



PUBLIC INQUIRY INTO LIVERPOOL CITY COUNCIL

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

**PUBLIC HEARING
SYDNEY**

**THURSDAY, 23 OCTOBER 2025
AT 10.41 AM**

DAY 31

APPEARANCES

**Ms 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 Liverpool
City Council
Ms K Richardson SC, Counsel for Mayor N Mannoun
Mr D Bhutani, Counsel for Mr M Harte
Ms C Hamilton-Jewell, Counsel for Mr P Ristevski
Mr D Tynan SC, Counsel for Mr J Breton**

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to any direction against publication commits an offence against s 12B of the Royal
Commissions Act 1923 (NSW).*

<THE HEARING COMMENCED AT 10.41 AM

<MATTHEW WILLIAM HARTE, ON FORMER OATH

5 **COMMISSIONER:** Yes.

MS McDONALD: Mr Harte, yesterday I was asking you about the council elections which occurred in December 2021.

10 **MR HARTE:** Yes.

MS McDONALD: Now, I think we've got to the stage that the election was held, and this was the election where Mr Mannoun was elected as mayor.

15 **MR HARTE:** Yes.

MS McDONALD: And a number of Liberal - or Liberal candidates were elected as councillors.

20 **MR HARTE:** Yes.

MS McDONALD: And yesterday we had a look that in this South Ward - I'm sorry, withdraw that. Can I say - is it your observation as a student of politics that with the North and South Ward, usually one independent candidate gets up?

25 **MR HARTE:** Yes. So a minor party or independent, as we explored before, that - you know, they might be independent but they might be actually a member of a political party.

30 **MS McDONALD:** All right. So if I can just describe them as independent, though - I take your point, they might be a member of an independent community, team, party or something along those lines - is your observation that the trend is that usually one of the councillor positions goes to such a candidate?

35 **MR HARTE:** Yes.

MS McDONALD: And then the rest of the positions really come down to the Liberal candidates versus the Labor candidates?

40 **MR HARTE:** Yes.

MS McDONALD: And that, depending on the particular election - is it the case that North Ward may vote one more Liberal candidate in or one more Labor candidate, or does it just change all the time?

45 **MR HARTE:** So the last election in 2024, in the North Ward there were two Liberal councillors elected, in the South Ward there were two Liberal councillors elected and

then popularly elected mayor who also ran about in the South Ward. That makes five. For the Labor Party it was the same thing, two in each ward. And then you had Councillor Harle and Councillor Ristevski who are minor party/independent. In 2021 it was the same composition.

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MS McDONALD: Two, two plus the mayor?

MR HARTE: Yes.

10 **MS McDONALD:** And then one independent, one independent?

MR HARTE: Yes.

MS McDONALD: Okay.

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MR HARTE: And in 2016 it was the same besides - the mayor was a member of the Labor Party as opposed to being a Liberal.

20 **MS McDONALD:** But the - still the same configuration, I'm sorry, of two Labor, two Liberal, plus the mayor for Labor?

MR HARTE: Yes.

MS McDONALD: And then two independents.

25

MR HARTE: Correct. Yes.

30 **MS McDONALD:** So that one - if it seems - appears to be inevitable that in each ward an independent candidate is going to be elected, if it's an independent candidate who is friendly towards one of the political parties, towards Labor or towards Liberal, that obviously is an advantage to that political party?

MR HARTE: Correct.

35 **MS McDONALD:** And by your dealings that you had with Mr Breton, giving him advice, assisting him with becoming a candidate with his ticket, et cetera, your discussions with him, was it - were you of the view that, if elected, he would be friendly towards the Liberal Party?

40 **MR HARTE:** Yes.

MS McDONALD: And indeed that makes sense, because you wouldn't be using those resources and assisting somebody if you thought they weren't going to be friendly towards the Liberal Party?

45

MR HARTE: Well, I - I don't know - I guess it's an academic exercise -

MS McDONALD: Yes.

MR HARTE: - because it didn't happen, but you would think theoretically that would be the case.

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MS McDONALD: And it was the case, wasn't it? That's why you - one of the reasons why you were assisting him?

MR HARTE: What was the case, sorry?

10

MS McDONALD: It was the case that one of the reasons you were assisting him was that you thought he had a better chance of being voted as an independent councillor in South Ward?

15

MR HARTE: Yes.

MS McDONALD: That was your evidence yesterday.

MR HARTE: Yes.

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MS McDONALD: That, in a sense, it was a discussion and it was a strategic decision - not North Ward because Mr Harle's there.

MR HARTE: Yes.

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MS McDONALD: South Ward's our - your best bet?

MR HARTE: Yes.

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MS McDONALD: And so what I'm saying is even then - that one of the reasons why you were assisting him is that he had a better chance of becoming the independent councillor for South Ward and he would be friendly towards the Liberal Party.

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MR HARTE: The Liberal Party councillors that got elected?

MS McDONALD: Yes.

MR HARTE: Yes. And I wasn't one of them, so I -

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MS McDONALD: No, no, no.

MR HARTE: Yes.

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MS McDONALD: But I'm just -

MR HARTE: Yes.

MS McDONALD: I'm asking you about your thinking. You're the one -

MR HARTE: Yes, of course.

5 **MS McDONALD:** You're one of the -

MR HARTE: Yes, I accept that.

10 **MS McDONALD:** - the different people who were assisting.

MR HARTE: Yes.

MS McDONALD: All right.

15 **COMMISSIONER:** What do I understand by "friendly"? I mean, I think I understand the concept generally, but if something is going to be made of it, what should I understand "friendly" - similar political alignment, able to work together? There may be a spectrum, that's all.

20 **MS McDONALD:** That's true. When I was using the word "friendly", Mr Harte, and you ultimately agreed with it, "friendly" would include political - agreement with the Liberal Party policies -

25 **MR TYNAN:** Can I object?

MS McDONALD: - at council?

MR TYNAN: I'm not clear what the question is, in the sense of, like, is Mr Harte being asked is it his view that Mr Breton would follow Liberal Party policy? Maybe it's a question that needs to be clarified, but I suppose it's the confusion about what "friendly" is.

30 **MS McDONALD:** Well, I'm trying to clarify that, that's what I meant.

35 **COMMISSIONER:** Yes. I think we'll take it step by step, but - maybe I should have raised it earlier, but the witness did agree - and I want to make sure I understand what you both had in mind, that - and that you're of a common mind.

40 **MS McDONALD:** Yes. Mr Harte, how about I ask this question. You agreed that one of the reasons why you were helping Mr Breton was that you were of the view that, if elected as an independent, he would be friendly towards the Liberal Party councillors who were elected onto council? Sorry, can we just take it in steps. You agree that's your evidence? Just yes -

45 **MR HARTE:** Well, if we're going to flesh it out -

MS McDONALD: - or no. You just said that -

MR HARTE: Okay.

5 **MR TYNAN:** I object.

COMMISSIONER: I mean, that's what -

10 **MS McDONALD:** Sorry, I'm just taking it step by step.

MR TYNAN: No, no. His answer was, "I guess." It wasn't "yes" or "no", it was, "I guess."

15 **COMMISSIONER:** Why don't we go right back to the beginning and start this again. The transcript will record whether it was "yes" or "I guess", but I had understood the witness to express agreement with the general proposition. But let's break it up and make sure that everybody's clear about what it meant. And if we have to go back to the beginning, let's do that.

20 **MS McDONALD:** Mr Harte, I asked you questions about your reasoning and motivation in assisting Mr Breton in his campaign.

MR HARTE: Yes.

25 **MS McDONALD:** And I reminded you of your evidence yesterday, that you discussed with him the strategic decision of North Ward or South Ward. Do you remember that?

MR HARTE: Yes.

30 **MS McDONALD:** And that he would have a better chance of being elected if he wasn't up against Mr Harle?

MR HARTE: Correct.

35 **MS McDONALD:** And I said to you - and you gave evidence yesterday that one of the reasons why you were assisting Mr Breton was that it was discussed and agreed that the preferences from his ticket would be - the first preferences would be given to the Liberal Party.

40 **MR HARTE:** Sorry. Yes, but can I just clarify a point? It's not the first preference. The first preference is 1 in the box and the second preference is - no, I get what you mean, but just -

45 **MS McDONALD:** You know what I'm -

MR HARTE: Yes.

MS McDONALD: And I took you yesterday to the how to vote -

MR HARTE: Yes.

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MS McDONALD: - which had 1 for the supposed independent ticket, and then number 2 was directly to the Liberals.

MR HARTE: Yes.

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MS McDONALD: And if you received that how to vote and you were going to vote along those lines, the Liberal Party was going to get an advantage because box number 2 was for the Liberal Party?

15

MR HARTE: If the voter followed the how to vote, yes.

MS McDONALD: Now, this morning I've been discussing with you another advantage to the Liberal Party - or the Liberal Party councillors - that arises from the fact that an analysis of voting in the wards reveals that it appears that there is one independent councillor elected.

20

MR HARTE: Yes.

MS McDONALD: And when I'm saying "independent", not a member of the - not affiliated with the Liberal Party, not affiliated with the Labor Party, could be affiliated with an independent community team, but ostensibly they're known as an independent.

25

MR HARTE: Yes.

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MS McDONALD: And by having a councillor - an independent councillor elected onto council who was friendly towards the Liberal Party would be an advantage to the Liberal Party councillors?

35

MR HARTE: Yes.

MS McDONALD: And one of the reasons why you were providing assistance to Mr Breton in his campaign is that you anticipated, if elected as a councillor, he would be friendly towards Liberal Party councillors and their agenda and policy?

40

MR HARTE: Can I ask what you mean by "friendly"?

MS McDONALD: Well -

45

MR HARTE: Like, personally friendly or -

MS McDONALD: No, no, no. Can we just take it in steps?

MR HARTE: - politically friendly?

5 **MS McDONALD:** I asked you that - or my recollection was that you agreed with the proposition - you agree with the proposition or not, because then I can go on and ask you what you mean by "friendly".

10 **MS RICHARDSON:** Well, I object, because the witness - in my submission, the - Commissioner, you have asked that this topic be revisited because there is plainly - the witness is making it clear that there is ample (indistinct) what that means and he is asking for clarification. (Indistinct) the questioning. So in my submission, she should articulate what she means by "friendly".

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

MS McDONALD: All right. "Friendly". Let's take different meanings of "friendly" then. "Friendly", in that it's anticipated his philosophy, in terms of financial management of council, provision of different services by council, will be consistent or similar to those advocated or pursued by the Liberal councillors.

20 **MR HARTE:** To be honest, I don't know what Mr Breton's stance on -

MS McDONALD: No, I'm not asking you that. Can you just please listen to the question. I'm asking you about, in your mind, when you were there, not spending
25 time on the Liberal Party campaign but taking time to assist Mr Breton in his campaign. That's what I'm asking you. I'm asking you about what was going through your mind, okay?

30 **MR HARTE:** Yes.

MS McDONALD: And what I'm saying to you is part of your reasoning was - and I've been through this - that there is always an independent who's going to be voted in as a councillor.

35 **MR HARTE:** Yes.

MS McDONALD: It is to the Liberal Party's advantage that that councillor would potentially support Liberal Party policies at council?

40 **MR HARTE:** As in a binding caucus?

MS McDONALD: No, I'm not saying that because that's a silly point - that's a -

45 **MR HARTE:** Well, I - well, that's what I - I - look, I - I -

MS McDONALD: Yes. Look, can I just give you a stark example. If you had a raging - sorry, this is going to sound disparaging - if you had a raging Green who

said to you back in December 2021, "I want to stand, really, as an independent councillor," and you know their views were going to be the antithesis or the opposite of matters of policies and things that the Liberal Party wanted to achieve through - in Liverpool, okay?

5

MR HARTE: Yes.

MS McDONALD: You wouldn't assist that person, wouldn't have you?

10 **MR HARTE:** It's a very -

MS McDONALD: You wouldn't have -

15 **MR HARTE:** - academic exercise. I think politics is about pragmatism to an extent, and if - I'll give you an example. Councillor Dr Betty Green is very -

MS McDONALD: No, no, no. Look - stop. I don't want an example. I want you to answer my question. So the answer that - the example that I gave you of the raging Green, you think that's too hypothetical and can't answer?

20

MR HARTE: Well, I think it also depends on the person. Just because they're a raging Green, so to speak, that - that doesn't mean a conservative party can't work with them. I -

25 **MS McDONALD:** No -

COMMISSIONER: I think that's a different question, though, Councillor.

30 **MS McDONALD:** Yes.

COMMISSIONER: I think what you're being asked is - in the context where you were assisting then Mr, and now Councillor, Mannoun's campaign, you - the proposition that I understand is being explored with you - whilst doing that, you wouldn't also be providing assistance to someone who was at the opposite political - end of the political spectrum, someone who was unlikely to support the campaign platform that Mr Mannoun and the councillors on his ticket were looking to prosecute should they be elected. Do you see the - do you understand the point that's being raised with you?

40 **MR HARTE:** I understand, but I - at the time it was more about the character of the candidate.

COMMISSIONER: Just leaving - taking it outside -

45 **MR HARTE:** Sure.

COMMISSIONER: - Mr Breton in particular, just dealing with the general concept, do you agree that you wouldn't be providing assistance to someone in that cohort, given that you are providing assistance to the Liberal campaign?

5 **MR HARTE:** I'd say I'd be probably more inclined to assist.

COMMISSIONER: Sorry?

10 **MR HARTE:** More inclined to assist.

COMMISSIONER: I'll try it this way. Why would you provide assistance to any other candidate for council who wasn't on the Liberal ticket, given that you were working with Mr Mannoun and his colleagues on the Liberal campaign?

15 **MR HARTE:** Because it would be beneficial - it would be beneficial to have an independent candidate that you'd have a good working relationship with.

20 **MS McDONALD:** And you - a good working relationship arising from you performing or giving them a lot of assistance in their campaigning? To have a good working relationship, that's one way it would arise?

MR HARTE: Yes.

25 **MS McDONALD:** Organising mum and dad to be on the ticket, organising for them to get on the non-enrolled - sorry, non-residential roll, things like that?

MR HARTE: Yes.

30 **MS McDONALD:** And this good working relationship, did it also extend to an expectation that they would be more likely to support the platform of the Liberal Party councillors and mayor?

MR HARTE: I guess.

35 **MS McDONALD:** It's rather inevitable, isn't it, that you would be looking at somebody who would be more likely to support the campaign platform?

40 **MR HARTE:** Yes. It would be - more inclined to - as I said, more inclined to assist someone that would be sympathetic, I suppose.

MS McDONALD: Did you make an assessment - talking about you - from your dealings with Mr Breton that he would be more sympathetic to the Liberal Party platform?

45 **MR HARTE:** Yes.

MS McDONALD: You made an assessment that you -

MR HARTE: Personal assessment.

MS McDONALD: Yes, that's what I'm talking about.

5

MR HARTE: Yes.

MS McDONALD: Would you just excuse me. All right. And can I just confirm some of your evidence yesterday. You gave some evidence about mail-outs and you discussed with Mr Breton the concept of mail-out and that you - you draft a letter or a pamphlet, then you get your envelopes and you get it disseminated or distributed through the community.

10

MR HARTE: Yes.

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MS McDONALD: Did you provide any envelopes to Mr Breton for his mail-out?

MR HARTE: Personally?

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MS McDONALD: Well, I'll start with you personally arranging that.

MR HARTE: Arranging? I - I - I know he accepted a - a - in-kind contribution envelopes.

25

MS McDONALD: Right. Sorry, I just missed that. How did you describe it? A -

MR HARTE: In-kind contribution.

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MS McDONALD: How did you know that?

MR HARTE: I don't recall how it came about, but it was part of his disclosure.

MS McDONALD: Right. Putting to one side your knowledge from the disclosure, up until the election day did you know that there was this non-monetary contribution of envelopes to Mr Breton's campaign?

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MR HARTE: Before the election, sorry, was that the question?

40

MS McDONALD: Yes, before the - before you - sorry.

MR HARTE: I think I might have.

MS McDONALD: Yes.

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MR HARTE: I don't - I don't recall.

MS McDONALD: Do you know a Samer Mannoun?

MR HARTE: Yes.

MS McDONALD: That's Mr Mannoun's brother?

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MR HARTE: Yes.

MS McDONALD: Do you know - did he have any involvement in the Liberal Party campaign?

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MR HARTE: He helped his - I think he helped his brother. I'm not - I don't remember, but it -

MS McDONALD: But in what way? Like, handing out - being at the primary school gate on election day or another way?

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MR HARTE: I thought he was, but I don't remember specifics.

MS McDONALD: Did he contribute, to your knowledge, any non-monetary donation to the Liberal Party campaign?

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MR HARTE: Not that I can recall.

MS McDONALD: Do you know his company SA Emerald Proprietary Limited?

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MR HARTE: I'm aware of it, yes.

MS McDONALD: To your knowledge, did SA Emerald Proprietary Limited make any donations, either monetary or in non-monetary kind, to the Liberal Party campaign?

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MR HARTE: Not that I'm aware of.

MS McDONALD: Just confirming your evidence, you didn't provide any envelopes to Mr Breton?

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MR HARTE: As in personally provide him -

MS McDONALD: Just taking it in stages -

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MR HARTE: No.

MS McDONALD: Did you facilitate the provision of envelopes to Mr Breton?

45

MR HARTE: I don't remember. I don't remember.

MS McDONALD: So when you say you don't remember, you might have or you might not have, you just can't remember at this point?

MR HARTE: I just don't remember.

5

MS McDONALD: So you might - you agree that you could have or you could not have, but - or you didn't, you just can't remember?

MR HARTE: Correct. Yes.

10

MS McDONALD: Now, when you register as a candidate with the Electoral Commission, do they provide you with, like, an information pack or details about your role as a candidate, what you can and cannot do, what's expected - sorry, I'll stop there - some information sheet or pack from the Electoral Commission?

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MR HARTE: I don't remember if it's provided to candidates, but I think there is, like, a page on the Electoral Commission website which might have information that - to assist candidates, yes.

20 **COMMISSIONER:** There's also information put out by the council itself, candidate information sessions and things like that, isn't there?

MR HARTE: I know for the last election the elections company that administered the elections in Liverpool did run those types of workshops.

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MS McDONALD: And the Electoral Commission also informs candidates that after the election, whether they're successful or not, there are ongoing disclosure obligations?

30 **MR HARTE:** Yes.

MS McDONALD: And those disclosure obligations for - sorry - continue for the 12 months after the election, or for at least a 12-month period?

35 **MR HARTE:** Something like that.

MS McDONALD: And it's the procedure whereby a disclosure policy - sorry - a disclosure document is put in for a six-month period?

40 **MR HARTE:** That sounds familiar, but I don't remember the specifics.

MS McDONALD: All right. When you stood as the Liberal Party affiliated candidate, do you fill out those forms or is it done by somebody at head office?

45 **MR HARTE:** My candidacy? I believe it was done by head office.

MS McDONALD: Now, you gave evidence yesterday that you - I think you described it as providing some advice, is that correct, to Mr Breton about post-election disclosure obligations?

5 **MR HARTE:** Yes, I think we made the distinction about "assist" and "advice".

MS McDONALD: I just want - yes, hold on for a sec. So was it assistance or advice or both?

10 **MR HARTE:** For the post-election - well, it's probably both. Yes.

MS McDONALD: How did it come about?

