



PUBLIC INQUIRY INTO LIVERPOOL CITY COUNCIL

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

**PUBLIC HEARING
SYDNEY**

**THURSDAY, 30 OCTOBER 2025
AT 10.21 AM**

DAY 36

APPEARANCES

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

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<THE HEARING COMMENCED AT 10.21 AM

COMMISSIONER: Yes. Ready to resume with the councillor?

5 **MS McDONALD:** Yes. Thank you.

COMMISSIONER: Thank you, Councillor. You're still on your oath from Monday. Yes.

10 **<PETER RISTEVSKI, ON FORMER OATH**

MS McDONALD: I want to return to a topic that I've asked you about previously, and that is making public comments through use of social media or otherwise about particular issues at council. I've taken you to the code of conduct. I also took you to
15 the free speech guideline. But my questions were in the context of where an issue had arisen at council and you were criticising or raising an issue about that topic but, in doing so, you made a comment about, for example, the mayor or another councillor.

20 And I took you to the provision - I discussed with you that, as set out in the free speech guideline, there's an encouragement of robust public debate, but in a sense there are parameters or limitations to it. And in summary, your evidence was you're pursuing robust public debate but you now realise and have been educated either by a self-audit or by other means of those limitations.

25 **MR RISTEVSKI:** Correct.

MS McDONALD: And that your intent in future is, when you're engaging in robust public debate you will observe those limitations?

30 **MR RISTEVSKI:** Correct.

MS McDONALD: I want to turn to another aspect of robust public debate, and again it raises issues of whether there are limitations. The particular limitation I want
35 to explore with you this morning is where you are being critical or raising a matter - a council matter - and staff are referred to.

MR RISTEVSKI: Sure.

40 **MS McDONALD:** So staff of the council.

MR RISTEVSKI: Sure.

MS McDONALD: Now, I would first just want to remind you of some sections of
45 the guideline which I may - which I don't think I took you to the other day. So could we bring up, please, LCC.012.001.0086. Yes, please. Right. That's the first page.

And then could we first go through to page 10. This was a section where I had taken you to, I think on the left-hand side, last paragraph, where the guideline refers to:

5 "A healthy democratic system of Local Government requires robust public debate on local issues."

And then I want to take you to, across the page - not page, sorry - yes, across the page. Stop. Stop, stop, stop. The paragraph commencing:

10 "In a healthy, functioning democracy the appropriate way to respond to public comment that others disagree with is to engage with that comment by publicly rebutting, challenging or disputing it as part of legitimate public debate on the issue, not by making a code of conduct complaint about it."

15 **MR RISTEVSKI:** Yes.

MS McDONALD: The limitation that I want to discuss with you arises from staff. And can I take you back to page 8 in that document. And it's the first column, the paragraph referring to clause 7.6(h) of the Model Code of Conduct:

20 "...further provides that while councillors can critique and comment on the advice provided by staff, they must not make personal attacks on council staff in public forums, including social media."

25 It then raises the duty that councillors owe:

"...council staff and members of the community under the Work Health and Safety Act ... to take reasonable care that their acts or omissions do not adversely affect the health and safety of other persons."

30 I'll come back to work health and safety. But you now - because you've done some training in work health and safety, you realise the concept of - or you know of the concept of a psychosocial hazard?

35 **MR RISTEVSKI:** Yes.

MS McDONALD: And that comments made about, for example, a staff member internally and in public can give rise to a psychosocial risk or hazard?

40 **MR RISTEVSKI:** Yes.

MS McDONALD: All right. Now, one of the reasons why I took you to the section on page 10, which referred to the robust debate and engaging in that debate - the issue of commenting about staff - staff aren't able to do that, are they?

45 **MR RISTEVSKI:** As in go on social media?

MS McDONALD: And criticise, for example, you or - in a sense, retaliate or make a comment about any comment you make on a council issue?

5 **MR RISTEVSKI:** It has happened.

MS McDONALD: Right. But they're not supposed to, are they?

MR RISTEVSKI: Correct.

10 **MS McDONALD:** There are limitations to the way that they can engage with the governing body in such a public fashion?

MR RISTEVSKI: Correct.

15 **MS McDONALD:** And also, is it the case there are limitations internally within council?

MR RISTEVSKI: I don't know the internal side of things.

20 **MS McDONALD:** But you do agree that engaging in some kind of public debate isn't open to members of staff?

MR RISTEVSKI: Correct.

25 **MS McDONALD:** All right. Excuse me. Commissioner, I do want to move to a code of conduct complaint. Given the position we are in at the moment, we will have to go into a closed session for a short period.

30 **COMMISSIONER:** All right. Pursuant to section 12B of the Royal Commissions Act, I direct that the next passage of hearing take place in private and that the transcript of that passage of the hearing not be published otherwise than in accordance with the usual direction. That's Mr Tynan. Everyone who's in the hearing room can remain.

35 **<THE HEARING ADJOURNED TO PRIVATE SESSION AT 10.29 AM**

<THE HEARING RESUMED AT 10.49 AM

COMMISSIONER: Yes.

5 **MS McDONALD:** Mr Ristevski - I think it was yesterday - I asked you some questions about a matter that you raised through the Councillor Support email -

MR RISTEVSKI: Yes.

10 **MS McDONALD:** - dealing with a member of the community and his complaint about - there was a fence, a wall, et cetera -

MR RISTEVSKI: Sure. Yes.

15 **MS McDONALD:** - at his property. I want to ask you some questions, again which raise this matter of councillor and staff interaction.

MR RISTEVSKI: Sure.

20 **MS McDONALD:** And the way you interact.

MR RISTEVSKI: Sure.

25 **MS McDONALD:** The other day I took you to the media policies of the council.

MR RISTEVSKI: Yes.

MS McDONALD: I took you to the most recent one, where questions of social media were expanded.

30 **MR RISTEVSKI:** Correct.

MS McDONALD: And I had taken you to the earlier one which didn't really reflect, I think, the changes and use by the community with - of social media.

