



## **PUBLIC INQUIRY INTO LIVERPOOL CITY COUNCIL**

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

**PUBLIC HEARING  
SYDNEY**

**TUESDAY, 26 AUGUST 2025  
AT 10.40 AM**

**DAY 21**

### **APPEARANCES**

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

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**<THE HEARING RESUMED AT 10.40 AM**

**MR EMMETT:** Commissioner, could I make one application, and that is in relation to a very small subset of the information over which you made an interim order  
5 yesterday. Commissioner, you'll recall you received evidence about three applicants for the position of CEO.

**COMMISSIONER:** Yes.

10 **MR EMMETT:** We ask that you make an interim order over the third - that is, the applicant other than persons from whom you have received evidence or are receiving evidence today. I'm referring to that person obliquely -

**COMMISSIONER:** Yes, I understand.  
15

**MR EMMETT:** - to avoid identifying that person.

**COMMISSIONER:** I think I remember the name.

20 **MR EMMETT:** Yes. The basis for it being that when people go for - apply for positions, it's often not public and people may be more reluctant to apply for positions if the application is - becomes public. We accept that it could be that that process - that process of appointment becomes so important - it is sufficiently central that your assessment ultimately is that the interest in the openness of this inquiry  
25 outweighs that interest in confidentiality, especially given that it's some years old.

So it's not - you may well ultimately make a different - come to a conclusion about a different balance, but we do seek an interim order for the time being, to give counsel assisting an opportunity to consider that, and then a decision can be made  
30 about whether it is sufficiently important that, in fact, you should order it - that all of that should be public anyway.

**COMMISSIONER:** It's just the name?

35 **MR EMMETT:** Yes. Well, name and anything - the identity of that person. So we would need to consider whether there's anything else which would identify that person, but it's probably just the name and anything else that identifies.

**COMMISSIONER:** My recollection yesterday is it was only the name that was  
40 mentioned. Do we have a reference in the transcript of where that -

**MS McDONALD:** I haven't got a reference in the transcript. My learned friend just raised it with me.

45 **COMMISSIONER:** Yes.

**MS McDONALD:** We have no objection to the interim order continuing. We would like the opportunity to just review the document, review the evidence and see if, in our view - that there is any difficulty in restricting the non-publication order to the name. But I just can't assist you at the moment.

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**COMMISSIONER:** All right. Has the public part of yesterday's transcript gone on the website yet?

**MS McDONALD:** No.

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**COMMISSIONER:** All right. Well, it won't for the moment. The team has heard that. Let's not push the public part of the transcript to the website at the moment. That will take care of the issue in the short term, Mr Emmett.

15

**MR EMMETT:** Yes.

**COMMISSIONER:** And as part of that, it occurred to me, when reading the private transcript overnight, that there seemed to be significant sections of that that might be able to be made public.

20

**MR EMMETT:** That's right.

**COMMISSIONER:** At some time today, would one of those assisting you be able to identify the passages of that transcript that you would wish to maintain the orders or directions I made yesterday over, and then we can push the whole lot to the website at some convenient time during the day.

25

**MR EMMETT:** Yes, Commissioner. May it please.

30

**MS McDONALD:** Right.

**COMMISSIONER:** Anything else?

**MS McDONALD:** No. We're about to - I'm about to call Mr Breton.

35

**COMMISSIONER:** Yes.

**MS McDONALD:** Who's already in there.

40

**COMMISSIONER:** He's ready to go.

**MS McDONALD:** He is represented.

**COMMISSIONER:** Yes.

45

**MR TYNAN:** Commissioner, I'm Tynan. I appear for Mr Breton.

**COMMISSIONER:** Yes. Leave is granted for that purpose. Thank you, Mr Tynan. Mr Breton, would you like to take an oath or an affirmation?

**MR BRETON:** Oath, Commissioner.

5

**COMMISSIONER:** Yes. Thank you.

**<JASON BRETON, SWORN**

10 **COMMISSIONER:** Thank you, Mr Breton. Yes, Ms McDonald.

**MS McDONALD:** Please state your full name.

**MR BRETON:** My full name is Jason Breton, B-r-e-t-o-n.

15

**MS McDONALD:** Current occupation?

**MR BRETON:** I'm the chief executive officer of Liverpool City Council.

20 **MS McDONALD:** Mr Breton, in the council election in 2021, you stood for election as a councillor?

**MR BRETON:** Yes.

25 **MS McDONALD:** You stood on an independent ticket?

**MR BRETON:** Yes.

30 **MS McDONALD:** And when I say "ticket" there were a number of other people putting themselves forward to be elected as a councillor on that ticket?

**MR BRETON:** Yes.

35 **MS McDONALD:** Would document INQ.041.001.0001 be brought up, please.

**ASSOCIATE:** Do you want that document on the live stream?

40 **MS McDONALD:** Yes, please. Mr Breton, do you see this is an article from The Daily Telegraph with a heading Liverpool City Council Elections 2021 Meet the Lead Candidates.

**MR BRETON:** Yes.

45 **MS McDONALD:** If we could move through to page 22. You can see at the bottom you're listed:

"Independent. South Ward."

With your current occupation, previous occupation. And then if we move to the second page - sorry, the next page, page 23, a photograph:

5 "Former detective chief inspector who now works on Australia's largest transport and infrastructure projects."

And then you're "born and bred Liverpool local".

10 **MR BRETON:** Yes.

**MS McDONALD:** And then if we go to the next page, there's a quote from you:

"Truly independent."

15

**MR BRETON:** Yes.

**MS McDONALD:** And then you've got other councillor nominees in the group ticket: Lorenzo Luciano -

20

**MR BRETON:** Yes.

**MS McDONALD:** - Michael Harte, Fiona Harte and then a Toni Cancellara.

25 **MR BRETON:** Yes.

**MS McDONALD:** Would you please bring up document INQ.047.001.0002.

**ASSOCIATE:** Would you like this document on the live stream?

30

**MS McDONALD:** Yes, please. This is from the New South Wales Electoral Commission. It's the result of the candidate results from that election and you can see that it's grouped in various parties. So it starts off with Labor, then there's the Liverpool Community Independents Team, keeps on going, Liberal. And then group D, and it doesn't appear you had a name.

35

**MR BRETON:** No.

**MS McDONALD:** Right. But again, you're listed and the other people whose names are referred to are listed. Denis Harte and Fiona Harte, are they husband and wife?

40

**MR BRETON:** I believe so.

**MS McDONALD:** And are they the parents of the current Councillor Matthew Harte?

45

**MR BRETON:** I know they're family members.

**MS McDONALD:** All right. Related somehow?

**MR BRETON:** Yes.

5

**MS McDONALD:** Lorenzo Luciano, was he also known as Max?

**MR BRETON:** I don't know the person. Never met him.

10 **MS McDONALD:** But he's on your ticket.

**MR BRETON:** Correct.

**MS McDONALD:** How did that come about?

15

**MR BRETON:** I was thinking about running as an independent and I had met Matthew Harte, and I was going to run under the line by myself and was told that was ridiculous, I would not get the numbers to run under the line with 60, 80 candidates in a local election. He encouraged me to run above the line. I said I don't  
20 know how to do that. He said, "I do," and he got four names for me and I put a ticket up, on the understanding that, look, I run a remarkably unsuccessful candidature and that they would probably not get the votes, but he asked them to do it and they did it for me.

25 **MS McDONALD:** All right. Where did you meet Matthew Harte?

**MR BRETON:** I met him in an office that was established - he was working as Ned Mannoun's campaign manager. I think it was '18 or '19 at this stage. I had been asked to do something for them.

30

**MS McDONALD:** I'm sorry, Mr Harte was working in an office at as Ned Mannoun's campaign manager?

**MR BRETON:** I think he was running his - the campaign.

35

**MS McDONALD:** For the '21 election?

**MR BRETON:** For the '21 election, yeah. This was prior to my candidature.

40 **MS McDONALD:** Right.

**MR BRETON:** It's - I'm mean, I can - I can take you through how I - that happened.

**MS McDONALD:** Yes.

45

**MR BRETON:** Okay.

**MS McDONALD:** Yes, please.

5 **MR BRETON:** So it's not very sinister. A guy called Arvind Lal, L-a-l, wanted to introduce me to Ned Mannoun. I had shown some interest in Local Government for a number of years. In fact, I had applied for some directorships at Liverpool Council under Kiersten Fishburn's rule. Anyway, Arvind Lal and I - we're both soccer coaches in the NPL and he arranged a coffee with Ned Mannoun. That's the first time I'd met him, down at the riverside development there at Liverpool, and he had no understanding of - I was doing major works for Downer, Metro Trains in relation to project controls and Gantt charts and scheduling, and I just volunteered - I was out of work at the time.

15 I volunteered to help them put up a linear map in the office and plot the election. There were some challenges to the election - I think there was pushback - and put some milestones in for them, and just do some project control stuff for them, just under goodwill, and that's where I met Matthew Harte. He was sitting there and looking after the campaign.

20 **MS McDONALD:** So the coffee with Mr Mannoun, that was in the lead-up to the 2021 election?

**MR BRETON:** I think that's six months before the actual election took place. Maybe even more. Maybe earlier that year. I think the election was early December.

25 **COMMISSIONER:** But you hadn't nominated at this stage?

**MR BRETON:** No. No, I had no intention. I think ego got the best of me, Commissioner. And when it was suggested - I really do have a very strong civic feeling about Liverpool. I actually thought, believe it or not, that I had a chance and I could make a difference. I know that sounds a little bit silly.

**MS McDONALD:** So it was - as you said, you met Mr Mannoun. You volunteered to put up in their electoral office, as you described it, a linear map -

35 **MR BRETON:** Yeah.

**MS McDONALD:** - leading up to the election.

40 **MR BRETON:** Yep.

**MS McDONALD:** And basically it was some form of project management leading up to the election.

45 **MR BRETON:** Yeah. Yeah. So it's a big strip of brown paper, which I put up across two walls, and I had the election date and I'd just done a - what we'd typically do in project world, a Gantt chart, with sticky notes as milestones into what - and I spoke to Matt and others about what they - the kind of things they wanted to do in a lead-up

and we put those milestones in - you know, last day to nominate - you know, all those kind of static details. And then some - they put some different coloured notes in around some of the activities they would do in campaign mode.

5 **MS McDONALD:** And it was during the time you were doing this work that Matthew Harte suggested why don't you stand?

**MR BRETON:** Yeah. I don't know how the suggestion came up. I think it was just a conversation. I wasn't that enamoured with the candidates and I thought I - I  
10 thought I was a good chance. I didn't know anything - I was an absolute novice in this space, but I did think, in the interim between roles, it was good for my CV. It was certainly something I wanted to do and I had some - again, some constraints around - I was going to bring some family members in, but my brother was a local magistrate, Commissioner, and he couldn't do it, and I was kind of without options,  
15 so it sounded like a good idea at the time.

**MS McDONALD:** Right. And you've given evidence that Mr Harte also discussed with you the benefits of being above the line rather than below the line.

20 **MR BRETON:** Correct.

**MS McDONALD:** And he organised a Denis and Fiona Harte, who are some family relation to Matthew Harte. Did you ever meet Toni Cancellara?

25 **MR BRETON:** No.

**MS McDONALD:** Mr Luciano, you didn't meet him?

**MR BRETON:** No. And I never met the Hartes either, Denis or Fiona.  
30

**MS McDONALD:** You've never met them.

**MR BRETON:** Never met them.

35 **MS McDONALD:** Do you know anything about Mr Luciano and whether he had a relationship with Mr Mannoun?

**MR BRETON:** No. No.

40 **MS McDONALD:** Would you bring up, please, document INQ.047.001.0001, please. And it can be live streamed. In an article from The Daily Telegraph - this is dated - I think it's 2019. But can you see a reference to:

"Liverpool restaurateur Max Luciano caught driving with cocaine in his system."  
45

**MR BRETON:** That's what it says, yes.



**MS McDONALD:** And if we would move down the article, the second - the first paragraph is:

5 "Man credited with revitalising Liverpool CBD will have to front up and tell the city's mayor why he was snorting cocaine, a court has heard."

And then if you - in the second paragraph, can you see what he pleaded guilty to is reported there?

10 **MR BRETON:** Yes.

**MS McDONALD:** And then the next paragraph refers to he had the backing of former city Mayor Ned Mannoun in court, who wrote a character reference on his behalf.

15 **MR BRETON:** Okay.

**MS McDONALD:** So that link between Mr Mannoun and Mr Luciano, you had no idea about it at the time that you agreed to go on a ticket with him?

20 **MR BRETON:** I found out about it two minutes ago.

**MS McDONALD:** All right. You're on a ticket. Did the ticket determine the giving of preferences? If you can - sorry, I haven't expressed that very well. Can I just ask, the ticket, were you standing in the same ward or was some in the North Ward, some in the South Ward?

**MR BRETON:** I don't know. I assume the South Ward.

30 **MS McDONALD:** All right. And, you know, usually where you have a ticket you have a how-to-vote.

**MR BRETON:** Yes.

35 **MS McDONALD:** State the obvious. And often candidates will direct preferences to other parties.

**MR BRETON:** Okay.

40 **MS McDONALD:** Right. Did you do that?

**MR BRETON:** I understood that my preferences - I rang around all the candidates. I did not receive a call back from two of them, but I was aware that the Liberal Party would reciprocally preference my ticket, but I don't recall doing anything about that.

45 **MS McDONALD:** All right. Who did you speak to from the Liberal Party that indicated there would be this reciprocal arrangements with preferences?

**MR BRETON:** Well, nobody. I spoke to Matt Harte, and I don't know whether he is a member of the Liberal Party or was a member of the Liberal Party, but it was Matt Harte that I spoke to about how preferences work. Again, I didn't know.

5

**MS McDONALD:** All right.

**MR BRETON:** I was a relative novice in relation to how that might assist or otherwise.

10

**MS McDONALD:** And it was through him that this reciprocal relationship was put in place?

**MR BRETON:** After no interest from every other party, yes.

15

**COMMISSIONER:** Mr Harte managed that, did he?

**MR BRETON:** Yes, Commissioner. I don't recall filling out a form or doing anything about that. It was almost an agreement. I remember that I'd left messages for Mr Hagarty without a response. Dr Betty Green wasn't interested at that time, and I think Karress Rhodes - I'd met her at Carnes Hill and asked her and she wasn't interested. Again, I was - there was not much value in my preference, to be fair.

20

**MS McDONALD:** All right. You identified that Matthew Harte was running Mr Mannoun's campaign?

25

**MR BRETON:** Assisting. I mean, he was a young guy. He was sitting in an office and he was doing - I think he's, you know, a student of politics and he was assisting the campaign. Yes.

30

**MS McDONALD:** And at that stage, you didn't know he was a member of the Liberal Party?

**MR BRETON:** No, I never asked him. I assumed -

35

**MS McDONALD:** Yes.

**MR BRETON:** - he had some affiliation. I - I don't know who's a member of anything, still to this day. I've never asked him. But my assumption is he is. I mean, he's a Liberal councillor.

40

**MS McDONALD:** Yes.

**MR BRETON:** Whether he still holds party membership, I'm kind of - I - I assume he does. I never asked the question.

45

**MS McDONALD:** All right. So the upshot is not successful at the election?

5 **MR BRETON:** Fundamental failure. I went to Moorebank Primary School and it was a split ward, and at about 2 o'clock I realised that half my how-to-votes were no good because my name wasn't on the ticket inside, obviously, because of a split ward, and I kind of had an epiphany. I went Casula and - and my numbers went up, and that's how badly I went, and the - I went home with my tail between my legs, picked up my corflutes the next day and that's the end of my political career.

10 **MS McDONALD:** All right. Now, it appears that your next association with Liverpool City Council is when you apply for the CEO position in 2022.

**MR BRETON:** Correct.

15 **MS McDONALD:** Excuse me for a minute. Would document LCC.010.007.6819 be brought up, please. And it can be live streamed. And redactions have been made to the document. That's the first page of the application form that you completed?

**MR BRETON:** Yes.

20 **MS McDONALD:** If we go to the end of that page, it sets out your various tertiary qualifications.

**MR BRETON:** Yes.

25 **MS McDONALD:** There's the reference in the second-last row to Bachelor of Policing. Does that reflect the fact that your work life you commenced in the police force?

30 **MR BRETON:** 23 years and 10 months. So not from my work life, but I think I was a 21 year old man when I joined the police. Yep.

**MS McDONALD:** Yes. And which rank did you reach?

35 **MR BRETON:** Detective chief inspector incumbent and acting commander or superintendent of Coffs-Clarence Local Area Command.

**MS McDONALD:** You say Coffs? So is that near Coffs Harbour, up there?

40 **MR BRETON:** Yeah. It takes in 17 police stations, from Uranga in the south to Yamba in the north, but the biggest two towns are Coffs Harbour and Grafton, and I was the acting commander there for a period.

**COMMISSIONER:** Did you spend much of your policing career in the north?

45 **MR BRETON:** No, all in the Major Crime Squad, Commissioner. Very - I was lucky enough to win - I wasn't going to knock it back when I got the job in Coffs

Harbour, and that was going, yeah, swimmingly for a while, and then the Bulldogs investigation started and it didn't go so swimmingly. Yep.

5 **MS McDONALD:** Would we go to page 2. Under Employment Summary, you then set out your employment history from about 2010, and there's employment by Downer, Busways, Aurora Marketing, Metro Trains, and then at the time of your application you're with Hitachi.

10 **MR BRETON:** Correct.

**MS McDONALD:** Now, I just wanted to highlight part of your application which is rather long. Would you go to page 5, please. Now, I think this is kind of part of the criteria and it's executive expertise in government, including an understanding of statutory environment, community expectations and government directions. And  
15 what I just wanted to highlight, in 2012 you refer to being the assistant ombudsman at Warringah Council.

**MR BRETON:** Correct.

20 **MS McDONALD:** How does that reconcile with that employment summary that I took you to, which we can jump back to on page 2, where around that time you were employed by Downer?

**MR BRETON:** So it doesn't. So the Downer - I spent six years at Downer. So 2010  
25 I had left the police force in the - June, and I was working for a company called RISQ Group in York Street, R-I-S-Q. So I was the chief of staff at Downer and I was the director of major projects, but in late 2010 I was working for RISQ Group, who had a subcontract into Warringah Council, who were in administration, and I was put there for, I think, six to nine months as the assistant ombudsman.  
30

**COMMISSIONER:** So your time at Downer started in about 2012?

**MR BRETON:** Yeah, after that. 2012 - it was the - in the January - yep.

35 **COMMISSIONER:** So in the line after, you've got Downer from 2012 to 2018. That covers the whole period, although you have -

**MR BRETON:** Yeah, it covers it. If "chief of staff" was "consultant to RISQ Group", that would be - make more sense to me at the moment. So that was  
40 a period - so I'd left the police - again, in the June. I think there was a small hiatus and I'd started working for RISQ Group. And I'd gone back to university, I think.