15 **MR HARTE:** I think Mr Breton contacted me. He received an email from the Electoral Commission saying that this disclosure is due, and he asked me to assist him with it.

MS McDONALD: All right. And when he said to you something along the lines of, "Can you assist me with this," what did you say to him?

20 **MR HARTE:** Yes.

MS McDONALD: Right. Did you say to him, "Relatively straightforward. There's a form you should have been provided with," or, "It's on the Electoral Commission website, go and fill it out"?

MR TYNAN: I object. And can I suggest that the witness be asked what conversation occurred rather than leading him to contents of a conversation?

30 **MS McDONALD:** Your Honour, in my submission, either a - if he doesn't agree with that he can say that and then he can - if he can remember the conversation. There's no restriction in this inquiry from putting particular propositions in that way, and it's been done throughout the inquiry.

35 **COMMISSIONER:** All true and correct, although I sense that this is potentially controversial. And perhaps in that context, leading it initially in an open way might assist in at least fleshing out where that line of controversy arises. Councillor, could you just step outside for a moment? This doesn't reflect on you at all, it's just something that happens from time to time.

40 **MR HARTE:** Sure.

<THE WITNESS WITHDREW

45 **MS McDONALD:** Could we have the door closed? Thanks.

5 **COMMISSIONER:** Yes, he might - might be (indistinct). What you say is undoubtedly right in this context, but if there - I sense that there's likely to be some controversy between Mr - what Mr Breton has said. You might have been putting to him what Mr - the content of Mr Breton's evidence was, in which case that might be slightly different. But if I'm going to be asked to make some findings about it, it might be helpful, at least in the initial stage, to lead it based on his recollection and then move to the next phase. What you say is undoubtedly correct in the context of this inquiry. Mr Tynan, do you wish to be heard further on that?

10 **MR TYNAN:** No.

COMMISSIONER: All right. Yes. We can have the councillor back. Thank you.

15 **<MATTHEW WILLIAM HARTE, ON FORMER OATH**

COMMISSIONER: Thanks, Ms Richardson. Thanks, Councillor. Yes, Ms McDonald.

20 **MS McDONALD:** Just before I return to that question - in the assistance and the advice you were giving to Mr Breton in the lead-up to the election, did you discuss with - you gave evidence that you didn't arrange any of his donations - donations to his electoral campaign.

25 **MR HARTE:** Yes.

MS McDONALD: Did you just - I'm sorry, I'm just trying to remember all the evidence yesterday. Did you say that you at least raised with him, "You need to get some money," or, "You need to generate some funds"?

30 **MR HARTE:** In general terms, yes.

MS McDONALD: But in those general terms, did you also say to him that you know there's a prohibition on any money coming from a property developer?

35 **MR HARTE:** I don't remember. It was - I spoke in a general nature. I don't remember the specifics of that conversation.

40 **MS McDONALD:** So you may have raised the prohibition of money from property developers or you may not. You just can't recall?

MR HARTE: Yes.

45 **MS McDONALD:** But I would take it your recollection, as - standing as a candidate, that is information that is provided by the Electoral Commission?

MR HARTE: Yes.

MS McDONALD: Indeed, can you - is it a case that it's highlighted by the Electoral Commission?

MR HARTE: Yes, I think it's one - it's a pertinent -

MS McDONALD: It's a what, sorry?

MR HARTE: Pertinent consideration. And anyone accepts any donations - it's to ensure it's not coming from a prohibited donor.

MS McDONALD: Yes. Because if you do accept funds from a property developer there can be repercussions?

MR HARTE: Yes.

MS McDONALD: Legal repercussions for both?

MR HARTE: Sorry?

MS McDONALD: Possible legal repercussions.

MR HARTE: Yes. Yes.

MS McDONALD: All right. Now, if we can go back to after the election.

MR HARTE: Yes.

MS McDONALD: You get a - you're contacted by Mr Breton?

MR HARTE: Yes.

MS McDONALD: How did he contact you?

MR HARTE: By phone probably.

MS McDONALD: Because I take it, by this time, you're still not working at the campaign office?

MR HARTE: No.

MS McDONALD: You've resumed, probably, your life as a university student?

MR HARTE: And I started a new job in February 2022, I think, so -

MS McDONALD: What were you doing in February 2022?

MR HARTE: I worked for a government relations firm.

MS McDONALD: Like a PR firm?

MR HARTE: Lobbying - government relations, yes.

5

MS McDONALD: All right. So your recollection is it's a telephone call from Mr Breton, and he raised with you that he got this email or reminder from the Electoral Commission about completing a half-yearly - sorry, some kind of disclosure form?

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MR HARTE: Yes.

MS McDONALD: And asked for your assistance?

15

MR HARTE: Yes.

MS McDONALD: And you replied "yes"?

MR HARTE: Yes.

20

MS McDONALD: Did you say anything else to him in that conversation about how you go about it?

MR HARTE: Not that I can recall, no.

25

MS McDONALD: It's a relatively straightforward procedure, isn't it?

MR HARTE: I think the confusion lies in - and I get confused with it as well when I look at it sometimes -

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MS McDONALD: No, no, no. Just - sorry, I'm interrupting you. Please continue.

MR HARTE: The form itself is straightforward, but what forms to fill out sometimes people get confused with. That's why I offered my assistance.

35

MS McDONALD: But just - you thought you were going to assist him in identifying which form to fill in?

MR HARTE: And I said, "I'm happy to help with the form as well. Just to help fill it in, just give you all the information," yes.

40

MS McDONALD: Sorry, I didn't - your voice dropped, sorry.

MR HARTE: So - like, I assisted with the filling out of the form.

45

MS McDONALD: All right. Once you identify which form you should be filling out, it is relatively straightforward. Do you agree with that?

MR HARTE: Yes.

5 **MS McDONALD:** And particularly where you are a candidate that isn't - that just ran, basically, in one ward, the Liverpool City Council election - you're not anticipating revealing great funds of money or other aspects like that. It would be relatively - your anticipation would be that it was relatively straightforward?

10 **MR HARTE:** Sorry, the disclosure - like, in terms of filling it?

MS McDONALD: Yes.

MR HARTE: I wasn't - sorry, can you ask that question again? I didn't really -

15 **MS McDONALD:** If you go onto the Electoral Commission website - you have the disclosure documents for the Liberty Party -

MR HARTE: Yes.

20 **MS McDONALD:** - for example.

MR HARTE: Yes.

25 **MS McDONALD:** And can I say - I won't say they are complex, but they are very detailed because of the number of events, donators, et cetera?

MR HARTE: Yes.

30 **MS McDONALD:** But your understanding of Mr Breton's campaign was that it was relatively straightforward -

MR HARTE: Yes.

35 **MS McDONALD:** - in terms of whatever money he got in?

MR HARTE: Yes.

MS McDONALD: And the donation.

40 **MR HARTE:** Yes, I accept that. Yes.

MS McDONALD: Yes.

45 **MR HARTE:** Yes.

MS McDONALD: So you've agreed to this assistance, which was going to be identification of the actual form, and then assisting him in filling out the form; is that right?

5 **MR HARTE:** Yes.

MS McDONALD: Now, you provided that assistance?

10 **MR HARTE:** Yes.

MS McDONALD: Did you meet in person to provide that assistance?

15 **MR HARTE:** I don't remember. I don't remember - I think I might have - saw Jason once after the election, but I don't - I don't remember the exact timeline.

MS McDONALD: And that meeting in person, what's your recollection of where that -

20 **MR HARTE:** It - I think it -

MS McDONALD: What location?

MR HARTE: I think it was the Paper Mill in Liverpool.

25 **MS McDONALD:** The what, sorry?

MR HARTE: Paper Mill in Liverpool.

30 **MS McDONALD:** That's like a cafe - or something like -

MR HARTE: Yes.

MS McDONALD: That's a cafe.

35 **MR HARTE:** Yes.

MS McDONALD: Your knowledge of - as you've said, you're a student of politics and you were involved in the Liberal campaign. Mr Breton was obviously a candidate.

40 **MR HARTE:** Yes.

MS McDONALD: And he was also the nominated lead candidate for a group of candidates.

45 **MR HARTE:** Yes.

MS McDONALD: How many - when he said to you something - or, sorry, where you identified the assistance would be identification of what form or forms he had to fill out, what advice did you give him or assistance did you give him about what was the appropriate form?

5

MR HARTE: I identified the correct form.

MS McDONALD: And what was that form?

10 **MR HARTE:** I don't remember - or the half-yearly - is this about the half-yearly disclosure? I think -

MS McDONALD: Well, I don't know. You're the one providing the assistance and the advice.

15

MR HARTE: Well, I - I don't remember exactly. Like, it - I assume, given - if it was at the end of the year, we had - related to half-yearly disclosures, because usually there's end of financial year and then half-yearly. I identified the form and he asked me -

20

MS McDONALD: And which - sorry.

MR HARTE: He asked me, "Can you fill it out?" And I was like, "Yes, sure. I'm happy to assist with that."

25

MS McDONALD: And when he asked you to fill it out, did you fill it out for him when he was - when you met him?

MR HARTE: I don't remember.

30

MS McDONALD: And the form that you were talking about, where Mr Breton said to you, "Can you fill it out" - other than you've said, look, it was a half-yearly disclosure, do you remember a half-yearly disclosure for what capacity that Mr Breton - which reflected Mr Breton's involvement in the election? I raised with you before that Mr Breton was a candidate.

35

MR HARTE: Yes.

MS McDONALD: And he was a lead candidate for a group of candidates.

40

MR HARTE: Yes.

MS McDONALD: This form that he asks you to fill out for him, which - it was a half-yearly disclosure, you've said that - a half-yearly disclosure -

45

MR BHUTANI: I don't think that was the evidence. (Indistinct) assuming it could have been.

MS McDONALD: Mr Harte, do you remember which form it was?

5 **MR HARTE:** No. I - I assume it was, just given from my experience, but I - I don't remember exactly which form it was.

MS McDONALD: So he said, "Can you fill it out for me?"

10 **MR HARTE:** Yes.

MS McDONALD: Did you say to him, "Why?" "Why do you want me to fill it out for you?"

15 **MR HARTE:** No.

MS McDONALD: You weren't his campaign officer, were you?

MR HARTE: Weren't?

20 **MS McDONALD:** You were not his campaign officer?

MR HARTE: No.

25 **MS McDONALD:** You were working on a rival party's campaign, weren't you?

MR HARTE: Yes.

30 **MS McDONALD:** Did you find a request from an independent candidate, "Can you fill it out for me?", to be unusual?

MR HARTE: Well, it was the first time it's ever happened to me personally.

MS McDONALD: Happened again?

35 **MR HARTE:** For Jason or for -

MS McDONALD: Anybody.

40 **MR HARTE:** I assisted Jason with another disclosure.

MS McDONALD: No, no. Sorry, I withdraw the question. Do you agree that when you met with him and he said to you, "Can you fill it out for me," that was an unusual request?

45 **MR HARTE:** Yes, I accept that.

MS McDONALD: Did you say to - given you accept it was an unusual request, did you say to him, "Why do you want me to do it?"

5 **MR HARTE:** No, I - I just thought - I'm - I was happy to assist.

MS McDONALD: Why -

10 **MR HARTE:** I wanted to be helpful and that's - that - that - that is the reason why I assisted him, because I just wanted to be helpful.

MS McDONALD: Did you raise with him in that conversation, "Well, can you provide me with all the information that I'm going to need to fill out the form"?

15 **MR HARTE:** Yes.

MS McDONALD: And how did he respond?

MR HARTE: He said he would provide it.

20 **MS McDONALD:** To you?

MR HARTE: Yes.

25 **MS McDONALD:** Did he provide it to you then and there?

MR HARTE: I don't remember.

MS McDONALD: All right. When did he provide it to you?

30 **MR HARTE:** Would have been soon after that conversation.

MS McDONALD: How did he provide it?

35 **MR HARTE:** I assume by email, because it was - if we're talking about this half-yearly disclosure, it would have included the acceptance of donations. And I just asked for him just send me a transaction summary from the bank account that he set up which listed the transactions, I suppose - or the donations, and I put that information into the disclosure.

40 **MS McDONALD:** So is your recollection you made that request and subsequently you received some kind of email from Mr Breton with an attachment which detailed those transactions?

45 **MR HARTE:** Yes.

MS McDONALD: Other than - and is your recollection it was actually like an extract from a bank statement? Or was it like a summary?

MR HARTE: It's one of those ones, I think, that you - like, press at the top - like, "generate report", and then it just generates - it spits out a list of transactions. Yes.

5 **MS McDONALD:** So you received that from Mr Breton?

MR HARTE: Yes.

10 **MS McDONALD:** Did you receive any further information from him about completing the donation section?

MR HARTE: I don't remember.

15 **MS McDONALD:** Because, for example, the evidence that you gave of this transaction summary, that would only capture monetary donations?

MR HARTE: Correct. And that's what I'm thinking about - is - I don't remember the non-monetary contributions.

20 **MS McDONALD:** And, sorry, when you say "I don't remember the non-monetary contributions" -

25 **MR HARTE:** So if Jason supplied that at the time - because I was - I'm pretty sure I was aware of it previously, but I just wanted, like, a comprehensive list in case I missed - in case something was missed.

MS McDONALD: Right. How were you previously aware - in non-monetary contributions?

30 **MR HARTE:** I think it would have been something to do with the cash receipt book.

MS McDONALD: All right. You've referred to a cash receipt book. Who had - what can you tell me about the cash receipt book? Did you - during the election campaign, did you see a cash receipt book for Mr Breton's campaign?

35

MR HARTE: Yes.

MS McDONALD: Where did you see that?

40 **MR HARTE:** I don't remember, but I know it existed because one of the requirements of the Electoral Commission is to have a - to acknowledge - any donation or in-kind contribution has to be acknowledged.

45 **MS McDONALD:** And the procedure in which that acknowledgment is given is usually by providing a receipt?

MR HARTE: Yes. Well, I - yes. I think so, yes.

MS McDONALD: Did you advise Mr Breton that he should obtain a cash receipt book?

5 **MR HARTE:** I don't remember, but there was one.

MS McDONALD: Did you assist him in obtaining a cash receipt book?

10 **MR HARTE:** Yes, I did.

MS McDONALD: And you did that during the election campaign?

MR HARTE: Yes.

15 **MS McDONALD:** And how did you assist him in getting a cash receipt book? Did you buy it for him or did you -

MR HARTE: Yes, I might have gone down to the newsagent and grabbed one.
I - I - yes, I - I don't remember, but yes.
20

MS McDONALD: Now, you've now agreed, pursuant to Mr Breton's request, "Can you fill it out," that you would fill it out. You know - need the information, you've got this transaction summary from - that was emailed to you?

25 **MR HARTE:** Yes. I think it was, yes.

MS McDONALD: All right. And at some point do you see some copies of receipts that were completed for the cash - from the cash receipt book?

30 **MR HARTE:** Yes, I don't remember when I saw it. Might have been before the election or just after. I don't remember those specifics, but it was more so saying to Jason, "I want to make sure I've got all the information in front of me, so I have all the information to put it in the disclosure."

35 **MS McDONALD:** All right. Well, that's what I'm interested in, that - in collating all the information, did you receive from Mr Breton some carbon copies from the cash receipt book?

40 **MR HARTE:** I don't - don't - or I think I - I - I - I think I might have got it for him and I might have assisted him with that, or maintained it, but I don't remember -

MS McDONALD: Sorry, I'm getting a little bit confused now. You think you might have maintained the cash receipt book?

45 **MR HARTE:** Yes, I - I might have had it and I - if there was - if he had to acknowledge something, just, you know - it's a carbon - you know, fill it out and then rip it off and hand it to - if it was a donor, to the donor.

MS McDONALD: All right. And those donations were occurring in the lead-up to the election?

5 **MR HARTE:** Yes.

MS McDONALD: So you were assisting Mr Breton in - where he received \$5,000 from somebody -

10 **COMMISSIONER:** That's a hypothetical.

MS McDONALD: I don't think it is.

COMMISSIONER: I just want to be clear.

15

MS McDONALD: No.

COMMISSIONER: All right.

20 **MS McDONALD:** For example, he did - I'll take you to the disclosure document, but he receives a \$5,000 donation. You assisted him in filling out this cash - sorry, donation or cash receipt?

MR HARTE: Yes.

25

MS McDONALD: Okay. And were you there when, for example, the \$5,000 from a Sam Sofi was given to Mr Breton?

COMMISSIONER: Donated to the campaign -

30

MS McDONALD: Donated, I'm sorry.

COMMISSIONER: - might be a better way to put it.

35 **MS McDONALD:** Yes. I take your point. Donated to Mr Breton's campaign.

MR HARTE: Was I there?

MS McDONALD: Yes.

40

COMMISSIONER: Do you remember it?

45 **MR HARTE:** Well, I - no, I do remember a donation. But, like, I don't - being there - like, it would have been a - you can't accept cash donations. So it's not like a cash transfer. It has to be done electronically. So I - I don't know what you mean by "were you there".

COMMISSIONER: Did you fill out a receipt for that donation? Or - whether it be an email acknowledgement -

MR HARTE: Yes, I - I think I might have.

5

COMMISSIONER: Whatever form of acknowledgment is required.

MR HARTE: I think I might have, yes.

10 **MS McDONALD:** Filled out the receipt?

MR HARTE: Yes.

15 **MS McDONALD:** And how did that - I take your point about the cash donation for that amount. If it is a matter of you're being forwarded some kind of record of, like, an electronic funds transfer - something like that - how were you notified that - by Mr Breton that, "Mr Sofi has transferred \$5,000 for my campaign" -

20 **COMMISSIONER:** Sorry to interrupt.

MS McDONALD: Yes.

25 **COMMISSIONER:** There's a premise there. You said, "How were you notified by Mr Breton." It might need to be established.

MS McDONALD: I'm going to take you to the disclosure document now, but I just want to finish off with - your recollection is that you would receive some form of notification that there had been a donation to Mr Breton's campaign?

30 **MR HARTE:** Yes. At the time. It would have been contemporaneous to that donation or as close as possible, yes.

35 **MS McDONALD:** And when you received that notification you would then complete the receipt?

MR HARTE: Yes.

40 **MS McDONALD:** And I referred to carbon copies - I just assume it's like a receipt book, but -

MR HARTE: I distinctly - yes, I - I remember that - the cash receipt book, and that was probably a primary observation when I saw it - haven't seen this before, so -

45 **MS McDONALD:** What, the carbon paper?

MR HARTE: Yes. Exactly right.

COMMISSIONER: Someone better tender a sheet.

MS McDONALD: Yes.

5 **MR HARTE:** Yes.

COMMISSIONER: We'll have a cheque too, based on the fact that the councillor has never seen one before (indistinct).

10 **MS McDONALD:** That's right.

MR HARTE: I only know novelty cheques. I haven't seen an actual cheque, so -

15 **COMMISSIONER:** Right. Well, we'll have that fixed by the end of tomorrow.

MS McDONALD: And was the procedure with the cash receipt book that one copy would be sent back to the donor?

20 **MR HARTE:** Yes. There was the two -

MS McDONALD: Yes.

MR HARTE: One - yes.

25 **MS McDONALD:** And then there's the copy that is then, in a sense, part of the records of Mr Breton's campaign.

MR HARTE: Yes.