35 **MR RISTEVSKI:** Correct.

MS McDONALD: One of the things I raised with you when I showed you both media policies is that consistently throughout both policies there was a demarcation or an allocation of who is responsible for what. For example, it refers to the Local Government Act and says the mayor is the spokesperson of the governing body.

MR RISTEVSKI: Yes.

45 **MS McDONALD:** At times, the mayor can delegate that spokesperson role -

MR RISTEVSKI: Yes.

MS McDONALD: - et cetera, and then it spoke about the role of members of staff dealing with media.

5 **MR RISTEVSKI:** Yes.

MS McDONALD: Now, I want to take you to some correspondence which arises, I - yes, in May of this year.

10 **MR RISTEVSKI:** Sure.

MS McDONALD: Now, the correspondence - a staff member is referred to. My preference is not to refer to the staff member's name.

15 **MR RISTEVSKI:** Sure.

MS McDONALD: But if the person, when we're describing them, could just be referred to as "staff member"?

20 **MR RISTEVSKI:** Sure.

MS McDONALD: Avoids us going into closed session.

25 **MR RISTEVSKI:** Yes. I agree.

MS McDONALD: And, Commissioner, I would ask that the document I'm asking to be brought up not be live streamed.

30 **COMMISSIONER:** Yes, I think that's appropriate.

MS McDONALD: All right. Can we bring up document INQ.005.001.0012. And if we can go to the final page, right down - not - the second-last page, page 4, right down the bottom. Can you see there's an email from you dated 3 May?

35 **MR RISTEVSKI:** Yes.

MS McDONALD: And if we jump across the page, "Councillor Support", and you raise:

40 "I've seen multiple posts and videos done by the mayor, Councillors Harle and Green. I respectfully request to be given an opportunity to also do a video post. Please get back to me if that opportunity is available, and if not why?"

45 **MR RISTEVSKI:** Yes.

MS McDONALD: And at this time in particular - we'll be looking at this later on in the day, but you had attended the -

MR RISTEVSKI: Aerotropolis.

MS McDONALD: Thank you. Aerotropolis conference in Hong Kong?

5

MR RISTEVSKI: Correct.

MS McDONALD: And you wanted to put on a post onto the Liverpool City Council website about that?

10

MR RISTEVSKI: Facebook page.

MS McDONALD: Facebook. Sorry. Yes. All right. Now, if we can then go to the bottom of page 3. You can see - that went to Councillor Support. It's obviously been referred to the staff member who it is considered can answer that enquiry?

15

MR RISTEVSKI: Correct.

MS McDONALD: And you can see there, the staff member does respond?

20

MR RISTEVSKI: Yes.

MS McDONALD: And if we go across the page, you can see there is a response. First, there's a reference to those videos which featured Deputy Mayor Harle and Councillor Dr Betty Green, and - sorry, the staff member confirms they were delegated by the mayor. Then:

25

"Staff do not determine which councillors appear in video content."

30

And then there is an extract from the current version of the media policy?

MR RISTEVSKI: Yes.

MS McDONALD: And it's along the lines that I took you to the other day. You know, it starts off, "The mayor is the official spokesperson of the governing body", et cetera?

35

MR RISTEVSKI: Yes.

40

MS McDONALD: Now, you received that and you're not satisfied with it?

MR RISTEVSKI: Correct.

MS McDONALD: But what you do - and if we now go back to page 3 - and keep on going. If we can just stop there. You send an email to the CEO about it?

45

MR RISTEVSKI: Correct.

MS McDONALD: Now, just pausing there, even though that's dated 10 May 2025, I think you anticipated the changes in the councillor and staff interaction policy - because that's one of the thing they now say - if you get a response from a member of staff, you're not satisfied, go up to the CEO?

MR RISTEVSKI: Yes.

MS McDONALD: The issue is - and, you know, putting to one side the comments in yellow, you're raising why you're not satisfied, that you wanted to make this post about the airport conference, et cetera. The issue that is troublesome is the first sentence, which is in yellow -

MR RISTEVSKI: Yes.

MS McDONALD: - that:

"The email below from [the staff member] is another example in proving that [the staff member] is not a fit and proper person to work at the council."

MR RISTEVSKI: Yes.

MS McDONALD: You can see then, if we go to page 2, down the bottom - excuse me for a sec. There's then an interchange with Mr Breton. You can see that there?

MR RISTEVSKI: Yes.

MS McDONALD: And then you respond - I think you've got an additional question:
"Does the mayor determine what's on the ... Facebook page or is it operational?"

MR RISTEVSKI: Yes.

MS McDONALD: And then can we go to the first page. Down the bottom, Mr Breton answers that. Then he says:

"Noting your frustration, we also need to refrain from comments in yellow as an example."

MR RISTEVSKI: Yes.

MS McDONALD: And that was the comment that I read out that you made about the staff member?

MR RISTEVSKI: One thing that concerns me - I had a - that was to Jason, and he's copied other people into it. Have a look at the email. I privately emailed the CEO, and then he's now brought in two other additional people into that email chain.

MS McDONALD: Okay. Can we return to that in a minute. So Mr Breton has raised with you his suggestion you refrain from those comments in yellow.

5 **MR RISTEVSKI:** Yes.

MS McDONALD: Again, they are comments where the staff member, in his answer, was doing his job?

10 **MR RISTEVSKI:** If I can provide some context?

COMMISSIONER: Well, first of all, do you agree with the proposition -

15 **MR RISTEVSKI:** I - yes, I agree with you. Yes.

COMMISSIONER: What's the context?

20 **MR RISTEVSKI:** I guess his employment has always come under the spotlight through nepotism. And a lot of the problem that you have with councils - and this I think needs to be changed - where there is a soft way of employing someone, where you can employ them on a contract for 12 months without going through an interview process, and at the end of 12 months you do an interview process where they've already been in the job for 12 months, so technically they're probably going to get it. I think that's completely wrong and it's a backdoor way of circumventing
25 this way of employing - jobs for the mates. And I just thought he had a major conflict of interest in that role.

