.

10 **MS McDONALD:** The evidence you gave of unanimous decisions of about 90 per cent -

MR MANNOUN: Yes.

15 **MS McDONALD:** - is that based on an impression or have you gone through and done a calculation?

MR MANNOUN: The - the staff, I know, have been taking a record of it early on, and then I'm - you see me calling motions, when they're resolved, unanimous.

20 **MS McDONALD:** Sorry. So is it your impression or have you actually done statistics or staff have done statistics?

25 **MR MANNOUN:** Staff have done statistics, and I more have done statistics in meetings, counting - counting what has not been approved unanimously, and in most of the meetings it's probably four, five items, if that. Subject to what meetings.

MS McDONALD: Not - and I'm putting this to you not in a derogatory way, but most of the motions, mayoral minutes, et cetera, are - deal with innocuous matters?

30 **MR MANNOUN:** No, I don't accept that.

MS McDONALD: You don't agree with that?

35 **MR MANNOUN:** No, the majority of the motions put to us are reports from council staff. There's probably around, every meeting, 30-plus reports from council staff.

MS McDONALD: But they -

40 **MR MANNOUN:** And it's probably - maybe a handful of motions and mayoral minutes.

45 **MS McDONALD:** Yes. But what I'm saying is the majority of those are dealing not with controversial matters, are dealing with matters where it would be expected that councillors will agree with it. Do you agree or not agree with that?

MR MANNOUN: I don't understand - like, I guess, what - controversial? There are different reports, different policies, each one has intricacies. I don't - I wouldn't - I

wouldn't say that the agenda of council is a - an assumed given that everyone should just be voting for it and move on.

5 **MS McDONALD:** No, I'm not saying that, Mr Mannoun. What I'm saying to you is the majority of matters that council considers at a council meeting are matters where it either is very likely or inevitable that councillors will agree on it. Do you agree with that or not?

10 **MR MANNOUN:** I think, from my previous history on councils - on council, it has not - there usually is a divide on things, in a lot of the things.

MS McDONALD: Have you - did you keep statistics from previous councils where you have been mayor?

15 **MR MANNOUN:** Not specifically.

MS McDONALD: Right. So that's an impression that you have?

20 **MR MANNOUN:** No, I go back to a reflection of my previous term.

MS McDONALD: Yes. So it's an impression that you've got. You haven't done the stats?

25 **MR MANNOUN:** Yes. Qualitative, not quantitative.

MS McDONALD: You haven't done a statistical analysis of other councils, have you?

30 **MR MANNOUN:** The - I think the - I think the staff have done. Or have been asked to do some.

MS McDONALD: When did you ask the staff to do this?

35 **MR MANNOUN:** This was very - I think since - at the beginning of our term.

MS McDONALD: All right. And where are those statistics reported?

MR MANNOUN: They have them. I don't have them.

40 **MS McDONALD:** Right. But why are they preparing a report or statistics for you?

MR MANNOUN: I'm not - I have not received the report with regards to other -

45 **MS McDONALD:** Sorry?

MR MANNOUN: I have not received a report about how other councils are doing that.

MS McDONALD: Right.

5 **MR MANNOUN:** What they've done. But I know they are keeping records of what we're doing. My role that I have with regards to - my former now, because I'm no longer a director of Local Government New South Wales - but with regards to my presidency of the Liberal Local Government Assembly, I asked my other councillor colleagues and other mayors, and they do not have that - well, they have different views with regards to their various motions.

10 **MS McDONALD:** You've talked about staff collating statistics at Liverpool City Council. My question is has that been provided in a report that's been provided to you?

15 **MR MANNOUN:** No.

MS McDONALD: So you just know that they've been collating statistics?

20 **MR MANNOUN:** Yes.

MS McDONALD: You haven't had access to those statistics?

MR MANNOUN: Yes.

25 **MS McDONALD:** That you haven't? That's correct?

MR MANNOUN: I haven't.

30 **MS McDONALD:** Can I just ask you - you referred to Dr Betty Green. I've noticed, when I've been watching the video of the council meetings, she appears to have been absent for the past two meetings?

MR MANNOUN: Yes.

35 **MS McDONALD:** When is she expected to return to council? Is there an expected date or -

40 **MR MANNOUN:** Yes, I think at the - I think she applied for a leave of - she applied for a leave of absence at the last council meeting, and I think it stated 12 December, approximately.

MS McDONALD: Okay. Can you just excuse me for a minute. There's no further questions.

45 **COMMISSIONER:** Thank you, Councillor. That completes your oral evidence. I'm most grateful for your attendance over the number of days that you've been here, and including some rather odd sitting times, but I'm grateful for your accommodation in

doing that to finish the work of the inquiry, at least in this forum. You're free to go for the moment. Thank you.