30 **MS McDONALD:** And I think ultimately those carbon copies have to be forwarded to the Electoral Commission. Was that your understanding?

MR HARTE: Or one of the - one of the -

35 **MS McDONALD:** One of the copies, I'm sorry.

MR HARTE: Yes. Yes.

40 **MS McDONALD:** And so you were performing that function for Mr Breton whenever - what - ostensibly there was a donation to his campaign, you would be informed and you'd do the administration of filling in the cash receipt book?

MR HARTE: Yes.

45 **MS McDONALD:** When the campaign was over, did you hand the cash receipt book back to Mr Breton?

MR HARTE: I don't remember.

MS McDONALD: All right. So you don't know whether you still had custody of it or whether it was handed back to Mr Breton?

5

MR HARTE: Or it could have been chucked out. I'm not sure, to be honest. I don't know.

10 **MS McDONALD:** Well, you wouldn't have chucked it out, because you'd need at least one of the copies to go to the Electoral Commission?

MR HARTE: After it was scanned into the Electoral Commission, sorry, I - yes, I would - yes.

15 **MS McDONALD:** Would be chucked out?

MR HARTE: I don't remember exactly, but could - one of the three.

20 **MS McDONALD:** Okay. And just before I take you to the document - you agreed to fill out the document for Mr Breton. You said that you received information from him. You said to him, "Look, you've got to collate the information and get it to me"?

MR HARTE: Yes.

25 **MS McDONALD:** You said that you got some transaction summary from him?

MR HARTE: Yes.

30 **MS McDONALD:** You got any other information from him?

MR HARTE: Not - not that I can -

MS McDONALD: Okay.

35 **MR HARTE:** Sorry.

MS McDONALD: With that information, did you fill out the form?

40 **MR HARTE:** Yes.

MS McDONALD: And you filled it out in your handwriting?

MR HARTE: Yes.

45 **MS McDONALD:** When you had completed it, what did you do then?

MR HARTE: I sent it to Jason.

MS McDONALD: And did you give any instruction to Mr Breton when you - and, I'm sorry, did you email it back to him or - like, scan it and email or hand it to him in person?

5

MR HARTE: I assume so. I don't remember.

MS McDONALD: But you sent it back. Did you give him any instruction when you sent it back to Mr Breton?

10

MR HARTE: The - you know, "It has to be forwarded to this email." I would have said, "Sign here," or, "Just check everything, make sure you're happy with it."

MS McDONALD: "Check everything, happy with it, sign here"?

15

MR HARTE: Yes.

MS McDONALD: And after doing that, in respect of that form, did you hear anything back from Mr Breton?

20

MR HARTE: Maybe thanks or - you know, "Thanks for your help," or -

MS McDONALD: Other than a "thanks for your help". I was looking at anything potentially more substantive, along the lines of, "You've included this, I don't have a clue what you're talking about," or, "What's the reference for this?" Anything on the contents of the form?

25

MR HARTE: No. Not that I can recall, no.

MS McDONALD: All right. Excuse me for a minute. Could we first bring up INQ.066.001.0001, please. Yes. I'm sorry, Ms Associate. I want to take you to this version of the form. Can you see it's headed Half-Yearly Disclosure for a Candidate, and it's the six months from July to the end of December?

30

MR HARTE: Yes.

35

MS McDONALD: Now, per usual - I think I asked you about this yesterday - you can see when you get to Candidate Details, section 1, it's typed?

40

MR HARTE: Yes. Yes.

MS McDONALD: Does that suggest - is that generated by the Electoral Commission or does somebody who is completing the form populate that?

45

MR HARTE: I could be wrong, but I think the - that process, where we spoke about the nominations where you fill it in and then the proforma generates - and you print

it, sign it, scan it - I only think that's - that's only for the nomination process. I don't think they do it for the disclosure process.

5 **MS McDONALD:** All right. So your view is, somebody had to type in "Jason"?

MR HARTE: Yes.

MS McDONALD: And then "Breton". Did you type it in?

10 **MR HARTE:** Yes, I - I think so.

MS McDONALD: All right. Now, you can see under Declaration it says:

15 "This form must be signed by the Person Responsible for making disclosures".

MR HARTE: Yes.

MS McDONALD: And it there says:

20 "I, Jason Breton, declare that all disclosure required to be made in relation to the half-yearly period [blah, blah, blah] are true and correct."

Right?

25 **MR HARTE:** Yes.

MS McDONALD: And so is that consistent with your evidence that although you completed the document, you've sent it back to Mr Breton with, "Check it and then sign it"?

30 **MR HARTE:** Yes.

MS McDONALD: All right. Now, if we go to the next page, page 2, please. And, Mr Harte, if at any time you want to look more at a page or anything like that, just speak up.

35

MR HARTE: Yes.

MS McDONALD: You can see this is section 2, contributions made by the candidate to their campaign account.

40

MR HARTE: Yes.

MS McDONALD: Nothing's filled out, and indeed there's a line across it, indicating, I would suggest, not relevant.

45

MR HARTE: Yes.

MS McDONALD: Did you draw the line?

MR HARTE: I - yes, I think so. I - yes.

5

MS McDONALD: Now, can we please go to page 3:

"Section 4: Reportable political donations received (not at a fundraising function or venture)."

10

MR HARTE: Yes.

MS McDONALD: And you can see that there are five entries on that page?

15

MR HARTE: Yes.

MS McDONALD: Looking at that document, it appears that it's the same handwriting.

20

MR HARTE: Yes.

MS McDONALD: Is it your handwriting?

MR HARTE: It appears so.

25

MS McDONALD: Sorry, when you say -

MR HARTE: It appears to be. Yes. So - yes.

30

MS McDONALD: It is your handwriting?

MR HARTE: Yes.

MS McDONALD: Okay. And you can see there, on 12 November - and, I'm sorry, I might have said 12 December beforehand, but it's 12 November - Sam Sofi has donated \$5,000?

35

MR HARTE: Yes.

MS McDONALD: We've got \$1,000 coming from Squashlands Gymnasium at Liverpool?

40

MR HARTE: Yes.

MS McDONALD: I'm going to jump over the next one. Then you've got a Joe Cannavo contributing \$1,000?

45

MR HARTE: Yes.

MS McDONALD: And then you've got two from a company, SA Emerald Proprietary Limited, and I asked you about that company beforehand. That's the
5 company that Mr Mannoun's brother is the - it's his company?

MR HARTE: Yes.

MS McDONALD: And they seem to be - it's described as a non-monetary gift type.
10

MR HARTE: Correct.

MS McDONALD: And then you've got specific amounts of \$1,636.25. Now, your completion of this page was based on the material or information provided to you by
15 Mr Breton?

MR HARTE: Yes. So this would be, obviously, connected to the cash receipt book.

MS McDONALD: Well, that's one of the sources that you used to complete this?
20

MR HARTE: Correct. Yes.

MS McDONALD: And I think you also talked about that -

25 **MR HARTE:** Transaction.

MS McDONALD: - generated document.

MR HARTE: Yes, that - had two different sources, to make sure we didn't miss
30 anything. Yes.

MS McDONALD: Now, just very quickly, we go to page 4. Again, we've got the line through it, so it's not relevant. The same with page 5. The same with page 6. The same with page 7. And also the same with page 8. So based on your evidence
35 that - the information provided to you by Mr Breton - that information was provided, you used it to complete section 4 on page 3?

MR HARTE: Yes.

40 **MS McDONALD:** All right. Now, would you just excuse me for a minute. Excuse me just for a minute. Excuse me just for a minute.

COMMISSIONER: Why don't we take a short break, perhaps a bit shorter than usual.
45

MS McDONALD: Yes. Sorry, I didn't see the time.

COMMISSIONER: I'll just take 10 minutes.

MS McDONALD: Yes.

5 **COMMISSIONER:** And we'll resume at noon.

MS McDONALD: Yes.

10 **COMMISSIONER:** Councillor, we'll take a short break -

MR HARTE: Sure.

15 **COMMISSIONER:** - for 10 minutes. Feel free to stretch your legs, and we'll resume at 12 o'clock.

MR HARTE: Thank you.

<THE HEARING ADJOURNED AT 11.49 AM

20 **<THE HEARING RESUMED AT 12.08 PM**

MS McDONALD: Could we bring up INQ.066.001.0001 again, please. Mr Harte, can I just ask you something arising from your evidence this morning. Is it your understanding that if you're standing as a candidate it is mandatory that you or the party you represent establish a campaign bank account?

MR HARTE: Yes.

30 **MS McDONALD:** I've used the word "mandatory". So it's some kind of dictate or - and I'm just talking about your understanding - dictate or requirement from the Electoral Commission?

MR HARTE: Yes.

35 **MS McDONALD:** So it's not just that it's an advisable thing to do, but it's actually required?

40 **MR HARTE:** I'm pretty sure that's the case, just so - like, it's a clean account with no history in it.

MS McDONALD: Yes. With no mixed funds or anything like that.

MR HARTE: Correct.

45 **MS McDONALD:** And I know - I would assume that when you stood for council as an affiliate of the Liberal Party, you could just rely on the Liberal Party establishing some kind of bank account?

MR HARTE: Yes.

5 **MS McDONALD:** Okay. The assistance and advice that you provided to Mr Breton in his campaign, did you raise with him this, in your view, requirement of a separate bank account?

10 **MR HARTE:** Yes, I did. Because I think I - I think Mr Breton had a similar - a similar query relating to how do you actually do it. And from what I recall, I sought advice from the New South Wales Electoral Commission and they advised that it's sufficient to their requirements just to establish a new bank account, or just a new - yes, account, I suppose, that's fresh, that doesn't have any transactions in it.

15 **MS McDONALD:** All right. And your recollection is Mr Breton raised that issue with you?

MR HARTE: Yes.

20 **MS McDONALD:** And that you then made another inquiry of the Electoral Commission?

MR HARTE: Yes.

25 **MS McDONALD:** And your recollection is that was the advice they provided to you?

MR HARTE: Yes.

30 **MS McDONALD:** Did you ring them or was it an email?

MR HARTE: I don't - I did call them a fair few times during that period, but I - I - it was one or the other.

35 **MS McDONALD:** And with the provision of that information, you then provided that information to Mr Breton?

MR HARTE: Yes.

40 **MS McDONALD:** And do you know whether he did establish this new or fresh or separate bank account?

MR HARTE: From my understanding, he did.

45 **MS McDONALD:** And what's your understanding based on? For example, did he tell you -

MR HARTE: The transaction summary that -

MS McDONALD: Okay.

MR HARTE: - was just - had the list of transactions for that account.

5

MS McDONALD: Okay. Do you still have that document?

MR HARTE: I don't know. I'm not sure. I can have a look, but I don't -

10 **MS McDONALD:** Your evidence was you thought it probably or was emailed to you as an attachment?

MR HARTE: Yes, I - I think so, but -

15 **MS McDONALD:** All right. Excuse me. Right. We've got this document up. Now, this is the document that is available on the public website of the Electoral Commission. You gave some evidence yesterday that after some evidence that Mr Breton gave at the inquiry you sent him some screenshots of documents. Do you remember that evidence? Some disclosure documents.

20

MR HARTE: It was a - it was the publicly available disclosure.

MS McDONALD: That's what I was going to ask you. You gave evidence yesterday that you screenshot and sent Mr Breton some of the disclosure documents.

25

MR HARTE: Yes.

MS McDONALD: They were the disclosure documents that are publicly available on the Electoral Commission website?

30

MR HARTE: Correct.

MS McDONALD: Now, I want to take you to another document. And this is ELC.003.001.0013. And it can be live streamed when you get it. Now, again, Mr Harte, if you want us to - what I'll do is I'll take you through the document -

35

MR HARTE: Sure.

MS McDONALD: - very quickly and then focus on some particular parts.

40

MR HARTE: Yes.

MS McDONALD: Can you see, this is a half-yearly disclosure for a candidate, July to December?

45

MR HARTE: Yes.

MS McDONALD: And again we see, under Section 1, it's Jason Breton.

MR HARTE: Yes.

5 **MS McDONALD:** Excuse me. Declaration by Jason Breton.

MR HARTE: Yes.

10 **MS McDONALD:** And then there's a signature.

MR HARTE: Yes.

MS McDONALD: With a date, 2 February.

15 **MR HARTE:** Yes.

MS McDONALD: You will remember in the publicly available copy of this document the signature is redacted?

20 **MR HARTE:** Yes.

MS McDONALD: Now, if we can - if you go to the next page very quickly - like the other copy, the line. If we can move to page 3 - pausing there. Can you see we've got practically all the same information?

25 **MR HARTE:** Yes.

MS McDONALD: Your handwriting?

30 **MR HARTE:** Yes.

MS McDONALD: But can you see now you've got asterisks:

35 "Acknowledgments and cash receipts attached to this PDF."

MR HARTE: Yes.

MS McDONALD: Is that your handwriting?

40 **MR HARTE:** Yes.

MS McDONALD: What were you referring to there?

45 **MR HARTE:** The scans for the - for each donation, the cashbook receipt. It was a scan that must have been attached to this document.

MS McDONALD: Okay. So when Mr Breton requested you to fill it out for him and you filled out that - you've got, as you said, information from Mr Breton.

MR HARTE: Yes.

5

MS McDONALD: You used that to complete those five lines of donations.

MR HARTE: Yes.

10 **MS McDONALD:** In addition, you - I'll put it broadly - located the acknowledgments and cash receipts.

MR HARTE: Yes.

15 **MS McDONALD:** They were scanned. And were they sent back to Mr Breton with this document that you had completed, bar the signature?

MR HARTE: Yes. Well, that would have been - that would have - that was probably more for the Electoral Commission, just so they know where it's
20 located. But it would have been attached to - or the document that was sent to Mr Breton.

MS McDONALD: All right. Now -

25 **COMMISSIONER:** Sorry, Ms McDonald, is that a - that notation in the previous version that we saw?

MS McDONALD: This is where it gets a little bit weird.

30 **COMMISSIONER:** Okay.

MR HARTE: I've just noticed that as well. I -

COMMISSIONER: That's all right. I just couldn't -

35

MR HARTE: Yes.

COMMISSIONER: I didn't remember seeing it, but I just wanted to -

40 **MS McDONALD:** To do our detective work, could we just bring up INQ. - sorry. Can I first ask you can you see where - that acknowledgment, where it's situated on that page? So it's against - it goes across the second and third column. Can we go back to INQ.066.001.0001, page 3. Right. The detective work is -

45 **COMMISSIONER:** Seems to be a redaction of some sort.

MS McDONALD: Or whited out -

COMMISSIONER: Yes.

MS McDONALD: - because there's a break in the line.

5

COMMISSIONER: Yes.

MS McDONALD: Obviously the signature has been redacted by the Electoral Commission, and you would think for very good reasons.

10

COMMISSIONER: Yes.

MS McDONALD: Again, the detective work - and I won't waste time with it - it seems like the information the Electoral Commission fills in with date and giving it a number, that's all the same. But this version of the document was obtained pursuant to - by a notice to the Electoral Commission.

15

COMMISSIONER: The unredacted version?

20 **MS McDONALD:** Yes.

COMMISSIONER: Yes.

MS McDONALD: So for some reason - I think the inference you would draw is, that had been redacted by the Electoral Commission when it's been put on the public website.

25

COMMISSIONER: Well, unless anyone wants to be heard against that, I think it - that seems open to me.

30

MS McDONALD: Yes.

COMMISSIONER: Does this version that was on the - in the publicly available have the - doesn't have anything attached to it either, does it?

35

MS McDONALD: No. And what I want to now take you to - and sorry, Mr Harte - so your evidence is that notation is - you wrote it?

MR HARTE: Yes.

40

MS McDONALD: And again your evidence is, as part of scanning this document to be sent back to Mr Breton, you would have scanned the copy of the receipt, with this document being sent back to Mr Breton?

45 **MR HARTE:** Yes, that's my understanding of what I wrote there. Yes.

MS McDONALD: Okay. Excuse me for a minute.

5 **COMMISSIONER:** I mean, there might be all sorts of good reasons why the Electoral Commission wouldn't publish receipts. They might have bank records or account numbers and the like, I suppose. And then the notation that something was attached you can also redact because it might cause people to -

MS McDONALD: Yes.

10 **COMMISSIONER:** - be concerned that there's something missing and create a whole lot of administrative work for the Commission that they probably don't need.

MS McDONALD: Yes. Now, could we bring up, please, document ELC.003.001.0014. Yes, please. Sorry. Sorry, could you - that's ELC.003.001.0014?

15 **COMMISSIONER:** Yes, but we've started on page 3.

MS McDONALD: Yes. Yes, that's the one I wanted to start with. And, I'm sorry, that's page 3, is it? All right. Now, is that - that's one of the cash receipts, is it?

20 **MR HARTE:** Looks like it. Yes.

MS McDONALD: I can say a notice was issued, as I've just referred to. Documents were obtained, and these documents were obtained by the Electoral Commission.

25 **MR HARTE:** Yes.

MS McDONALD: And you can see that we've got \$5,000:

30 "EFT donation - Jason Breton."
Received from Sam Sofi - Sofi?

MR HARTE: Yes.

35 **MS McDONALD:** And that corresponds with - I can take you back to the document if you want it, but table section 4, that correlates with your recording of the \$5,000 donation?

40 **MR HARTE:** Yes.

MS McDONALD: Okay. That - you filled out that cash receipt?

MR HARTE: Yes.

45 **MS McDONALD:** Consistent with your evidence this morning, this was being completed when you were informed during the campaign that Mr Breton had - I'm

sorry, withdraw that. That some money had been received for - or some funds were received for Mr Breton's campaign?

MR HARTE: Yes.

5

MS McDONALD: And it's got a date of 12 November 2021.

MR HARTE: Yes.

10 **MS McDONALD:** Was it your practice that the day you filled out this receipt was around the time that you were informed of this donation to Mr Breton's campaign?

MR HARTE: I don't remember. I don't think I - it would have been contemporaneous or as close as possible. Like, you know, it might be a few days - I
15 don't remember the specifics.

MS McDONALD: That's -

MR HARTE: But I - like, if it was the case, I - like, I probably would have -
20

COMMISSIONER: The practice was to do it -

MR HARTE: - backdated the acknowledgement or, like, a receipt to - where - the date that it was received.
25

MS McDONALD: Yes.

MR HARTE: That - what I'm really getting at, and I think your answer reflects this - your evidence is that this cash receipt was filled out during the campaign,
30 around the time that you received advice that there was this contribution of \$5,000 to Mr Breton's campaign?

MR HARTE: I think so, yes.

35 **MS McDONALD:** What I was getting at - it wasn't a matter of in February the next year after the campaign you madly started filling out some cash receipts.

MR HARTE: No. This would have been contemporaneous or near contemporaneous.
40

MS McDONALD: With the campaign.

MR HARTE: Yes.

45 **MS McDONALD:** All right. And you signed it?

MR HARTE: Sorry, signed it for Jason?

MS McDONALD: Well, no. No, I'm trying to identify the "sign", and then there's a signature there.

5 **MR HARTE:** Yes.

MS McDONALD: Is that your signature?

MR HARTE: No.

10

MS McDONALD: Whose signature is it?

MR HARTE: I believe it is Mr Breton's.

15 **MS McDONALD:** When did he sign it?

MR HARTE: I don't remember. It could have been the case that I signed it for him if I was provided instruction from him, just to speed up the administrative side of things.