30 **MS McDONALD:** The particular staff member, do you know - have you got details - I'm sorry, I withdraw that. Details about the staff member's experience and background have been given in evidence at this inquiry. And I know you've been following the inquiry.

MR RISTEVSKI: Yes.

35 **MS McDONALD:** So do you remember that evidence?

MR RISTEVSKI: Not specifically, but yes.

40 **<THE HEARING ADJOURNED TO PRIVATE SESSION AT 10.59 AM**

<THE HEARING RESUMED AT 11.29 AM

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

5 **COMMISSIONER:** Thank you.

MS McDONALD: Are we right?

10 **COMMISSIONER:** Yes.

MS McDONALD: Thank you. Mr Ristevski, I started to - with the free speech guidelines I referred you to the reference to work health and safety obligations?

15 **MR RISTEVSKI:** Yes.

MS McDONALD: And that was in the context particularly of staff - that you have duties in respect of workers at the council and those duties and obligations include, in a summary fashion, not - ensuring their work health and safety. Within work health and safety there is an area which really started emerging, probably around 20 2015/2016, which looks at psychosocial hazards. And without boring with all the details, I think it's in 2019 there was a code - some guidance material provided. It's now become a code of practice under the Act, which means the code has to be complied with.

25 **COMMISSIONER:** Are you familiar with that as - in your capacity as an employer?

MR RISTEVSKI: Yes. We did a course in the last month.

30 **COMMISSIONER:** Leaving aside the council context -

MR RISTEVSKI: Yes.

35 **COMMISSIONER:** - I just want to make sure you are familiar with the concepts generally that counsel assisting is talking about -

MR RISTEVSKI: Yes.

40 **COMMISSIONER:** - perhaps in your professional life.

MR RISTEVSKI: Yes. Yes. Yes.

45 **MS McDONALD:** So through your professional life you would - I think I asked you this before - you knew of the Work Health and Safety Act and your obligations under it?

MR RISTEVSKI: Yes.

MS McDONALD: In that professional life, had you come across this concept of psychosocial hazards?

5 **MR RISTEVSKI:** I've never had to deal with it.

MS McDONALD: Never been raised with you -

10 **MR RISTEVSKI:** No.

MS McDONALD: - in your professional work context?

MR RISTEVSKI: No. No.

15 **MS McDONALD:** All right. Now, you've spoken about training that you've undergone. Can I just ask, when you commenced again as a councillor last October, leading up to that training that you undertook, do you recall in any council context this psychosocial hazards being raised?

20 **MR RISTEVSKI:** No.

COMMISSIONER: Do you - this is - I just want to make sure we're all on the same page -

25 **MR RISTEVSKI:** Yes. Yes.

COMMISSIONER: - about what a psychosocial hazard is. Do you have -

30 **MR RISTEVSKI:** I think it's -

COMMISSIONER: - an understanding of the concept generally?

MR RISTEVSKI: I think it's around mental health.

35 **COMMISSIONER:** Or perhaps you might describe what you have in mind, and then we can make sure that we're all on the same page.

40 **MS McDONALD:** Work health and safety traditionally arises where there is a risk to the health and safety of an employee, and it's usually associated with falling off a ladder -

MR RISTEVSKI: Correct.

45 **MS McDONALD:** - or being - getting an electric shock. I'm using probably -

MR RISTEVSKI: Physically.

MS McDONALD: A physical effect?

MR RISTEVSKI: Yes.

5 **MS McDONALD:** The development has been that there is conduct - and that
conduct can give rise to a psychosocial hazard. That is - the classic example is that it
can lead to increased stress on an employee, and an employee being subject to severe
stress or prolonged stress - can ultimately physically have an effect on them. So one
example of a psychosocial hazard is stress on an employee.

10

MR RISTEVSKI: Yes.

MS McDONALD: Another example is bullying an employee.

15 **MR RISTEVSKI:** Yes.

MS McDONALD: Another example is where an employee is criticised in such a
way that it leads to depression.

20 **MR RISTEVSKI:** Yes.

MS McDONALD: So your description of it, it's something to do with mental health,
they're examples of psychosocial risks identified and what - how they manifest
themselves. So depression, stress, et cetera.

25

MR RISTEVSKI: I've actually seen - we got the legal report last night and I've
actually seen quite a few employees that are on this kind of leave, which I found
very - wow, I didn't realise.

30 **COMMISSIONER:** But just as a concept generally, you -

MR RISTEVSKI: Yes, I understand that.

COMMISSIONER: If at any time you need any clarification -

35

MR RISTEVSKI: Yes, I - I understood.

COMMISSIONER: - sing out, but -

40 **MR RISTEVSKI:** Yes. Yes. Yes.

COMMISSIONER: Just so that - when -

MR RISTEVSKI: Thank you.

45

COMMISSIONER: - counsel assisting is using the phrase -

MR RISTEVSKI: Thank you for -

COMMISSIONER: - that's the concept. But if there's any doubt in your mind at all, feel free to ask for some clarification and that can be done.

5

MS McDONALD: And in - before you attended the training, which I'll come to in a minute, do you recall - and I'll just use examples - conversations with Mr Breton, conversations at council meetings or other conversations with your fellow councillors where psychosocial hazards or risks were raised?

10

MR RISTEVSKI: None specifically. If they were, without the training and context of what it involved, it sort of just goes over your head.

MS McDONALD: Right.

15

MR RISTEVSKI: So until we did that recent training, it was not really - it - for me now, it's another way of saying mental health, by using a very technical word. I really didn't know what it meant until the recent training. But it may have been used, but I sort of didn't know what context it was being used.

20

MS McDONALD: All right. Could we bring up a document - excuse me for a minute.

COMMISSIONER: Whilst that's happening, Councillor, can you tell me a bit about the training that you've referred to?

25

MR RISTEVSKI: Yes, there was -

COMMISSIONER: Did you say that -

30

MS McDONALD: That's -

COMMISSIONER: You're going there?