**MS McDONALD:** So that first row under Employment Summary, instead of being chief of staff, Downer, it could refer to being employed by RISQ?  
45

**MR BRETON:** Yep. If the 2010 was a 2011 - I'd copped it late in 2011 - I had made the move from consultancy across to Downer, because I was going to join them. So

I've missed out by a digit there. And I didn't have my consultancy in there - in that table. I mean, I can - you can take it back - I could have put all the police stuff in there as well, but -

5 **MS McDONALD:** And the work you did with Warringah Council - maybe if we can jump back to page 5, please. You say in 2012, as the assistant ombudsman at Warringah Council, worked with mayor, councillors, directors daily and managing complaints and satisfying community expectations around probity, professional standards and compliance. Then I just wanted to jump to - on that page, it's four  
10 further paragraphs, commencing "Insofar":

"Insofar as complex sensitive issues" -

15 You refer to your previous police experience, a professional standards manager, and ombudsman to Council Warringah. Were you the assistant ombudsman or the ombudsman?

**MR BRETON:** I was the assistant ombudsman.

20 **MS McDONALD:** Okay. And roughly how long were you in that role?

**MR BRETON:** Six to nine months.

25 **MS McDONALD:** And where you previously referred to working with the mayor, councillors and directors in managing complaints, back in 2012, were there code of conducts governing councils at that point?

**MR BRETON:** Yeah, there were. My recollection of this period is private certifiers had just become a thing and -  
30

**MS McDONALD:** With the development applications?

**MR BRETON:** Yeah. And there was a lot of challenges in relation to the quality of the private certifiers' work, and a lot of my work was around that.  
35

**MS McDONALD:** All right.

**MR BRETON:** I particularly recall this because of a specific incidence at DY. And I think the mayor, who had left, had become a private certifier. That's my recollection.  
40

**MS McDONALD:** This is jumping ahead to a topic that we will cover in the upcoming days -

**MR BRETON:** Yeah. Yep.  
45

**MS McDONALD:** - but the type of code of conduct complaints that you have been dealing with, let's say over the past eight or nine months, were they the - were any of those complaints being made when you were at Warringah?

5 **MR BRETON:** Yes, but clearly not to scale.

**MS McDONALD:** No, no, no. We're not -

**MR BRETON:** Yeah. But yes -

10

**MS McDONALD:** We're not getting to -

**MR BRETON:** Of a similar ilk. Of a - yes. Yes.

15 **MS McDONALD:** All right. And were they complaints that within the system in operation at Warringah Council at that time - you were the person who looked at the complaint, either tried to resolve or determine the complaint?

**MR BRETON:** Correct.

20

**MS McDONALD:** And at that point, was there a role or use of the external company that would come in and either - conduct an investigation?

25 **MR BRETON:** By nature of my existence, I was an external company doing that role.

**MS McDONALD:** But it's a little bit different because you're actually being a - my understanding is though you were, in a sense, with RISQ you actually were in the council as the - either ombudsman or assistant ombudsman.

30

**MR BRETON:** In - assistant. Yep.

35 **MS McDONALD:** So in a sense, although your employment status was that you were not an employee of council, you were - to use a description that's been used in this, you were kind of in the tent, not outside the tent.

40 **MR BRETON:** Yeah, I get it. I just don't recall sending anything out for another external to give me advice. Andrew Patterson was the ombudsman - who was also a consultant, and deep, deep Local Government experience, and we kind of had it covered. Like, we did - I don't think I sent - remember sending anything out to a third party.

45 **COMMISSIONER:** What was the ambit of the ombudsman's office - you and Mr Patterson, during the time you were there, what was the left and right of arc of your function?

15 **MR BRETON:** It was a council in distress and there was a number of complaints from councillors and others, and the volume got too much. It was an area separated, ideally, from the actual council building, in the car park there at Warringah - DY, and we had interface only via Andrew Patterson into the council across the road. So I kept a pretty good separation, but the ambit was pretty much everything that was coming across. A lot of complaints. A lot of issues in relation to planning.

**COMMISSIONER:** Like what?

10 **MR BRETON:** Commissioner, I went -

**COMMISSIONER:** I know it's a long time ago.

15 **MR BRETON:** No, no.

**COMMISSIONER:** Just -

20 **MR BRETON:** No, no, I don't forget this one. I went down, in a complaint, to a high rise at DY, which was constructed for six storeys, which had seven. Other complaints were there was land divisions that went through people's kitchens. It was - yeah, it was a bit rough.

25 **COMMISSIONER:** So did they come to the ombudsman's office because there was a concern as to how those issues had been handled internally within the council? Is that the idea?

30 **MR BRETON:** I probably don't know the genesis of doing the double consultant on it. I'd assume that - well - but the fact is I think they had some internal governance around it before, but it wasn't robust enough. It's a really challenging piece in relation to - if we - colloquially, in the tent or out of the tent, and then this idea of separation and at what level. That is, if you're burying a governance team quite deep, to what level do they have influence over that separation of powers.

35 **COMMISSIONER:** And do you recall where you and Mr Patterson plugged back into the organisation? Was it at the general manager/CEO level?

**MR BRETON:** Yeah, it was via Andrew Patterson into the GM level. Yep.

40 **COMMISSIONER:** And it also dealt with councillor conduct concerns?

**MR BRETON:** Correct. Correct.

45 **COMMISSIONER:** What about other conduct? Staff conduct concerns. Do you remember?

**MR BRETON:** Generally, the staff conduct was managed by HR. Yep.

**MS McDONALD:** Moving towards the end of 2022, there is a recruitment for the appointment of a permanent CEO at Liverpool City Council.

**MR BRETON:** Yes.

5

**MS McDONALD:** And you apply.

**MR BRETON:** I did.

10 **MS McDONALD:** And - sorry, I just showed you your application form. Now - and again, just kind of a short review. You applied. Was your understanding that you were part of an initial shortlist, which might have been about 10 or 11 candidates?

15 **MR BRETON:** Yes. I didn't know the number, but there were - it was a two-interview - sorry, a three-interview stage process. The first was a screen by Stephen Blackadder.

**MS McDONALD:** By himself?

20 **MR BRETON:** Yes. Yes. I think I met him at Majors Bay Road at Concord, at a coffee shop. The second - and I don't know the numbers - was at Phillips Park on a Saturday. And then if you were successful from that tranche, you were to attend Council on the Tuesday and give a free 45-minute pitch to the full members of Council. That was my recollection, and I was first in that process.

25

**MS McDONALD:** All right. The interview at Phillips Park on a Saturday, where in Phillips Park?

30 **MR BRETON:** Okay. So we had built - or Council had built a new structure in Phillips Park. It's - there's a Council area with rooms.

**MS McDONALD:** All right.

35 **MR BRETON:** And in those rooms there was a room separated - so there was a holding room for the candidate. So you went in one door, you were in a holding room. The interview panel were in a further room. And as the prior candidate left, you were then taken by Stephen Blackadder from one room into the other, and then the candidates would never cross paths.

40 **MS McDONALD:** Right. Okay. The panel who interviewed you at Phillips Park on that Saturday, who was on the panel?

45 **MR BRETON:** Okay. Stephen Blackadder, Ned Mannoun, Betty Green, Karress Rhodes. I'm going to say Fiona Macnaught, in pencil. I think it was Fiona Macnaught. Yep.



**MS McDONALD:** All right. Then your understanding is that when you were invited to address the Council - was that on 6 December?

**MR BRETON:** Okay.

5

**MS McDONALD:** Around that time?

**MR BRETON:** I thought it was the Tuesday or the - earlier in that next week, whatever that date was. I don't remember the date.

10

**MS McDONALD:** All right. And was it your understanding that you had been shortlisted and that there were about three applicants who were making the pitch?

**MR BRETON:** That was my understanding, and I knew that I was first of those three.

15

**MS McDONALD:** All right. And the pitch to the Council, that occurred in a closed session?

20

**MR BRETON:** Yes.

**MS McDONALD:** And all the councillors. So the mayor and all the councillors were present?

25

**MR BRETON:** All the councillors were present.

**MS McDONALD:** And after presenting your pitch and then leaving, were you then contacted as to whether you had been the successful applicant?

30

**MR BRETON:** No. I rang Stephen Blackadder on the way back from football training at about 8 o'clock and said, "What's going on?" And he told me that John Ajaka had won the job, and I wasn't very happy about that.

**MS McDONALD:** All right. So can I just - the pitch, was that in the afternoon or the evening?

35

**MR BRETON:** I think I was early afternoon.

**MS McDONALD:** And that enabled you to go to soccer coaching?

40

**MR BRETON:** Yes.

**MS McDONALD:** And at about 8 o'clock that night you hadn't heard anything, so you rang Mr Blackadder?

45

**MR BRETON:** Correct.

**MS McDONALD:** And he informed you that you weren't successful but Mr Ajaka was successful?

**MR BRETON:** Correct.

5

**MS McDONALD:** And why weren't you - other than you wanted the job and probably thought you were the best candidate, was there anything specific as to why you were annoyed Mr Ajaka got the role?

10 **MR BRETON:** Not specific. And my annoyance only lasted until I googled John Ajaka. I didn't know who John Ajaka was. And when I googled Mr Ajaka and looked at his credentials, Commissioner, I wasn't going to win the job against that kind of candidature. So my - my frustration was okay.

15 **MS McDONALD:** All right. At any time through the process of in your written application, your first interview with Mr Blackadder, the second one before the panel and the third one before the Council, did you reveal your contact with the mayor in that lead-up to the '21 election - that you'd attended his office on a - done the  
20 voluntary work with the brown piece of paper, et cetera, and then at the suggestion of somebody working within the office you formed this - or you were part of this ticket?

**MR BRETON:** No.

25 **MS McDONALD:** Did you reveal that?

**MR BRETON:** No. No.

**MS McDONALD:** And the way you're looking at me, your view was that you didn't  
30 think you should or needed to.

**MR BRETON:** A thousand per cent. In my mind there was no correlation whatsoever.

35 **MS McDONALD:** Sorry, correlation between -

**MR BRETON:** Correlation - inference in relation to an association that I would disclose. People meet people all the time. I didn't advertise for the job. Somebody  
40 else did, and I saw an opportunity and went for it.

**MS McDONALD:** Well, it's not just limited to people meet people all the time. You actually went to the campaign office.

**MR BRETON:** Yes.

45

**MS McDONALD:** You did some work there, though of a voluntary nature, and then at the suggestion of a worker there -

**MR BRETON:** Yep.

5 **MS McDONALD:** - you become part of a ticket where it would - and ultimately agreed that preferences would be reciprocally exchanged with the Liberal ticket.

**MR BRETON:** Okay.

10 **MS McDONALD:** But your view was it did not need to be raised?

**MR BRETON:** A thousand per cent.

**MS McDONALD:** Can you just excuse me for a minute. Sorry.

15 **COMMISSIONER:** That's all right.

**MS McDONALD:** Sorry.

20 **COMMISSIONER:** Had you had any engagement with any of the other councillors?

**MR BRETON:** No. No, not - no, no personal interactions with them particularly.

25 **COMMISSIONER:** And other than the Gantt chart for Mr Mannoun's - or Councillor Mannoun's, I should say, campaign, had you had any other engagement with him prior to your application?

**MR BRETON:** No. No.

30 **MS McDONALD:** So we're at the stage you're returning from soccer coaching, you ring Mr Blackadder, you're told you haven't been successful. Does Mr Blackadder suggest anything to you?

35 **MR BRETON:** He does.

**MS McDONALD:** What does he suggest?

**MR BRETON:** He says, "You should call Mr Ajaka and congratulate him."

40 **MS McDONALD:** Were you given a contact number by Mr Blackadder?

**MR BRETON:** Yes, I was. Yes.

45 **MS McDONALD:** And did you follow Mr Blackadder's suggestion?

**MR BRETON:** I did. I had no response that evening. I called him - I think I may have flown back up to Brisbane - I was on the Cross River Rail project and I called him from up there.

5 **MS McDONALD:** Did you eventually speak with Mr Ajaka?

**MR BRETON:** I did. He said he didn't know I was in Brisbane -

**MS McDONALD:** Sorry.

10

**MR BRETON:** Sorry. Yes.

**MS McDONALD:** When?

15 **MR BRETON:** When? Two days after, I think. Maybe on the Friday, maybe early the next week. I spoke with John Ajaka and Tina Bono, who was the acting CEO.

**MS McDONALD:** Separately or -

20 **MR BRETON:** No, together.

**MS McDONALD:** Okay. And this was when you were in Brisbane?

**MR BRETON:** I was in Brisbane when I made the phone call to John Ajaka, yes.

25

**MS McDONALD:** And what was discussed in that phone call?

**MR BRETON:** We - said, "Can you come in?" I said, "No, I'm in Brisbane." He said, "Well, I'd like to have a chat with you." So I - the very next available time,  
30 I flew back to Sydney and - I was going home anyway for the weekend - and I went to 33 Moore Street.

**MS McDONALD:** And had you some kind of meeting with Mr Ajaka?

35 **MR BRETON:** And Ms Bono, yes.

**MS McDONALD:** And what was discussed at that meeting?

**MR BRETON:** John was talking about restructuring and was looking at my,  
40 I assume - no, I don't assume. He was looking at my project credentials, and they were going to amalgamate two directorates - a directorate called City Presentation, which is the green shirts out there doing the roads and rubbish and the grass, and another directorate called Infrastructure and Engineering, which were essentially the delivery team and the engineers in construction, and - and he was going to  
45 amalgamate both those roles into a super directorate of about 337, 340 people.

**MS McDONALD:** All right. You spoke about City Presentation. That's dealing with workers at the depot?

**MR BRETON:** Correct.

5

**MS McDONALD:** Who are going out, as you said, cutting grass, dealing with parks and other kind of - more problems throughout the Council?

**MR BRETON:** Correct.

10

**MS McDONALD:** And then the Infrastructure and Engineering, that was actually a directorate?

**MR BRETON:** Directorate domiciled at 3 Hoxton Park Road, under the control of Raj, R-a-j, Ajitar.

15

**MS McDONALD:** Okay. Now, he spoke to you and said that there was some kind of planned restructure?

**MR BRETON:** Yes.

20

**MS McDONALD:** But in the interim, were you offered a position?

**MR BRETON:** I wasn't interested in going to the depot. I wanted to sell Liverpool - and I was talking to him about a role in - not economic development, but what ultimately became City Futures.

25

**MS McDONALD:** Right.

**MR BRETON:** And he then said, "Would you mind going down to the depot for three months, because there's a bit of chaos down there." And I don't think I made a decision right there and then. I think that week I had a look at what was happening up in Brisbane, probably sick of travelling every week, and decided to take the opportunity.

30  
35

**MS McDONALD:** Would document LCC.001.006.0022 be brought up.

**COMMISSIONER:** Whilst that's happening, Mr Breton, in your initial conversation on the telephone with Ms Bono, did you express an interest to him in coming to work at the Council or that you were open to suggestions, if I can put it that way?

40

**MR BRETON:** Not really. My gut told me there was may be an opportunity brewing, otherwise why would the conversation extend past the congratulation part? And it's not unusual that - I've recently run a similar process, where my advice to two unsuccessful candidates were, "Are you still interested if something, kind of, comes up in the future?" So I think that's - that's typically business behaviour.

45

**MS McDONALD:** You just spoke about a recent experience that you had.

**MR BRETON:** Yes.

5 **MS McDONALD:** How did you get the other candidates' details?

**MR BRETON:** I'm the hiring -

10 **COMMISSIONER:** You might be at cross-purpose.

**MS McDONALD:** I think -

15 **COMMISSIONER:** I think Mr Breton was talking about a recruitment process that he has run as CEO.

**MR BRETON:** Yes. Yes.

**MS McDONALD:** I apologise. We were at cross-purposes. I thought this was -

20 **MR BRETON:** Yes. That's, in fact, the case.

**MS McDONALD:** - after you were appointed, but this is quite separate.

25 **MR BRETON:** Yes.

**COMMISSIONER:** Yes.

30 **MS McDONALD:** Okay. Now, if you have a look at this letter, dated 16 December 2022, addressed to you.

**MR BRETON:** Yes.

**MS McDONALD:** And can you see, first paragraph:

35 "Pleased to offer you a full-time temporary appointment to the position of director City Presentation on a 35-hour, five days per week basis."

It's a temporary appointment from January to April.

40 **MR BRETON:** Correct.

**MS McDONALD:** If we move to page 3 - yes. Sorry. Right. Sorry. Page 3, you can see that it's signed by John Ajaka, chief executive officer.

45 **MR BRETON:** Correct.

**MS McDONALD:** And you accepted that offer of employment?

**MR BRETON:** I did.

5 **COMMISSIONER:** So just so I've got it clear in - the timeline in my mind, Mr Breton - not too worried about specific dates, but the recruitment process finishes, Mr Blackadder - or you chase Mr Blackadder -

**MR BRETON:** Yes.

10 **COMMISSIONER:** - which might have been part of the reason why you were displeased.

**MR BRETON:** Yep.

15 **COMMISSIONER:** He suggests you call Mr Ajaka. You do that.

**MR BRETON:** Yep.

20 **COMMISSIONER:** Within a few days - a week, thereabouts. You have the -

**MR BRETON:** Well, the next day I called him. And then we -

**COMMISSIONER:** But you speak to him -

25 **MR BRETON:** Yes, the next day. And within a very short period I was in the office at 33 Moore Street.

30 **COMMISSIONER:** That's why I'm going through this process. You have the conversation with Mr Ajaka and Ms Bono.

**MR BRETON:** Yes.

**COMMISSIONER:** And this opportunity is discussed?

35 **MR BRETON:** Yes.

**COMMISSIONER:** And what happens after the end of that conversation? Were you offered this role in that conversation?

40 **MR BRETON:** I think - I think it was inferred that the opportunity would - would become - I don't think I - there was no offer - like, a -

**COMMISSIONER:** Yes.

45 **MR BRETON:** - formal offer at that time - like, Tina gave me the paperwork. I don't think that happened. I think I was still pondering. I wasn't exactly certain, and

took a little bit of a risk because it was a short-term appointment, but I was going to back myself once I realised what the role was.

5 **COMMISSIONER:** So was there another conversation where the things became more formalised?

**MR BRETON:** Yeah, I think - I think Tina and I had a phone call and it was formalised - I'd get the paperwork done.

10 **COMMISSIONER:** All right.

**MR BRETON:** And I think that's - and that's the artefact.

15 **COMMISSIONER:** And so all of these things happened whilst you were in Brisbane?

**MR BRETON:** Yes.

20 **COMMISSIONER:** So it was all done over the phone?

**MR BRETON:** All done over the phone, except I - I remember flying back from Brisbane, because I complained - he thought I was in Sydney and thought I could just pop over. So I was definitely in Brisbane at the time of the first phone call, but definitely inside 33 Moore Street at the conversation.