20

MS McDONALD: All right. Can we just take it in stages from that answer.

MR HARTE: Sure.

25 **MS McDONALD:** Looking at that document, can - and, I'm sorry, withdraw that. If you had received instructions to sign for him, would have you signed something like your name "on behalf of Mr Breton"?

MR HARTE: No, I would have probably tried to do his signature. I'm not sure.

30

MS McDONALD: And when you say "try to do his signature", you're talking about trying to do Mr Breton's signature?

MR HARTE: Yes.

35

MS McDONALD: All right. I know it was a while ago, but looking at that cash receipt, can you recall - is that you trying to do Mr Breton's signature?

MR HARTE: I don't remember.

40

MS McDONALD: Yes.

MR HARTE: I think, if Mr Breton was asked, he could probably tell you whether it was or wasn't his signature.

45

MS McDONALD: No, no. I'm just really concentrating on your recollection and looking at the document, whether - looking at it and the circumstances in which this was prepared, whether it was one of those times that you tried to sign for him.

5 **MR HARTE:** Look, I think it could have been the case.

MS McDONALD: When you started giving that evidence you spoke about - sorry, it's my scribble - that you would have received an instruction.

10 **MR HARTE:** Correct.

MS McDONALD: Do you recall seeking that instruction or some kind of approval from Mr Breton to do that?

15 **MR HARTE:** Yes.

MS McDONALD: When did you do that?

20 **MR HARTE:** It would have been - it could have been over a phone call, but I - I believe I received an email from Mr Breton around that time.

MS McDONALD: Do you remember what Mr Breton said in the email?

25 **MR HARTE:** I'd have to go back, but I can - I can find that.

MS McDONALD: All right. Is your recollection that in this email there's some kind of instruction or approval by Mr Breton -

30 **MR HARTE:** Yes.

MS McDONALD: - to sign for him?

MR HARTE: Yes.

35 **MS McDONALD:** And was your either instructions or discussion with Mr Breton that you would try and do his signature?

40 **MR HARTE:** Well, he - the - from what I remember, the signature was attached to the email. I'd have to go back and - I can have a look, but -

MS McDONALD: Do you think you've still got the email?

MR HARTE: Yes, I do.

45 **MS McDONALD:** Okay. Throughout the council election campaign you were exchanging emails with Mr Breton often?

MR HARTE: I don't remember, but there would have been some to and from. Like, whether it was email or - like, in terms of communication -

MS McDONALD: Yes.

5

MR HARTE: - I can't really remember the specific form of communication. But during that time there was communications between ourselves.

MS McDONALD: And have you kept copies of all those - not copies. Have you actually kept the emails or copies of the emails?

10

MR HARTE: They - yes, they'd be somewhere. I - somewhere in my inbox.

MS McDONALD: All right. Could we then bring up, please, ELC.003.001.0014, and then it's _0002.

15

COMMISSIONER: So next page -

MS McDONALD: We're up there. So we're already there. But can you move - thank you. Move to page 2. Now this is a cash receipt, 23 November, and it's Squashlands Gym Liverpool and it's \$1,000. Do you see that?

20

MR HARTE: Yes.

MS McDONALD: Putting to one side the signature, that's your handwriting?

25

MR HARTE: Yes.

MS McDONALD: Looking at the signature, the "sign", can you identify who has written that?

30

MR HARTE: Sorry, the signature, did you -

MS McDONALD: Yes.

35

MR HARTE: I - I think it might be that - it could have been the same case.

MS McDONALD: The same procedure that you've just outlined in respect of the first cash receipt?

40

MR HARTE: Yes. Yes.

MS McDONALD: Okay.

COMMISSIONER: When you say "it could have been", do you remember doing that? Leaving aside this particular receipt that's on the screen - but do you remember performing that process or that function at all during this time, where you signed -

45

MR HARTE: I don't remember specifically signing anything, but I - I do remember the cashbook and filling it out. And I - I - and the email that I received from Mr Breton as well, so -

5

COMMISSIONER: All right.

MR HARTE: (Indistinct) like, in all likelihood - like, I - you know, it's like - I know there's -

10

COMMISSIONER: Sorry, did you say "in all likelihood"?

MR HARTE: In all likelihood, yes.

15 **COMMISSIONER:** How did you get notice that there had been a donation from time to time? How was that communicated to you? Or how were you aware -

MR HARTE: Probably a phone call or -

20 **COMMISSIONER:** - that something had been received?

MR HARTE: Or phone call, text message. I -

COMMISSIONER: From whom?

25

MR HARTE: From Jason.

MS McDONALD: And from the entry on that receipt and on the previous receipt of the sum of X, EFT -

30

MR HARTE: Yes.

MS McDONALD: - that reflects that it's been an electronic funds transfer -

35 **MR HARTE:** Yes.

MS McDONALD: - into a bank account?

MR HARTE: Yes.

40

MS McDONALD: And did you assume that it was the specially created bank account?

MR HARTE: Yes.

45

MS McDONALD: Could we then jump - I'll go to the next page, 3. Now, you see there - now, this time it's a little bit different. It's headed Acknowledgment. Can you see that?

5 **MR HARTE:** Yes.

MS McDONALD: And you've got:

10 "Received from SA Emerald Proprietary Limited [with an ABN number]. In-kind donation."

And then an amount is then specified, and it's, what, 50,000 DLX envelopes.

15 **MR HARTE:** Yes.

MS McDONALD: Again, putting the signature to one side, that's your handwriting?

MR HARTE: Yes.

20 **MS McDONALD:** Again, looking at the signature, can you indicate - is that one of the signatures that you put on the cash receipt?

MR HARTE: Yes, it looks like it. Yes.

25 **MS McDONALD:** Okay. Now, how were you told about this?

MR HARTE: I don't remember the - the - I - it would have been through Jason.

30 **MS McDONALD:** All right. And it indicates - sorry, to kind of state the obvious, it indicates on its face that for Mr Breton's campaign he received 50,000 envelopes?

MR HARTE: Yes.

35 **MS McDONALD:** The amount that you - I take it you make, like, an equivalent of the monetary amount. The \$1,636.25 is pretty specific.

MR HARTE: Yes.

40 **MS McDONALD:** Do you know where that came from or were you just told that by Mr Breton?

COMMISSIONER: Hang on. Sorry. You might just need to break that up.

45 **MS McDONALD:** Sorry. You can see the specific amount of \$1,636.25?

MR HARTE: Yes.

MS McDONALD: Where did that information come from?

5 **MR HARTE:** I don't remember. But as to the value of the in-kind contribution, it would - I assume that's the value of 50,000 envelopes. I'm not sure where that value came from.

MS McDONALD: All right.

10 **COMMISSIONER:** Did you receive delivery of them? Were they delivered to the -

MR HARTE: No. SA Emerald -

COMMISSIONER: - office on - can't remember -

15 **MR HARTE:** Terminus Street. Terminus Street.

COMMISSIONER: Terminus Street. Yes, I'm confused with my streets. I don't know - I don't know how many - how big are boxes, 50,000 envelopes. Perhaps not that big?

20 **MR HARTE:** There - there are a lot.

COMMISSIONER: Yes.

25 **MS McDONALD:** Okay.

COMMISSIONER: Do you remember?

30 **MR HARTE:** I think so. I - there was a lot of material leaving and entering the office at the time.

COMMISSIONER: Yes.

35 **MR HARTE:** So in all likelihood - envelopes were at the office. So, yes, I probably accept that was the case.

COMMISSIONER: Likely that they included the envelopes that had been donated to Mr Breton's campaign as well, as -

40 **MR HARTE:** Sorry, can -

45 **COMMISSIONER:** But does - from that, do I understand that you think it's likely that the material that was at the office included the envelopes that had been donated to Mr Breton's campaign, in addition to that which would have been used in the Liberal Party campaign? It was material for both campaigns at the office, is that what you mean?

MR HARTE: Yes. Yes.

5 **MS McDONALD:** And again, the practice with filling out such a receipt, do you require or do you like to see, for example - a receipt from Officeworks, for example, saying these 50,000 envelopes cost this amount? Or is it just a specific figure that you were given?

MR HARTE: Sorry, can you ask that question again? I didn't - sorry.

10 **MS McDONALD:** It's a specific figure, isn't it?

MR HARTE: Yes.

15 **MS McDONALD:** It's not like an estimate, 50,000 envelopes would cost \$1,500?

MR HARTE: Yes.

MS McDONALD: It's a specific amount.

20 **MR HARTE:** Yes.

MS McDONALD: And what I'm asking you is, did you see a receipt, for example Officeworks, with that amount on it?

25 **MR HARTE:** No. It would have been to SA Emerald. If - if SA Emerald ordered envelopes, for example, and then gave it as an in-kind contribution to a candidate, then that would have been between SA Emerald and whoever the supplier of the envelopes were.

30 **COMMISSIONER:** How did you know that it was \$1,636.25?

MR HARTE: I was advised of that figure.

35 **COMMISSIONER:** By whom?

MR HARTE: Jason.

COMMISSIONER: How? Do you remember?

40 **MR HARTE:** It's four years ago. I don't -

COMMISSIONER: I know it's a long time ago, but -

45 **MR HARTE:** Yes. No, like -

COMMISSIONER: If you don't remember, that's -

MR HARTE: But it would have been - it would have been either communicated verbally -

5 **COMMISSIONER:** Well, don't speculate. If you don't -

MR HARTE: - or in person. Yes.

COMMISSIONER: - remember, that's a perfectly acceptable answer.

10 **MR HARTE:** Yes.

COMMISSIONER: If you don't remember -

15 **MR HARTE:** No, I - I don't remember, I'm sorry.

COMMISSIONER: All right.

20 **MS McDONALD:** All right. Could we then move to page 4. Same date, this time from the same company, an in-kind donation of 1,416, "Distribution of letter." Do you understand what work was included in "distribution of letter"?

25 **MR HARTE:** Like, obviously it would have been a distribution to letterboxes, but I don't - I don't remember the specifics of how it was distributed. Could have been Australia Post, I don't know. Like, I -

MS McDONALD: That's what I was going to ask you.

MR HARTE: Yes.

30 **MS McDONALD:** So it could be stamps, it could be hiring somebody to go out and put things in letterboxes, something along those -

MR HARTE: Yes, that type of thing. Yes.

35 **MS McDONALD:** Again, it is a relative specific amount. Who did you obtain that amount from?

MR HARTE: From Jason.

40 **MS McDONALD:** And in that -

COMMISSIONER: That's - I'm sorry. Is that - that's a recollection you have, sitting here today? Or is that where you -

45 **MR HARTE:** Yes, I -

COMMISSIONER: - think it's likely to have -

5 **MR HARTE:** Well, there were five - there were only five, and I remember having conversation about - I don't remember - sorry. I don't remember specifically, but, like, I remember having those conversations with Jason - that this is where it came from, this is the amount and what it's for.

COMMISSIONER: Sorry, it's no doubt me. I just want to make sure I understand clearly what your evidence is.

10 **MR HARTE:** Sure.

15 **COMMISSIONER:** Sitting here today, do you have a recollection of any of these amounts that - to which you've been taken - your communications - being told that they had been received, whether the cash donation or the in-kind donation - being notified of that by Mr Breton, or do you think that that is likely to have occurred, looking back now? Do you understand the difference in what I'm asking you?

20 **MR HARTE:** Yes, I - look, if I can quantify, I'm 95 per cent sure. So in all likelihood - it was four years ago. I -

COMMISSIONER: As I've said to you -

MR HARTE: Yes.

25 **COMMISSIONER:** - on a number of occasions, the passage of time issue is not lost on me. I just need to be clear about what it is your evidence is. Yes.

30 **MS McDONALD:** And just following on from that question, is your recollection that being informed by Mr Breton - was potentially a telephone message or a telephone discussion?

35 **MR HARTE:** Yes, it would have been - I don't - again, I don't remember the specifics of how the conversation or when the conversation was had. I do remember having this type of conversation - or 95 per cent sure I -

MS McDONALD: So it could have been over the telephone, it could have been in person?

40 **MR HARTE:** Yes.

MS McDONALD: And in addition, some of them are monetary donations - is it your recollection that you would receive information about that monetary donation from Mr Breton by email? Or, again, was it potentially over the phone or in person?

45 **MR HARTE:** Well, it was eventually sent to me as a - the transaction summary.

MS McDONALD: No, I'm talking about your evidence that these documents - these cash receipts were completed during the campaign period.

MR HARTE: Yes.

5

MS McDONALD: So I'm just wondering, with the monetary amounts, like the \$5,000 from Mr Sam Sofi -

MR HARTE: Yes.

10

MS McDONALD: - did you receive an email with that information? Or, again, was it a conversation in person -

MR HARTE: I don't - I don't remember, but that's what - that's how I was - I was advised of it, and then I did the cash receipt book.

15

MS McDONALD: And is your evidence - when you say, "I was advised of it," those five entries, who were you advised by? Whether it was in person, telephone or an email, were you getting that information from one person or a number of people?

20

MR HARTE: I - as - I'm 95 per cent sure it just came from Jason. I don't have any reason to believe it was anyone else.

MS McDONALD: Again, just looking at that cash receipt, it's received from - and a company is nominated, but then you have the specifics of its Australian business number.

25

MR HARTE: Yes.

MS McDONALD: Where did that information come from?

30

MR HARTE: I think I just did an ABN look-up.

MS McDONALD: So again, is your recollection you were told of the company - "I've got 50,000 envelopes from SA Emerald Proprietary Limited"?

35

MR HARTE: Yes.

MS McDONALD: And then to complete this cash receipt you then went on to - I'll call it the ASIC - the company's - sorry, I've gone blank - the details - the company registration, and picked up the ABN?

40

MR HARTE: Yes. Well, I - I am aware of SA Emerald, so, like - it could have been me just going, asking and finding out what the ABN number is - or if I just did a quick ABN look-up. Because if you type in "SA Emerald Proprietary Limited", it would -

45

MS McDONALD: Comes up with the ABN?

MR HARTE: Yes, it would come up with the - the postcode and (indistinct).

5 **MS McDONALD:** All right. The final one I want to then go to is on page 5. This is 29 June and it's from a Joe Cannavo, \$1,000.

MR HARTE: Yes.

10 **MS McDONALD:** Putting to one side the signature, is that your handwriting?

MR HARTE: Yes.

MS McDONALD: The signature - looking at it, does it appear to be -
15

MR HARTE: (Indistinct) I did? Yes.

MS McDONALD: And being informed that \$1,000 was received by electronic
funds transfer -
20

MR HARTE: Yes.

MS McDONALD: - who told you that? Or where did you get that information from?

25 **MR HARTE:** Jason.

MS McDONALD: Do you have any idea who Joe Cannavo is?

MR HARTE: Only that I've seen articles about him and heard evidence in this
30 inquiry about him. And when I've filled out his name, obviously, but I didn't really think much of the names that I was filling out on these forms.

MS McDONALD: All right. If I ask that question in respect of 29 November 2021,
when you're completing this form, did you know who he was?
35

MR HARTE: No.

MS McDONALD: At that time, have you ever heard of Icon Properties Proprietary
Limited?
40

MR HARTE: No.

MS McDONALD: Now - excuse me for a minute. Could we bring up again,
please - sorry, just before we leave that - this cash receipt book, you had custody of it
45 during the campaign?

MR HARTE: Yes.

MS McDONALD: You were completing it, according to your evidence, when you were given information.

5 **MR HARTE:** Yes.

MS McDONALD: And your evidence is that information came from Mr Breton; is that correct?

10 **MR HARTE:** I'm 95 per cent sure, yes.

MS McDONALD: The cash receipt book, was it only used for Mr Breton's campaign?

15 **MR HARTE:** Yes.

MS McDONALD: All right. You will see, if we go back to the first page of this document, you've got the receipt number and it ends in 961.

20 **MR HARTE:** Yes.

MS McDONALD: If we go to page 2, it ends in 962.

MR HARTE: Yes.

25 **MS McDONALD:** If we go to page 5, ends in 963.

MR HARTE: Yes.

30 **MS McDONALD:** If we go to page 4, ends in 695.

MR HARTE: 965.

MS McDONALD: 965, I'm sorry. And if you go to page 3, it ends in 966.

35 **MR HARTE:** Yes.

MS McDONALD: The receipt ending in 964 is missing?

40 **MR HARTE:** I think that's because I made an error, and I just scribbled it out and ripped it out and chunked it. Yes.

MS McDONALD: And is your recollection that you made an error back during the campaign period when you were periodically completing this?

45 **MR HARTE:** Yes, I do - I do remember that. I've - like, because it was - yes, I do remember that, that I did make -

MS McDONALD: Messed something up.

MR HARTE: Yes. Yes. Again, first time with a cashbook. A cash receipt book.

5

MS McDONALD: Okay. All right. Now, just before we leave that page - again I'd ask you to, for example, look at the signature there, okay?

MR HARTE: Yes.

10

MS McDONALD: Could we go back to the first page of ELC.003.001.0013, please. And it can be live streamed. Now, I want to draw your attention to the Declaration.

MR HARTE: Yes.

15

MS McDONALD: And as it stipulates:

"This form must be signed by the Person Responsible" -

20 and that's identified as Jason Breton.

MR HARTE: Yes.

MS McDONALD: Then there's a signature?

25

MR HARTE: Yes.

MS McDONALD: Now, just playing armchair detective, looking at the signature there, is there a similarity with the signature on the cash receipt?

30

MR BHUTANI: Commissioner, I object. I don't know how (indistinct) this inquiry (indistinct) proposition (indistinct).

35 **COMMISSIONER:** Yes. I think that's right. I'm not sure I'm necessarily assisted by the witness's comparison of the two, but it could be perhaps approached in a slightly different way.

MS McDONALD: All right. Were you - did you - after you filled out for Mr Breton the details of this half-yearly disclosure, did you sign the declaration on his behalf?

40

MR HARTE: Not that I can recall. This was later on.

MS McDONALD: No, no, no, no. I'm concentrating on this document, which, according to the date, was signed on 7 February. Right?

45

MR HARTE: Yes.

MS McDONALD: And your evidence is that you had this contact by Mr Breton and he said to you, "Can you fill it out for me?"

MR HARTE: Yes.

5

MS McDONALD: And you did fill it out for him.

MR HARTE: Yes.

10 **MS McDONALD:** What I'm asking you is that signature in the declaration, did you - as you had done previously with the cash receipt book, did you sign that for Mr Breton?

MR HARTE: Not - not that I can recall, no. I don't remember.

15

MS McDONALD: Isn't that something you would remember? Because the terms of the declaration is that it:

"...must be signed [in bold print] by the Person Responsible for making disclosures."

20

Can you see that?

MR HARTE: Yes.

25 **MS McDONALD:** And you weren't the person responsible for ultimately making the disclosures, were you?

COMMISSIONER: I think I'd probably need to see the cover page, "This form must be completed by", which has the definitional - reading this form, I would understand - to have the definition of "person responsible".

30

MS McDONALD: Just that it then goes on and nominates the person as Jason Breton.

35 **COMMISSIONER:** I was about to say, that might be a slightly different - so it can be explored.

MS McDONALD: All right. Were you given any instruction or direction or approval by Mr Breton around this time, of February 2022, that you could complete the form and then sign as him?

40

MR HARTE: Not that I can remember. The reason I remember the cash receipts is because I have an email with that authorisation, I suppose.

45 **MS McDONALD:** Yes.