35

MS McDONALD: Yes.

COMMISSIONER: I'm sorry. I'm jumping ahead.

MS McDONALD: Thank you. Sorry. Can you bring up document LCC.014.002.0544, and it can be live streamed. Now, look, this was provided to the inquiry. It's not - if you have attended some training in the last two weeks it's not going to be recorded there.

40

COMMISSIONER: What's the date of -

45

MS McDONALD: Could you just excuse me.

COMMISSIONER: Is this current to a certain point? You can come back to it after.

MS McDONALD: The last entry is September.

5 **COMMISSIONER:** Okay.

MS McDONALD: Which was an - maybe if we can confirm that.

10 **COMMISSIONER:** Yes, of course. I mean, the first entry must be a typo.

MS McDONALD: Yes.

COMMISSIONER: So that's easily understood.

15 **MS McDONALD:** But you can see this records - you know, for example, it commences - as the Commissioner said, it should be 15 October 2024?

MR RISTEVSKI: Correct.

20 **MS McDONALD:** And that was your induction training?

MR RISTEVSKI: Yes.

25 **MS McDONALD:** And you will recall that I took you to the agenda of what was covered on that day?

MR RISTEVSKI: Yes.

30 **MS McDONALD:** Then I'll just use as an example on that page - 12 November, there was the aerotropolis conference and you attended that?

COMMISSIONER: Can we scroll down, Operator?

35 **MS McDONALD:** Sorry. Yes. See that?

MR RISTEVSKI: Yes, but it's got a whole bunch of other people as well, which - they weren't in attendance.

40 **MS McDONALD:** This was in November '24. I don't think it's the one in Hong Kong?

MR RISTEVSKI: Okay. Aerotropolis conference?

45 **MS McDONALD:** It's got:
"City Futures organised this event."

MR RISTEVSKI: Okay. Yes.

MS McDONALD: All right. Excuse me for a minute. Would we go to an entry on 21 January. Can you see that there's a course, Managing Media For Councillors, that
5 Councillor Ibrahim attended?

MR RISTEVSKI: Yes.

MS McDONALD: Is that the course you did the other day or is it different?
10

MR RISTEVSKI: That's different.

MS McDONALD: Okay. Then we have, if you go to the 25th - of February, sorry - you can see Clayton Utz solicitors gave a session on:
15

"WHS briefing during councillor briefing session."

MR RISTEVSKI: Yes.

MS McDONALD: And you can see a number of your fellow councillors attended, but you and two other councillors were - didn't attend, were apologies?
20

MR RISTEVSKI: Correct.

MS McDONALD: Now, my - as it says:
25

"The presentation and meeting recording is available on the councillor intranet."

My recollection is Mr Breton, I think, might have given some evidence about that.
30 Have you watched it, that session on the intranet?

MR RISTEVSKI: No. I've had a number of issues with the intranet and my logging into it -

MS McDONALD: Okay.
35

MR RISTEVSKI: - around that time, which has been rectified now.

MS McDONALD: But since being rectified, you haven't watched this session?
40

MR RISTEVSKI: No, because I've done it myself. I've done the course.

MS McDONALD: Now, if we then go down to 25 March, there should be a Media Training Session 2, and you're listed in a - non-attendee?
45

MR RISTEVSKI: Yes.

MS McDONALD: Do you recall, was that dealing with social media? Like, I -

MR RISTEVSKI: No.

5 **MS McDONALD:** - know you didn't attend, but I assume you were told about the course and what it involved.

MR RISTEVSKI: Yes. I don't believe it was social media, I believe it was dealing with the media -

10

MS McDONALD: Like -

MR RISTEVSKI: - per se.

15 **MS McDONALD:** - journalists ringing up or -

MR RISTEVSKI: Yes. Yes.

20 **MS McDONALD:** - things like that. All right. Then if we - can I just take you, then, to 12 May. This might become relevant later in your evidence, but can you see there was a proposed team building and respectful relationships session?

MR RISTEVSKI: Yes.

25 **MS McDONALD:** It was, it would appear, cancelled. And then it's got:

"Cancelled - rescheduled for July..."

Has that ever been undertaken?

30

MR RISTEVSKI: No.

MS McDONALD: Were you given any details about what was going to be included in that course?

35

MR RISTEVSKI: I can't remember from the top of my head.

MS McDONALD: It's described as "councillor on-boarding". Does that - is it your understanding if it's councillor on-boarding it should be compulsory for councillors?

40

MR RISTEVSKI: What do they mean by "on-boarding", though?

MS McDONALD: I don't know. I was hoping you could help me.

45 **MR RISTEVSKI:** No, I don't know.

MS McDONALD: I didn't know whether it was kind of - like, part of induction - part of the introduction to -

5 **MR RISTEVSKI:** We'd already done that.

MS McDONALD: - working as a councillor.

MR RISTEVSKI: Yes, no, we already done that initially, so -

10 **MS McDONALD:** But have you done Building Respectful Relationships?

MR RISTEVSKI: No, that was supposed to be at Casula Powerhouse. It's never been rescheduled.

15 **MS McDONALD:** And then, down the bottom of that page, can you see on 7 July Work Health and Safety Induction?

MR RISTEVSKI: Correct.

20 **MS McDONALD:** And you were an apology on that day?

MR RISTEVSKI: Yes.

25 **MS McDONALD:** Now, the - I think you've said you've subsequently undertaken that training?

MR RISTEVSKI: Yes. All those councillors that were an apology, we did a separate one together.

30 **MS McDONALD:** All right. So the three of you did it?

MR RISTEVSKI: Five of us. 7 July?

35 **MS McDONALD:** I'm sorry, I forgot there's two other names on the next page. Sorry. When did you do it?

MR RISTEVSKI: Within the last two months.

40 **MS McDONALD:** Where was it held?

MR RISTEVSKI: The boardroom on level 11.

MS McDONALD: And how long did it go for, roughly?

45 **MR RISTEVSKI:** Two and a half hours, maybe.