25 **COMMISSIONER:** This letter's dated 16 December.

**MS McDONALD:** December.

30 **MR BRETON:** Yeah.

**COMMISSIONER:** And the council meeting where Mr Ajaka was appointed was -

35 **MS McDONALD:** I think 6 December.

**COMMISSIONER:** Yes. So it happens within about a week or 10 days.

**MR BRETON:** Yep.

40 **COMMISSIONER:** Does that accord with your recollection?

**MR BRETON:** Yeah, it does. Yep.

45 **COMMISSIONER:** Yes.

**MS McDONALD:** So you are appointed on a temporary basis to this director of City Presentation; correct?



**MR BRETON:** Yes.

5 **MS McDONALD:** Subsequently in 2023, you're appointed to another position, director of Operations.

**MR BRETON:** Correct.

10 **MS McDONALD:** The director of Operations - the directorate of Operations, did that reflect the restructure that Mr Ajaka was speaking about during your December meeting?

**MR BRETON:** Yes. The amalgamation of two directorates into one.

15 **MS McDONALD:** Please bring up document LCC.001.006.0026. Just before we live stream it - sorry. There have been redactions, so if that could be live streamed. Sorry. So standard contract of employment. If you move through to page 4, you can see it states:

20 "This contract of employment is made on 14 June between John Ajaka" -  
And then your name appears towards the bottom.

25 **MR BRETON:** Yes.

**MS McDONALD:** And if we go across to page 5, the position is director Operations.

30 **MR BRETON:** Yes.

**MS McDONALD:** And you can see there there's a term of five years, so ending on about, if you go a little bit further, 13 June 2028.

35 **MR BRETON:** Yes.

**MS McDONALD:** Now, the letter of 16 December anticipated your temporary appointment would end in April 2023. Was it extended until the restructure was finalised?

40 **MR BRETON:** Yes.

**MS McDONALD:** And I take it - did you go through a recruitment process to be appointed director Operations?

45 **MR BRETON:** For the extension?

**MS McDONALD:** No, for the appointment as director Operations?

**MR BRETON:** Yes.

5 **MS McDONALD:** Now, just continuing with your work history at the Liverpool City Council -

**COMMISSIONER:** Just before you do that, Ms McDonald - could you just give me a potted summary of the recruitment process that you went through before your permanent appointment in June 2023?

10 **MR BRETON:** Sure. Well, Stephen Blackadder was appointed again by John Ajaka to run the director of Operations role. I had some, obviously, advantages in - as with incumbency. I apply. By that stage, I'd had some recent relevant examples actually contextualised from my application. I made the panel. I was interviewed by Stephen  
15 Blackadder, John Ajaka and Elizabeth, the CEO of Hawkesbury Council, and I was successful.

**MS McDONALD:** You spoke about it being an amalgamation of two other directorates, City Presentation and Infrastructure and Engineering.

20 **MR BRETON:** Yes.

**MS McDONALD:** The director of City Presentation, who you replaced albeit on a temporary contract, who was that?

25 **MR BRETON:** The incumbent was Peter Diplas.

**MS McDONALD:** But he was acting CEO.

30 **MR BRETON:** He was acting CEO. And in the interim, Matthew Morris, a manager, was acting up in the role. So I remember because my handover was Matthew Morris, Peter Diplas and myself in a room as the handover took place. So they were the three parties.

35 **MS McDONALD:** And your understanding is when you were appointed under that temporary contract, Mr Diplas continued as acting CEO?

**MR BRETON:** No. No, by the time - Peter Diplas had come back in for the handover. By the time I was anywhere near Liverpool Council, Tina Bono was the  
40 acting CEO, prior to John Ajaka. I never spent a day with Peter as the CEO.

**COMMISSIONER:** What was Mr Diplas' role in the organisation when you first joined in the December?

45 **MR BRETON:** Nothing. My understanding, he a separation but he agreed to come back and do a handover with me.

**COMMISSIONER:** Okay.

5 **MR BRETON:** There was a separation agreement which I wasn't privy to, and John had asked him, "Would you be kind enough to come and meet Jason," and Matthew Morris was there as the third party and that meeting took place at Rose Street, and it wasn't a very successful handover. Not much was said, and off we went. That's the only time I've met Peter Diplas.

10 **MS McDONALD:** All right. And then - sorry, just for a sec. When you're appointed on a temporary basis to City Presentation - you've already said it was Raj -

**MR BRETON:** Ajitar.

15 **MS McDONALD:** - Ajitar, who headed Infrastructure and Engineering.

**MR BRETON:** At the time, yes.

**MS McDONALD:** Do you know what happened to him?

20 **MR BRETON:** John settled him out, yes, on 38 weeks.

**MS McDONALD:** And that was - your expression of "John settled him out on 38 weeks", that was, in your understanding, as part of the restructure? Like, as a consequence of the restructure?

25 **MR BRETON:** Consequence - I don't think John Ajaka wanted him in the job. And I remember this because Raj wasn't budging on 38, went for 52 and settled on 38. So I don't think it was consensual restructure. I think Ajitar would have stayed, but I think the CEO had made a decision and that was made, then, part of the restructure.

30 **MS McDONALD:** How did you know that Mr Ajaka didn't want Raj in the job?

**MR BRETON:** He told me.

35 **MS McDONALD:** And again, roughly, when were you told that by Mr Ajaka?

**MR BRETON:** The first or second week of my employment.

40 **MS McDONALD:** Did Mr Ajaka tell you anything else about any other directors and whether he wanted them in the job?

45 **MR BRETON:** Look, I think he wanted a clean slate and he made a move - I mean, the evidence is there. I think he made a move on two or three directors at the time. I think Peter Diplas, Raj Ajitar, there was a - somebody in the HR space.

**MS McDONALD:** Yes, but my question was did you have any discussions with him about any of those people who were earmarked in the getting a clean slate?

**MR BRETON:** Generally, yes. General discussions, yes, between a director and his CEO, yes. This is -

5 **MS McDONALD:** Concerning other directors?

**MR BRETON:** Yes.

10 **MS McDONALD:** And during those conversations, he expressed a view that he didn't want them in the job?

**MR BRETON:** Colloquially.

15 **MS McDONALD:** Yes.

**MR BRETON:** Yep.

**COMMISSIONER:** Did he tell you why he wanted a clean slate, as you put it?

20 **MR BRETON:** I just think there was - he saw there was too much chaos and baggage and he wanted to take a clean slate. I - and I don't think that's remarkable in any business. I think the CEO needs to pick his team and he needs to be and feel supported. And maybe he had his own reasons for that, but we spoke generally about that and it was more about the industrial position in relation to what that might mean,  
25 as far as payouts or, you know, separations or if that - fact they didn't want to go and this kind of stuff.

**COMMISSIONER:** What did you mean by chaos and baggage?

30 **MR BRETON:** What did I -

**COMMISSIONER:** Well, in that last answer you referred to chaos and baggage.

35 **MR BRETON:** Yeah. So there'd -

**COMMISSIONER:** What do you mean -

40 **MR BRETON:** - been a lot - there'd been a lot of chaos at Rose Street depot particularly in relation to industrial relations matters. We've heard on evidence that there was 46 in the year before Mr Ajaka was appointed, and that is factual. And he certainly wanted to remove any obstacles to a more passive and consensual position industrially.

45 **COMMISSIONER:** Anything else?

**MR BRETON:** Look, no, nothing that I can put my mind to. I mean, if I - if I have the benefit of hindsight, I don't think project controls were particularly well managed. But I don't think the evidence was before Mr Ajaka at that time.

5 **MS McDONALD:** You said that Raj didn't want to go. Is that based on a conversation you had with him?

**MR BRETON:** That's based on a conversation between me and Mr Ajaka, where he said, "He doesn't want to go and he's digging his feet in for 52 weeks."

10

**MS McDONALD:** When - the temporary appointment, the letter that we've just shown you was 16 December, and I think it stated that it was effective from 3 January. So you commenced work around 3 January?

15 **MR BRETON:** On the 3rd, yep. Yep.

**MS McDONALD:** Do you recall in January, shortly after you started, any meeting that Mr Ajaka called with the other directors about the way forward?

20 **MR BRETON:** No, he went on holiday.

**MS McDONALD:** Right. And so he went -

**MR BRETON:** So for my first two weeks Mr Ajaka was on holiday.

25

**MS McDONALD:** Right. When he returned, do you recall any meeting that he called between himself and the other directors?

**MR BRETON:** Yes.

30

**MS McDONALD:** And was anything discussed at this meeting, I'll put it broadly, as to the way forward and -

**MR BRETON:** Yeah, I think it was a - it was almost a catch-up. I mean, there was a couple of - Craig Knappick, the head of People, he had joined on 3 January, and our first task in Mr Ajaka's absence was to redesign the organisation. That is, to sit and whiteboard the organisation. I remember succinctly on my very first day I'm sitting there and we're doing org charts. Craig Knappick was scribing. And we were to prepare this frame for Mr Ajaka on his return and that's what the meeting was about.

40

**MS McDONALD:** All right. So in answer to my question, when Mr Ajaka returned you can recall a meeting, but that seems to have had a specific purpose, your - the proposed or suggested restructure that you and Mr Knappick had been working on.

45

**MR BRETON:** All the directors. Ms Bono, Ms Kakish.

**MS McDONALD:** Right. What I'm actually interested in is can you recall any meeting with Mr Ajaka where he said - where other directors attended, where he said anything about the way forward and people staying on in their employment with Council.

5

**MR BRETON:** No.

**MS McDONALD:** All right. Now - and, I'm sorry, we're still in your employment history at Liverpool.

10

**MR BRETON:** That's okay.

**MS McDONALD:** Council are -

15

**COMMISSIONER:** Mainly my fault for interrupting.

**MS McDONALD:** No. You're the director of Operations. And if I can just move to April 2024.

20

**MR BRETON:** Yes.

**MS McDONALD:** You've obviously been either watching or reviewing transcript of evidence that's before the commission?

25

**MR BRETON:** I've watched every minute of the proceedings.

**MS McDONALD:** And you have obviously heard all the evidence that's been called about the circumstances in which Mr Ajaka originally went on an extended leave and then his employment was terminated?

30

**MR BRETON:** Yes.

**MS McDONALD:** The - and I'm just trying to shortcut this - the April meeting of Council is where it was determined that he would go on the extended leave?

35

**MR BRETON:** Yes.

**MS McDONALD:** And if we can bring up, please, OLG.001.001.0573.

40

**ASSOCIATE:** (Indistinct) document on the live stream?

**MS McDONALD:** Yes, please. Now, can you see this is a confidential mayoral minute? Subject, "Chief executive officer", dated 24 April. And if we can move down to the recommendation, you can see the first part is - concerns Mr Ajaka going off on the special leave.

45

**MR BRETON:** Yes.

**MS McDONALD:** And then it's got:

5 "Appoint Mr Jason Breton, director Operations, as acting chief executive officer until the matter is concluded."

**MR BRETON:** Yes.

10 **MS McDONALD:** So that was put forward at the meeting of 24 April, which I think commenced at about 2 pm in the afternoon.

**MR BRETON:** Correct.

15 **MS McDONALD:** Were you contacted by the mayor before that meeting concerning this recommendation that you be appointed the acting CEO?

**MR BRETON:** No.

20 **MS McDONALD:** So when was the first time you heard of this?

**MR BRETON:** About a minute before I sat in the chair as the acting CEO. I was standing outside chambers with Mr Ajaka, maybe one other person. As you walk outside chambers, there's a corridor near the men's toilet. We were waiting there. And I was summoned across to the other part of the corridor by the mayor, and I think Councillor Macnaught was there because she was crying. And they said something similar to, "We don't want him in chambers because he's intimidating," and Councillor Macnaught was upset at that. And, "You've just been appointed as interim."

30 **MS McDONALD:** Sorry, don't want "him", that's Mr Ajaka?

**MR BRETON:** Yes.

35 **MS McDONALD:** And, what, an assertion that he was being -

**MR BRETON:** "Intimidatory" towards - well, my - look, the facts are that Councillor Macnaught was crying about it, and they asked me to go and approach John Ajaka and ask him not to return to chambers.

40 **MS McDONALD:** All right.

**MR BRETON:** Which he refused.

45 **MS McDONALD:** The sequence was that the council meeting started.

**MR BRETON:** Yes.

**MS McDONALD:** Mr Ajaka was seated in his usual position next to Mr Mannoun, who was the chair of the meeting.

**MR BRETON:** Correct.

5

**MS McDONALD:** And again, I'm just going to kind of try and shortcut this. When there was the proposal or resolution to move into a closed session, if I can put it - there were some - rallying by certain people about not leaving, et cetera. So there's a period where it's kind of at a stalemate?

10

**MR BRETON:** Correct.

**MS McDONALD:** And then eventually people in the public area of Council leave and the Council does go into a closed session.

15

**MR BRETON:** That's when I - I called the police. The police come, they gave them a move-on direction. They moved out of chambers, and then it was closed, including Mr Ajaka, who was removed -

20 **MS McDONALD:** Yes.

**MR BRETON:** - from chambers. And I stood with him around - in this corridor, because the rank and file were in the main area, having some pizzas supplied by another councillor - not a councillor now, so -

25

**COMMISSIONER:** Do you know - I'm sorry.

**MR BRETON:** No, no. Go.

30 **COMMISSIONER:** Do you know why the Council had moved into closed session?

**MR BRETON:** They'd done it once before, Commissioner, and I had asked Farooq Portelli, "What's this about?" And he had a doomed look on his face and it's typically one reason, but - it wasn't for the original reason, but it was obvious that - at that stage that this may be the other reason why they typically do it, yeah.

35

**COMMISSIONER:** So you didn't know, but you could put two and two together and reach four pretty quickly.

40 **MR BRETON:** Pretty quickly. And I think - yeah, you know - I mean, obviously Mr Ajaka and I were talking. Mr Portelli and I were talking. And Farooq's a very, very experienced guy and I'm - I'm just taking his advice, but it looked pretty obvious.

45 **MS McDONALD:** So you were in the - I'm just interested in the period where the council meeting was occurring up until the time there was a resolution to move into closed session. And Mr Ajaka was sitting there next to the mayor?



**MR BRETON:** Yes.

**MS McDONALD:** They dealt with certain items on the order of business?

5

**MR BRETON:** Yes.

**MS McDONALD:** Did you see any evidence that Mr Ajaka was being - intimidating anybody through that?

10

**MR BRETON:** No.

**MS McDONALD:** And when they eventually moved into closed session, Mr Ajaka wasn't part of the closed session?

15

**MR BRETON:** No.

**MS McDONALD:** So you're summoned by the mayor, and Councillor Macnaught there is crying, and the proposition is put that Mr Ajaka is being intimidating and they don't want him in the chambers - back in the chamber, where - when council meeting resumed in open session?

20

**MR BRETON:** That's my perception of what was going on.

**MS McDONALD:** And did you approach Mr Ajaka?

25

**MR BRETON:** Yes.

**MS McDONALD:** And you told him what you were directed to go and ask?

30

**MR BRETON:** I said, "They don't want you in here."

**MS McDONALD:** All right. And eventually, when the Council resumed open session, Mr Ajaka did not resume his seat at that table?

35

**MR BRETON:** Correct.

**MS McDONALD:** It was announced to the Council that there was a resolution - and I'm putting it generally - that he go on leave -

40

**MR BRETON:** Yes.

**MS McDONALD:** - as set out here. And that you'd been appointed the acting CEO?

45

**MR BRETON:** Yes.

**MS McDONALD:** And then you then sat at the particular table to assist the mayor through the rest of the meeting?

**MR BRETON:** Correct.

5

**MS McDONALD:** And again, just finishing off your work history - could I just ask you, the move for him to - for Mr Ajaka to go on leave and then ultimately his sacking in May, did that all come as a surprise to you?

10 **MR BRETON:** Yeah, I can't see how resolution 1 is valid. Yeah, so it came as a surprise. Leave is an application. I'm not sure leave can be resolved. So I was surprised about that condition.

**MS McDONALD:** I'm sorry, I'm confused. The -

15

**MR BRETON:** Well, special leave is a condition of employment.

**MS McDONALD:** Yes.

20 **MR BRETON:** One has to apply for special leave. It's incumbent on the applicant to apply for leave provision.

**MS McDONALD:** So your point being that this special leave was imposed - appeared to have been imposed on Mr Ajaka?

25

**MR BRETON:** That's my position.

**COMMISSIONER:** The method of, effectively, a suspension or a -

30 **MR BRETON:** I certainly didn't understand it at the time, and I probably still don't today.

**MS McDONALD:** Okay.

35 **COMMISSIONER:** But -

**MS McDONALD:** No, no.

40 **COMMISSIONER:** Sorry. I think the import of your question was once you became aware - once this had been put before you in the open session of the meeting or with your conversation with the mayor and the deputy mayor and then over the next couple of months, had this come as a surprise to you - let's start in the April. Was it a surprise to you that Mr Ajaka was, validly or otherwise, put on special leave?

45

**MR BRETON:** Yes. And obviously all those - all the ramifications of the resolution then fell on to me.

**COMMISSIONER:** Yes. But in the lead-up to this meeting -

**MR BRETON:** Didn't know about it.

5

**COMMISSIONER:** Was there any - did you have any perception about how the then CEO, Mr Ajaka, was working with the governing body?

**MR BRETON:** Yes.

10

**COMMISSIONER:** And the nature of that relationship?

**MR BRETON:** Yes.

15

**COMMISSIONER:** What was it? I'm talking about in April.

**MR BRETON:** Yes.

**COMMISSIONER:** Putting aside what you might have learnt since, but -

20

**MR BRETON:** No, no. In April, Mr Ajaka clearly articulated on a number of occasions that he was having some difficulties.

**COMMISSIONER:** Of what kind?

25

**MR BRETON:** Just challenges generally in relation to him meeting the expectations of the mayor as it relates to budgetary issues and some of the decisions around those budget implications, and obviously I was aware of the meeting between Macnaught, Portelli, Ajaka and Mannoun. I was made aware that afternoon.

30

**MS McDONALD:** Made aware by whom?

**MR BRETON:** John rang me.

35

**MS McDONALD:** Mr Ajaka rang you?

**MR BRETON:** Correct.

**MS McDONALD:** And what did he say to you when he rang you?

40

**MR BRETON:** He verbalised - he repeated what he said to the mayor, and I said, "We better go and find him."

**MS McDONALD:** Sorry. Mr Ajaka informed you about, "Shut the F up"?

45

**MR BRETON:** Correct.

**MS McDONALD:** That he had said that to the mayor?

**MR BRETON:** Correct.

5 **MS McDONALD:** And you said -

**MR BRETON:** "We better go and find him."

10 **MS McDONALD:** And what will did Mr Ajaka respond?