MR HARTE: But I don't remember the - I don't remember this document. My recollection is it was sent to Jason.

MS McDONALD: All right. Have you recently checked your emails?

5

MR HARTE: I check my emails every day.

MS McDONALD: I'm sorry. Yes, I take your point. Have you recently gone back and looked at any emails that you kept or that you've archived for exchanges between you and Mr Breton in the campaign period and in the next couple of months after that?

10

MR HARTE: Not specifically besides - I remember seeing an email about a signature and I - I had to go back and look.

15

MS McDONALD: You did go back and look for that one?

MR HARTE: Yes, no, that's - like, I did a search and it came up and I just had a look at it, so - yes. But I haven't gone through all my communications.

20

MS McDONALD: All right. And that email you just referred to is the email that you mentioned before, where there was an approval given for signing the cash receipt?

MR HARTE: Yes.

25

MS McDONALD: If we look at this document again, we have got - on the first page we identify that the candidate was Jason Breton.

MR HARTE: Yes.

30

MS McDONALD: And the local council is Liverpool.

MR HARTE: Yes.

MS McDONALD: Now, that's all very straightforward, isn't it?

35

MR HARTE: Yes.

MS McDONALD: And then the only other information that is contained in this report is really section 4 - sorry, can we go -

40

MR HARTE: I can't see -

MS McDONALD: - to page 3.

45

MR HARTE: Yes. Sorry.

MS McDONALD: I'm sorry, Mr Harte. Okay.

MR HARTE: Yes.

5 **MS McDONALD:** Now, putting to one side the attachment of the cash receipts, is your evidence that all this information that you used to complete section 4 was information that was provided to you by Mr Breton?

MR HARTE: Yes.

10

MS McDONALD: And I think you've given evidence - you got an email from him with some kind of bank transaction summary list -

15

MR HARTE: I don't remember if it was an email, but I did receive a bank - a summary transaction -

MS McDONALD: And you also -

20

MR HARTE: - list.

MS McDONALD: I'm sorry, I interrupted you.

MR HARTE: No, sorry. No, you go. I said "list". The transaction list. Yes.

25

MS McDONALD: And also in that information provided to you by Mr Breton leading up to the completion of this, did that contain the non-monetary donations? So did he send you information reminding you about, "Oh, look, I got the envelopes and I got the assistance with the mail-out"?

30

MR HARTE: It might have been just based on the cash receipts.

MS McDONALD: All right.

35

MR HARTE: I don't - I don't remember specifically.

MS McDONALD: Putting those two non-monetary donations to one side, your evidence is that - and I'm just summarising - the Sam Sofi, the Squashlands and the Joe Cannavo donations, that information all came from Mr Breton?

40

MR HARTE: Yes.

MS McDONALD: Where did you get the address of the donors from?

45

MR HARTE: I don't remember. Like, I know Squashlands Gym is a local gym at Liverpool. Knew that address. As for the other ones, I don't remember how I got the addresses.

MS McDONALD: All right. Those entries, they were entries that Mr Breton could have easily made, couldn't he have? I'm sorry, I withdraw that. The entry of information for Sam Sofi, SQUASHLANDS and Joe Cannavo - the information that you've set out there was information available to Mr Breton?

5

MR TYNAN: I object.

MS McDONALD: I'll rephrase the question. You were provided with information about those three monetary donations by Mr Breton?

10

MR HARTE: I was provided - 95 per cent sure that I was provided information by Mr Breton on all five.

MS McDONALD: With -

15

MR HARTE: On all five of these five -

MS McDONALD: Yes. Right.

20

MR HARTE: - contributions, monetary and non-monetary.

MS McDONALD: And 95 per cent that you were provided with that information by Mr Breton?

25

MR HARTE: Yes.

MS McDONALD: He could have completed section 4?

MR HARTE: Yes, I - I -

30

MS McDONALD: What I'm asking is why - I'm just perplexed by why somebody would contact you in, say, January or February, and say, "Can you fill this out for me?" And your evidence is, you didn't inquire of him why he wanted you to do it, why he couldn't do it himself?

35

MR HARTE: I'm not sure what the question is.

MS McDONALD: Well, what I'm trying to get to you - it - Mr Breton - Mr Breton, I'm sorry - though you assisted his campaign, he wasn't a candidate for the Liberal Party or affiliated with the Liberal Party. He's an educated man, to your understanding?

40

MR HARTE: Yes.

45

MS McDONALD: Why - what I'm perplexed about is why he contacted you and said, "Can you complete the form for me?" Your evidence is, he didn't explain why he said, "Can you fill out the form for me?"

MR HARTE: I can't speak for Mr Breton, but I was -

MS McDONALD: No, no, no, no. I'm asking you -

5 **MR HARTE:** - just being nice.

MS McDONALD: Your evidence is, he didn't -

10 **MR HARTE:** I tried to -

MS McDONALD: - explain to you?

MR HARTE: No.

15 **MS McDONALD:** And you didn't ask?

MR HARTE: No. I was just being nice. I was being - you know, I try and help people as much as I can, and I had time on my hands. Sorry, I - I had time on my

20 hands and I thought, you know -

MS McDONALD: You what, sorry? I missed that last bit.

MR HARTE: Time on my hands.

25 **MS McDONALD:** You just started a new job. Your evidence was you just started with the - was it a lobbying group or a lobbying firm?

MR HARTE: I don't remember the exact timeline, but I was - a campaign is more

30 than 40-hour work week. Working, going to a - going into government relations, where you're only working three days a week - or two days a week, I think, and going to uni once a week, the workload's - I - the workload's completely - sorry, significantly decreased compared to a campaign. That's what I meant by time on my

35 hands.

MS McDONALD: Did you agree to complete it because you thought you owed Mr Breton something?

MR HARTE: No.

40 **MS McDONALD:** You owed him something because he stood as this independent candidate giving the preferences to the Liberal Party?

MR HARTE: I wasn't elected as a candidate, so I didn't -

45 **MS McDONALD:** No, no, no, no.

MR HARTE: - really feel the need to - why would I return the favour on behalf of someone else? At that point in time, when I've started my new job, I didn't think I would be coming back to Liverpool, to be honest.

5 **MS McDONALD:** I'm not talking about that. Your evidence has been that you assisted Mr Breton with his campaign. Correct?

MR HARTE: Yes.

10 **MS McDONALD:** Part of the advantage of that was that the - I call it the preferences - if you voted for Mr Breton, his preference would go to the Liberal Party.

MR HARTE: Yes.

15 **MS McDONALD:** So assuming somebody at the electoral booth takes his how to vote and thinks, "I like the look of that man, I'm going to vote as he suggested," there was an advantage to the Liberal Party that the preferences of Mr Breton flowed directly to the Liberal Party?

20

MR HARTE: Yes.

MS McDONALD: So that was an advantage to the Liberal Party?

25 **MR HARTE:** Yes.

MS McDONALD: You did - your evidence is, you've done a lot of assistance and organisation for Mr Breton during this campaign. Do you agree with that?

30 **MR HARTE:** Yes.

MS McDONALD: Was it your view that, because he was going to - well, he did indicate preferences to the Liberals - that you owed him something and you said, "Yes, I'll complete this form"? You were indebted to him?

35

MR HARTE: I'd probably look at it the other way, that I - I helped him with getting my parents on his ticket. I - I - I don't know why I would be indebted to Jason.

40 **MS McDONALD:** But other than your explanation of being a nice person and having some time on your hand, that's why you undertook to fill out this form?

MR HARTE: Yes, that was - that was the reason. I'm happy to assist.

45 **MS McDONALD:** Is that an appropriate time?

COMMISSIONER: Yes. Councillor, we'll break for lunch. We'll resume at five past 2. If you wouldn't mind being back here just before then, I'd be grateful. Five past 2. Thank you.

5 <THE HEARING ADJOURNED AT 1.04 PM

<THE HEARING RESUMED AT 2.11 PM

10 **MS McDONALD:** Mr Harte, your evidence earlier today was that you were contacted by Mr Breton about the completion of the half-yearly disclosure.

MR HARTE: Yes.

15 **MS McDONALD:** Excuse me. Half-yearly disclosure for a candidate.

MR HARTE: Yes.

20 **MS McDONALD:** Have - were you contacted by Mr Breton on any other occasion during 2022 about completion of other documents required by the Electoral Commission?

MR HARTE: Yes.

25 **MS McDONALD:** When? When were you contacted by him?

MR HARTE: I think there was one relating to yearly donation form, which is the - so you have the half-yearly and then you have the full financial year.

30 **MS McDONALD:** Yes.

MR HARTE: I think there was also an electoral expenditure disclosure as well.

MS McDONALD: Yes. And what's the electoral, sorry, expenditure?

35 **MR HARTE:** Yes. That's - it accounts for all of your - a candidate's expenditure during the course of a campaign period. On - it's spending on material, send out - anything that you - any campaigning activity you have to account for.

40 **MS McDONALD:** So, for example, if a candidate got some corflutes printed for them -

MR HARTE: Correct.

45 **MS McDONALD:** - would the cost of the corflutes -

MR HARTE: Corflutes.

MS McDONALD: Corflutes, sorry, would be recorded in this document?

MR HARTE: Yes, it would be -

5 **MS McDONALD:** Is that what it records?

MR HARTE: Yes. Correct. Yes.

10 **MS McDONALD:** Or if you paid for how to votes to be published -

MR HARTE: Yes.

MS McDONALD: - that cost would be recorded in that document?

15 **MR HARTE:** Yes.

MS McDONALD: And in respect of - I'm sorry, I'll go back. Your recollection was that Mr Breton contacted you about the yearly form?

20 **MR HARTE:** Yes, I'm pretty sure that was the case.

MS McDONALD: And what did he ask you? Or what did he say to you?

25 **MR HARTE:** "Are you able to assist me with this?"

MS McDONALD: And what did you say?

MR HARTE: I did assist him.

30 **MS McDONALD:** All right. And what assistance did you provide?

MR HARTE: Putting together - putting together or collating all the - the material that's required to make the disclosures.

35 **MS McDONALD:** All right. I was -

MR HARTE: Putting together the information.

40 **MS McDONALD:** I'm sorry.

MR HARTE: Sorry. And then putting - just putting together the information.

45 **MS McDONALD:** All right. And is it your evidence that in respect of this disclosure of expenditure you did the same thing? You - sorry, that there was a request -

MR HARTE: I'm pretty sure that was -

MS McDONALD: - to assist -

MR HARTE: Sorry?

5

MS McDONALD: There was a request by Mr Breton for assistance?

MR HARTE: Yes.

10 **MS McDONALD:** And you agreed?

MR HARTE: Yes.

MS McDONALD: And he provided you with material or information?

15

MR HARTE: Yes, it was - again, it was, like, collation of documents, just to figure out what do you have, what - what my - I - what I might have, sorry - like, that we can make sure we have a - put together everything so it's an accurate record.

20 **MS McDONALD:** All right. Can we bring up, please, ELC.003.001.0016. And it can be live streamed. Can you see, putting to one side the first two words, it's:

"...half-yearly disclosure of political donations for a candidate".

25 And it's January to the end of June '22.

MR HARTE: Yes.

MS McDONALD: The two words that I jumped over were "nil disclosure".

30

MR HARTE: Yes.

MS McDONALD: Is it the case that the Electoral - your understanding is that the Electoral Commission requires disclosure of political donations for a year?

35

MR HARTE: Yes. Sorry, yes.

MS McDONALD: And if there is a year where you haven't received any political donations, there's a particular form called the Nil Disclosure?

40

MR HARTE: As a candidate?

MS McDONALD: Yes.

45 **MR HARTE:** Yes. The candidate only has to do it for a year after or so?

MS McDONALD: Yes.

MR HARTE: Okay.

MS McDONALD: Yes.

5

MR HARTE: Yes.

MS McDONALD: And if you haven't received any donations in that second half of the year you can complete this document, which is entitled Nil Disclosure.

10

MR HARTE: Correct.

MS McDONALD: And you can see on that page, if we move a little bit down the bottom, Candidate Details. Again, Jason Breton?

15

MR HARTE: Yes.

MS McDONALD: And if we go to the next page, again you've got "nil disclosure" at the top of the page. You've got a declaration with "Jason Breton".

20

MR HARTE: Yes.

MS McDONALD: It was signed on 20 May 2023.

25

MR HARTE: Yes.

MS McDONALD: And there's a signature there.

MR HARTE: Yes.

30

MS McDONALD: Do you recall - is that - did you write that signature on this nil disclosure, pretending or - to be Mr Breton?

MR HARTE: Not that I can recall, no.

35

MS McDONALD: All right. You can see this was completed, as I said, on 20 May 2023. And if you look - if we move a little bit in towards the - further on that page, you can see under Office Use it was received on 22 May 2023.

40

MR HARTE: Yes.

MS McDONALD: So it's a - I'd suggest a delay of nearly a year from the end of the reporting period, June 2023 - sorry, 2022.

45

MR HARTE: Sorry, can you just go back up? I wanted to look at it.

MS McDONALD: Do you want -

MR HARTE: Is this for the -

MS McDONALD: Do you want it -

5

MR HARTE: On January - sorry, yes, I just wanted to know the time period.

MS McDONALD: Yes.

10 **MR HARTE:** Yes.

MS McDONALD: So a delay?

MR HARTE: It appears so, yes.

15

MS McDONALD: Do you recall any contact - sorry, I withdraw that. Your evidence was that Mr Breton contacted you again for assistance in filling out the form. Do you remember him ringing - contacting you and saying, "I haven't done it yet," or, "I've received a letter from the Electoral Commission saying where is it," anything along those lines?

20

MR HARTE: I can't recall specifically, but given the dates where it was supposed to be for ending 30 June 2022 and it was signed in May 2023, it would have been - I - my guess would be that Mr Breton would have received a warning from the New South Wales Electoral Commission.

25

MS McDONALD: Did he raise that with you when he contacted you?

MR HARTE: I don't - I don't remember specifically on this document.

30

MS McDONALD: All right. Now, on the face of it, this document is very straightforward to complete, isn't it?

MR HARTE: Yes.

35

MS McDONALD: That's indicated by its very title Nil Disclosure?

MR HARTE: Yes.

40 **MS McDONALD:** Why did - did you raise with Mr Breton, "Why do you require assistance in filling out a very straightforward form"?

MR HARTE: No.

45 **MS McDONALD:** There's no information that you required to -

MR HARTE: Not that I -

MS McDONALD: - assist him in collating or completing this form?

5 **MR HARTE:** Look, I can't recall. I don't remember what my mindset - or how I was thinking at the time. But I can't recall a time where I've thought to myself, "Why is he asking me to do this?"

10 **MS McDONALD:** Could we then bring up document ELC.003.001.0015. And it can be live streamed. Right. That's the first page. Can I take you to the title of the document:

"Nil disclosure: half-yearly disclosure for a group of candidates."

15 **MR HARTE:** Yes.

MS McDONALD: And it's that first period of the financial year 2021/2022.

MR HARTE: Yes.

20 **MS McDONALD:** And, of course, there was a group of candidates and Mr Breton was the lead candidate in that group.

MR HARTE: Yes.

25 **MS McDONALD:** And that was the group that you helped organise. Your folks were part of it.

MR HARTE: Yes. Yes.

30 **MS McDONALD:** And if we go to the next page, we've got Group Details, Jason Breton - he was identified as the lead candidate. The name of the group was Jason Breton Independent. And again:

35 "...form must be signed by the Person Responsible".
And there's a signature and date of 8 June 2022.

MR HARTE: Yes.

40 **MS McDONALD:** Is that your handwriting?

MR HARTE: Yes.

45 **MS McDONALD:** So you completed "Jason Breton"?

MR HARTE: Yes.

MS McDONALD: You completed the "Jason Breton Independent Liverpool - South Ward"?

MR HARTE: Yes.

5

MS McDONALD: You completed then, under the declaration, the words "Jason Breton"?

MR HARTE: Yes.

10

MS McDONALD: And the signature, was that a signature that you applied?

MR HARTE: Not that I can recall. I - it's in blue, so it looks different.

15

MS McDONALD: Did Mr Breton contact you - sorry. You can see that this document, again, was signed not in February with the - which was the date when the corresponding half-yearly disclosure for a candidate was signed in respect of Mr Breton. You can see it's been signed on 8 June 2022?

20

MR HARTE: Yes.

MS McDONALD: Were you contacted by Mr Breton in around about the beginning of June about this form?

25

MR HARTE: Can we just go back up? I just want to see -

MS McDONALD: Sorry, where -

MR HARTE: - which date on this form.

30

MS McDONALD: Did you want to go to the first page?

MR HARTE: Yes. I think that -

35

MS McDONALD: Yes.

MR HARTE: That might - yes. It says:

"This form is due by 25 February 2022."

40

MS McDONALD: Yes. And do you want to go back to the second page?

MR HARTE: It appears that the form was submitted late. But I don't remember the specifics - well, that looks like my handwriting, so I - I must have assisted him.

45

MS McDONALD: In some way?

MR HARTE: Yes.

MS McDONALD: Again, it's a very straightforward form, isn't it?

5 **MR HARTE:** Yes.

MS McDONALD: Because there's really nothing to disclose.

MR HARTE: Yes.

10

MS McDONALD: You don't have to go through the rigmarole that you went through in respect of the other disclosure from Mr Breton, of saying, "Look, can I have your source documents?", and then checking the cash receipts. This is just - it's very straightforward, nothing to disclose for the group of candidates.

15

MR HARTE: So in fairness, there's - and this might be a bit of an explanation, so I do apologise. So obviously there's the candidate, which is -

MS McDONALD: Yes.

20

MR HARTE: - the top candidate, and there's the group of candidates. In the case of Mr Breton, when he ran as a candidate he raised money as the top candidate -

MS McDONALD: Yes.

25

MR HARTE: As an individual, as opposed to fundraising for the group of candidates. So it's - like, if there - if he was to fundraise for the group of candidates it would have required a separate bank account. I accept the form is quite simple, but finding the correct form - of filling out the correct form - like, if you don't really understand what you're doing, might - you know, you might end up filling out the incorrect paperwork.

30

MS McDONALD: Pretty straightforward with the heading Nil Disclosure, so nothing to disclose:

35

"...half-yearly disclosure for a group of candidates".

And as you said, because your mum and dad were on the ticket, you knew, didn't you, that with the exception of money raised by Mr Breton or for Mr Breton, there was no money being raised for the ticket as a whole?

40

MR HARTE: Correct.

MS McDONALD: You knew that?

45

MR HARTE: Yes.

MS McDONALD: So isn't it relatively straightforward? You find a document, nil disclosure half-yearly disclosure for a group of candidates, and it really comes down to filling out names?

5 **MR HARTE:** I accept that's a simple document. But if you don't really understand much about the distinction between a group of candidates and just fundraising as the lead candidate, like, you might end up filling out the wrong form. And it appears I've assisted Mr Breton with this disclosure and the -

10 **MS McDONALD:** Sorry, I didn't hear that.

MR HARTE: Assisted Mr Breton with this disclosure. And the assistance would have been identifying which form it is on the Electoral Commission website.

15 **MS McDONALD:** Well, why did you have to fill out his name? Like, in that case, isn't it a matter of saying, "Mr Breton" - or, "Jason, here's the link to the document that you've got to fill out. It's nil disclosure, so very straightforward. Here's the link to it." I don't really understand why you had to fill out "Jason Breton" and then "Jason Breton Independent".