MS McDONALD: Do you remember who conducted it?

MR RISTEVSKI: I can't remember his name, but it was an external.

MS McDONALD: And you attended it. Did you find it useful?

5

MR RISTEVSKI: Yes, it's an introduction. These kind of things - you can't just do one and just stop. It's probably - you need to go a little bit more deeper. So it was beneficial to do, and I will be looking at other courses with the CEO in the next few weeks around that area.

10

MS McDONALD: Were psychosocial hazards raised?

MR RISTEVSKI: Yes.

15 **MS McDONALD:** So that's assisted you in having a better understanding of that concept?

MR RISTEVSKI: Yes.

20 **MS McDONALD:** Now, I'm going to ask you a series of questions - and please just answer the question, because Mr Parish will leap to his feet. In addition, have you been provided with an advice - I think it may be by a senior counsel, it could be Bruce Hodgkinson - which provides the council with advice about obligations and responsibilities under the Work Health and Safety Act?

25

MR RISTEVSKI: I can't recall.

MS McDONALD: You can't recall that?

30 **MR RISTEVSKI:** No.

MS McDONALD: Have you heard of such an advice?

MR RISTEVSKI: No.

35

MS McDONALD: If such an advice had been obtained which is relevant to the obligations and duties you owe under the Act, is that something that you have a right to see and read?

40 **MR RISTEVSKI:** Yes.

COMMISSIONER: What do you mean by "right"? He might want to, but -

MS McDONALD: Well - sorry. You can demand to see it, to be provided with a copy, to read it, et cetera?

45

MR RISTEVSKI: Yes.

MS McDONALD: I've just noticed the time. Is that an appropriate point?

5 **COMMISSIONER:** Yes, of course. Councillor, we'll take our mid-morning break.
We'll resume at five past 12.

MR RISTEVSKI: Sure.

10 **COMMISSIONER:** Feel free to stretch your legs, get some fresh air, and I'll see
you back here then.

MR RISTEVSKI: Thank you.

15 **<THE HEARING ADJOURNED AT 11.46 AM**

<THE HEARING RESUMED AT 12.18 PM

20 **MS McDONALD:** Mr Ristevski, just a question on your social media use. You gave
evidence the other day that you have your team in Macedonia, but now they cannot
or are not allowed to directly post to your Facebook page. That you now, in a sense,
vet and authorise everything?

MR RISTEVSKI: Correct.

25 **MS McDONALD:** Now, with Facebook pages, people - members of the community
can put posts on - responding to something that you've posted?

MR RISTEVSKI: Correct.

30 **MS McDONALD:** Do you ever look at any of the responses or posts to a post that
you have made, and if you consider it - and consider whether it is appropriate for that
post to remain public? And what I'm talking about - if those limitations that we've
agreed now operate on your posts - that you don't publicly disparage, you don't
intimidate, you don't make bullying comments, et cetera - if you looked at a post by a
35 member of the community and you were of the view that it infringes the restrictions
imposed that you observe, would you remove that post?

MR RISTEVSKI: You mean censoring?

40 **MS McDONALD:** Well, I'm describing it as "removing the post".

MR RISTEVSKI: Well, I'm not a big believer in censorship. There's been things
said about me on my own page from the members of the community that are
disparaging. I leave it on there.
45

MS McDONALD: All right. So is your view that if you looked at a post and your
view was it's disparaging some - personally, a fellow councillor or a staff member -

MR RISTEVSKI: Or myself?

MS McDONALD: Sorry, I'm taking it by - in stages.

5

MR RISTEVSKI: Okay. Yes.

MS McDONALD: "I wouldn't have made that post but a member of the community has, I'm not going to censor them"?

10

MR RISTEVSKI: I don't know what the guidelines are on that, but I'm - personally, I do not believe in censoring.

MS McDONALD: All right. When you say, "I don't know what the guidelines are on that," is it your view that the free speech guideline I took you to, the code of conduct, et cetera, that governs what you post?

15

MR RISTEVSKI: Correct.

MS McDONALD: If a member of the community posts something, you wouldn't remove it?

20

MR RISTEVSKI: No, I wouldn't. And now you're requiring me to do endless hours of reading everyone's -

25

MS McDONALD: No, no, no. I'm just asking you what your policy is.

MR RISTEVSKI: No, I wouldn't remove it. No. No.

MS McDONALD: And the point you also make is that posts to your, for example, Facebook page, on occasion can be rather personally disparaging of you?

30

MR RISTEVSKI: Correct.

MS McDONALD: And your policy is you don't remove those?

35

MR RISTEVSKI: Exactly.

MS McDONALD: All right. Could you excuse me. I think I've been picked up with my use of terminology again with social media. What I'm talking about is - you put a post on, right?

40

MR RISTEVSKI: Yes.

MS McDONALD: Then I think the - I should have described it as there are then comments made.

45

MR RISTEVSKI: Correct.

MS McDONALD: And I was focusing on those comments that can be made by members of the public.

5

MR RISTEVSKI: Yes.

MS McDONALD: Okay. So -

10 **COMMISSIONER:** Is that how you understood the -

MR RISTEVSKI: Yes.

15 **MS McDONALD:** Right. So all my questions before, they apply to your post, and then I'm focusing on comments being made by members of the community. Your policy is you do not remove any comment by a member of the community?

MR RISTEVSKI: Correct.

20 **MS McDONALD:** Right. Now, I want to turn to January/February 2025. Excuse me for a minute. I took you to an entry in Mr Breton's diary where he made a note of a meeting with you on 9 January.

MR RISTEVSKI: Yes.

25

MS McDONALD: And I can take you to it again, but in the note he says he met with you, and about code of conduct issues, running out of alternative means of redress, will have to escalate.

30 **MR RISTEVSKI:** Mmm.

MS McDONALD: Can I just ask you, your recollection of that meeting, did Mr Breton raise with you what these issues were? What he was concerned about?