**MR BRETON:** "Okay."

**MS McDONALD:** And did you go and find the mayor?

15 **MR BRETON:** We tried to find the mayor. I tried to find the mayor. I couldn't find the mayor. And then it became clear, over the ensuing days, that Mel Goodman was John's conduit for the - trying to settle the mayor. I wanted to get John and the mayor very, very quickly in a room for John to apologise, because that's what he wanted to do.

20 **COMMISSIONER:** That's what Mr Ajaka wanted to do?

**MR BRETON:** That's what he told me he wanted to do.

25 **MS McDONALD:** And on that - sorry, your recollection of Mr Ajaka ringing you, that was on the same day, as we describe it, as the swearing meeting?

**MR BRETON:** Correct.

30 **MS McDONALD:** And you tried to find the mayor, and that was to allow Mr Ajaka to apologise to him?

**MR BRETON:** Correct.

35 **MS McDONALD:** And you couldn't find the mayor on that day?

**MR BRETON:** No. I just wanted to discover where the mayor was and I was going to - my intention was to get John to go and meet him.

40 **MS McDONALD:** And as you said, after that it seemed that Councillor Goodman became, kind of, the conduit between the two gentlemen?

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

45 **MS McDONALD:** And just finishing up this section, you're acting CEO for a period?

**MR BRETON:** Yes.

**MS McDONALD:** The position is advertised?

5 **MR BRETON:** Yes.

**MS McDONALD:** And then if we can bring up INQ.005.001.0002. I think this is the way it's done. If you go through to page 4 -

10 **ASSOCIATE:** Do you want this (indistinct)?

**MS McDONALD:** Yes. Yes. Thank you. Sorry. We're at the appointment of the CEO. And it's a resolution that basically you be appointed chief executive officer?

15 **MR BRETON:** Correct.

**MS McDONALD:** And that occurred at this meeting on about 15 April?

20 **MR BRETON:** Correct.

**MS McDONALD:** And since then you have continued in the role of permanent CEO of Liverpool Council?

25 **MR BRETON:** Yes.

**MS McDONALD:** I was just wondering, Commissioner, if we could just have a relatively short break of about 10 minutes?

30 **COMMISSIONER:** Yes. Yes, let's do that. We've been going the usual time. So we'll just take a short break, Mr Breton. Feel free to stretch your legs. You don't have to sit there the whole time. And we'll resume at 10 past 12.

**MS McDONALD:** Thank you.

35 **COMMISSIONER:** Thank you.

**<THE HEARING ADJOURNED AT 11.59 AM**

40 **<THE HEARING RESUMED AT 12.15 PM**

**COMMISSIONER:** Yes, Ms McDonald.

45 **MS McDONALD:** Mr Breton, I want to move to a couple of different topics. First topic, I wanted to - I'm going to ask you some questions about an aspect of the June 2024 budget.

**MR BRETON:** Yes.

**MS McDONALD:** And its consideration by the Council at the June 2024 council meeting.

5 **MR BRETON:** Okay.

**MS McDONALD:** Now, as you have watched every minute of the inquiry, you'll recall that some video footage has been shown of that meeting?

10 **MR BRETON:** Yes.

**MS McDONALD:** I wanted to show you a particular extract of it. Would INQ.011.001.0007 be brought up, please. This can be live streamed. I think we eventually want to move to around the 32-minute mark.

15

**(Video played)**

**MS McDONALD:** Have we got any sound?

20 **(Video played)**

**MS McDONALD:** Could you just pause for a minute, Ms Associate. Can I just confirm what time we're at at the moment?

25 **ASSOCIATE:** (Indistinct) thirty-one.

**MS McDONALD:** That's fine.

**COMMISSIONER:** Play it from there?

30

**MS McDONALD:** Yes.

**(Video played)**

35 **MS McDONALD:** Can I just pause it. I don't want to show the whole video again. But can I just ask you, when the mayor moves the recommendation and then says, "I've got some adjustments," you would have seen that he extracted a piece of paper that seemed to be part of the various booklets or documents he had in front of him?

40 **MR BRETON:** Okay.

**MS McDONALD:** Well, do you agree with that?

**MR BRETON:** Yes.

45

**MS McDONALD:** And I don't want to play it all, but you will recall that what he's now doing is, in his words, adjustments, but he's moving amendments to the budget.

**MR BRETON:** Yes.

5 **MS McDONALD:** Did you know before he reached and got that piece of paper that he was going to do this?

**MR BRETON:** No.

10 **MS McDONALD:** So you weren't alerted to it at all?

**MR BRETON:** Maybe I had some idea about safety improvements in Austral, but not to the specifics of the detail that was described just then.

15 **MS McDONALD:** Well, when you say you may have had knowledge about safety aspects in Austral, did the mayor raise with you beforehand that he intended to make these adjustments from the floor of Council?

**MR BRETON:** I can't recall. It's a very contemporary issue. It's up tomorrow night.

20 **MS McDONALD:** I'm not interested in that. I'm just asking -

**MR BRETON:** No, I know, but -

25 **MS McDONALD:** - you about this meeting.

**MR BRETON:** No, I can't recall.

30 **MS McDONALD:** And if you want me to I can play it through, but if you've watched it previously, you would recall - and I'm putting it generally - that questions are asked about, you know, does this have to go to the Traffic Committee or - I think it's - Councillor Rhodes is concerned about what impact is this going to have on the budget. And you may recall that - I think it's Mr Portelli, at one stage - is depicted and he gave evidence that he went over to Mr Nadan to kind of do some - if I describe it as calculations on the back of an envelope, to try and work out what the  
35 impact would have on the Council. So what I want to suggest to you - from their perspective, they were taken by surprise. The detail and the amounts that the mayor then sets out, were you taken by surprise in respect of those?

40 **MR BRETON:** Yes, I wasn't aware of that detail.

**MS McDONALD:** All right. You knew that he may raise some adjustments dealing broadly with safety in Austral?

45 **MR BRETON:** Not the adjustment part. What I - what I generally understood - I knew there was a lot of noise around safety measures in Austral. That's my recollection of this bit.

**MS McDONALD:** All right. And again - I think my recollection is that one item that was suggested which I think was going to be more expensive was something to do with the women's dressing rooms. Do you recall that?

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

**MS McDONALD:** I think it was a million dollars.

10 **MR BRETON:** Yeah, 20 women's dressing rooms at \$50,000 per dressing room.

**MS McDONALD:** Yes.

**MR BRETON:** That was the approach.

15 **MS McDONALD:** And so that was going to, now, an allocation of a sum of a million dollars?

**MR BRETON:** Correct.

20 **MS McDONALD:** And at one point, do you recall that you responded during the meeting, "There is nothing material that we couldn't deliver," but with a caveat as to whether the women's dressing rooms could be included.

25 **MR BRETON:** Could be delivered each for 50,000. I was a little bit worried about the hard dollar at 50,000, because every specification is different, every dressing room's different. How big's a dressing room? So that was my - that was the context of why I was concerned.

30 **MS McDONALD:** All right. Can I ask you a general question. While you've either been the acting CEO or the CEO, the use of mayoral minutes - as you know, there has been evidence that mayoral minutes usually are ceremonial in nature, so congratulating somebody who's won an award or if a member of the community has passed away. But at times there are more substantive mayoral minutes - or moving from - I would describe this as an example of either a mayoral minute or something  
35 substantive. Putting to one side the congratulatory community based mayoral minutes, where there has been a mayoral minute which is more substantive, are you usually informed of it beforehand?

40 **MR BRETON:** Usually. Is that - I'm just on - just the question - many -

**MS McDONALD:** I'm dealing with -

**MR BRETON:** Many times not.

45 **MS McDONALD:** All right.



**MR BRETON:** Many times not. The use of mayoral minutes is something that has been a challenge for the behaviours of Council since I've been at Council.

5 **MS McDONALD:** And is that issue because at times more substantive matters or complex matters are being raised at the floor of the Council without an adequate notification to other councillors?

**MR BRETON:** Correct.

10 **MS McDONALD:** Depending on the matter, it could be without notification to relevant members of the staff of Council to ascertain repercussions or whether it's feasible, et cetera?

**MR BRETON:** Correct.

15 **MS McDONALD:** And also at times where it involves expenditure of money, some kind of double-checking as to whether - "Do we have the funds?" or, "How does this fit in with budget?"

20 **MR BRETON:** Correct.

**MS McDONALD:** All right. I think it's in your code of meeting conduct - it does anticipate that mayoral minutes will be usually utilised for that straightforward ceremonial type?

25 **MR BRETON:** Yes.

**MS McDONALD:** And expressly excludes complex - and also if it involves expenditure of money.

30 **MR BRETON:** Yes.

**MS McDONALD:** Is it your observation, since you've been at Council, that those requirements aren't being observed at times?

35 **MR BRETON:** Yes.

**MS McDONALD:** It's in the code of meeting conduct. Can you make any suggestions to the inquiry as to reform on the use of mayoral minutes?

40 **MR BRETON:** Apply the code of conduct.

**MS McDONALD:** All right. So -

45 **MR BRETON:** The code of meeting practice, yep.

**MS McDONALD:** So it's as -

**MR BRETON:** Yes.

**MS McDONALD:** - black and white as that?

5

**MR BRETON:** I think it is the genesis of this council in a council argument. This very issue about the issuance of mayoral minutes and their sequence in the proceedings, that caused some angst with councillors, suggesting it's council within a council, and I think this has to be corrected.

10

**MS McDONALD:** When you use the description "the angst raising council within council" -

**MR BRETON:** Yep.

15

**MS McDONALD:** - what are you referring to?

**MR BRETON:** Like, certainly Councillor Dr Betty Green, Peter Harle, Karress Rhodes and others have remonstrated on record, in chambers, as to the non-notification and the lack of advice in relation to the submission of mayoral minutes on things other than the ceremonial things. And this has been a constant position that I wanted to change.

20

**MS McDONALD:** When you say you wanted to change, how would you change it?

25

**MR BRETON:** Well, something came up in the evidence of Mallard in relation to the email I sent him about stopping communications for one week, because the very first chance -

30

**MS McDONALD:** No, can I stop you there.

**MR BRETON:** Yep.

**MS McDONALD:** I don't want to delve into that type of evidence at the moment.

35

**MR BRETON:** Okay.

**MS McDONALD:** But at this level of council within council, the concerns of, for example, Dr Green, Councillors Harle, et cetera, you gave an indication previously that it was a matter of read the procedure and comply with the procedure.

40

**MR BRETON:** Correct.

**MS McDONALD:** Your position, as the CEO and dealing with the mayor - can you do anything to try and ensure that he complies with the policy? If you say no, that's fine, but -

45

**MR BRETON:** Well, can I - is that a retrospective question? Could I have done something or can I do something?

**COMMISSIONER:** No. No, perhaps -

5

**MS McDONALD:** No, can you.

**COMMISSIONER:** The code of meeting practice - I'm just trying to find it, because it might actually help.

10

**MS McDONALD:** It's INQ.001.001.1136.

**COMMISSIONER:** Thank you. We might just have that brought up.

15

**MS McDONALD:** And it commences at the bottom of page 18.

**COMMISSIONER:** Thank you. Is this the current one, to your knowledge, Mr Breton? The 26 October 2022. There hasn't been a update since the new Council was elected?

20

**MR BRETON:** No.

**COMMISSIONER:** If we'd go to page 18.

25

**MS McDONALD:** Right down the bottom, it commences.

**COMMISSIONER:** And then we'll just go over the page so we can see the rest of that clause, and in particular 9.9 and 9.10. Just have a read of that whole section, Mr Breton. Let me know when you've done that. Take your time.

30

**MR BRETON:** Yes.

**COMMISSIONER:** So the procedure is in the right of the mayor to use it, and 9.9 tells us that it must not be used to put without notice matters that are routine and not urgent, or matters for which proper notice should be given because of their complexity. And 9.10 talks about where there's an expenditure of money, the mayoral minute has to identify the source.

35

I think what's being explored with you, given the context that you've set out in your answers, which I might come back to - council within a council - and I think, my note, you said was - there was a challenge for - the use of mayoral minutes has been a challenge for the behaviours within the Council since you first joined.

40

**MR BRETON:** Correct.

45

**COMMISSIONER:** And by "council" in that sense, I mean the governing body. What reforms or changes, if I gave you the magic pen to start drawing on this page now, would you make?

5 **MR BRETON:** Again, I just think it's the consistent application of 9.9 and 9.10, and with particular relevance to proper notice and the timing of which mayoral minutes are supplied to the governing body as a whole, to - even if the complexity is not the threshold, the time to digest a mayoral minute and to make informed, better decisions based on the detail in that minute.

10 **COMMISSIONER:** Of course mayoral minutes form part of - we saw some rather large book sitting on the table that all councillors have to digest for every meeting.

**MR BRETON:** Yep.

15 **COMMISSIONER:** I think Mr Hagarty might have mentioned his understanding that other councils might have a two-day practice. Are you aware of something similar from your counterpart councils?

20 **MR BRETON:** Look, I haven't researched it, but certainly the pre-preparation of the mayoral minute - there will be exceptions where it's just impossible to adhere to.

**COMMISSIONER:** 9.9.

25 **MR EMMETT:** But the 9.9 - 9.9 talks to an intent, Commissioner. And I think if the intent is met, it's for the whole of the governing body, and the mayoral minute is in that context. I think adherence to this would be enough.

30 **COMMISSIONER:** Do you think that the addition in that section commencing at 9.6 to 9.10 of a standard 48-hour prior to the council meeting unless it is the exception - the truly urgent, the recently arisen and the like - would assist?

**MR BRETON:** Yes.

35 **COMMISSIONER:** To address some of the matters you've raised?

**MR BRETON:** I do.

40 **MS McDONALD:** Now, Mr Breton, I'm moving now to a completely different topic, and that - if I can find the appropriate folder.

**COMMISSIONER:** Sorry, would something like that assist the staff as well?

**MR BRETON:** I think they'd be very relieved, yes. I think any -

45 **COMMISSIONER:** Why?

5 **MR BRETON:** I think anything where they're - because the staff like rules, and I think even the submission of papers from staff to staff is a challenge for the Executive Services. There's a whole lot of compilation of documents. And anything that gives them an easier guide into when these things are allowable, I think that's effective for staff -

**COMMISSIONER:** And to prepare for the meeting?

10 **MR BRETON:** And to prepare for the meeting.

**COMMISSIONER:** Take your experience of having to address a question about 50 - 20 - how many change rooms was it? 20 at 50?

15 **MR BRETON:** 20 change rooms at 50,000 each.

**COMMISSIONER:** I'm conflating the numbers, but -

**MR BRETON:** Yeah.

20 **COMMISSIONER:** - as you rightly said, there's - which change rooms, where -

**MR BRETON:** Yep.

25 **COMMISSIONER:** - size, site issues and the like.

**MR BRETON:** Correct.

30 **COMMISSIONER:** And if you'd had some notice of that you might have been able to give a more informed response, perhaps?

**MR BRETON:** Correct.

**COMMISSIONER:** Yes.

35 **MS McDONALD:** Right. New topic. Councillor training. Now - excuse me for a minute.

40 **COMMISSIONER:** Just before you do - whilst I've got this in my mind, are you aware of a discussion paper that was released by government last year, I think, about this very issue? That is, the use of mayoral minutes more broadly and whether there should be some changes?

**MR BRETON:** I'm not, Commissioner, but I'll -

45 **COMMISSIONER:** All right. That's all right. If you're not, that's fine.

**MR BRETON:** No, I'll get around it. I'm just not -

**COMMISSIONER:** No, no. But whatever that discussion paper says, I take it you would be in favour of a standard minimum notice period?

5 **MR BRETON:** Yes, I would. Yes.

**MS McDONALD:** Just following on from the Commissioner's question - if we bring up INQ.011.001.0013. And it can be live streamed. Can you see this is - it's headed The Model Code of Meeting Practice. If we can just move down that page. You can  
10 see writing in purple. They're the suggested amendments to the code. And if we would move through to page 22. Can you see there the proposal - suggested proposal is to get rid of 9.9 and 9.10?

**MR BRETON:** Yes.  
15

**MS McDONALD:** And if you look at 9.7, it suggests, really, it's up to the mayor's discretion to determine what should be considered at the meeting?

**MR BRETON:** Yes.  
20

**MS McDONALD:** I know - and you haven't seen this before?

**MR BRETON:** I - balance of probabilities, I've seen the amended document. I wasn't - when you made reference to it, Commissioner, I couldn't -  
25

**COMMISSIONER:** That's all right. You see a lot of documents. It's not a criticism.

**MS McDONALD:** I'm not being critical. I want to ask you your view of it.

30 **MR BRETON:** Yeah.

**MS McDONALD:** But if you're having a look at it for the first time now, whether that gives you sufficient time to digest what is proposed?

35 **MR BRETON:** It appears, on face value, 9.7 is more concessionary, with words like "without notice", "any matter". I mean, that's quite a wide interpretation.

**MS McDONALD:** And the removal then of any restrictions in 9.9 and 9.10?

40 **MR BRETON:** Yes.

**COMMISSIONER:** All council business could theoretically be done through a mayoral minute.

45 **MR BRETON:** That's - by interpreting the new - or the alleged new 9.7, yes, you could do it that way.

**MS McDONALD:** And your reaction to that?

5 **MR BRETON:** Well, it's counterintuitive to a discussion in relation to structure and the timeliness of mayoral minutes. It won't help us at Liverpool if that 9.7 was in play.

**MS McDONALD:** And 9.9 and 9.10, no -

10 **MR BRETON:** Expunged. Yeah, no, it wouldn't. No.

**COMMISSIONER:** Thank you.

**MS McDONALD:** Right. I was going to move to training.

15 **COMMISSIONER:** Yes. Sorry. I've exhausted my curiosity about mayoral minutes for the moment.

20 **MS McDONALD:** Now, within Council there is a document, Councillor Induction and Professional Development Policy.

**MR BRETON:** Yes.

**MS McDONALD:** Dated 3 February - or was adopted on 3 February 2021.

25 **MR BRETON:** Yes.

**MS McDONALD:** Would document INQ.001.001.1142 be brought up, please. That's the first page of the policy?

30 **ASSOCIATE:** Do you want that document on the live stream?

**MS McDONALD:** Sorry. Yes, please.

35 **MR BRETON:** Yes.

**MS McDONALD:** And if we move to page 2, just under Purpose, you can see the purpose is:

40 "To demonstrate the council's commitment to ensuring that the mayor and councillors have access to induction and ongoing professional development, which will assist them to develop and maintain the skills and knowledge required to effectively perform their civic role and responsibilities under the Act."

45 **MR BRETON:** Yes.

**MS McDONALD:** And then if you then move to section 3, which is Policy, under - there's a statement of commitment, which I'll move over, and then 3.2 is headed Induction Program.