20 **MR HARTE:** I was just trying to be helpful.

MS McDONALD: Being nice again?

25 **MR HARTE:** I try to be, as much as I can.

MS McDONALD: All right. Excuse me for a minute. And if we can then bring up ELC.003.001.0002. Sorry, just before that goes up, can you just pause for a sec. So after providing that assistance for Mr Breton in that document which was completed
30 in June '22 - 2022, you've identified with him this is the document, straightforward to fill out. You'd agree - you've agreed with that?

MR HARTE: Yes. Yes.

35 **MS McDONALD:** Did you say to him, "And you'll have to fill out the same form for the second half of the year, but again, it will be relatively straightforward"?

MR HARTE: No.

40 **MS McDONALD:** You didn't say that to him?

MR HARTE: No.

MS McDONALD: All right. Can we bring up, please, that document ending in
45 0002. Sorry. Live streamed, yes. And this is:

"Nil disclosure: half-yearly disclosure of political donations for a group ... [from] January to 30 June 2022."

MR HARTE: Yes.

5

MS McDONALD: And you can see that it had to - return the completed form by 28 July 2022. See that on the first page?

MR HARTE: Yes.

10

MS McDONALD: Yes. And if we go to the second page - this time, putting to one side the signature, there's no handwriting?

MR HARTE: No.

15

MS McDONALD: It's just got "Jason Breton", a signature, and this time it's again that date of 20 May 2023, when the other disclosure of political donations for Mr Breton as a candidate, standalone, was lodged.

20

MR HARTE: Yes.

MS McDONALD: Did you have any input into this document?

25 **MR HARTE:** I can't recall. I - I - given that I've assisted on other documents - other disclosures, I - I assume I have, but I don't remember specifically.

MS McDONALD: What would be the assistance?

MR HARTE: Filling out -

30

MS McDONALD: What, the words "Jason Breton"?

MR HARTE: And ticking the boxes.

35 **MS McDONALD:** Which are "Group details completed," "Declaration signed," "Declaration dated" after 1 July?

MR HARTE: Yes. And I think there was a couple of things on the first page.

40 **MS McDONALD:** If we go back to the first page, there's an identification of the disclosure period. And again, the words "Jason Breton".

MR HARTE: Yes.

45 **MS McDONALD:** Very hard to see what assistance you were providing, Mr Harte. It appears to be a very, very straightforward document.

MR HARTE: I accept that.

MS McDONALD: All right. The signature - looking at the signature, can you recall - is that one of the - a signature that you applied?

5

MR HARTE: No, not that I can recall.

MS McDONALD: Now, the last document - you'll be relieved - that I want to take you to is ELC.003.001.0003. And it can be live streamed. Sorry about that, Mr Harte. Can you see that's:

10

"Nil annual electoral expenditure disclosure for parties, elected members, candidates, group of candidates" -

15

et cetera, and it appears to be for the whole financial year. Do you see that?

MR HARTE: Yes.

MS McDONALD: And if we go to the next page, we have the details. And there's several options for the details: the elected member, the candidate, the group of candidates, the third party campaigner or the party.

20

MR HARTE: Yes.

MS McDONALD: And here, what has been selected is:

25

"Candidate. Jason Breton. Liverpool - South Ward."

MR HARTE: Yes.

30

MS McDONALD: So this is not, on its face, an expenditure disclosure for the ticket or the group of candidates, it's for Mr Breton himself?

MR HARTE: Yes.

35

MS McDONALD: Do you agree? Because otherwise C would have been completed.

MR HARTE: Correct.

MS McDONALD: Okay. Because we saw on the other disclosure for a group of candidates the lead candidate name was Mr Breton.

40

MR HARTE: Yes.

MS McDONALD: And then the name - so that's not completed. So this is looking at Mr Breton, standalone candidate.

45

MR HARTE: Yes.

MS McDONALD: Now, can we go to the next page. You can see a disclosure period of the full financial year.

5

MR HARTE: Yes.

MS McDONALD: It then says:

10 "This form must be signed by the Person Responsible..."

MR HARTE: Yes.

MS McDONALD: And then there is a signature and a date of 16 September 2022.

15

MR HARTE: Yes.

MS McDONALD: But if you look down at the Office Use, the date received was 31 May 2023. You see that?

20

MR HARTE: Yes.

MS McDONALD: Okay. Jumping back, the only handwriting is the signature. Did you apply that signature?

25

MR HARTE: Not that I can recall.

MS McDONALD: No. Do you recognise that signature? Can you help us in whose signature it may be?

30

MR HARTE: Jason's.

MS McDONALD: All right. This document - did you assist Mr Breton in completing this document?

35

MR HARTE: I might have, but I - I don't remember specifically.

MS McDONALD: All right. It's for the whole of the financial year, isn't it? Sorry, if you want to jump back to the first page -

40

MR HARTE: Yes. Sorry, can we - yes. Yes.

MS McDONALD: And it's for electoral expenditure.

45 **MR HARTE:** Correct.

MS McDONALD: You gave evidence that that would include things like corflutes?

MR HARTE: Yes.

MS McDONALD: How to vote?

5

MR HARTE: Yes.

MS McDONALD: Why is it - if you've provided advice to Mr Breton about this, do you know why it's a nil disclosure for the full financial year?

10

MR HARTE: I'm not sure. Can we just go to page 1? The first page. Is there three pages? Yes, I'm not sure, to be honest.

MS McDONALD: Because your evidence and your knowledge of Mr Breton's campaign was that there was some electoral expenditure?

15

MR HARTE: Yes.

MS McDONALD: The how to vote forms -

20

MR HARTE: Yes.

MS McDONALD: - at a minimum, and the corflutes.

25 **MR HARTE:** Yes.

MS McDONALD: So you can't assist us as to why this is a nil annual electoral expenditure disclosure?

30 **MR HARTE:** It could be an administrative error, where it was just put in the wrong box. Like, the part A -

MS McDONALD: What was put in the wrong -

35 **MR HARTE:** The B and C section, where it was whether it was a candidate or a group of candidates.

MS McDONALD: If that's -

40 **MR HARTE:** I'm not 100 per cent sure.

MS McDONALD: I'm sorry, Mr Breton. Are you just speculating on that? You don't actually know that or -

45 **MR HARTE:** Yes, I - no.

MS McDONALD: And I'm not being rude when I -

MR HARTE: I'm just trying to be of assistance. I - I'm just not sure.

5 **MS McDONALD:** I'm not being rude when I said "speculate", but you're looking at it and you're trying to figure out - because it actually doesn't, kind of, make sense, does it?

MR HARTE: Yes, no, that does - that doesn't - doesn't make sense. Yes.

10 **MS McDONALD:** All right. And you can't help us with the signature on page 3? I'm sorry, you can't help us with that?

MR HARTE: It's Jason's signature.

15 **MS McDONALD:** And, I'm sorry, I've probably asked this - can you recall assisting him with this? I think you gave evidence originally that you thought that you did assist him with completing -

20 **MR HARTE:** I think so.

MS McDONALD: - this expenditure disclosure?

MR HARTE: Yes. Yes.

25 **MS McDONALD:** This particular form, do you remember assisting him with completing this?

30 **MR HARTE:** I don't remember if I did, but I - once again, I don't want to give you a definitive yes or no, but I did help with the other disclosures, so I assume I would have assisted with this one.

35 **MS McDONALD:** Okay. Can you just excuse me for a minute. Would you just excuse me. Can we bring back, please, document ELC.003.001.0013, please. Do you remember before lunch the Commissioner asked you - or there's - some questions were asked about that entry on that page under Declaration:

"This form must be signed by the Person Responsible for making disclosure (see the cover page)."

40 "This form must be completed by" -

MR HARTE: Yes.

45 **MS McDONALD:** We've got the form.

MR HARTE: Okay.

MS McDONALD: And, I'm sorry, it hasn't been downloaded yet. If I can read it, it says:

5 "This form must be completed by [then it's got] the person responsible for a candidate: [and then it's got, colon] in a state election" -

and I won't complete that. Next dot point:

10 "In a Local Government election where the candidate is a member of a Local or State Government registered party, the candidate or with mutual agreement the party agent..."

And then the final dot point:

15 "...who is not a member of a registered party, the candidate."

That was a bit of a mouthful. I can - I've only got one copy.

20 **COMMISSIONER:** That's all right. The effect of that -

MR HARTE: That's okay. I -

COMMISSIONER: - seems to be if it's not a registered - not a candidacy, someone who's part of a registered party, it has to be the candidate themselves.

25 **MS McDONALD:** Yes.

COMMISSIONER: Is that the effect of the (indistinct)?

30 **MS McDONALD:** Yes, that's my understanding. And do you agree with that?

MR HARTE: Yes.

35 **MS McDONALD:** So on that basis, the form must be signed by the person responsible - that is, in these circumstances of Mr Breton, the candidate, being Mr Breton?

MR HARTE: Yes.

40 **MS McDONALD:** Okay. Excuse me for a minute. Mr Harte, yesterday you gave some evidence that during the period - that the council was looking at the employment of a permanent CEO.

45 **MR HARTE:** Yes.

MS McDONALD: And you gave evidence that at one point you had a recruitment panel of all commissioners - sorry, all councillors.

MR HARTE: Yes.

MS McDONALD: And then eventually that was reconstituted to a smaller group.

5

MR HARTE: Yes.

MS McDONALD: But you were a member of it when it was all the councillors.

10 **MR HARTE:** Yes.

MS McDONALD: And you spoke about completing a conflict of interest form.

MR HARTE: Yes.

15

MS McDONALD: Now, before you completed that form, had you been given any training on this form and how to complete it?

MR HARTE: Specifically for the CEO recruitment and selection panel?

20

MS McDONALD: Maybe if I start broader to begin with. As part of any of your induction or training, were you given training on completion of a conflict of interest form?

25 **MR HARTE:** Not on how to fill out the form. I think we - I do remember - and this is a test of my memory - I do remember we received a Code of Conduct training during our induction, a Code of Meeting Practice.

MS McDONALD: Yes.

30

MR HARTE: I don't remember if - anything specifically relating to the conflict of interest policy that council has, but within the Code of Conduct and that training, I'm sure there was discussion about conflicts of interest and what is a pecuniary conflict of interest, the types of conflicts of interest.

35

MS McDONALD: That's right. Because there's pecuniary, there's non-pecuniary.

MR HARTE: Significant and less than significant.

40 **MS McDONALD:** Yes. So you received some training on what those terms mean and things like that?

MR HARTE: Yes.

45 **MS McDONALD:** I'm just interested - and, sorry, in the lead-up to the CEO recruitment panel being constituted, did you receive any advice or training about the completion of that form?

MR HARTE: Not that I can recall, no.

5 **MS McDONALD:** All right. Anything about detail or amount of detail that you've got to go into when completing the form? Anything along those lines?

MR HARTE: No. And I actually remember, because I was thinking how much detail do I have to put in my conflict of interest form - and I was thinking, like, they've given us a box about - the size of the box on the document is probably an
10 indication of how much detail is required, I suppose.

MS McDONALD: So your evidence is, you thought about that and then it was a matter of, "Well, that's the size of the box, that will provide some guidance to me"?

15 **MR HARTE:** Yes. Like, we didn't have much time to do it as well, so -

MS McDONALD: Why didn't you have much time to do it?

MR HARTE: I think during the meeting - during the meeting where the
20 candidate - the 10 candidates or 11 candidates were presented to us, that - we were then given the CVs of each candidate before we went on to shortlist each - to short - go onto the shortlist for interview. And the CV book was about this thick - you know, plenty of - a lot of general managers with a lot of experience, which is fantastic - we had to go through that as much as possible and provide
25 conflict of interest declarations based off the names in that big book of CVs. And I think we were given, like, 45 minutes. So it was a lot to digest in such a short amount of time.

COMMISSIONER: Was this the first meeting of the constituted panel or the first
30 meeting - first time you became aware of who was in the 11?

MR HARTE: It was the first time that we were made aware of the candidates.

COMMISSIONER: So you attended the meeting, there's a stack of paper with the
35 11 candidate CVs and -

MR HARTE: So the first meeting was basically, "Let's" - sorry, I'm - it was like an introductory meeting. I think at that introductory meeting - I might be wrong - I think at that introductory meeting we discussed what kind of questions we want to ask the
40 candidates. And then there was a second meeting, where we were shown the name of the candidates.

COMMISSIONER: And was it at that meeting that you were provided with a conflict of interest form to complete should you need to?
45

MR HARTE: Correct. Because we - at that point we knew who the candidates were.

COMMISSIONER: Yes, I take your point. You couldn't declare something that you didn't know existed.

5 **MS McDONALD:** And, Mr Harte, I thank you because you provided this document to counsel assisting. Could we bring up, please, HAR.001.001.0001. And it can be live streamed. Now, I'll just take you to the top of this page. You can see headed Liverpool City Council Conflict of Interest Form - Recruitment?

10 **MR HARTE:** Yes.

MS McDONALD: And then if we can move down the document to section 1 and section 2 - if we stop there - you've got:

15 "Details of the recruitment" -
the CEO. You've identified Mr Breton and Ms Bono.

MR HARTE: Correct.

20 **MS McDONALD:** And then you've obviously identified yourself. Now, if we just move through the form first and then I'll come back. We've got - sorry. Go back. Section 4, Details of the Conflict of Interest. That's the box you're referring to?

25 **MR HARTE:** Yes.

MS McDONALD: That is the box that you took some guidance from as about - as to what - "how much detail I've got to give"?

30 **MR HARTE:** Yes.

MS McDONALD: And indeed, you went outside the box.

MR HARTE: For the second candidate, yes.

35 **MS McDONALD:** All right. Can we go to the next page, please. Now, can I just stop there. Section 5, you've got to identify - and you say:

"I have got a non-pecuniary interest and it's less than significant".

40 **MR HARTE:** Yes.

MS McDONALD: Then you've got:

45 "I will follow the direction of the Talent Acquisition lead as to whether I participate in this recruitment process".

And you ticking the box, that means that you're willing to do that?

MR HARTE: Correct.

MS McDONALD: Section 6 is your declaration, and then - and under date it's got:

5

"Upon completion of this form, submit it to the Talent Acquisition team for processing."

Who's the talent acquisition team or lead? Is that just -

10

MR HARTE: I assume in this case it was Craig Knappick.

MS McDONALD: All right. So it's just somebody from HR?

15

MR HARTE: Yes, I think so.

MS McDONALD: Who's involved in the recruitment process?

MR HARTE: And that was Mr Knappick.

20

MS McDONALD: Okay. But they're called talent acquisition. Okay. Now, I think your evidence yesterday was that you completed this form. You did give it, I think, to Mr Knappick?

25

MR HARTE: Yes.

MS McDONALD: And my recollection of your evidence is, you didn't see any other conflict of interest forms that were completed by your fellow councillors.

30

MR HARTE: Correct.

MS McDONALD: And if we can jump back to the first page - and I'll get to what you've written there, but you've identified that the two applicants are Mr Breton and Ms Bono?

35

MR HARTE: Yes.

MS McDONALD: And at least part of the possible conflict you were raising is the fact that both of them had been employed by council while you've been a councillor, and you've had dealings with them.

40

MR HARTE: Yes.

MS McDONALD: And you would assume that your fellow councillors would be in a similar position, in that they've been councillors since September 2024 and have worked with Mr Breton and have worked with Ms Bono?

45

MR HARTE: Yes, out of abundance of caution.

MS McDONALD: Yes.

5 **MR HARTE:** But obviously everyone might have a different nature of conflict. I'd say I'd have a different nature of conflict compared to another councillor - any other councillor, I suppose. That's what I detailed in my disclosure.

10 **MS McDONALD:** Well, I'm putting to one side your disclosure about Mr Breton and - if I say an election campaign - but what I'm suggesting is for both Mr Breton and Ms Bono you have described it as, "Look, I've dealt with them professionally because they're employed by council while I've been a councillor."

15 **MR HARTE:** Yes.

MS McDONALD: And I know other councillors might express that in a different way, but they're all probably expressing a conflict of interest because of their interaction - "I'm a councillor, you're a member of staff. We've had dealings over the last four or five months."

20 **MR HARTE:** Yes.

MS McDONALD: Okay. Now, can I take you to your details about Mr Breton. And putting to one side working with him, you say:

25 "I have previously provided advice to Mr Breton in an election campaign (before his employment and my election to the LCC)."

30 And then you say, "I briefly had contact during" - is it "this period"?

MR HARTE: Yes.

MS McDONALD: Which ceased - sorry. Is that -

35 **MR HARTE:**

"...which ceased until my election as councillor."

40 **MS McDONALD:** Right.

MR HARTE: And then in brackets:

"...(besides occasional contact regarding post-election obligations)."

45 And then it says:

"All interactions have been professional in nature."

MS McDONALD: All right. Now, that's the information you've provided.

MR HARTE: Correct.

5

MS McDONALD: You did not describe or define what election campaign -

MR HARTE: No.

10 **MS McDONALD:** - when that election campaign was?

MR HARTE: No.

15 **MS McDONALD:** You don't provide great detail other than describing it as advice to Mr Breton, "briefly having contact during this period" - and, sorry, you say you previously provided advice to Mr Breton in an election campaign. Right?

MR HARTE: Yes.

20 **MS McDONALD:** Now, you've agreed you don't say what election campaign or when it was?

MR HARTE: Yes.

25 **MS McDONALD:** And you don't provide any details about "what my advice was to Mr Breton in that campaign".

MR HARTE: Yes.

30 **MS McDONALD:** You agree with that? You don't say that?

MR HARTE: If I had more than 45 minutes to go through a big bundle of documents and write out a conflict of disclosure form - I - you know, I tried my best, given the time that I had.

35

MS McDONALD: And you describe it as advice. You don't talk about assistance. And your evidence over yesterday and today -

40 **MR HARTE:** Well, I get that. And that - you know, I probably could have chosen better words - a better set of words. Like, I - once again, during that time was - it was a lot to go through - a big - big book of CVs and fill out a conflict of interest declaration form and think - like, if I had the time I would have, you know, been more thorough with my words or been more particular with my words, because I like to be - or I try to be as much as possible, but I - I tried my best, given - in the
45 circumstances.

MS McDONALD: Did you raise with the talent - what is it - the talent acquisition team or the talent acquisition lead, "I need some more time. This isn't sufficient. This is important"?

5 **MR HARTE:** No.

MS McDONALD: Can I just ask, in your - the section here you say:

10 "I briefly had contact during this period, which ceased upon any election as councillor".

MR HARTE: "Until my election".

15 **MS McDONALD:** Sorry, "which ceased" - yes, "until my election as a councillor". And then you've got beside - sorry, is it besides" -

MR HARTE:

20 "... (besides occasional contact regarding post-election obligations)."

MS McDONALD: All right. I'm just a little confused as to what you're expressing there. When you say, "I briefly had contact during this period," what period are you referring to?

25 **MR HARTE:** So I briefly had contact during - that was during - and, see, this is - I accept that my wording could have been better on this document. I 100 per cent accept that. What I meant was I briefly had contact during this period - as in that election period - which ceased -

30 **MS McDONALD:** When you were elected as a councillor?

MR HARTE: Which basically - yes. It didn't - that my contact with Mr Breton did not continue until my election as a councillor.

35 **MS McDONALD:** Okay.