35 **MR RISTEVSKI:** No. Because the diary entry seems - like I said the other day, it seems something very serious, and the consistency he has done when it's been serious was put it in an email, not verbalise it.

40 **MS McDONALD:** All right. What I'm interested in is what you can recall of that meeting. So what topics or issues can you recall Mr - sorry, Mr Breton raising with you at the meeting?

MR RISTEVSKI: Going back to January, I - I probably can't recall.

45 **MS McDONALD:** Can't recall. Your point about looking at the entry, it appears to be something serious, he does record:

"Running out of alternative means of redress, will have to escalate."

One construction of that is that he's raising with you, "There are these issues and it's on the cusp of becoming serious because I'm going to have to escalate them." Do you
5 remember him saying anything like that?

MR RISTEVSKI: No.

MS McDONALD: Now - could you just excuse me. I want to ask you some
10 questions about the first council meeting in - this year, and it was held on 5 February. Now, I wanted to bring up the agenda for that meeting. I understand it was downloaded this morning and - thank you. It is INQ.001.001.1130. Yes, please. Sorry. You can see from the front page Council Agenda 5 February?

15 **MR RISTEVSKI:** Yes.

MS McDONALD: During this meeting there were a number of notices of motion that you put forward?

20 **MR RISTEVSKI:** Yes.

MS McDONALD: I just want to remind you of at least three of those. In this document, can we go through to page 150. And this was NOM 01, and it was a commemorative plaque - and I will probably mispronounce this - Enis Bešlagi?
25

MR RISTEVSKI: Yes.

MS McDONALD: And he is a - some kind of - sorry, I withdraw that. He is a Bosnian singer?
30

MR RISTEVSKI: No, a Bosnian actor.

MS McDONALD: Actor. I do apologise. But he was performing, was it, at the Casula Powerhouse?
35

MR RISTEVSKI: Yes.

MS McDONALD: And this was your motion for some kind of commemorative plaque to be presented to him?
40

MR RISTEVSKI: Yes.

MS McDONALD: Could we then jump - I think it's to page 152. That's a notice of motion:
45

"Importance of Flying the Australian Flag on All Council Buildings."

MR RISTEVSKI: Yes.

MS McDONALD: And then, page 173 - this was another notice of motion that you proposed:

5

"Opposing the Use of the Media Department for the Personal Benefit of the Mayor."

MR RISTEVSKI: Correct.

10 **MS McDONALD:** All right. Excuse me for a minute. I want to play some extracts from the recording of the meeting. That is INQ.013.001.0013. We can put it on a USB. Do you think that would help?

15 **COMMISSIONER:** Can we come back to this or will that take you out of order?

MS McDONALD: Yes. So while that's being done - because I'll take you briefly to the commemorative plaque notice of motion - but can you recall that - the debate and the discussion about that?

20 **MR RISTEVSKI:** Yes.

MS McDONALD: From the video, it would - I think it was passed unanimously by councillors?

25 **MR RISTEVSKI:** I think so. Yes.

MS McDONALD: And the interchange between you and the councillors seemed to be quite positive?

30 **MR RISTEVSKI:** Yes.

MS McDONALD: There was, from some councillors, curiosity about who this person was?

35 **MR RISTEVSKI:** Yes.

MS McDONALD: How his Bosnian background fitted in with your Macedonian background?

40 **MR RISTEVSKI:** Yes.

MS McDONALD: And as I said, generally displayed by your fellow councillors a positive reaction?

45 **MR RISTEVSKI:** Correct.

MS McDONALD: While we're waiting for that, the next notice of motion was the importance of flying the flag on council buildings?

MR RISTEVSKI: Yes.

5

MS McDONALD: And if - what you were - your motion sought -

COMMISSIONER: Can we just put it on the screen so I can see the motion?

10 **MS McDONALD:** I didn't know - yes. Sorry.

COMMISSIONER: Whilst the video's being -

MS McDONALD: I didn't know -

15

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

MS McDONALD: I didn't know whether it was interfering with the download, but if we're doing a USB stick -

20

COMMISSIONER: Yes. Let's bring it up, so -

MS McDONALD: So could we go back to the agenda. And it was page 153. Now, this is your notice of motion. First acknowledging the significance:

25

"...and resolves to fly the Australian flag ... on all council buildings."

"Write to the Federal Government to seek funding..."

30 "Direct the Acting CEO" - basically to produce a report on the cost of installing a flagpole on every council building. And then number 4 was a particular request of:

"...the cost to install a significant flagpole with a very large Australian flag to sit on top of the new library on Scott Street."

35

MR RISTEVSKI: Yes.

MS McDONALD: And is that new library - is that kind of part of the Civic Place -

40 **MR RISTEVSKI:** Yes.

MS McDONALD: - buildings that - okay. Now -

COMMISSIONER: Is that the - I've seen a photo. Is that the circular -

45

MR RISTEVSKI: Yes.

COMMISSIONER: - part of the building -

MR RISTEVSKI: Yes. That's the -

5 **COMMISSIONER:** On the street frontage?

MR RISTEVSKI: Yes.

10 **COMMISSIONER:** Is that what I should - that's the library at Scott Street?

MR RISTEVSKI: Yes, that's the one.

MS McDONALD: It's separate from the high-rise where the council -

15 **MR RISTEVSKI:** Yes.

MS McDONALD: - chambers, offices are situated?

20 **MR RISTEVSKI:** Yes.

MS McDONALD: And other floors where there are private tenants?

MR RISTEVSKI: Yes.

25 **MS McDONALD:** So your number 4 goes to a flagpole on the top of - in the Commissioner's description, that circular building?

MR RISTEVSKI: Similar to what Parliament House have in Canberra.

30 **MS McDONALD:** Sorry.

COMMISSIONER: Might have to come back to it after lunch.

35 **MS McDONALD:** Yes, I'm sorry. Could you just - could I just have a minute, please?

COMMISSIONER: Yes.

40 **MS McDONALD:** I'll jump to a completely different topic, and that is the possible advantages or benefit of reintroducing a position of an independent ombudsman.