5 **MR BRETON:** Yes.

**MS McDONALD:** And it provides that:

10 "The council will develop an induction program for new and returning councillors, as well as a supplementary program for the mayor."

**MR BRETON:** Yes.

15 **MS McDONALD:** And then, just looking very quickly, 3.2.2 sets out what the induction program will deal with.

**MR BRETON:** Yes.

20 **MS McDONALD:** And if we move to the next page, 3.2.3:

"In the case of the mayor, the program will also cover" -

25 and that's a reference back to the reference in 3.2.1 to a supplementary program for the mayor?

**MR BRETON:** Correct.

**MS McDONALD:** And then also, separate to an induction program under 3.3, we have:

30 "Ongoing professional development program."

And if I can draw your attention to 3.3.1:

35 "An individual professional development plan will be developed for the mayor and each councillor, to address any gaps in the capabilities, knowledge, skills and attributes needed to effectively fulfil their roles."

40 And then 3.3.2:

"Each professional development plan will span the council's term and identify professional development activities that the mayor or councillor will participate in."

45 **MR BRETON:** Yes.

**MS McDONALD:** All right. Now, that was adopted on 3 February 2021. Now, I realise this is before you were employed by the Council, but if document



LCC.002.001.2583 is brought up - and that can be live streamed. LCC.002.001.2583. Right. Sorry, Ms Associate. Is that up on the system?

**ASSOCIATE:** (Indistinct).

5

**MS McDONALD:** Can you grab it quickly? You're wonderful. Thank you.

**ASSOCIATE:** (Indistinct) on the live stream?

10 **MS McDONALD:** Yes, please. As I said, you're not at Council at this moment, but if we could go to page 2 - down the bottom of that page, can you see an email from somebody at OLG to Peter Diplas, who may have been the acting CEO at the time?

**MR BRETON:** Yes.

15

**MS McDONALD:** And there's a specific request down the bottom, and it's highlighted in yellow:

20 "OLG has just delivered a set of 12 webinars for new councillors. All of these, along with PowerPoint slides, are available on the Council portal."

And some further details about it. And then:

25 "Circular 21-42 outlines the requirement for councils to provide induction training for the newly elected mayor and councillors and refresher training for returning mayor and councillors within six months of the election."

**MR BRETON:** Yes.

30 **MS McDONALD:** If we go to the first page of that document, right down the bottom, Mr Diplas is making some internal inquiries about it. And then if we go to the top of the page, there is a report that all councillors have completed their induction, and indeed the mayor participated in a mayoral induction one day, online forum, conducted by Local Government New South Wales.

35

**MR BRETON:** Yes.

40 **MS McDONALD:** So although you weren't there when - this Council, I think, was elected around December 2021 - it appears that the induction training for councillors and the mayor, as per the policy, had been put in place.

**MR BRETON:** The previous Council?

**MS McDONALD:** I'm talking about the '21 council.

45

**MR BRETON:** Yes.

5 **MS McDONALD:** Could we bring up LCC.002.001.5600, please. And can you do your magic, please? Yes, please. And again, this is correspondence - I won't - if you can just accept from me that it's - this is correspondence from the Office of Local Government to Liverpool City Council about the training. And the first dot point you can see up there is:

"Confirming the induction refresher training."

10 And then:

"Do each of the councillors have a professional development program for the balance of the term?"

15 And the answer was:

"Yes. It was developed after the manager of Council Executive Services attended the webinar."

20 Et cetera.

**MR BRETON:** Yes.

25 **MS McDONALD:** If you can just excuse me for a minute. Now, if we then go to July 2024 - and this is leading up to the council election in September 2024.

**MR BRETON:** Yes.

**MS McDONALD:** By this time you were the acting CEO.

30 **MR BRETON:** Yes.

**MS McDONALD:** Would the council agenda, being document LCC.010.001.6474, for the council meeting of 24 July be brought up, please.

35 **ASSOCIATE:** Do you want this document (indistinct)?

**MS McDONALD:** Yes, please. You can see from the first page it's the agenda for the meeting?

40 **MR BRETON:** Yes.

**MS McDONALD:** Would you bring up page 35, please. And can you see this is a motion which note - the background notes:

45 "The Local Government election is coming up on 14 September. As elected officials, we understand the importance of knowledge, training and understanding of legislation" -

et cetera:

".. recognition that it's imperative that there be suitable training and development."

5

And then the final paragraph:

"This motion will ensure the incorporation of the OLG induction course 'Hit the Ground Running' or a comparative orientation course name in the Council's elected officials' orientation training and development plan within the first six months of being elected or re-elected."

10

**MR BRETON:** Yes.

15

**MS McDONALD:** And if you go across the page, that was carried at the meeting.

**MR BRETON:** Yes.

20

**MS McDONALD:** Now - excuse me for a minute. Now, after the election in October 2024, there was a councillor induction day held on about 15 October?

**MR BRETON:** Yes.

25

**MS McDONALD:** You spoke at it?

**MR BRETON:** Yes.

**MS McDONALD:** A number of the various directors spoke at it?

30

**MR BRETON:** Yes.

**MS McDONALD:** And if you would bring up LCC.001.004.0003. And this can be live streamed. This is the first page of the councillor induction program.

35

**MR BRETON:** Yes.

**MS McDONALD:** If we could move to page 2. It sets out the agenda for that day.

40

**MR BRETON:** Yes.

**MS McDONALD:** And I think, as I just put to you, you can see with the agenda there are presentations in the morning about IT systems. I think Michelle McIlvenny gives a presentation on the Customer and Business Performance directorate?

45

**MR BRETON:** Yes.

**MS McDONALD:** After morning tea, other directorates, such as City Futures and Corporate Support, speak.

**MR BRETON:** Yes.

5

**MS McDONALD:** And then you've got lunch. After lunch, you've got, at 1 o'clock, code of conduct, code of meeting practice session. And then after that, at 3 o'clock, further code of conduct, code of meeting practice session.

10 **MR BRETON:** Yes.

**MS McDONALD:** And John - is it Oberhardt?

**MR BRETON:** Correct.

15

**MS McDONALD:** Is it your understanding that he was - he's not part of the Council. He's from an outside organisation who was brought in to provide this particular part of the training?

20 **MR BRETON:** Correct.

**COMMISSIONER:** Were all the councillors there, to your recollection?

**MR BRETON:** I can't recollect the exact - my feeling is everybody was there.

25

**MS McDONALD:** All right. Maybe just to quickly answer that before we break for lunch - would document LCC.001.004.0002 be brought up, please. Yes, please. Now, I showed you the agenda. This attendance document only refers to the afternoon sessions concerning code of conduct and code of meeting practice training.  
30 Can you see that?

**MR BRETON:** Yes.

**MS McDONALD:** And maybe if we could squeeze the page or move it - yes. If the  
35 signatures indicate attendance at some point, it would appear everybody has signed in?

**MR BRETON:** At some point, yes.

40 **MS McDONALD:** Yes. And in respect of that, if we go to the third entry, it would appear that Councillor Richard Ammoun arrived at 3.15?

**MR BRETON:** Yes.

45 **MS McDONALD:** Jumping down to Councillor Sam Karnib, he arrived at 3.15?

**MR BRETON:** Yes.

**MS McDONALD:** And if we jump to the top entry, the mayor, Ned Mannoun, he left at 3 pm?

5 **MR BRETON:** Yes.

**MS McDONALD:** I know this is an attendance sheet for those particular sessions, but do you have a recollection whether Councillor Ammoun and Councillor Karnib attended in the morning and kind of popped out and then came back?

10

**MR BRETON:** I doubt it, because I'm very confident that the in and out times would have been reflected. Karnib's a practising lawyer; he was working that day. So I think that is actually as it occurred.

15 **MS McDONALD:** All right. It's an attendance sheet for code of conduct -

**MR BRETON:** Yeah, only for that - yes.

**MS McDONALD:** - code of meeting practice training.

20

**MR BRETON:** Yep.

**MS McDONALD:** As you are aware, Mr Breton, many notices had been issued to the Council. Notice sought attendance records, and that was what was provided. We weren't provided - and I can double-check this - with any attendance sheet for the rest of the day.

25

**MR BRETON:** Okay.

30 **MS McDONALD:** Off the top of your head, do you know if such a thing existed or -

**MR BRETON:** I don't.

**MS McDONALD:** Is that a relevant time?

35

**COMMISSIONER:** Yes. Yes. Mr Breton, we'll take the luncheon adjournment. We'll resume at 2 o'clock. So if you wouldn't mind being back here just a moment or so before that, I'd be most grateful.

40 **MR BRETON:** Thank you.

**COMMISSIONER:** And we'll adjourn until then. Thank you.

**<THE HEARING ADJOURNED AT 1.01 PM**

45

**<THE HEARING RESUMED AT 2.12 PM**

**COMMISSIONER:** Yes.

**MS McDONALD:** Mr Breton, before the break I was asking you some questions about the councillor induction, and this was held on 15 August 2024.

5

**MR BRETON:** Yes.

**MS McDONALD:** I had taken you to the policy earlier, which identified the need for councillor induction for both new councillors and councillors who have been re-elected. Correct?

10

**MR BRETON:** Yes.

**MS McDONALD:** The policy also identified the requirement for the supplementary program for the mayor?

15

**MR BRETON:** Yes.

**MS McDONALD:** Although Mr Mannoun was the mayor in the '21 to '24 term, he was re-elected mayor in September '24?

20

**MR BRETON:** Yes.

**MS McDONALD:** To your knowledge, has he attended a supplementary program?

25

**MR BRETON:** Not to my knowledge.

**MS McDONALD:** Who within Council is responsible for organising the training?

**MR BRETON:** From the Executive Services perspective, it's Tina Bono, the director of Community.

30

**MS McDONALD:** I'm sorry, I missed that person's name.

**MR BRETON:** Sorry. Tina Bono, B-o-n-o.

35

**MS McDONALD:** Tina. Sorry, I missed her last name. As you know, notices have been served. Again, many documents have been produced, but it doesn't appear that there's any record of the mayor attending the supplementary program for the mayor. Is that consistent with your recollection that that hasn't been - that supplementary program or supplementary training hasn't been provided to the mayor for this term of the new Council?

40

**MR BRETON:** I haven't got any direct knowledge of it, but it's highly likely that we probably haven't started the supplementary program for the mayor, given his relative incumbency and the period of which the new Council has only just started.

45

**MS McDONALD:** Well, it's supposed to be done within six months, isn't it?

**MR BRETON:** The training must be done within six months, yes.

5 **MS McDONALD:** Yes. So we're passed six months from September last year.

**MR BRETON:** Yeah. Look, I'm advised - if the supplementary training is also to the six-month threshold, then I accept that it is. I just haven't got any evidence to provide in relation to whether he has or he hasn't participated in supplementary training.

**MS McDONALD:** Is it your responsibility as CEO to, in a sense, have an overview of that - that training is being offered and people are attending the training?

15 **MR BRETON:** Well -

**MS McDONALD:** I suppose ultimately because you're the CEO.

**MR BRETON:** Look, again - and guided by regulation 185 in relation to the Local Government Regulation, which talks about my requirements in relation to ongoing training, and the records thereafter at 186. So, yes, ultimately I'm responsible for making sure that the training is contemporary and that it meets the needs of councillors undertaking their civic duties. So that's - so my focus is really on steering and making sure that the right kind of training is occurring at periods that are relevant to their civic duties, and we've done some of that in the -

**MS McDONALD:** We'll get to that shortly.

**MR BRETON:** Okay. Yep.

**MS McDONALD:** All right. Now, in addition, councillors are provided with an induction manual?

**MR BRETON:** Yes.

**MS McDONALD:** Would document LCC.010.001.1927 be brought up. And it can be live streamed. That's the front page?

**MR BRETON:** Yes.

**MS McDONALD:** And if you move to the second page, please, which is the first page of contents, you will see right down the bottom of that page it's got a footer:

"Councillor induction manual 2024."

**MR BRETON:** Yes.

**MS McDONALD:** And it is your understanding that with the election of every new council, this councillor induction manual is reviewed?

**MR BRETON:** Yes.

5

**MS McDONALD:** And then provided to all councillors, including the mayor?

**MR BRETON:** Yes.

10 **COMMISSIONER:** Could we just go back up to the top of that page, "Page numbers TBC." Is this a draft, do we know?

**MS McDONALD:** Excuse me for a minute. The only - a notice was served for the councillor induction manual, and this was the document that was produced, so -

15

**COMMISSIONER:** That's as far as you can take it?

**MS McDONALD:** Yes. As you've notified, it would appear page numbers to be confirmed or whatever that stands for. Mr Breton, can I ask you - you can see there, as the Commissioner has identified, it's got "Page numbers TBC." And we've got a couple of numbers, but then for the rest of the page no numbers appear?

20

**MR BRETON:** Yes.

25 **MS McDONALD:** And then if we go to the next page, again an absence of numbers, except for section 12 Additional Information?

**MR BRETON:** Correct.

30 **MS McDONALD:** Also, as a bit of a worry - if we go through to page 102, please. That's Additional Information.

**MR BRETON:** Yes.

35 **MS McDONALD:** And if we go to the bottom of the page, it's page 102. So not 119, as indicated on the -

**MR BRETON:** Okay. Yes.

40 **COMMISSIONER:** Okay. All right.

**MS McDONALD:** So the document that's been produced pursuant to the notice suggests that it's not the final document. If we can jump back to page 2. Because of the "Page numbers TBC" and the lack of correlation between at least additional information with the nominated page, can you assist us as to what's going on?

45



**MR BRETON:** No, but it looks like a very late draft, and clearly it's not the final version - sans the page numbers. Yep.

**MS McDONALD:** Are out?

5

**MR BRETON:** Are out. And it looks like a very close last draft, because I understand the formatting - I've read the document, so I kind of know what it looks like. That - clearly it's not the final version.

10 **MS McDONALD:** Is the -

**COMMISSIONER:** Something was produced and issued to the councillors eventually?

15 **MR BRETON:** Yes, it was. Yeah.

**MS McDONALD:** And isn't it anticipated that it will be issued around the time of the induction training?

20 **MR BRETON:** It was, yes.

**MS McDONALD:** And it anticipated - and your evidence, it was?

**MR BRETON:** Yes. Yep.

25

**MS McDONALD:** So that would have been October of last year?

**MR BRETON:** Correct.

30 **MS McDONALD:** Do you know why, pursuant to a notice, we didn't get the final version?

35 **MR EMMETT:** Well, I object to that. Without taking - and the first point - we don't think this has been raised in correspondence with the parties. If my learned friend wishes to explore this, having chosen not to raise it in correspondence first to find out whether there is another document - I don't know whether this is the only document that was produced in response to the notice, and obviously I can't - well, it may take some time to get instructions about that.

40 **COMMISSIONER:** Well, I might kick this off rather than it being a choice not to have raised it, by my observation.

**MR EMMETT:** As I say -

45 **COMMISSIONER:** Perhaps can some inquiries be made by your team as we go on?

**MR EMMETT:** Undoubtedly.

**COMMISSIONER:** It seems fairly clear that this is a draft, that a final document was issued.

5

**MR EMMETT:** It does, but - fairness to the witness, the language of, "produced in response to the notice" - "Can you explain why it wasn't produced in response to the notice" - as I say, that's something that one would hope the solicitors could work out between themselves in the first instance.

10

**COMMISSIONER:** Well, that, undoubtedly, I think is right. Why don't we go down that path, Ms McDonald, and then we can work out whether there's a broader issue.

**MS McDONALD:** Right.

15

**COMMISSIONER:** But if those inquiries could be made quickly I'd be most grateful. Thank you.

20

**MS McDONALD:** Now, at the time of - well, at least this draft document - if you go through to page 59 - now, I think to be fair, if we go to page 58, it's under the heading Customer Experience and Business Performance.

**MR BRETON:** Yes.

25

**MS McDONALD:** See that?

**MR BRETON:** Yes.

30

**MS McDONALD:** And if you then go to page 59, under the heading Work Health and Safety -

**MR BRETON:** Yes.

35

**MS McDONALD:**

"Safety and Wellness team oversee the implementation of council safety management system and implements a program of wellness activities for staff."

40

And:

"If a councillor has a safety incident or hazard that they would like to report, they should contact the CEO or the director Customer Experience and Business Operations."

45

And, "councillors have obligations under the Work Health and Safety Act" - "Councillor obligations", I'm sorry:

".. under the Act will be circulated to councillors as part of the onboarding."

The use of the word "onboarding", what does - is that just starting to work as a councillor?

5

**MR BRETON:** Yeah, my understanding of the - my interpretation is there's a period from being sworn in to - for the progression through induction as part of the onboarding onto the - into the organisation.

10 **MS McDONALD:** The use of the words "will be circulated to councillors" suggests a document?

**MR BRETON:** Yes. Typically there's been a number of emails. There's a - there's a generic councillor email correspondence address called LCC\_ -

15

**MS McDONALD:** Councillors?

**MR BRETON:** Councillors, yes.

20 **MS McDONALD:** Yes.

**MR BRETON:** And that's where the typical circulation would be via, yes.

25 **MS McDONALD:** All right. I'm not interested in - my reference to "circulated" is that it suggests that there's some kind of document, whether an email or something else, that was provided to councillors on this topic.

**MR BRETON:** Yes, there was. Yes.

30 **MS McDONALD:** And what was it?

**MR BRETON:** A number of pieces of advice in relation to their obligations under the Act, and also my obligations as a PCBU.

35 **MS McDONALD:** Well, strictly, you're not a PCBU. You're involved in the management of a PCBU, but you're not actually a person conducting an undertaking or business. But anyway -

**MR BRETON:** Okay.

40

**MS McDONALD:** Can I ask you, these documents that were circulated, are they, in a sense, then - I'm just thinking to the good old days - that you would know with Downer - that with safety documents such as SafeWork method statements, risk assessments, things like that - in the good old days there would be a nice folder.

45

**MR BRETON:** Yes.

**MS McDONALD:** So there'd be some kind of gathering of all that relevant information. With these documents which go to obligations under the Work Health and Safety Act for councillors, were they maintained or kept anywhere?

5 **MR BRETON:** They would be kept by the safety manager in the safety management system database, in a TRIM folder, because we actually - our SMS - or our safety management system is run on a payroll database.

**MS McDONALD:** We've heard evidence of that. That's -  
10

**MR BRETON:** Orion.

**MS McDONALD:** Orion. Sorry.

15 **MR BRETON:** Orion. Yeah. Yep.

**MS McDONALD:** But other than a description of emails or other, I think, information, can you assist us - is it contained in some kind of procedure or policy or -  
20

**MR BRETON:** Yes, the workplace health and safety management policy.

**MS McDONALD:** Right. But this is focusing on the councillor obligations. So is there a separate document which fits in with the work health and safety management system which focuses on a councillor's obligations?  
25

**MR BRETON:** I don't think so. I don't think it's a policy or a procedure as to councillors' WH&S obligations.

30 **MS McDONALD:** All right. So how do they learn about - and just focusing at the moment around this induction period, what are they either told or provided with at that time?