MR MANNOUN: Thank you, Commissioner.

5

<THE WITNESS WITHDREW

COMMISSIONER: If you need to leave, Ms Richardson, that's fine. (Crosstalk). Yes. No problem at all.

10

MS McDONALD: I was just going to deal with some administration.

COMMISSIONER: Yes, I think we should use the time. Councillor, you don't need to sit here and listen to this. Feel free to -

15

MS McDONALD: The first thing is there are two lists from Councillor Monaghan's evidence and from Mr Breton's further evidence - of documents to be tendered. I don't have an updated - can you just excuse me. Okay. That makes it easy. Apparently they're already in the existing TB8 index. I think that's MFI 41 that I handed up the other day.

20

COMMISSIONER: Sounds about right.

MS McDONALD: If I hand up those two documents -

25

COMMISSIONER: All right. The documents in the list handed up this afternoon, Councillor Monaghan'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 headed Jason Breton's Further Evidence Documents for Tender by Counsel Assisting will have - or the document in that list will have the exhibit number attributed to it in that list. Yes.

30

MS McDONALD: Can I just indicate there is some more work to do in finalising the documents that are tendered before the inquiry. Obviously, from Mr Mannoun's evidence there are some more documents that we have to compile and tender, which will obviously - so we need to do that. Also, if other parties have referred to documents and wish those to be tendered - if they can inform us and we can consolidate a list of documents for next week.

35

COMMISSIONER: There's a - I asked last week - is it last week or the week before - I can't remember which week now, but if anyone wanted to press for documents to be tendered through you that that should be provided. Has that happened?

40

MS McDONALD: It's happened by the legal reps representing Mr Mannoun and the legal representatives representing Mr Ristevski.

45

COMMISSIONER: Right.

5 **MS McDONALD:** There might be some additional documents from today. But if there are - if any other party has documents that they wish to be tendered through us, if they can inform us next week. The other aspect -

COMMISSIONER: By next Friday?

10 **MS McDONALD:** Yes, that would be good. The other aspect is there may be some documents - we got late service or late compliance with a notice, and there may be some documents in that that we wish to put before the inquiry. But we will look at those, obviously circulate what we would like to tender to the parties, and if there's no objection we'll include a list to you next week in respect of those additional documents.

15 **COMMISSIONER:** All right. Well, if the other parties aren't giving you their lists until next Friday, you can circulate your further list by next Friday and then something can come to me in the week of the 15th. But, I mean, look, it's an inquiry. It may be that when people are writing their submissions that a policy document or the like is discovered that isn't - hasn't yet been given an exhibit number. There's - there ought be no difficulty in that document being identified and tendered, and I can receive it in chambers. Documents don't need to go through a witness. So I can understand how things might slip through the cracks, given the volume of material, so that will be no difficulty.

25 **MS McDONALD:** The next issue or matter is directions.

COMMISSIONER: Yes.

30 **MS McDONALD:** Directions were circulated to the parties.

COMMISSIONER: Yes.

35 **MS McDONALD:** We had a response in respect of the second direction.

COMMISSIONER: Yes.

40 **MS McDONALD:** I understand you have got a copy of this, whereby the authorised parties would serve their closing submissions instead of by, I think, towards the end of January, by 6 February.

COMMISSIONER: Yes. All right. Would that change? Does anyone want to say anything about the draft directions with that change being made? No.

45 **MS McDONALD:** Do you need another copy?

COMMISSIONER: I've got a copy, I'm just looking for my MFI list. What am I up to? Do you want to saying? No problems?

MR PARISH: No problems.

5

MS McDONALD: I think we're up to 42.

COMMISSIONER: Is the next MFI 42? It was right in front of me. Thank you. All right. Well, I make the directions for submissions in the document Liverpool Council Public Inquiry Final Directions handed up this afternoon - which I will mark MFI 42.

10

**<MFI #42 DIRECTIONS FOR SUBMISSIONS IN THE DOCUMENT
LIVERPOOL COUNCIL PUBLIC INQUIRY FINAL DIRECTIONS
HANDED UP ON 05/12/2025**

15

COMMISSIONER: I've said - and this should be circulated to any of the authorised parties who aren't here, obviously enough. I know I will sound like a broken record, but I am genuinely looking to all of the authorised parties for practical and meaningful suggestions as to recommendations based on the issues, as well as their submissions on the facts of course. But it seems to me, given the collective experience and background of all the authorised parties and those at the bar table, that there might be scope for some meaningful engagement on the nature of the recommendations that I might make.