MR RISTEVSKI: Yes.

45 **MS McDONALD:** Now, just to give you some background, and you - previously at Liverpool City Council there was a role of an independent ombudsman?

MR RISTEVSKI: Yes.

MS McDONALD: When you were there for your first period of - as a councillor, was somebody occupying that position?

5 **MR RISTEVSKI:** No.

MS McDONALD: So it was something that was introduced post 2016?

MR RISTEVSKI: Yes.

10

COMMISSIONER: You had a two-term gap, didn't you, Councillor?

MR RISTEVSKI: This is my second.

15 **COMMISSIONER:** No, but you were on for a term, two-term gap, and now you're back?

MR RISTEVSKI: Correct. Yes.

20 **COMMISSIONER:** Yes.

MS McDONALD: Now, in December 2024 - sorry. In July of this year you submitted a motion requesting for the investigation of the possibility of reinstating that position?

25

MR RISTEVSKI: Yes.

MS McDONALD: And your motion - I can bring it up if you want it -

30 **COMMISSIONER:** Let's do that.

MS McDONALD: Okay.

35 **COMMISSIONER:** I'd like to - I've seen it before but I wouldn't mind seeing it again.

MS McDONALD: INQ.042.001.0004. It can be live streamed. Right. Front page. And then if we can go through to page 355. Right. So that's second notice of motion:

40 "Establishment of an Internal Independent Ombudsman to Handle Code of Conduct and Public Complaints."

This was moved by you?

45 **MR RISTEVSKI:** Yes.

MS McDONALD: And if we keep on going - sorry, can we go back. The background is you refer to:

5 "Recent concerns about the misuse of code of conduct complaints to suppress criticism underscore the need for an impartial mechanism within the council's internal structure. An appointed internal independent ombudsman would serve to strengthen trust in the council's governance processes and safeguard democratic accountability."

10 And also you then raise the cost?

MR RISTEVSKI: Correct.

15 **MS McDONALD:** If we quickly look at the motion - keep on going. I think ultimately - sorry, what's the chief exec officer's - all right. He takes issue with some of the comments you make in your paper. But can I just - before looking at that, the result of this was a resolution was passed for the CEO to look at it and provide a report back to council?

20 **MR RISTEVSKI:** Yes.

MS McDONALD: And that report hasn't been completed and come back yet?

25 **MR RISTEVSKI:** Don't think so.

MS McDONALD: My recollection when I watched that is that they - there was discussion about maybe waiting to see what this inquiry recommends?

30 **MR RISTEVSKI:** I can't specifically recall.

MS McDONALD: All right. Could we just go back to the top of the motion. Sorry, if you - there you raise:

35 "Recent concerns about the misuse of code of conduct complaints..."
What are you referring to?

40 **MR RISTEVSKI:** The fact that a lot of them were not in the spirit of the Minister's free speech. I don't think there's - Councillor Harte in particular was the one that was raising a lot of the code of conducts regarding my social media posts, which actually went against the spirit of the Minister's free speech guidelines, and that has been also supported by the independent code of conduct reviewers who have actually flicked those ones off. It just tied - tied down the whole process with this -

45 **MS McDONALD:** All right. So you've spoken about not within the spirit of the guidelines. The guidelines were in June of this year?

MR RISTEVSKI: Yes.

MS McDONALD: So I think this motion was in July of this year?

5 **MR RISTEVSKI:** Correct.

MS McDONALD: So without getting into specifics, you have a concern that some of the complaints, as you said, are not within that spirit of the guidelines where they talk about generating robust debate?

10

MR RISTEVSKI: Yes.

COMMISSIONER: Is that a concern you had in July?

15 **MR RISTEVSKI:** Yes.

COMMISSIONER: Or a concern you have now, or both?

MR RISTEVSKI: Both.

20

COMMISSIONER: So in July had you seen the 23A guideline on free speech?

MR RISTEVSKI: Yes.

25 **COMMISSIONER:** And had you been - had you had contact with the code of conduct reviewer at July?

MR RISTEVSKI: Yes.

30 **COMMISSIONER:** You had by then?

MR RISTEVSKI: Yes.

35 **MS McDONALD:** And you also spoke about, with - to your knowledge, some of the complaints, to quote you, were "flipped off" by one of the code of conduct reviewers.

MR RISTEVSKI: Yes.

40 **MS McDONALD:** Is that a reference to, to your knowledge, some of the complaints were closed after preliminary assessment?

45 **MR PARISH:** Can I - before the answer is given - not sure what the answer was going to be. I was okay with the initial answer because it was such a general high-level comment about some of them being "flicked off". I'm not sure, based on the question just given, whether it is calling for Councillor Ristevski to - specifically to refer to things that he has been told pertaining to unresolved code of conduct issues or closed code of conduct issues.

COMMISSIONER: I might be missing something, but the question as framed - and the councillor can tell me if he can't answer it - yes or no -

5 **MR PARISH:** Yes.

COMMISSIONER: - but only asks for an understanding that some had been resolved at the preliminary investigation status. He may be able to answer that, yes or no, as the question seems to me to call for - if he can't, he can tell me he can't answer
10 it without giving more context. But at the moment I'm not sure the issue arises, but tell me if I've misunderstood you.

MS McDONALD: No, I was picking up on his description of they were "flipped off".
15

COMMISSIONER: Yes.

MS McDONALD: I assumed "flipped off" had a particular meaning - meaning, I'm sorry, that wouldn't infringe my learned friend's concerns.
20

COMMISSIONER: That's how I understood it. Let's ask the question again and we'll all - and we'll see. We'll tread carefully, but we'll see where we get to next.

MS McDONALD: You refer to a number - some complaints being "flipped off".
25

MR RISTEVSKI: Yes.

MS McDONALD: When you used the term "flipped off", does that refer to complaints that didn't progress to an investigation stage?
30

MR RISTEVSKI: No.

MS McDONALD: All right.