**MR BRETON:** It's either face-to-face learning or there could be an online module, or there is - part of the induction suite which references their obligations under the Act.  
35

**MS McDONALD:** All right. But you can't assist us in saying this particular document or information sheet or something was circulated, as anticipated in that provision, around this time?  
40

**MR BRETON:** I can't point to any specific - I mean, in the Downer days, you'd have a circular.

45 **MS McDONALD:** Yes.

**MR BRETON:** And there'd be a file of the circulars. I don't think we apply that process, to that extent.

**COMMISSIONER:** There's not, like, an intranet tab with -

5

**MR BRETON:** Well, there is.

**COMMISSIONER:** With resources available to councillors?

10 **MR BRETON:** All those resources are available to councillors, yes, but that's part of the induction policy. And where to find those resources - the way you find them in relation to the data and the - the - their obligations would be on the intranet.

**MS McDONALD:** All right.

15

**COMMISSIONER:** And does it include this material that you've been taken to, do you know?

**MR BRETON:** I'd have to refresh my memory with it, Commissioner.

20

**COMMISSIONER:** All right.

**MS McDONALD:** Is it possible for you to do that? You'll be returning to tomorrow.

25 **MR BRETON:** Yes. Yeah, I'll be back.

**MS McDONALD:** I'm sorry, Commissioner, I would seek if Mr Breton overnight -

**COMMISSIONER:** Yes.

30

**MR BRETON:** Yeah.

**MS McDONALD:** - could maybe look at that. And if I can clarify, this section - that particular paragraph is looking at councillor - so the obligations of the councillors to work health and safety.

35

**MR BRETON:** Yes.

**MS McDONALD:** You know, to state the obvious, the councillors are - PCBU has obligations under the Act, and employees have other obligations under the Work Health and Safety Act, but this is focusing particularly on councillor obligations, which - if I suggest might have been in a grey area at one stage, how they fitted under - and their obligations under the Act. Is that fair to say?

40

45 **MR BRETON:** It's fair to say, because I just recall we - we had undertaken some additional training or some additional information or that - relation to their obligations as - as the governing body.

**MS McDONALD:** Can I just flag - the additional training, is that training that's been undertaken relatively recently?

5 **MR BRETON:** Training or advice. Yes, relatively recently. Yes.

**MS McDONALD:** We'll come to that.

**MR BRETON:** Yep.

10

**COMMISSIONER:** Just before you move on, perhaps - so Mr Breton is clear about what it is that you would like him to have a look at overnight, we might just put that on the transcript.

15 **MS McDONALD:** You spoke about information being available to councillors via the intranet.

**MR BRETON:** Mm-hmm.

20 **MS McDONALD:** If there's anything on that intranet which assists councillors as to their obligations under the Work Health and Safety Act.

**MR BRETON:** Clear.

25 **MS McDONALD:** And if there is, when it was entered into the intranet.

**MR BRETON:** Understood.

**MS McDONALD:** Okay.

30

**MR BRETON:** Yeah.

**COMMISSIONER:** Or circulated by an -

35 **MS McDONALD:** Or circulated.

**COMMISSIONER:** - email circulator -

**MR BRETON:** Understood.

40

**COMMISSIONER:** Circular or the like. Thank you.

**MS McDONALD:** All right. Excuse me for a minute. Excuse me. Now, would we go to page 32 of this document. Down towards the bottom of the page, there's  
45 a subheading Code of Conduct.

**MR BRETON:** Yes.

**MS McDONALD:** And that is - sets out in a broad fashion the - as it says, the responsibilities of councillors to comply with code of conduct.

5 **MR BRETON:** Yes.

**MS McDONALD:** Then at the bottom of the page, we move to Probity.

**MR BRETON:** Yes.

10

**MS McDONALD:** And then across on the next page, page 33, we have conflict of interest. And then down the bottom, disclosing a conflict of interest.

**MR BRETON:** Yes.

15

**MS McDONALD:** And I showed you before lunch the agenda for the induction. There were at least - I think after lunchtime there were two special sections or sessions which dealt with the code of conduct and also the code of meeting practice?

20 **MR BRETON:** Yes.

**MS McDONALD:** Could we go back to the councillor induction and professional development policy, which is INQ.001.001.1142. And this time under section - on page 2. I took you to the induction program.

25

**COMMISSIONER:** Just catching up.

**MS McDONALD:** Sorry.

30 **COMMISSIONER:** That's all right.

**ASSOCIATE:** (Indistinct).

35 **MS McDONALD:** I beg your pardon? Yes. Sorry. If we go to page 2 - and I took you, down the bottom, to the induction program.

**MR BRETON:** Yes.

40 **MS McDONALD:** Then across the page, we've got the mayor's supplementary program. And then under section 3.3 we've got ongoing professional development program. And we've got:

"An individual professional development plan will be developed for the mayor and each councillor, to address gaps."

45

And I think I took you to the requirements here. The ongoing professional development program for the mayor and each councillor, how is that progressed? Can I just give you an example?

5 **MR BRETON:** Yes.

**MS McDONALD:** In a normal workplace, a supervisor would sit down with an employee and they might have a discussion about gaps in their skills, gaps in their knowledge, what type of ongoing training they would like to receive, and often  
10 a training program is then developed for the employee. With the councillors, which states:

"An individual professional development plan will be developed for the mayor and each councillor."  
15

Is there any facility provided by the Council to assist them in developing the individual development - professional development plan, or is it up to councillors just to nominate things?

20 **MR BRETON:** No, it's a bit of each. So when I see an opportunity that's typically by Local Government New South Wales or one of the bodies that has some relevance to our work - or some relevance to their work as councillors - I will share that information with them and offer up that opportunity. This happens quite - this happens relatively regularly - those kind of opportunities come up, and we'll flick  
25 them around and see who's of interest to - on those opportunities. The other way we do it, of course, is we have a sequence of training activities post induction, where the opportunity presents, to have days away with councillors, where we might schedule a few of these things in on - again, on contemporary subjects, and the individual plans of those councillors are then held by Executive Services.

30 It could probably do with a more structured, methodical approach led by circumstance. That is, if we are having a series of issues on code of conducts, then I would expect, under 185 of the reg, that that was the kind of ongoing training that we would focus on, by necessity, and we have done that. And then the other  
35 opportunities will come, really, around the councillors' appetite for professional growth. One of the things I - you know, in professional growth, one of the things I'd be very desirous on is financial literacy, for example, and I don't see that anywhere. So these kind of things, which make - allow the councillors to make better decisions, that would be my focus.

40 **MS McDONALD:** So your example of financial literacy -

**MR BRETON:** Literacy.

45 **MS McDONALD:** - is that, putting it broadly, "This is a balance sheet," "This is a profit and loss," "This is a cash flow statement," "This is how you read it or interpret it." Things like that?



**MR BRETON:** That's what I'd like to see, yeah. Yep.

**MS McDONALD:** You'd like to see?

5

**MR BRETON:** Yeah, I haven't - I mean, these - again, when I look at the training opportunities, they are quite vanilla. They're around process and policy. But what - what - the real key issues for councils in this day and age is some of those subjects which allow them to have a better understanding of the decision analytics and why they're making a decision that has a material implication on council. So they're the kind of subjects that I see 185 talks to for me. Not so much the induction and the framework and the rules and the guidelines, but more of how can we be better councillors.

10

15 **MS McDONALD:** You mentioned, in respect of an individual professional development plan - is it your understanding that within Council each - the mayor and each councillor, in a sense, has a plan that they can add to or develop over the financial year?

20 **MR BRETON:** No. I think plan is an overstatement. I think what we do is we collect the artefacts of their training and we put it into a folder against their name. I don't - I think there needs to be a more proactive - my understanding is - I don't think we're proactive enough about doing that. I think that's an opportunity for us.

25 **COMMISSIONER:** So tell me if I've got the wrong end of this, but I would read 3.3.1 as indicating that early on the term, or perhaps each financial year, there would be, perhaps with the assistance of yourself or another member of the executive team, a plan - that is, looking forward, to identify training opportunities to up-skill, be it around core processes, code of meeting practice, code of conduct and the like, or, for example, financial literacy. You might have someone on Council who's a CFO of  
30 a large company. Maybe they don't need the financial literacy 101, but you might have someone else who's new to it, and the like. Am I - tell me if you think my reading of 3.3.1 is wrong in any way?

35 **MR BRETON:** I don't think so. I think it - but in practice, I think we collect the councillors, and it's less individual than that. I think it's, "What are the kind of things we need," and we do that and we satisfy that, and I'm quite satisfied that Executive Services have done a plan for the councillors.

40 **COMMISSIONER:** Yes.

**MR BRETON:** Whether it's bespoke enough to manage -

**COMMISSIONER:** Not, perhaps, individual.

45

**MR BRETON:** That's something I think we can look at and - and seek to individualise it, based on their requirement set, let - rather than us telling them what we think they should know.

5 **COMMISSIONER:** And based on - and tell me if I've misunderstood you in any way, but based on your answers to Counsel assisting, I gleaned the impression that opportunities come up throughout the year in a perhaps regular but rather ad-hoc way. "Councillors, if you're interested, you're free to take them up," rather than being it - as a more structured professional development plan.

10

**MR BRETON:** Yeah. In a true sense, I think I would - the CEO would sit down with each councillor and perhaps have a conversation about where they see their needs and requirement set as it relates to any deficiency in their civic duties.

15 **COMMISSIONER:** And that would be, would it, in addition to what I'll call core councillor skills? That is, detailed and working understanding of the code of meeting practice and the code of conduct -

**MR BRETON:** Yep. Yep.

20

**COMMISSIONER:** - councillor/staff interaction policies and the like.

**MR BRETON:** Yeah, that's - that would be the nirvana piece, that it's bespoke to individuals on the top of that - those fundamentals.

25

**MS McDONALD:** One of the advantages of sitting down individually with councillors and having a discussion with them along the lines of, "Well, is there any particular area that you would like your skills developed," and using as an example financial literacy, the advantage of that is if you've got a number of councillors who individually nominate, "That's a skill I'd like to develop," you can then organise somebody to come into council and conduct a course or conduct a lecture or something like that, instead of maybe saying to the councillor, "Look, there's outside lectures or" -

30

35 **MR BRETON:** Correct.

**MS McDONALD:** - "seminars on that topic that I can suggest to you," or something like that. So there would be advantages of having those individual discussions with the councillors to work out what - they see a deficiency in their skill set, and how you can then address it.

40

**MR BRETON:** Agreed.

**MS McDONALD:** And again, do you know if any other council approaches it in that way?

45

**MR BRETON:** I don't. Not to the detail described in our own policy - whether they're individual plans. Yep.

5 **MS McDONALD:** Now, still on the policy - would you move to page 4, please. And  
down the bottom, Reporting. This provides that the CEO will publicly report in the  
Council's annual reports - the name of the mayor and each individual councillor that  
completed the induction. Then name of the mayor, each councillor who participated  
in any ongoing professional development, number of training and other activities  
10 provided to the mayor and councillors, and then the total cost. Can I just ask, the  
annual report for the last financial year, has that been issued yet? So for '24/'25?

**MR BRETON:** No. For just - the one that's just finished, no, I don't think the actual  
report has been finalised.

15 **MS McDONALD:** If I can bring up '23/'24.

**COMMISSIONER:** It's due in about November, isn't it, Mr Breton, from memory?

20 **MR BRETON:** Yes. Yeah. By the time it gets compiled and -

**MS McDONALD:** And if you could bring up, please, INQ.001.001.0354. And it can  
be live streamed. See "Annual report 2023-24"?

25 **MR BRETON:** Yes.

**MS McDONALD:** Would you go through to page 89, please. And under section  
5.7 - this appears to be the section of the annual report that seeks to comply with  
those reporting requirements.

30 **MR BRETON:** Yes.

**MS McDONALD:** And there, the first dot - (i) reports:

35 "The mayor and councillors did not participate in induction training, refresher or  
supplementary courses in '23/'24. An induction program will be delivered post the  
next election."

I'll just go through this. In (ii):

40 "The ongoing professional development program" -

you've got the mayor and the councillors listed, participated in ongoing professional  
development. And then under (iii):

45 "A total of five training sessions and other activities were provided to the mayor as  
part of a professional development program."

And then, I think - does it continue? No, it doesn't. So if we go back - anyway, the reference to - and when this report was prepared, were you the acting CEO at that time?

5 **MR BRETON:** Yes.

**MS McDONALD:** Though, obviously, the acting CEO for April, May and June, the - that financial year. The total of five training sessions and other activities, off the top of your head, do you know what they were?

10

**MR BRETON:** No.

**MS McDONALD:** Where in (i) it speaks about - I understand induction training, I understand the concept of refresher, but supplementary courses? Do you think that -

15

**MR BRETON:** Is a reference to the mayor.

**MS McDONALD:** So that's a reference to that requirement that I took you to beforehand.

20

**MR BRETON:** Correct.

**MS McDONALD:** So what (i) is actually - is really saying is it's - "We're coming up to the end of the council term. We haven't done any induction training, refresher or supplementary courses, but this is going" - "a program will be delivered post the next upcoming election"?

25

**MR BRETON:** Yes.

30 **MS McDONALD:** Right. Could you excuse me for a minute.

**COMMISSIONER:** In (ii), not all of the councillors appear.

**MR BRETON:** They don't, Commissioner. And this - our response here corroborates the lack of granular detail in relation to bespoke individual plans. It doesn't talk to it. And there's an opportunity here - 186 clearly is the response requirement of the regulation.

35

**COMMISSIONER:** Yes.

40

**MR BRETON:** But what it doesn't do - it actually doesn't talk to the policy, and what -

**COMMISSIONER:** Yes. So if - I'm sorry, you go.

45

**MR BRETON:** So what you'd like to see is Councillor Harle and maybe the things that he had done.

**COMMISSIONER:** Yes.

**MR BRETON:** Yep.

5

**COMMISSIONER:** And the fact that a - one or more councillors doesn't appear in 5.72, do I take that that -

**MR BRETON:** By inference, didn't do anything.

10

**COMMISSIONER:** They didn't do any of the training -

**MR BRETON:** Yep.

15

**COMMISSIONER:** - contemplated by regulation clause 185?

**MR BRETON:** Correct. And I think there's a different way to display this, this year.

**COMMISSIONER:** In what way?

20

**MR BRETON:** Well, I think we need to - if there - as they are individuals and they deserve an individual development plan -

**COMMISSIONER:** Yes.

25

**MR BRETON:** - if Councillor Harle had done nothing this year, then he should be recorded as doing no additional training. And that might be subject to a discussion where he doesn't want any, all right, or subject to the fact that he was not offered something. But I think we have to get to that level, because that's what our own policy asks us to do.

30

**MS McDONALD:** Inclusion under professional development and training courses, can I ask you generally - there are obviously courses - such as bringing somebody in from outside to give a lecture on work health and safety, for example. That would clearly be a personal development and training provided to the councillors if they wished to take it up. I'm just using examples at the moment.

35

**MR BRETON:** I think safety - I don't think it's a great example because I would expect that to be mandatory, right? Professional development, to me, looks like - is developing the profession of being a councillor. So a course that aligns itself with that initiative.

40

**MS McDONALD:** All right. And that can be done by attending conferences?

45

**MR BRETON:** It could and they do, yes.

**MS McDONALD:** Attending in-house lectures or seminars on particular topics?

**MR BRETON:** Yes.

5 **MS McDONALD:** We've heard evidence over the inquiry, for example, in the lead-up to the budget, that councillors would be attending briefing sessions at various stages of that preparation of the budget process.

**MR BRETON:** Yes.

10 **MS McDONALD:** The briefing sessions - I think our understanding was that that was looking at, "This is the draft budget. This is what we're looking at. It's going to be in surplus," et cetera. So the councillors have a chance to understand where the budget may be headed and whether they want to make submissions or try and change something within the draft budget. Is that put very roughly?

15 **MR BRETON:** That's okay - is put okay. I think what those sessions do is allow the councillors to look at some pink flags.

20 **MS McDONALD:** All right.

**MR BRETON:** Okay. So if a trajectory or a budget - a trajectory is so inverse that we're looking towards a problem, we give them an early forecast. Certainly, we are now saturating our councillors in this kind of detail much more so than we had done before, at their request.

25 **MS McDONALD:** And what's a pink flag?

**MR BRETON:** A pink flag is a potential red flag.

30 **MS McDONALD:** All right.

**MR BRETON:** So if we - the more -

35 **COMMISSIONER:** He's making his way up the Pantone scale.

**MR BRETON:** Yep. I guess the more opportunity we can to meet with councillors and talk them through where the potential touchpoints might be - allows them to at least ask the question or be aware, no surprises - when an adverse position occurs, it's not a surprise.

40 **MS McDONALD:** Okay.

**MR BRETON:** Where I think - previously, I think we'd been - the staff had been a little bit guilty about, "That's it," and, "How do you want to fix it?"

45 **MS McDONALD:** The -

**COMMISSIONER:** But they're not training opportunities?

**MR BRETON:** No.

5 **MS McDONALD:** Yes.

**MR BRETON:** No, not -

10 **COMMISSIONER:** (Indistinct).

**MR BRETON:** They're not training opportunities.

**COMMISSIONER:** Yes.

15 **MR BRETON:** They're not training opportunities.

**COMMISSIONER:** Yes.

20 **MS McDONALD:** All right.

**COMMISSIONER:** You used the word "mandatory" in relation to work health and safety training.

25 **MR BRETON:** Yes.

**COMMISSIONER:** None of this training is, at the moment, mandatory, in the sense that the regs speak of using reasonable efforts, I think.

30 **MR BRETON:** Under the Workplace Health and Safety Act, you would argue that there are some mandatory obligations in relation to the workforce or the workers.

**COMMISSIONER:** Leaving that -

35 **MR BRETON:** Yeah. Yep.

**COMMISSIONER:** - nuance to one side, do you think there would be benefit in having some form of mandatory training for councillors and mayors?

40 **MR BRETON:** Yes, Commissioner. I think the word "mandatory" did, in fact, appear in an artefact today in relation to your attendance at the induction.

**COMMISSIONER:** Yes.

45 **MR BRETON:** I think that - but, yes, I think the more consistent the training is across New South Wales councils, the better. I think that's the secret.

**COMMISSIONER:** And what sort of things - topics do you think are amenable to mandatory type of - I think the "mandatory" language was in the Council's own policy rather than the Regulation.

5 **MR BRETON:** Yeah. Well, there you go.

**COMMISSIONER:** Which is perhaps where -

10 **MR BRETON:** Clearly, the topic of the day is psychosocial welfare, and clearly the other safety issue is in relation to workplace health and safety as it relates to social media, and these kind of topics are contemporary, real and are being felt - and I think they go across councils. I don't think we are unique.