MR HARTE: And then, again - this is poorly constructed, I do apologise for causing any confusion:

40 "... (besides occasional contact regarding post-election obligations)."

So I - the contact ceased with Mr Breton between - after the election and basically until my - my election to council, besides contact regarding his disclosures.

45 **MS McDONALD:** So the "briefly had contact", as you've - what you were stating was briefly had contact during the election campaign period?

MR HARTE: Correct.

MS McDONALD: Is that included? Your evidence today is you were doing a lot of assisting with Mr Breton.

5

MR HARTE: And I accept that. It probably should have said "for a brief period of time", as opposed to "brief" - like, again, my wording was probably - leaves a bit to be desired, I understand that.

10 **MS McDONALD:** Not very - I understand your evidence about the constraints, but it really isn't that accurate, what you've written?

MR HARTE: I disagree with that.

15 **MS McDONALD:** "I briefly had contact during this period." You're filling out the cash receipt form, you're getting information from him about who the donations are from, et cetera, during the campaign period.

MR HARTE: I don't accept that's an inaccurate conflict of interest declaration form.

20

MS McDONALD: Were you trying to mislead or underplay the involvement you had with Mr Breton's campaign?

25 **MR HARTE:** Absolutely not. I tried to be as - given the constraints that I had, as clear as possible.

MS McDONALD: And then again, besides occasional contact regarding post-election obligations - then it went beyond that. Your evidence was that you were completing forms for him.

30

MR HARTE: It's still accurate, in the sense that I did have contact with Mr Breton, and I have previously provided advice to Mr Breton.

35 **MS McDONALD:** Doesn't - all right. It doesn't provide - to assistance, doesn't set out the amount of assistance that you were providing to him.

MR HARTE: If I had a document where I could type it all up I would have been more than happy to do so, but I wasn't given that opportunity.

40 **MS McDONALD:** And you didn't raise with anybody from the talent acquisition group, "Need another piece of paper, need a little bit more time"?

MR HARTE: No.

45 **COMMISSIONER:** Did anyone during - since your election to council, training or - in this context or otherwise - have you had any training or assistance or guidance

as to how to complete these forms, the nature of the declaration, the level of detail that you need to go into, things like that?

5 **MR HARTE:** Not that I can remember. I do remember for the code of conduct induction that we had there was discussion about conflicts of interest, but I don't remember anything specific to the CEO recruitment selection process.

10 **COMMISSIONER:** In that - turning your mind back to those induction days, which I accept would have been pretty hectic, no doubt, getting your head -

MR HARTE: It was.

15 **COMMISSIONER:** - around a whole lot of new concepts - and I might come back to you about that later, but do you remember whether there was any guidance about how to fill out a declaration form like this -

MR HARTE: No, I think - sorry. Go on.

20 **COMMISSIONER:** As to those things that I raised with you - the level of detail, what you would do with it -

MR HARTE: Not that I can remember. I do remember the distinctions between pecuniary, non-pecuniary, significant, less than significant.

25 **MS McDONALD:** All right. Is that something you think could be useful to councillors to have?

MR HARTE: Absolutely.

30 **COMMISSIONER:** That is, some guidance on how to go about completing these forms.

35 **MR HARTE:** I asked the exact same question - to - I asked myself the exact same question. Like, how detailed do I have to go in this form, and that was a question that - I think it's a very good recommendation.

COMMISSIONER: I'm sorry, it was a -

40 **MR HARTE:** It would be a fantastic - sorry. It would be a fantastic recommendation if councillors receive that training.

45 **COMMISSIONER:** All right. Well, I might quote you on that. But whether it be in policy or a training session, some - I'm assuming that you haven't received anything for the purpose of my question, but in any event, some clearer guidance on the detail that's required to be put into these declarations when they're made?

MR HARTE: Sorry, what was the end?

COMMISSIONER: That you would - you would find useful some detailed guidance on the level -

5 **MR HARTE:** Yes.

COMMISSIONER: - of detail that needs to be gone into when making declarations of conflict of interest, whether it be at the start of a council meeting, as is customary, or in this context?

10

MR HARTE: Yes. Absolutely.

COMMISSIONER: Or in any other, for that matter?

15 **MR HARTE:** Yes, absolutely. Like, I think, in the context of a council meeting - like, if - if someone has a really extensive conflict of interest - like, they shouldn't be expected to read all of it out. Maybe if it just gets tabled and then it gets put into the minutes, something like that.

20 **COMMISSIONER:** At the start of a council meeting it's customary, isn't it, for declarations to be made both orally and a form that a council will - councilor will declare, "I have a conflict of interest on item X."

MR HARTE: Correct.

25

COMMISSIONER: "It's significant" - or whatever it is, "I'll either leave or I'll stay."

MR HARTE: Yes.

30

COMMISSIONER: Did something like that process happen at the recruitment meeting, where those of you who had conflicts to declare did so to each other?

MR HARTE: No, that didn't happen.

35

COMMISSIONER: No. Is that something you think might be useful in a process like this, so that you're all aware of where everybody else stands on that issue?

40 **MR HARTE:** Yes. I - as a councillor I - like, the procedure in a council meeting, as you outlined - and I wasn't sure if that process translates - like, this - the CEO selection recruitment process, I wasn't aware I - I didn't really think much of it. There was a probity adviser there as well.

45 **COMMISSIONER:** My question didn't carry with it any criticism of whether it should or shouldn't. My point is more do you think that would be a good idea, moving forward, to adopt a similar process where those councillors or members of these committees declare orally -

MR HARTE: Yes.

COMMISSIONER: Not just in writing but orally to the meeting -

5

MR HARTE: Absolutely.

COMMISSIONER: - whether they have a conflict of interest.

10 **MR HARTE:** Yes.

COMMISSIONER: Why do you think that might be useful?

15 **MR HARTE:** Transparency. I think we do it in a council meeting which is public.
I - in a CEO recruitment selection process, that's obviously all done in private,
so - like, it's good to be transparent with your fellow panel members, I think.

COMMISSIONER: That might give you an opportunity to ask a question about the
disclosure, for example, if you wanted to get a better understanding of the nature -

20

MR HARTE: It - it - that's - and there might be a risk there where, if you're
implying that someone's conflict of interest is misleading or it's not - it's not as
thorough as it should be, for example, that could be also considered a breach of the
code of conduct. So there will be a balance there. But I understand where you're
25 coming from, and it would be useful.

COMMISSIONER: Tell me about the probity adviser. What was their role, as you
understood it?

30 **MR HARTE:** So they were there to overlook the probity around the candidates, the
panel. It was pretty short-lived, that recruitment selection process, so I don't know
of - or the extent of his involvement.

COMMISSIONER: But that's what you understood that person was there to do?

35

MR HARTE: Yes, and that's - and I think that was a - that's a new practice as well, I
think, that - from my understanding - don't quote me - so I'm pretty sure it's the case
that we didn't have a propriety adviser before but we did for the last two recruitment
selection processes.

40

COMMISSIONER: Sorry.

MS McDONALD: No, no. Mr Harte, I want to return to the meeting of 26 February
of this year.

45

MR HARTE: Sure.

5 **MS McDONALD:** I started that yesterday and I took you, for example, to - I think it was a resolution that was before the council and I took you to the agenda with the terms of it, and I was about to play to you some excerpts from the recording of the meeting. Are you all right with us just starting with the video of the meeting? Or did you want to go back and look at the agenda or anything like that?

MR HARTE: If I needed to go back to the agenda I'll let you know, just in case I need to refresh. Yes.

10 **MS McDONALD:** And the inquiry has looked at this video a couple of times. I wanted to try and just concentrate on some key moments, but if you think that you need to see more of it, can you speak up and we can accommodate that.

15 **MR HARTE:** Of course. The audio is working?

COMMISSIONER: We will see.

20 **MS McDONALD:** Could you please bring up LCC.003.001.0002. Right. Where are you up to on it? Maybe if you can just play it and we'll see if we've got vision and sound.

RECORDING PLAYED

25 **MS McDONALD:** Right. We're fine. Okay. And we're back.

COMMISSIONER: We've got sound plus today.

30 **MS McDONALD:** Can we move ahead to two hours, 41 minutes and let's say eight seconds.

RECORDING PLAYED

35 **COMMISSIONER:** Is that us or the recording? Is the issue with the councillor microphone?

MS McDONALD: Yes, can we just pause for a sec. It appears mics aren't on.

COMMISSIONER: Yes.

40 **MS McDONALD:** Sorry, Mr Harte, can I just - could you - and also say to your councillors it really assists if they turn their mics on? Could you -

MR HARTE: No, I -

45 **MS McDONALD:** - take that back?

MR HARTE: I don't think that's - I think - from what I recall, there's the - the volume symbol was red just -

5 **COMMISSIONER:** It is, but that's -

MR HARTE: At the bottom.

COMMISSIONER: - part of the recording.

10 **MR HARTE:** Okay. No, usually we're pretty astute when it comes to our microphones, to be fair.

MS McDONALD: I just - when you say "astute", do you mean turning them on?

15 **MR HARTE:** Yes.

MS McDONALD: Sorry. You'll be here for another day.

20 **MR HARTE:** Like, a few of us need to work on our microphone skills.

COMMISSIONER: Back on the video (audio distortion). Are we good to go? (Audio distortion) of this meeting, Councillor, sitting here today? And if you would be aided by the video, you - feel free to say so and we can persist.

25 **MS McDONALD:** Could I proceed on this basis. I'll raise what I've got in my notes of the meeting. It may come, just one stage, where I do have to show you -

MR HARTE: Sure.

30 **MS McDONALD:** - some of the video. But while I'm doing that - when I do that, if you sit back and think, "I don't recall that," or, "I want to see that," please speak up.

MR HARTE: Sure.

35 **MS McDONALD:** Okay. Now, you could - from what we saw and heard, there was this motion that the mayor go to the aerotropolis?

MR HARTE: Yes.

40 **MS McDONALD:** And Councillor Ristevski raises - and there seems to be a question about whether it's an amendment or what it is - about he will attend but he'll pay his own way?

MR HARTE: Yes.

45 **MS McDONALD:** You remember that?

MR HARTE: Yes.

MS McDONALD: And you just heard - I think it was Councillor Macnaught say,
"Look, anybody can go. You don't need a motion."

5

MR HARTE: Yes.

MS McDONALD: Now, what happens after that is an issue arises about what - the
matter that Councillor Ristevski has raised, whether it is an amendment or a
10 foreshadowed motion, and the mayor indicates that it's a foreshadowed motion.

MR HARTE: Yes.

MS McDONALD: Now, that accords with your recollection?

15

MR HARTE: Yes, it does.

MS McDONALD: And then COM 04 motion is put to a vote, and I took you to that
yesterday.

20

MR HARTE: Yes.

MS McDONALD: That was basically: note the invitation, provided a determination
that the mayor can go, nominate a council delegate to accompany him. Right?

25

MR HARTE: Yes.

MS McDONALD: That's put and it's lost.

MR HARTE: Yes.

30

MS McDONALD: You remember that?

MR HARTE: Yes.

35

MS McDONALD: Now, after that motion is lost, the mayor says:

"We will now deal with the foreshadowed motion. Councillors, I have to inform you
that in order to deal with the foreshadowed motion we will need to go into a closed
40 session under section 10A(2)(f) of the Act and I'll have to be stepping away from the
chair. So if you like - like to move that way, feel free to."

Now, do you recall the mayor saying that?

MR HARTE: Yes.

45

MS McDONALD: Then there are questions asked about what the mayor just said. Councillor Ristevski says - asks, "What does the section mean?" The mayor reads the section. A motion is seconded by Councillor Macnaught, which I think is the motion to go into a closed session, and that is opposed and the motion to close is lost.

5

MR HARTE: Yes.

MS McDONALD: Now, just pausing there, do you remember that?

10 **MR HARTE:** I do.

MS McDONALD: Okay. Then we've got, the mayor leaves the meeting.

MR HARTE: Yes.

15

MS McDONALD: So he stands up, walks out. From the recording, we can't hear or see any reason given by the mayor for doing that. And then the deputy mayor, Councillor Harle, becomes the chair.

20 **MR HARTE:** Yes.

MS McDONALD: And then Councillor Macnaught asks whether people would be bound to attend by resolution. So I think it goes back to that topic about if Councillor Ristevski wants to attend and pay his own way, can he do it or do you need a motion.

25

MR HARTE: Yes.

MS McDONALD: That's - it's all coming back -

30 **MR HARTE:** Yes.

MS McDONALD: - and you agree with all this? Then there's further discussion with - Councillor Macnaught asks:

35 "If the mayor doesn't go, does that mean the resolution is not satisfied?"

Mr Breton says no. Councillor Monaghan suggests some amendments that would keep open who would be attending as the official delegate. Councillor Karnib agrees soon after that. Now - sorry, I'll just pause there. Is there any chance we can play at about the 2 hour, 57 minute, or are we going to have grief?

40

RECORDING PLAYED

COMMISSIONER: 2.57, did you say?

45

MS McDONALD: Yes. That's fine, if we can - yes. Hold on. Sorry. So we're at 2.56. Is that right? If you can keep on playing, sorry.

RECORDING PLAYED

5 **MS McDONALD:** Can you stop, please. Stop. Sorry to be dramatic. Mr Harte, that's you with a beard?

MR HARTE: Yes.

10 **MS McDONALD:** And you can see you've picked up your phone; correct?

MR HARTE: Yes.

MS McDONALD: Looks as if you're reading something on your phone?

15 **MR HARTE:** Yes.

MS McDONALD: All right. Can we continue.

RECORDING PLAYED

20 **MS McDONALD:** Now, can we just stop there. Now, my notes, and I don't know whether you saw this, is that it would appear that Councillor Macnaught examines her mobile phone. Then I drew your attention to where you examined your mobile phone.

25 **MR HARTE:** Yes.

MS McDONALD: And then - and again, I didn't stop it, but it would appear Councillor Ammoun - and you're sitting next to him.

30 **MR HARTE:** Correct.

MS McDONALD: He also appeared to examine his mobile phone. Right?

35 **MR HARTE:** Yes.

MS McDONALD: And now we've just got where you're speaking and you say something along the lines of, "Is the reason why the mayor stopped out relating to a work health and safety issue?"

40 **MR HARTE:** Yes.

MS McDONALD: Now, when you examined your phone, did you receive a message from somebody?

45 **MR HARTE:** I don't - I don't remember. Could have. I don't remember.

MS McDONALD: Right. Were you receiving messages from the mayor after he left the council meeting?

5 **MR HARTE:** The only - and, sorry, is this before I leave the council meeting? Like, between -

MS McDONALD: We're not even there - we are not there yet.

10 **MR HARTE:** No, I just want to know - like, are you asking - like, after we left the council meeting that evening, I -

MS McDONALD: No, no. No, no, no.

15 **MR HARTE:** Okay.

MS McDONALD: Sorry, I'm -

20 **COMMISSIONER:** Why don't we take it up to the point where we paused the video, perhaps?

MS McDONALD: Yes. So, I'm sorry, I might have misstated what we have observed. The mayor's left the meeting.

25 **MR HARTE:** Yes.

MS McDONALD: You're still there?

MR HARTE: Yes.

30 **MS McDONALD:** All the other Liberal councillors are still there?

MR HARTE: Yes.

35 **MS McDONALD:** And it appears that around the same time, at least you, Councillor Macnaught and Councillor Ammoun are examining your mobile phones?

MR HARTE: Yes.

40 **MS McDONALD:** One inference that could be drawn from that is that you've received some kind of message and you're looking at it?

MR HARTE: Could have been the case.

45 **MS McDONALD:** You gave evidence yesterday of this WhatsApp group with the mayor, the Liberal councillors and Ms Boustani?

MR HARTE: Yes.

MS McDONALD: Do you receive messages during council meetings via that WhatsApp group?

5 **MR HARTE:** Occasionally, yes.

MS McDONALD: Was it the case that you were getting a message from the mayor or another participant in that WhatsApp group about why the mayor had left the meeting?

10

MR HARTE: Could have also have been Mr -

MS McDONALD: No, no, no. Can you answer my -

15 **MR HARTE:** That could have been the case, but it looked like, that I was messaging as well. I could have been checking in on the mayor to see what he was doing, because no one knew that he was going to walk out.

MS McDONALD: So were you taken by surprise when the mayor walked out?

20

MR HARTE: Yes, I - it was - I didn't expect that to happen.

MS McDONALD: Okay. And where you raise - you asked the question, is it relating to a WH - sorry, work health and safety issue, is that because you received a message, either on the WhatsApp or in some other way, that that was the purported reason for the mayor to leave the meeting?

25

MR HARTE: Could have been the case, or it could have been he was just putting it together, given the events the week before, the last tier of recruitment selection committee meeting that had to be - that the process that was canned - like, what - the events that occurred at that meeting obviously translated into what happened in this meeting.

30

MS McDONALD: How did they translate into what happened in this meeting?

35

MR HARTE: The WHS matter, you had Councillor Ristevski say we can sit together on - sit together on -

MS McDONALD: On the plane?

40

MR HARTE: Yes.

MS McDONALD: Wasn't that - could I suggest that's maybe Councillor Ristevski being mischievous?

45

MR HARTE: I think given the animosity between the two -

MS McDONALD: It was a little bit more pointed?

MR HARTE: - it was a bit more than, yes.

5 **MS McDONALD:** But the mayor didn't have to - if Councillor Ristevski wanted to pay for himself and get up to Hong Kong, in a sense, that's nothing to do with the mayor?

MR HARTE: It's got nothing to do with council.

10

MS McDONALD: Yes.

MR HARTE: Yes, I agree.

15 **MS McDONALD:** And if the mayor goes up to Hong Kong, he can arrange - he can arrange with aircrafts, airplanes not to sit next to a particular person. He doesn't necessarily have to broadcast that he's on this particular flight with this particular airline. So what I'm getting at is the prospect of the mayor and Councillor Ristevski sitting next to each other on a Qantas flight to Hong Kong is pretty unlikely?

20

MR HARTE: I'm not sure how many airlines fly to Hong Kong. I don't know how many flights there are daily, but I - I get your point.

25 **MS McDONALD:** Look - and I used the word "mischievous". You've described it in a different way what Mr - in your view what Councillor Ristevski was doing, but it's within - it's comments within the council meeting which were not necessarily going to be acted upon?

30 **MR HARTE:** Well, you don't know that. Well, no one knows that because Councillor Ristevski - because of the events that occurred at that meeting in February - February '20.

MS McDONALD: Sorry, what were the events of February '20 which would mean -

35 **MR HARTE:** The CEO recruitment selection panel.

MS McDONALD: Yes.

MR HARTE: Yes. The - sorry, allegedly occurred.

40

MS McDONALD: There were - I think when I asked you about that yesterday you said there were some raised voices, if I can - I have forgotten how you actually described it?

45 **MR HARTE:** Yes, and that - that Councillor Ristevski allegedly stepped on the mayor's foot.

MS McDONALD: Well, you didn't give that evidence yesterday?

MR HARTE: I - I - I guess, that's why I said "allegedly" so.

5 **MS McDONALD:** And you didn't observe that, did you?

MR HARTE: No. I was outside the room.

10 **MS McDONALD:** You've given evidence that you went to the bathroom?

MR HARTE: Correct.

15 **MS McDONALD:** And then you came back, and when I asked you what you observed and what you heard at that meeting you did not talk about the alleged standing on the foot?