20

MS McDONALD: They were the only -

25

COMMISSIONER: That's all for you? Mr Parish, I had - and until this moment I'd been pretty good at not losing bits of paper, but a document - you've got another one? Thank you. All right. Has this been circulated to -

30

MR PARISH: I think we circulated it to solicitors assisting, and that's seeped through to some of the other parties. But maybe not every single one.

COMMISSIONER: All right. In general - well, what should happen then is I will ask the solicitors assisting to circulate - there's some paper being handed around the back, but I'll ask the solicitors assisting to circulate it to everybody, including the authorised parties who aren't here.

35

MR PARISH: Yes.

40

COMMISSIONER: And if an agreed position can be sent to me by the - Wednesday the 10th, in chambers, or if there is to be disagreement - competing versions, marked up appropriately of this direction, and sent to me through the solicitors assisting, in chambers, I can then deal with it. The only thing I would - I've just read the very thing that I was going to raise, so I'm not sure if it's been added after the version that I saw, but there is to be a short explanation as to why the order should be maintained.

45

MR PARISH: I think that's - pardon me. I think that's reflected in 1 and 5, but it might not have made it into 3.

5 **COMMISSIONER:** I think that's right.

MR PARISH: So I'll add it - we'll add it to 3.

10 **COMMISSIONER:** All right. What about this? Could you tweak it, as it were, and then can you circulate it to all of the authorised parties?

MR PARISH: Yes.

15 **COMMISSIONER:** And solicitors assisting, including those that are not here. The parties - if it's agreed, then I can be told it's agreed at any time. But if it's not agreed, competing versions of this direction should be sent to me via the solicitors assisting by close of business on 10 December. Is there anything else?

20 **MS PALMER:** Commissioner, just one - and (indistinct) not had the opportunity to read this all through, but is there anything the parties should do with respect to their submissions being conscious that there are categories of documents - different levels of sensitivity apply?

25 **COMMISSIONER:** I don't propose to be putting submissions on the website. Does that address it?

MS PALMER: That's - yes, that's (crosstalk).

30 **COMMISSIONER:** Yes. The other thing that I was going to raise about this direction is - let's say for a moment I determine on application by a party that certain evidence should remain subject to a non-publication order. How do I deal with it in my report? Does this prevent -

35 **MR PARISH:** It -

COMMISSIONER: I suppose one way is, if I felt it absolutely necessary to deal with a passage of evidence that is in confidential session in my report, I could simply vacate the order or vary it to permit me to do so.

40 **MR PARISH:** Yes.

COMMISSIONER: I suppose whether this issue will bite will depend on what is left at the end.

45 **MR PARISH:** Yes. But -

COMMISSIONER: I don't think it should constrain the parties from making their submission to me, hence I won't be putting submissions on the website.

5 **MR PARISH:** One thing we are conscious of and are seeking instructions on is - there's things that have come up in this inquiry which you may need to address, and which probably shouldn't be part of non-publication (indistinct) any further. Hopefully, if we do our job properly, you may not be so constrained.

10 **COMMISSIONER:** Yes. Well, that's the very reason why, in my discretion, we might decide not to continue a non-publication order if it is a matter that I think I might need to deal with. All right. Well, that - in any event, if I find myself needing to refer to something, as I say, one of the benefits, as well as the challenges, of any proceeding of this nature is the flexibility that it affords me to deal with that as I need to. All right. Anything else? No?

15

MR PARISH: No.

20 **COMMISSIONER:** Can I - I'll say more about this - I might see you again, depending on whether - the extent of disagreement between you all. I'm hoping that there will be large-scale furious agreement so I won't need to ask you any questions, but in the off-chance that I don't see all of you again, can I express my - and I'll say more about this in the report, of course, but express my thanks to the assisting team, both counsel and solicitors. Can I express my thanks to the - Law in Order, who have provided the technical support, I think, over 52 days. We've gone down from a few
25 fingers, so - on occasion, so that has been exceptional and, in my view, very important to the work of the inquiry to ensure it can be seen widely, and the statistics I have seen have suggested that there's been more people watching than could possibly ever fit in a hearing room of any kind, given the numbers that were present at Justice Emmett's swearing in the other day.

30

Can I thank the representatives of the authorised parties for their assistance over the course of the public hearings and for the practical and sensible manner in which we have navigated some potential challenging issues of procedure along the way. That has been of great assistance to me. And I hope that assistance will continue in the
35 written submissions. I will adjourn the hearings to a date potentially to be advised. Thank you, everybody.

<THE HEARING CONCLUDED At 5.12 PM