15 **COMMISSIONER:** What about what I described as core councillor skills earlier? Those core skills in understanding your function, understanding the difference between the role of the governing body and the operational arm, understanding the obligations of the Act, code of conduct, code of meeting practice. Do you think that would benefit from an elevation from reasonable efforts to attend such training to, "These are things that every councillor in the state, regardless of size and the location  
20 of the council, should have in their kit bag"?

**MR BRETON:** Absolutely, because I - I believe that the deficiency in the training is brought out in the residual behaviours. That is, if you're not - if you don't - if you haven't trained and even practiced a dummy run, for example - if you haven't  
25 practiced your requirements as a councillor in chambers, then that can lead to behavioural issues. And understanding the ramifications of the requirements of your civic duties and the code of conduct and these things, I think - I think that would be advantageous, and this is because councillors churn. We're finding, you know, 60 to 70 per cent of new councillors at each council.

30 **COMMISSIONER:** But even for experienced councillors doing some of those core skills from time to time, would there be a benefit, in your view?

35 **MR BRETON:** Absolutely.

**MS McDONALD:** Would you bring up document LCC.014.002.0544. And it can be live streamed. Now, looking at that document, can you see it's headed Personal Development and Training Courses for Councillors 2024?

40 **MR BRETON:** Yes.

**MS McDONALD:** Now, if you look at the first entry, I think there might be a typo because it's recording on 15 October 2025 there was councillor induction.

45 **MR BRETON:** Yes.

**MS McDONALD:** So that should be 15 October 2024?



**MR BRETON:** Yes.

5 **MS McDONALD:** And you can see there with the various columns, Company Reason and then we've got Attendees Councillors and a list, and then notes councillors took their declaration of office on Friday, the 11th.

**MR BRETON:** And the date's wrong again, but yes.

10 **MS McDONALD:** Yes. If you go to the next entry - and I'm just getting an understanding of how this document works - we've got an entry for 17 to 19 November.

**MR BRETON:** Yes.

15 **MS McDONALD:** When it has got "Company LG New South Wales" that's Local Government New South Wales?

**MR BRETON:** Correct. Yes.

20 **MS McDONALD:** "Company" suggests that it's the entity that's providing the training?

**MR BRETON:** It does.

25 **MS McDONALD:** This is an annual conference?

**MR BRETON:** At Tamworth this year, yes.

30 **MS McDONALD:** Sorry, it was held at Tamworth?

**MR BRETON:** It was Tamworth, yeah, between the 17th and the 19th.

35 **MS McDONALD:** Right. Then the staff we can see who attended, and you're listed there. And then we've got Mayor Mannoun, then Councillors Macnaught, Ammoun, Karnib, Ibrahim and Harte.

**MR BRETON:** Yes.

40 **MS McDONALD:** And then there's something about who paid for what, or whatever. Okay?

**MR BRETON:** Yes. Yes.

45 **MS McDONALD:** Then if we turn to the next entry:

"Memo sent in issue 41 of councillor update."

Again, the entity is Local Government New South Wales. It has got:

"Professional development opportunities."

5

And then when we look at councillors, there's the mayor, Ammoun, Green, Ristevski, Macnaught and Harte. Looking at that entry, can you interpret that for us?

**MR BRETON:** No.

10

**MS McDONALD:** All right.

**MR BRETON:** There's a Local Government New South Wales flyer or e-flyer -

15

**MS McDONALD:** Yeah.

**MR BRETON:** - and clearly that's issue 41 of that notice and it's been sent to the councillors. I don't understand (a) why it appears here because the memo would have had some training opportunities therein, and all the councillors should - would have got the same memo. So that's why I can't answer it.

20

**COMMISSIONER:** I - and tell me if this is unreasonable but I would read that as recording, as you have just described, something listing professional development opportunities were sent to councillors as opposed to recording that they took them up?

25

**MR BRETON:** Correct.

**COMMISSIONER:** Yes.

30

**MS McDONALD:** All right. You probably can't assist us with us: do you know why only a certain subset of councillors are listed there? But if you can't don't worry about it.

35

**MR BRETON:** There's political parity in the document, but no, I can't - I can't - I don't know.

**MS McDONALD:** Right. If we look at the next two entries, we've got the Aerotropolis Conference which was held on 12 November 2024; relatively straightforward what that's about. So it's an outside - sorry, what I'm saying is it appears to be an outside conference run by the Aerotropolis Conference and certain people attended it .

40

**MR BRETON:** No, certain people were offered it, by the look of it. In column 4, it's vacant.

45

**COMMISSIONER:** That could be staff.

**MS McDONALD:** That's staff.

5 **MR BRETON:** Sorry, my bad, yeah. Yes, so no staff went and those councillors went. And it was actually - if we went to our original definition of "company", if City Futures organised it, it should read Liverpool Council in that column 2.

**COMMISSIONER:** I know you're not recorded there but did you attend that conference?  
10

**MR BRETON:** No.

**MS McDONALD:** The last one is the Eighth Annual Domestic and Family Violence Conference and it would appear that Councillor Dr Betty Green attended that?  
15

**MR BRETON:** Yes.

**MS McDONALD:** And, again, would that suggest that as part of Councillor Dr Betty Green's individual professional development plan she attended that conference as part of that?  
20

**MR BRETON:** No. With this one, it came up, and it may have been as part of one of those memos, and I actually sent the email out and she said, "Jason I'd like to go to it." So it was the inverse of me sitting down with her -  
25

**MS McDONALD:** No -

**MR BRETON:** Yeah.

30 **MS McDONALD:** I'm sorry. The sitting down - my suggestion to you of the advantages of you sitting down with councillors once a year, that was more a hypothetical suggestion of a way of progressing training in the future. That doesn't exist at the moment but, as you've said, if something comes across your desk inform either OLG, Local Government New South Wales-  
35

**MR BRETON:** Yep.

**MS McDONALD:** - or whatever and you think, "Councillors would really benefit for this or a particular councillor that might benefit from this or would be interested in this," you would send them information?  
40

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

45 **MS McDONALD:** So what I'm saying here, because it's recorded actually in the Courses for Councillors 2024 that would appear to be a course attended by Dr Betty Green?

**MR BRETON:** Correct.

**MS McDONALD:** And that even though you don't have an individual conversation with her, that might be considered to be part of Councillor Dr Betty Green's  
5 individual professional development plan?

**MR BRETON:** Correct.

**MS McDONALD:** Right. Now, if we can then move down the page. On 29  
10 November there was the Boomtown Property and Infrastructure Summit, and that appears to have been attended by Councillor Ristevski?

**MR BRETON:** Yes.

**MS McDONALD:** And, again, without going - does that suggest that, again, it's part  
15 of - Councillor Ristevski's attendance was part of his professional development plan?

**MR BRETON:** Yes.

**COMMISSIONER:** Although it's not a forward-looking plan it's more  
20 a opportunistic - I don't say that critically -

**MR BRETON:** Yep.

**COMMISSIONER:** - of the councillor or the governing body, but it's -  
25

**MR BRETON:** No, that's exactly what it is.

**COMMISSIONER:** It's an ad-hoc opportunity that arose.  
30

**MR BRETON:** The opportunity came up. Councillor Ristevski asked to attend and we facilitated it.

**MS McDONALD:** Now, the entry on 3 December which is the Community  
35 Strategic Plan Workshop, was that a workshop for councillors which was looking at either revising or possible amendment or further development of the community strategic plan?

**MR BRETON:** It was.  
40

**MS McDONALD:** And it was held in-house at the Council?

**MR BRETON:** In the boardroom, yes.

**MS McDONALD:** Why is that included as part of the personal development and  
45 training course? And, again, this is just from looking at what is described there. It seems to be something which the councillors are looking at as part of their job, that

ultimately an amended community strategic plan may come to council and they're having input into what's in it in the current plan, how it could be reformed or amended?

5 **MR BRETON:** Yeah, I mean it is a training opportunity. I mean, the CSP is a strategic plan that must be revised on a new council. And this workshop was facilitated by an external allowing the councillors to understand the relative importance of the CSP and how they have to input into the CSP delivery.

10 **MS McDONALD:** It doesn't record an outside agency involved?

**MR BRETON:** No, but I - I recollect it was, yep. There was a facilitator, a strategic facilitator.

15 **MS McDONALD:** All right. The next one, which appears subsequently a number of times, a CEO role briefing for councillors with Oceans Group. Was that to do with - you might not be able to answer this. Was this to do with the CEO recruitment process?

20 **MR BRETON:** The one that fell over.

**MS McDONALD:** Yes.

25 **MR BRETON:** Yes, not the one that ultimately led to my position. Oceans Group ran a - the first process.

**MS McDONALD:** Yes.

30 **MR BRETON:** Which did not progress.

**MS McDONALD:** Yes. So, again, this is some briefing for councillors. Again, I just question why that's included in professional development and training. You might not be able to answer because -

35 **MR BRETON:** Again, you can connect it to the recent employment of - and obviously a policy, the new CEO policy, you could make an argument that the briefing about how to engage a CEO is part of ongoing training because it now is part of our policy. So there can be a connection there but I understand.

40 **MS McDONALD:** You just referred to the new -

**MR BRETON:** Yes.

45 **MS McDONALD:** Sorry, the new CEO as in you?

**MR BRETON:** No, no. There's a new policy that deals with the engagement, onboarding, and termination of a CEO.

**MS McDONALD:** This is - the source is Office of Local Government?

5 **MR BRETON:** It's based off their model policy but this was a policy endorsed in the July Council meeting of Liverpool City Council.

**MS McDONALD:** July of this year?

10 **MR BRETON:** Yes. And it deals - deals with all things CEO.

**MS McDONALD:** All right. And just out of interest, if we move to the one on 20 January, can you see Understanding Local Government Finances for Councillors?

15 **MR BRETON:** Yes.

**MS McDONALD:** Councillor Ibrahim attended. She attended online.

**MR BRETON:** Yes.

20 **MS McDONALD:** So I would suggest that's an example, at least for Councillor Ibrahim, of a course that she's doing as part of her professional development plan?

**MR BRETON:** Yes.

25 **COMMISSIONER:** Do you think there's - as part of an enhancement of the training function, if I can describe it in that way, there's opportunities to improve recordkeeping of what was delivered, the content, to whom, when, and the like?

30 **MR BRETON:** Yeah. I do, Commissioner. I just think the missing link is not only the physical opportunity we described in the conversation, but at the end of the year what I'd really want to know is, if I've talked about Councillor Harle again, what he's done during that period and then report it via our own policy in the annual report.

35 **MS McDONALD:** Could we -

**COMMISSIONER:** I'm sorry and also the amount of time dedicated to training, that would be something important to know?

40 **MR BRETON:** Yes.

**COMMISSIONER:** To calibrate whether one was placing - to make sure one was not placing an undue burden on councillors who are already taking on board a very significant role.

45 **MS McDONALD:** Excuse me for a minute. Can I take you to one that was cancelled. But on Wednesday, 12 March, the Media Training Session 1, and then on 25 March, media - sorry, we've gone - have you got the number still? Thank you.

**COMMISSIONER:** 12 March, did you say?

5 **MS McDONALD:** There's one for 12 March, which was Media Training and next to it, it has got:

"Councillor onboarding requirement."

10 And then it has got:

"Postponed due to unexpected circumstances of presenter sick."

15 Just the reference to Councillor Onboarding Requirement, does that indicate that it's one of those courses or seminars which is recommended for new councillors?

**MR BRETON:** Yes.

20 **MS McDONALD:** But picking up from a question by the Commissioner, it's not mandatory?

**MR BRETON:** Correct.

25 **MS McDONALD:** And then if we go down to 25 March, you will see there that you had Media Training Session 2 which was conducted.

**MR BRETON:** Yes.

**MS McDONALD:** And the note is:

30 "No documents were provided to councillors. It was discussion only. Media Session 1 and 2 were combined."

Do you know off the top of your head what's covered under Media Training?

35 **MR BRETON:** No. Generically I do, but no, I can't tell you the agenda.

**MS McDONALD:** And if, for example, the Commissioner was interested in the actual content of that training, is there some kind of record kept of - this was what was covered, if there were PowerPoint slides put up, a record of those?

40 **MR BRETON:** Yeah, those artefacts exist, yes.

**COMMISSIONER:** Are they held in a central repository or would one have to go to the -

45 **MR BRETON:** No, no, they'd be available in a TRIM folder under training, under the subject heading.

**MS McDONALD:** If you would go through down to 29 April, please, and this is Government and Risk Management.

5 **MR BRETON:** Yeah, we're still working with the wrong dates here, aren't we?

**MS McDONALD:** Well, it's 29 April.

10 **COMMISSIONER:** No, no. The -

**MS McDONALD:** 2025.

**COMMISSIONER:** This is the current Council.

15 **MR BRETON:** Okay, yes. Okay, yes.

**COMMISSIONER:** Based on the attendees, I think we're in the current term. Would you attend these that were delivered in-house?

20 **MR BRETON:** Sometimes I do, Commissioner. A lot of - the column's blank on most of it,.

**COMMISSIONER:** Yeah.

25 **MR BRETON:** But somebody must have been there so I'm suspicious about that. But sometimes I do, yep.

**MS McDONALD:** Again, you can see that it's marked as Councillor Onboarding?

30 **MR BRETON:** Yes.

**MS McDONALD:** So a recommended part of the new Council, I'll say, attending?

35 **MR BRETON:** Yes.

**MS McDONALD:** Do you know what's covered under Government and Risk Management?

40 **MR BRETON:** I don't know the exact topics.

**MS McDONALD:** General area of what -

**MR BRETON:** I hold a Masters of Risk Management so I understand what risk management is.

45 **MS McDONALD:** Yes, but risks can arise in all areas of organisations.



**MR BRETON:** Yes.

**MS McDONALD:** Is this concentrating on a particular - if you don't know -

5 **MR BRETON:** I don't know.

**MS McDONALD:** I don't want to quiz you if you're not sure.

10 **MR BRETON:** Yeah, I don't know.

**MS McDONALD:** All right.

15 **COMMISSIONER:** There's a series of conferences that are recorded in this schedule and there's one there from 6 to 8 May but I'm not - I just use that as an example rather than that one in particular, but do you have a view about whether conferences fit within personal development training as a matter of course?

**MR BRETON:** Yes, I have a view, Commissioner. I don't go to them.

20 **COMMISSIONER:** Now, that would be content-dependent of course as to whether it would satisfy it?

25 **MR BRETON:** Yeah. There was a correlation in this one in that we were an Aerotropolis city. So clearly there's a connection in this instance. And I just - I just like to see the benefit. I want something back if I send somebody to a conference, there has to be a real reason. And, in fact, we're going to a couple of artificial intelligence conferences for local government, something I'm fascinated by; but really keen on not just sitting and listening to see what others are doing in relation to this space.

30 **COMMISSIONER:** So that might be personal or professional development -

**MR BRETON:** Yes. Yeah.

35 **COMMISSIONER:** - training.

**MR BRETON:** Yes.

40 **COMMISSIONER:** I suppose the import of my question is, without knowing the content of what was delivered at the conference, it's a little bit hard to judge whether it's something that falls within a program of the kind contemplated by the regulations. Would you agree with that?

45 **MR BRETON:** I would agree with that.

**MS McDONALD:** Can I just ask, and this isn't a question which is supposed to invoke the nanny state, but, for example, if we could go back to the first page in this

document. The attendance, I think you said it was at Tamworth of Local Government New South Wales Annual Conference?

**MR BRETON:** Yes.

5

**MS McDONALD:** Now, some members of staff and also the mayor and a number of councillors attended - and this is where the nanny state comes into play - obviously there's a cost involved because there'd be a charge for the conference. You've got accommodation and possibly travel. Is there any kind of requirement that if you say you're attending such a conference that you attend sessions and participate in the conference? And I do apologise, it's probably a bit nanny state, but you can understand where I'm coming from.

10  
**MR BRETON:** My expectation is that if you are going to a conference, particularly if there's travel and accommodation involved, that you would actually attend the conference.

**MS McDONALD:** Is there any reporting back? And, again, not wanting to be very prescriptive of, you know, "Tick off, I attended this conference" but any kind of feedback or - and again it sounds like being at school - a report on what I learnt at the conference or - but you know where I'm kind of coming from?

20  
**MR BRETON:** In this instance, no, and not at this level. So all the directors and all the councillors were invited to this one, there's a reference to ALGA or Australian Local Government Conference. So this one and ALGA are the two ones where you'd expect the councillors to attend, as they do from all around Australia. But no, there's no homework sheet to fill in when they come back, and no - there's no audits about who attended. If I was at the conference I'm not - I'm not looking around to see, make sure they're all in attendance.

30

**MS McDONALD:** All right. Okay. Can we return - I want to now just focus on training for work health and safety, and before I do that, I actually forgot that. Could you go through in this document to, it's probably about page 4. Keep on going, and it's not there. Keep on going. Yes, there it is. This document seems to be at least a record of certain training and then a record of who attended. And there's different colours which I'm not too sure whether - is there a - thank you. It's down the bottom. Blue is Councillor Onboarding Training and I assume that if underneath your name against a particular course or training, it's coloured in blue, that means that you've attended?

40

**COMMISSIONER:** I would read it -

**MR BRETON:** I just can't see the key, sorry. There's a colour key, but I -

45 **MS McDONALD:** Sorry. If we go here -

**MR BRETON:** Yes. Yep.

**MS McDONALD:** - can you see that?

**MR BRETON:** Yes.

5

**MS McDONALD:** And then you've got different colours for External Conference Training and then there's a distinction between Budget Review and CSP. What's CSP?

10 **MR BRETON:** Community strategic plan.

**MS McDONALD:** Right, that I took you to, thank you. And also Councillor Onboard Training and also CEO Recruitment Intermodal. And also at times if people didn't attend, it's indicated by the yellow non-attendance?

15

**MR BRETON:** Yes.

20 **MS McDONALD:** This particular record or spreadsheet, is it your understanding that this is something compiled by council staff, when - I think it would arise from primarily performing or providing the training or course or seminar, or whatever it is, in-house?

**MR BRETON:** Correct, and it would become the information sheet to report in the annual report.

25

**MS McDONALD:** Right. Now, could I just -

30 **COMMISSIONER:** Obviously it's not yellow in some of the white spaces, Mr Breton. I would read that as the white spaces as being non-attendance. Would you interpret it differently?

**MR BRETON:** I just wish - I wish I had a reference under the legend for white spaces because, in the end, the - only the yellow - the different colours are just categorisations of -

35

**COMMISSIONER:** Correct.

**MR BRETON:** Yep.

40 **COMMISSIONER:** And I read where the colours are filled under each of the councillors' names is recording their attendance.