MR HARTE: Because I didn't directly observe it.

20 **MS McDONALD:** Yes.

MR HARTE: Yes.

MS McDONALD: And so this is something you heard subsequently?

25 **MR HARTE:** Yes. That's why I said "allegedly".

30 **MS McDONALD:** All right. So getting back to this, when you raised the WH&S issue, when you asked that question, it could have been that you received a message or, in your words, you've put two and two together?

MR HARTE: Yes.

35 **MS McDONALD:** Now, councillor - I think Councillor Harle then says something along those lines, "That's why we wanted to go into confidential." Before you either received a message or put two and two together, you didn't understand why the mayor walked out?

MR HARTE: No. I didn't understand his motivation to walk out, no.

40 **MS McDONALD:** Okay. Did you understand at that point his motivation or reasoning for proposing moving into a closed session?

45 **MR HARTE:** I don't remember. I don't remember what my thought process was exactly at that time.

MS McDONALD: All right. I'll try and just abbreviate this.

MR HARTE: And the other thing as well, like, as I'm sure you'll take me to, there were other things that was happening at the time during this meeting that had a personal impact on me, so there was a lot going on in my mind at the time.

5 **MS McDONALD:** I will come to that -

MR HARTE: Yes.

10 **MS McDONALD:** - but I'm at this preliminary stage.

MR HARTE: No, of course.

MS McDONALD: Now, there's then some - it would appear that Councillor Macnaught, from the footage we've got, is examining her phone, typing on her
15 phone, et cetera, on at least two occasions. Councillor Karnib notes that:

"The foreshadowed motion would need to be amended and that would not require a confidential session because nobody would be specifically named and 10A(2)(f) would not be engaged."
20

And there's some further discussion about that. And then we've got:

"The deputy mayor suggests the motion be voted on. Vote proceeds and only one against the vote."
25

COMMISSIONER: Does all of this accord with your recollection, councillor, at any stage?

30 **MR HARTE:** Only one voted against or -

COMMISSIONER: Yes.

MR HARTE: No, I think more than one voted -

35 **MS McDONALD:** Which motion?

COMMISSIONER: We can go to the minutes. But leaving aside the results of the vote -

40 **MR HARTE:** Yes.

COMMISSIONER: - does that - the summary that counsel assisting -

MR HARTE: Yes.

45 **COMMISSIONER:** - has read to you genetically accords with your recollection of this meeting?

MR HARTE: Yes.

5 **COMMISSIONER:** I know you won't be shy in saying if you don't remember or disagree, but I'll just remind you that during this little passage, feel free to do so.

MS McDONALD: And then we had the deputy mayor saying:

10 "Thank you, we've got that, but we have some issues that I'm not at liberty to discuss so we need a five-minute recess."

So there's a recess for five -

15 **MR HARTE:** Yes.

MS McDONALD: And do you remember that?

MR HARTE: I do.

20 **MS McDONALD:** And then when the meeting resumes, Councillor Ammoun has a rescission motion. Now, do you remember that?

MR HARTE: I think it was my rescission motion. It was signed by three councillors and I was one of the signatories.

25 **MS McDONALD:** All right.

COMMISSIONER: It needs three, doesn't it?

30 **MR HARTE:** Sorry?

COMMISSIONER: A rescission motion requires three councillors, doesn't it?

35 **MR HARTE:** Yes.

MS McDONALD: This might help. If we can go to INQ.007.001.0004. That can be live streamed when you get it, and I want to go to page 23, please. It's there. Sorry. This might be an easier way until - I have to take you to the video.

40 **MR HARTE:** Sure.

MS McDONALD: You can see that we've got the original motion, which is, the mayor's going and - sorry, if you keep on going up:

45 "The CEO or alternate officer accompanies."

Motion put by the mayor, seconded by Councillor Macnaught, and it was declared lost; right?

MR HARTE: Yes.

5

MS McDONALD: Then we've got the council moved into a closed session, and then it's - reference to the particular section of the Local Government Act because it contains matters affecting security of council, councillors, council staff or council property. That's put -

10

MR HARTE: Yes.

MS McDONALD: That's lost?

15

MR HARTE: Yes.

MS McDONALD: And then you can see, the mayor leaves, Councillor Harle becomes the chairperson?

20

MR HARTE: Yes.

MS McDONALD: You've then got the foreshadowed motion and if we can bring that up, please, confirming the attendance:

25

"The CEO or an alternative officer to consider attending with the mayor..."

And then finally, point 4:

"Any councillors that wish to attend, they self-fund."

30

MR HARTE: Yes.

MS McDONALD: And if we keep on going that became, sorry, the motion and was put to the meeting and declared?

35

MR HARTE: Yes.

MS McDONALD: And I think you voted in favour of it?

40

MR HARTE: I did.

MS McDONALD: And in a way it confirmed that the mayor's going? You want to have a look at it again?

45

MR HARTE: Yes, sorry, could we just go back up? Because I think I did raise this point during the council meeting. Like, when it says - confirms the attendance, is that like a positive RSVP? Like, are we allowed to accept an event on behalf of the

mayor? If anything, the mayor should be making that decision as to whether he attends. So I did ask that question during the council meeting.

5 **MS McDONALD:** But ultimately you voted in favour?

MR HARTE: Yes.

10 **MS McDONALD:** So it confirms the attendance of the mayor, the CEO or an alternative?

MR HARTE: Yes.

15 **MS McDONALD:** And that picked up from those comments that we heard councillor Monaghan speaking about. He thought it was very important that somebody from Operations, like the CEO or somebody else to go to the - and that makes sense, doesn't it, or did it?

MR HARTE: Yes, it does.

20 **MS McDONALD:** And then finally in 4, any councillor who wants to go, they can go but they pay for it?

MR HARTE: Yes.

25 **MS McDONALD:** Right. And you voted in favour?

MR HARTE: I did.

30 **MS McDONALD:** And if we keep on going - and then you have the recess?

MR HARTE: Yes.

35 **MS McDONALD:** And can I just say that, by voting in favour of it, there wasn't anything objectionable to it, the motion, was there? You got the mayor -

MR HARTE: Not as such, no.

40 **MS McDONALD:** You got the mayor to go, the CEO or another operational person, and then if anybody else wants to go, you just pay for it yourself?

MR HARTE: And that was the part that I was - the reason why I moved a rescission motion.

45 **MS McDONALD:** But why?

MR HARTE: Because council - we don't have to be - I didn't feel that it required - it was - it should have - I didn't feel like it had to be a requirement of the resolution of council to put "other councillors can attend" if they want.

5 **MS McDONALD:** All right, but you -

MR HARTE: I don't think - it sets a precedent at any other event that might be overseas that that has to be included in - in a resolution. I thought it was - I thought it was more to appease a certain councillor as to actually being a useful point in the
10 resolution of council.

MS McDONALD: And you only thought of that when you moved into recess?

MR HARTE: Yes.
15

MS McDONALD: Was that part of the - during the recess did you, Councillor Ammoun and Councillor Adjei have a conversation? Three of - sorry. Councillor Adjei, Councillor Ammoun, Councillor Macnaught and you have a conversation?

20 **MR HARTE:** I would have had a conversation with the two other councillors that signed the rescission motion. So I'm not sure who those - the other two were. It might be in the minutes here, if you scroll down.

MS McDONALD: Hold on. Well, if we go to the next page right down the bottom,
25 the councillors who moved the rescission motion were yourself -

COMMISSIONER: Too far. Too far.

MS McDONALD: I'm sorry.
30

COMMISSIONER: No, it's not your fault.

MR HARTE: Those were the two councillors that I would have discussed with.

35 **MS McDONALD:** Yes. And they were the ones I just put to you, with the addition of Councillor Adjei?

MR HARTE: Yes. Sorry, it wasn't - yes. I didn't recall talking to Councillor Adjei about this. That's what - I just wanted to be sure.
40

MS McDONALD: Okay. So you vote in favour and now your problem is that, paragraph 4:

"Any councillor that wishes to attend they self fund."
45

That now means that you're going to seek for the whole motion to be rescinded?

MR HARTE: (Indistinct) fix that point, yes.

MS McDONALD: It's a pretty minor point, isn't it?

5 **MR HARTE:** Yes.

MS McDONALD: It doesn't oblige the council to do anything.

10 **MR HARTE:** I agree, but I still thought it set the wrong precedent for council resolutions going forward to have that in there:

"Any councillors that wish to attend they self fund."

15 It's not - how does someone's personal trip - because it would have been a personal trip if any other councillor went - has anything to do with council. And, you know, technically I don't think it has anything to do with the Code of Meeting Practice or matters that council should be considering.

20 **MS McDONALD:** It doesn't oblige the councillor to do anything, it doesn't oblige the councillor to spend any money?

MR HARTE: I accept that, yes.

25 **MS McDONALD:** It's really, like, probably your description of it's appealing somebody, but so what? Isn't it more important to get the council meeting moving instead of being - wasting further time - or, sorry, I withdraw that - using other time instead of debating all the other motions with rescission motions and things like that?

30 **MR HARTE:** I - I accept that, but at the same time we moved the rescission motion and that was the decision that we made at the time and I will stand by that.

35 **MS McDONALD:** All right. Because, I know you don't have the minutes before you, but if I give an indication. With the minutes at the moment we are at page 23, the meeting minutes conclude at page 100. So after this motion there was a lot of work done by council at the meeting?

MR HARTE: I take it, based off that analysis, sure - I wasn't - I left the meeting by that point.

40 **MS McDONALD:** We'll get to that in a sec. Excuse me for a minute. So - and again, I'm jumping round - you come back after the recess and we've got this rescission motion by the three councillors; right?

45 **MR HARTE:** Yes.

MS McDONALD: And, we're back on the minutes? Good. And then if we go across to page 25. It's declared lost?

MR HARTE: Yes.

5 **COMMISSIONER:** Can you move a rescission motion for part of a resolution? No one has to answer now, but given that it's been raised, I'm just curious.

MS McDONALD: Think about it. Yes, I don't know. I don't know.

10 **MR HARTE:** A very good question.

COMMISSIONER: Anyway, it's probably an unhelpful interjection. If I don't ask, I'll forget.

15 **MS McDONALD:** Still looking at this page, you can see a note that:

"Deputy Mayor Harle [who was in the chair] didn't vote either for or against the motion."

20 **MR HARTE:** Yes.

MS McDONALD: You lost the rescission motion. And then, I can show you the video if you want to, but you've got Councillor Macnaught leaves?

25 **MR HARTE:** Yes.

MS McDONALD: Councillor Ammoun leaves, you leave, and then around the same time - I'm sorry. You, Councillor Ammoun and Councillor Adjei all leave around the same time?

30 **MR HARTE:** Yes.

MS McDONALD: At that point, after the rescission motion was lost, did you receive any other text messages or messages about remaining present at the council meeting?

35 **MR HARTE:** No. The only - the only thing if - the only communication that I had with the mayor, for example, was during the recess, and I saw him walking out of the bathroom and I was walking in, I think. And then I said to him, "Are you off?" As in, are you leaving the meeting? And he said, "Yes." "Oh, okay." That's the only
40 communication that I had.

MS McDONALD: All right. So the four remaining councillors affiliated with the Liberal Party just all decided to stand up and walk out of the meeting?

45 **MR HARTE:** So - sorry. I understood - I - there would have been communication, I think. I don't remember.

MS McDONALD: All right. Sorry, we might be at cross-purposes. You're saying that you can remember speaking to the mayor at that short recess?

MR HARTE: Yes.

5

MS McDONALD: When you come back and you're moving your rescission motion and there's some debate, and you ultimately lose the rescission motion, are you receiving any other communication from any fellow councillors, from the mayor, from anybody else involved with council about whether or not you should stay in the meeting?

10

MR HARTE: I don't remember, but I was - there would have been some form of communication whether - like, I sit next to Councillor Ammoun, so that's - you know, we might have had a quick chat, but I don't recall specifically talking - well, talking to the other councillors on the other side, the Liberal councillors on the other side of the chamber, I don't specifically recall talking to them.

15

MS McDONALD: Okay. So Councillor Macnaught goes. Three minutes later you, Councillor Ammoun and Councillor Adjei just walk out?

20

MR HARTE: I probably turn to - sorry. I turned to Councillor Ammoun and we had a quick chat.

MS McDONALD: And what did you - what did you discuss?

25

MR HARTE: Should we - like, along the lines, "Should we walk out?" Then we asked advice from the acting CEO whether, if we were to leave the meeting, would that be -

MS McDONALD: Would there still be a quorum?

30

MR HARTE: - be in breach of the Code of Meeting Practice or any Act or anything like that. We were advised that, you know, if it doesn't break quorum, it's fine, you're allowed to depart a meeting. And at that point - I don't remember Councillor Adjei, but I remember Councillor Ammoun and I walked out.

35

MS McDONALD: Right. Why?

MR HARTE: There was a couple of reasons. There was the personal -

40

MS McDONALD: I'm sorry, can I just stop. What - you said you had a discussion with Councillor Ammoun?

MR HARTE: Yes.

45

MS McDONALD: Did you discuss with Councillor Ammoun whether the two of you would leave the meeting?

COMMISSIONER: Sorry, I think you - I might have heard this wrong, but I thought you might have switched between Mannoun and Ammoun in that question. I might be wrong, but perhaps just start again in case I'm right.

5

MS McDONALD: You sit next to Councillor Ammoun?

MR HARTE: Yes.

10 **MS McDONALD:** You've given evidence that you had a discussion with Councillor Ammoun after your rescission motion was lost?

MR HARTE: I believe so, yes.

15 **MS McDONALD:** When - and look, could I just flag: I anticipate you may want to give evidence about a particular issue which is personal.

MR HARTE: Yes.

20 **MS McDONALD:** If I ask a question which is going to raise that, if it raises it totally, can you say that? If it raises it partially, can you give me the answer that doesn't raise it, and then we'll take action. Do you understand that?

MR HARTE: Yes. So for the last question you asked, it's partial.

25

MS McDONALD: Right. This is the discussion with Councillor Ammoun?

MR HARTE: No, sorry. Between us, as in, what - the question that you put to me about why I walked out.

30

MS McDONALD: Yes.

MR HARTE: There were two reasons.

35 **MS McDONALD:** Right.

MR HARTE: Yes.

MS McDONALD: Can I - just put to one side the private reason.

40

MR HARTE: Yes.

MS McDONALD: The other reason, what was it?

45 **MR HARTE:** We were disappointed that the councillors didn't want to hear a - didn't want to hear something in closed session relating to a WHS matter.

MS McDONALD: But that - all right. We can come back to that. You had this second private issue -

MR HARTE: Yes.

5

MS McDONALD: - which I'll come back to in a minute. When you had that discussion with Councillor Ammoun, sitting next to him, are you discussing whether the two of you would walk out?

10 **MR HARTE:** Yes. I think so, yes.

MS McDONALD: Did Councillor Ammoun say to you that he wanted to walk out?

15 **MR HARTE:** Yes, he did, and then that kind of compelled me - I think he was the one that raised it first.

MS McDONALD: Raised walking out?

MR HARTE: Yes.

20

MS McDONALD: At that point did he say to you why he was thinking of walking out?

25 **MR HARTE:** No - or - I don't remember. I don't remember the specific conversation. I do remember asking the general manager though whether, if we were to walk out -

MS McDONALD: Whether you'd be in breach of -

30 **MR HARTE:** In breach of the code of meeting practice or the Act.

MS McDONALD: Did you go up privately to the CEO, and when I say "privately," did you just go up to him and kind of have a word in his ear, or when did you get that information from him?

35

MR HARTE: I think it was kind of - I think the CEO or acting CEO was kind of standing on the stage where the mayor and CEO sit -

MS McDONALD: Yes.

40

MR HARTE: - at their desk and, like, we're closest - or Councillor Ammoun is closest to the general manager. I think they - they had a discussion, and I was obviously right next to Councillor Ammoun, so I was part of it.

45 **MS McDONALD:** All right. And then, once you're given or you hear that information from the CEO, who - who - does councillor - do you see Councillor Macnaught leave first?

MR HARTE: Yes.

5 **MS McDONALD:** And then, do you have a further discussion with Councillor Ammoun about whether you're going to leave or whether he's going to leave?

MR HARTE: I don't remember.

10 **MS McDONALD:** All right. But at some time, as I've said, the four of you decide to leave? When I say "the four," sorry, Councillors Macnaught, Adjei -

MR HARTE: Yes.

15 **MS McDONALD:** - Harte and Ammoun?

MR HARTE: Yes.

20 **MS McDONALD:** All right. The second reason you would - I would like to ask you what the second reason was.

MR HARTE: Yes.

25 **MS McDONALD:** Commissioner, it does raise a personal matter. I would seek for us to go into a closed session for this evidence.

COMMISSIONER: Will this be the last topic of the day?

MS McDONALD: Yes.

30 **COMMISSIONER:** All right. I just see we have a small public gallery for probably the first time.

35 **MS McDONALD:** I'm sorry. Sorry, could I just have a think. Can I just have a think for a moment?

COMMISSIONER: Otherwise, you might be able to deal with it first thing in the morning?

40 **MS McDONALD:** I think that - yes. Could I just check my notes as to -

COMMISSIONER: We can do it. I mean, it'll only be five minutes of evidence. Why don't we - we'll do it.

45 I'm about to move into private session, so I apologise to those in the public gallery, but that means you'll have to leave the hearing room. You won't be missing much, there's only five minutes of the day to go. But thank you for your interest in the work of this inquiry, and I'll just have to ask you to leave the room. Thank you.

PUBLIC GALLERY CLEARED OF MEMBERS OF THE PUBLIC

5 While that's happening. Pursuant to 12B of the Royal Commissions Act I direct that the next passage of the hearing is to take place in private, that the transcript of this passage of the hearing not be published otherwise than in accordance with the usual order. Thank you.

10 And, now that the gallery has been cleared, those who are in the room can remain and we'll just wait until we go into private session.

<THE HEARING ADJOURNED TO PRIVATE SESSION AT 3.56 PM

<THE HEARING RESUMED AT 4.06 PM

5 **COMMISSIONER:** Mr Emmett, I know that you don't act for Councillor Harle, but when I was reviewing his transcript it occurred to me that there was a topic that I was going to come back to him on that I neglected to do so. And in one of the answers he gave he referred to what he saw as a lot of good that was being done by council despite some of the other challenges that he described to me in his evidence.

10 And as I have said at least once, perhaps more than once, I'm alive to the fact that inquiries like this can have a particular focus, but there should be an opportunity for witnesses like Councillor Harle to describe the good that they wanted to get across to me. I was intending to come back to him about that and I realised I forgot.

15 Through you and those that instruct you, if Councillor Harte can be told that, should he wish to - and it's a matter entirely for him, but if he wishes to provide me with a statement of what he had in mind when referring to all the good that was being done in the context of some other challenges that he told me about, I would receive that. I'm loath to get him back, but it can be provided to the parties if he wishes to. And if
20 anyone wants to ask him some questions about it they can make an application to me that they should be allowed to do that. But if you wouldn't mind taking that on board through those that instruct you, I'd be most grateful.

MR EMMETT: Thank you, Commissioner. We'll take that up with our instructors.

25 **COMMISSIONER:** Thank you. 10 am tomorrow? We'll adjourn till 10 am. Thank you.

<THE HEARING ADJOURNED AT 4.07 PM