**MR BRETON:** Yep.

45 **COMMISSIONER:** Although some of the squares are marked non-attendance. Where there is no colour under a councillor name I would read that as a councillor not having attended.

**MR BRETON:** That's right, and we can look at the Fifth Annual Aerotropolis one and your assumption is correct because I assume Councillor Ristevski's the councillor on the right and he was the only one that was there, yep.

5

**COMMISSIONER:** Let's just go back up to test that theory.

**MR BRETON:** Yep.

10 **COMMISSIONER:** There. Okay, thank you.

**MS McDONALD:** And the yellow designated with the words "non-attendance" appears to be where there was, I'll say requirement or expectation, if we can put it that high, of attendance?

15

**MR BRETON:** My assumption here is that the yellow non-attendance indicates a desire or an intent to attend and they did not. And the reason I say that if I go to Betty Green on the second line, she was the only one that wanted to go to the domestic violence conference. The others didn't express an interest. So they're white. I would say if we go to the Community Strategic Plan Onboarding, Emmanuel Adjei expressed an interest but did not attend. So the white is, "I'm not interested" and you weren't expected to go, and the other ones was, "You said you were going to go and you didn't."

20

25 **COMMISSIONER:** And if we have a look at about point 8 down the line, Councillor Budget Induction and Briefing, that might be marked yellow non-attendance because that's part of the induction process at which there was an expectation of attendance?

30 **MR BRETON:** Yes.

**COMMISSIONER:** Is that fair?

**MR BRETON:** Yes.

35

**MS McDONALD:** Excuse me.

**COMMISSIONER:** But, again, this type of thing could be enhanced in the way that we discussed earlier?

40

**MR BRETON:** Agreed.

**MS McDONALD:** Would we go back to towards the beginning of the document, and I'm looking for an entry on Tuesday, 25 February. Can you see there that the external body is Clayton Utz?

45

**MR BRETON:** Yes.

**MS McDONALD:**

"WHS briefing during councillor briefing session."

5

And then the description is:

"External company provided a 30 minute presentation. Presentation and meeting recording is available on the councillor intranet."

10

And can I just understand, there's three - there's one column where it commences with the mayor, and then the next line is Councillor Adjei. Correct?

**MR BRETON:** Yes.

15

**MS McDONALD:** And, on the other - I'm just wondering why, if you can explain why there's two columns with councillor names in it?

**MR BRETON:** Yeah, I can. So this briefing, we sometimes will dovetail a purpose briefing, like workplace health and safety, onto a councillor briefing sessions because the majority of the councillor briefing sessions are attended by all the councillors. On this occasion the middle column shows the councillors that were in situ, Karnib and Monaghan were both working, and Ristevski was away.

20

**MS McDONALD:** All right. And so when you say it's kind of dovetailed on to a briefing session, this is a regular briefing session to councillors about a particular item or matter that's going to come up?

25

**MR BRETON:** Yeah. Yes, or a number of matters, or a week before a council meeting we might - we might hold a briefing session. And typically it's about efficiencies. For example, Councillor Macnaught takes Tuesdays off. So we try and exploit Tuesdays for that opportunity. So we've changed our sequence of meetings now for afternoon meetings because, again, Mr Karnib and Monaghan are both practising lawyers, not finish until 5 o'clock.

30

35

**MS McDONALD:** All right.

**MR BRETON:** So - and that's the rationale behind this.

**MS McDONALD:** All right. And the notes that I referred you to, there was some kind of presentation, there's been a recording of that, and that's available on the councillor intranet?

40

**MR BRETON:** Correct, and that satisfies their attendance.

45

**MS McDONALD:** If they, for example -

**MR BRETON:** Yeah.

**MS McDONALD:** - if Councillor Karnib subsequently watched it.

5 **MR BRETON:** Correct. That's the expectation.

**MS McDONALD:** And, again, turning to my nanny state frame of mind, does he report that or -

10 **MR BRETON:** The answer's no. No. I mean, my expectation is they absolutely would have been advised that this was - there's a 30 minute video available because you can't meet it, but nobody has stood over the back of them or I don't have an understanding of whether they watched the whole 30 minutes.

15 **MS McDONALD:** All right.

**MR BRETON:** Yeah.

20 **MS McDONALD:** Excuse me for a minute. Would document LCC.014.002.0547 be brought up.

**ASSOCIATE:** (Indistinct).

25 **MS McDONALD:** Sorry, if you can just try it again. Right. This is an email from Michelle McIlvenny about the councillor workplace health and safety inductions on 1 May 2025, and you can see she says:

30 "A quick note to let you know that the WHS induction that was scheduled for tomorrow evening has been rescheduled to 7 July due to availability."

And "Attached is the memo circulated for your information."

**ASSOCIATE:** Sorry, can this be live streamed?

35 **MS McDONALD:** Yes, sorry. All right. So I just referred you to that email. It has an attachment, and would you bring up LCC.014.002.0548. This is the memo referring to the workplace health and safety inductions, and if we move down the page, it says:

40 "As part of the onboarding of our new Council we are required to provide a workplace health and safety overview."

45 And then there's a reference to where they've sourced material. Then it sets out what the workshop will consist of, and if we move down the page, we've got Part 1 about recent changes to legislation requiring management of psychosocial risks. Part Two, understanding how the Act relates to psychosocial hazards, and then across the page, Part Three dealing with the Act role of SafeWork. And then it would appear because

there's a reference to a facilitator Michael McMahon, you're bringing in an outsider to present this workshop?

**MR BRETON:** Yes.

5

**MS McDONALD:** Would you go back to the previous page. I know you've been asked some questions about this but can I just confirm where it says:

10 "As part of the onboarding of our new Council we are required to provide the workplace health and safety overview."

15 The requirement to provide such an overview, from answers that you've given previously, does that arise because of your construction of the Work Health and Safety Act and information that's got to be provided to people covered by the Act, or was it something under the Local Government Act or from Local Government New South Wales?

20 **MR BRETON:** I think it's underpinned by the Workplace Health and Safety Act in relation to 360 degree consultation and the requirements of the Act. And then - and then it's supported by the induction requirements.

**MS McDONALD:** All right.

25 **ASSOCIATE:** Sorry (indistinct).

**MS McDONALD:** Yes. Sorry. Yell at me as soon as I refer to a document. And then again the use of the word "onboarding" that indicates that this is part of the information that we've got to provide to our new Council?

30 **MR BRETON:** Yes.

**MS McDONALD:** But is it your view that it's mandatory or not mandatory for, for example, the mayor and the councillors to attend?

35 **MR BRETON:** It describes the workshop in the next paragraph as compulsory rather than mandatory. My view is these are mandatory requirements. These are baseline requirements of any new workplace. And, again, if I looked at the subjects, yes, it's my view that they are not only required but needed at the time.

40 **MS McDONALD:** And from that answer, the source of that compulsion appears to be in, not in local government legislation but in something like the Work Health and Safety Act?

45 **MR BRETON:** Yes. I think the timing of this training is important because Safework New South Wales had some interventions between 26 February and this date, and a very thorough Kathy Maltby, I think her name was, had come up and

given us a bit of a roadmap in relation to making sure some of this training was thorough, robust, and undertaken.

5 **MS McDONALD:** Would you then bring up document LCC.022.001.0042 and you can live stream it. Would you go to page 2 to begin with. This is from Council Support dated 3 July but if you move towards the bottom of that page, we've got in a larger font and bold:

10 "The workshop is compulsory. Mayor will attend via MS Team."

**MR BRETON:** Yes.

15 **MS McDONALD:** And then if we go to the next page I think there's just like a cut and paste on the previous information provided?

**MR BRETON:** Yes.

20 **MS McDONALD:** If we go back to page 2, the email that's up there from Councillor Ristevski, he says:

"I cannot make this as I've previously emailed. I have a prior event that has been booked months in advance that I will not get out of."

25 **MR BRETON:** Okay.

**MS McDONALD:** And then if we go back to page 1 of that document, you respond with, if we go a little bit down:

30 "Councillor, will record your apology."

**MR BRETON:** Yes.

35 **MS McDONALD:** Could we jump back - and it's your understanding that the workshop took place?

**MR BRETON:** Yes.

40 **MS McDONALD:** And would we go back to the document LCC.014.002.0544 and it can be live streamed. And I want to go to an entry on Monday, 7 July.

**MR BRETON:** Yes.

45 **MS McDONALD:** This refers to that workplace health and safety induction and it would - if we're looking at who attended, it lists who attended. And then we've got a number of apologies, not only Councillor Ristevski but Councillors Ibrahim, Karnib, Green and Monaghan?



**MR BRETON:** Yes.

**MS McDONALD:** And, again, the content of this course, do you know - like,  
5 I know you had an outside facilitator come in and conduct it - do you know were there any PowerPoint or documents or summaries or anything like that produced?

**MR BRETON:** There were.

**MS McDONALD:** And have they been recorded or, sorry, put on the councillor  
10 intranet?

**MR BRETON:** I don't know if that's the case but they've been kept in their appropriate spot. Whether they've all been put on the intranet I'm not sure.

15 **MS McDONALD:** All right.

**MR BRETON:** And this is again for the purpose. I mean, obviously we knew that Mr Ristevski was not coming, and at a point of time, the next four dropped out. These things are quite costly too. They're not cheap. External provider. So it is  
20 a source of frustration for the staff.

**MS McDONALD:** This may reflect Mr McMahon the facilitator's requirements, but do you know whether a video of the presentation was kept?

25 **MR BRETON:** I don't know if a video was made of the presentation.

**MS McDONALD:** I'm sorry, was made?

**MR BRETON:** I don't know.  
30

**MS McDONALD:** All right.

**MR BRETON:** Typically, the collateral would be a pack - a PowerPoint pack, which would be spoken to, and then the apologies would be given access to that  
35 pack.

**MS McDONALD:** All right. Do you know if that occurred in -

**MR BRETON:** No, I don't.  
40

**COMMISSIONER:** Could you add that to your list of -

**MS McDONALD:** I was -

45 **COMMISSIONER:** - checking overnight?

**MR BRETON:** Yes, my homework. Yep.

**COMMISSIONER:** I'm curious to know.

**MR BRETON:** Yep. Yep.

5

**COMMISSIONER:** You mentioned in an earlier answer that the timing of this particular training package was important to note because there'd been some SafeWork interventions. We might come to the detail of it in a moment - later in your evidence, perhaps, but did any of those interventions prompt this training or require it in any way?

10

**MR BRETON:** Yes. The council meeting on 26 February. SafeWork were in my office on 27 February.

15 **COMMISSIONER:** All right. But those interventions, did they - they didn't get to the stage of an enforceable undertaking or the like?

**MR BRETON:** They did not, because we took - we followed SafeWork's advice 100 per cent.

20

**COMMISSIONER:** And did that advice extend to delivering this type of training?

**MR BRETON:** It did, with the subject content particularly.

25 **COMMISSIONER:** And did SafeWork have an input into the content?

**MR BRETON:** They did. They suggested what might be in our training package.

30 **MS McDONALD:** And this is again building on your experience at Downer, where work health and safety is often things like a fall from a ladder or -

**MR BRETON:** Yep.

35 **MS McDONALD:** - something, in a sense, physical. It would appear from the documents I've taken you to in that last memo, this is focusing on psychosocial hazards?

**MR BRETON:** It is.

40 **MS McDONALD:** Which, within the work health and safety space, is something, I'll say, relatively new?

**MR BRETON:** Yes, I agree.

45 **MS McDONALD:** The involvement in Inspector Kathy Maltby - we will come to this -

**MR BRETON:** Okay.

**MS McDONALD:** - probably tomorrow, but just foreshadowing it, there was some kind of notification of a hazard or a risk to SafeWork?

5

**MR BRETON:** Yes.

**MS McDONALD:** And that notification prompted Inspector Maltby contacting either you or maybe Michelle McIlvenny?

10

**MR BRETON:** Yep. It was me the very next day. It might - sorry, might have been either Michelle - it was the result of an email at 11.17 pm on 26 February, which I authored.

15 **MS McDONALD:** And over the period, Inspector Maltby was involved in coming out and discussing work health and safety matters with you?

**MR BRETON:** A number of times.

20 **MS McDONALD:** And your evidence is her recommendations to you you took on board and implemented.

**MR BRETON:** Followed to a tee.

25 **MS McDONALD:** And when I use the word "implementation", following on from the Commissioner's question, there was no improvement notice or prohibition notice issued?

30 **MR BRETON:** No. Well, we acted swiftly and there was no need - well, obviously there was no need for that because none was issued.

**MS McDONALD:** But it was - as you said, it was a matter of recommendations, and your evidence is that you followed them to a tee?

35 **MR BRETON:** Correct.

**MS McDONALD:** I was going to move from training. Commissioner, was there anything else at this point that you wish to ask about it?

40 **COMMISSIONER:** No. No, I'll wait till you get to SafeWork in a more organic way than jumping ahead.

45 **MS McDONALD:** All right. I am moving to another topic which will longer - will take me longer than the time up to 4 pm. I was going to seek an indulgence and maybe finish up.

**COMMISSIONER:** All right. Is there anything else to do this afternoon? We've got some transcript hanging over us from yesterday.

5 **MS McDONALD:** Would you excuse me. I understand there are documents to tender after Mr Hagarty's evidence, but we're just doing that final - the non-publication orders or redactions and - have to be made.

10 **COMMISSIONER:** All right. And we're otherwise on schedule to finish Mr Breton in the time that's been -

**MS McDONALD:** Yes.

**COMMISSIONER:** - allotted to him?

15 **MS McDONALD:** Yes.

**COMMISSIONER:** All right. Well, Mr Breton, that might - yes, give you some time to get back to your day job a little bit earlier.

20 **MR BRETON:** Thank you.

**COMMISSIONER:** I'm grateful for your attendance.

25 **MS McDONALD:** I have to eat humble pie. There is a final version of the Induction manual, LCC.010.004.5849. And I understand it's now on HighQ. And it was produced by the Council. Maybe if you just quickly -

**COMMISSIONER:** Back then or just now?

30 **MR EMMETT:** Back then.

**COMMISSIONER:** All right. Well, we might just get Mr Breton to identify it.

35 **MR BRETON:** Okay.

**MS McDONALD:** Yes.

**COMMISSIONER:** To make sure we're all on the same page.

40 **MS McDONALD:** All right. So there's the first page. Maybe if we move down. And we go -

**MR BRETON:** There we go.

45 **MS McDONALD:** Yes, that looks like a final version of the contents.

**MR BRETON:** Agreed.

**MS McDONALD:** Maybe if we just go to the end of that page and the next page. I won't take you through all of it, but that looks as if it's the final version?

5 **MR BRETON:** It does.

**COMMISSIONER:** Could we just - whilst Mr Breton's here and we've got this on the screen, just go to that section of the training - the induction. There was a training section that you took the witness to in the earlier draft. Do you remember which  
10 section it was?

**MS McDONALD:** Could you just excuse me for a minute.

**COMMISSIONER:** Yes. I'm assuming that it's going to be, if not identical,  
15 materially the same, but -

**MS McDONALD:** It was under section - part of it was under section 5, Corporate Governance.

20 **COMMISSIONER:** Yes, which starts on page 29 of this document.

**MS McDONALD:** So maybe if we could go there.

**COMMISSIONER:** If we go to page 29 - yes. Thanks. And perhaps 31. All right.  
25 It's all right. We can review it overnight, and if there's a need to return to Mr Breton on any differences that might have been between the advanced draft, as Mr Breton described it, and the final version, we can do that in the morning.

**MS McDONALD:** I did take Mr Breton to another section, which, on my copy - or  
30 the copy I took him to was page 59. This time it's page 60.

**COMMISSIONER:** Great.

**MS McDONALD:** If we could just go to that.  
35

**COMMISSIONER:** Yes. This is the one I -

**MS McDONALD:** You'll see there, under Work Health and Safety -

40 **COMMISSIONER:** Yes. Okay. It's the same. Yes.

**MS McDONALD:** It's the same.

**COMMISSIONER:** That's the one I had in mind and I described it very badly, so  
45 my apologies. All right. Mr Breton, I can now continue to thank you for your attendance and your assistance across the course of the day. We'll resume your evidence at 10 am tomorrow. So we'll see you here then.

**MR BRETON:** Okay.

5 **COMMISSIONER:** Mr Emmett, were there any - you don't have to sit here for this, Mr Breton -

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

10 **COMMISSIONER:** - if it's more comfortable for you to be somewhere else.

**<THE WITNESS WITHDREW**

15 **COMMISSIONER:** Have you had any advancement on the private portion of the transcript during the course of the day?

**MR EMMETT:** The answer is yes.

**COMMISSIONER:** Yes.

20 **MR EMMETT:** Could - the answer is yes. It might be convenient if either my instructors speak with the solicitors assisting you -

**COMMISSIONER:** All right.

25 **MR EMMETT:** - or counsel speak, but the answer is, I understand - I think there's a position that -

**COMMISSIONER:** There's a position and a way forward?

30 **MR EMMETT:** Yes.

35 **COMMISSIONER:** All right. I think the name that you - the issue that you raised with me first thing this morning about the name - based on what I could find during the course of the morning, it appears once at transcript 1641, line 44.

**MR EMMETT:** Yes, that's the only reference to that name.

**COMMISSIONER:** Yes.

40 **MR EMMETT:** And then there are other very brief redactions or matters that should be the subject of - and much of the rest of the transcript can be released.

**COMMISSIONER:** That is, the private transcript?

45 **MR EMMETT:** Yes.

**COMMISSIONER:** All right. And if the name is redacted at 1641-44, the public transcript can now be pushed to the -

**MR EMMETT:** That's right.

5

**COMMISSIONER:** All right.

**MR EMMETT:** That's right, Commissioner.

10 **COMMISSIONER:** Well, pursuant to -

**MS McDONALD:** We haven't had a chance to have a look at it.

15 **COMMISSIONER:** No, no, no. There's one - there's the - in the public transcript, Mr Emmett's concern was the three applicants for CEO. One of them we know is Mr Ajaka. One of them we know is Mr Breton. There's another one. And I'm about to just direct, on an interim basis, as we discussed this morning, that that name be redacted so the public version of the transcript can go out. And this afternoon or this evening, Mr Emmett's going to propose some redactions to the private version of the transcript, which you and others will have a chance to look at before we determine  
20 what to do with those.

**MS McDONALD:** Yes. Thank you.

25 **COMMISSIONER:** All right. Pursuant to section 12B of the Royal Commissions Act, I direct that the name that is not Mr Ajaka or Mr Breton that appears at transcript line - 1641, at line 44 not be published otherwise than in accordance with the usual direction, such that that name should be redacted. And then the balance of the public session of the transcript from yesterday can be placed on the website.

30

**MR EMMETT:** May it please.

**COMMISSIONER:** And I'll adjourn until 10 am tomorrow. Thank you.

35 **<THE HEARING ADJOURNED AT 3.52 PM**