35 **COMMISSIONER:** I mean, what - Mr Parish, what's the problem if I ask the witness what does he mean by "flipped off"? Without having -

MR PARISH: I have no problem with that.

40 **COMMISSIONER:** Okay. Well, what do you mean by "flipped off"?

MR RISTEVSKI: What I meant by that was - it made the tranche that was submitted to the conduct reviewer - there might have been 20 on there, and that particular conduct reviewer would have only actioned three of those 20. So the - the
45 17 were like, "Yes, there's no issue there."

COMMISSIONER: When you say "action", you mean proceeded further with an investigation?

MR RISTEVSKI: Yes.

5

COMMISSIONER: Is that what you mean? Or something different?

MR RISTEVSKI: In the report they listed 20, and then the conduct reviewer would narrow it down to three, "These are the three I'm concerned about." So obviously the other 17 -

10

COMMISSIONER: Fell by the wayside?

MR RISTEVSKI: Yes, fell by the wayside. Yes.

15

COMMISSIONER: Everything okay with that, Mr Parish?

MR PARISH: Yes. Thank you.

20

COMMISSIONER: There's no detail of the complaints and that's -

MS McDONALD: Yes.

COMMISSIONER: That's the councillor's understanding. Whether it - there's a document that goes in a different direction or not is probably not the issue.

25

MR PARISH: Thank you, Commissioner.

MS McDONALD: And your knowledge through that example you gave of a particular tranche where a number fell by the wayside, why do you say that knowledge supports the re-establishment of the internal ombudsman position?

30

MR RISTEVSKI: Because they didn't - okay. I guess I -

35

MS McDONALD: Was it in a way that demonstrates the system is working, that 17 fell by the wayside?

MR RISTEVSKI: Are you saying why I prefer having an ombudsman? I've heard comment that, "How can an ombudsman be independent if it's paid by council?" Well, that current role is performed by someone else who's paid by council. And I think creating a position specifically in this area, it gives comfort to a councillor, knowing that we've got someone that kind of works independently, even though they're paid by council. The people at the moment are doing other jobs besides this, and -

40

MS McDONALD: Sorry, can I just clarify. When you say "the people who are doing this are doing other jobs" -

45

5 **MR RISTEVSKI:** Like, David Day - his role is not specifically specialising in code of conducts, he would be doing other things as well. And there is a bit of a cloud around, does the CEO have a conflict of interest now? He's the head honcho when it comes to these. Now, that is a bit of a cloud around whether he has the conflict to make a decision on these, especially when Matthew Harte is feeding him a lot of these. There's a cloud around that, let's be honest.

10 An independent ombudsman would remove that whole cloud, that whole perception, and I think that's what it needs. And Wendy Waller, the previous mayor - I think she had a point, because there are members of the public that want to deal with the ombudsman as well at the moment. They don't know where to go. There is a lot of issues within the community that need an ombudsman.

15 **MS McDONALD:** So are those issues separate from code of conduct complaints?

MR RISTEVSKI: Yes. So the ombudsman -

20 **MS McDONALD:** All right.

MR RISTEVSKI: - would deal with code of conduct and everything else that revolves around integrity and council. It's very well needed in Liverpool.

25 **MS McDONALD:** The code of conduct procedure, in 10 words or less, is that there's, in a sense, an initial vetting of the complaint to see that it's not vexatious and at a very superficial level it comes within the code of conduct?

MR RISTEVSKI: Yes.

30 **MS McDONALD:** Then the next step has been that it's - if it - those boxes are ticked, a decision is made, do we just, in a sense, deal with it - this in an informal way or do we refer it for preliminary assessment?

35 **MR RISTEVSKI:** Yes.

MS McDONALD: And the preliminary assessment has been undertaken by those outside organisations?

40 **MR RISTEVSKI:** Yes.

MS McDONALD: You described them as a conduct reviewer.

MR RISTEVSKI: Yes.

45 **MS McDONALD:** That's those people. And then if the preliminary assessment says, yes, there is something here, it moves to an investigation?

MR RISTEVSKI: Yes.

5 **MS McDONALD:** Your proposal of the independent ombudsman, with that kind of summary of the three stages, at which part or with which particular role in your mind would the internal ombudsman be involved?

MR RISTEVSKI: The first two parts, I'd say.

10 **MS McDONALD:** All right. So like - I've described it as the initial vetting.

MR RISTEVSKI: Yes.

MS McDONALD: And then the preliminary assessment.

15 **MR RISTEVSKI:** Correct.

MS McDONALD: And then your view is if there's ticks with those first two and it's got to be an investigation, that's appropriate to go out to an outside body?

20 **MR RISTEVSKI:** With the caveat of before expending costs with the ratepayers, can it be resolved through retracting something or further training or an apology or whatnot - proactive, in the sense that - why should we be spending ratepayers' money on these things when it can be resolved internally, at a much - we're all mature
25 adults, people make mistakes, and we can rectify them internally without having to go to an outside agency that costs quite a lot of money.

MS McDONALD: All right.

30 **COMMISSIONER:** So that's a new step?

MR RISTEVSKI: Correct.

COMMISSIONER: Where would you see that sitting in the timeline?

35 **MR RISTEVSKI:** Before it - if it can't be resolved with all those new steps, then you get an outside - if the person doesn't want to apologise or rectify it or -

COMMISSIONER: There's a dispute about the facts?

40 **MR RISTEVSKI:** Correct.

COMMISSIONER: Yes.

45 **MR RISTEVSKI:** Digs their heels in, then you have no choice.

COMMISSIONER: So where in the - so a code of conduct complaint is made - we'll assume that the council has reinstated the position of ombudsman.

MR RISTEVSKI: Yes.

5 **COMMISSIONER:** As I understand your answers, you would see that person as being the person to whom complaints are made?

MR RISTEVSKI: Yes.

10 **COMMISSIONER:** The person looks at them?

MR RISTEVSKI: Yes.

15 **COMMISSIONER:** Does the first-level vetting or triage, "Yes, this is a code of conduct issue."

MR RISTEVSKI: Yes.

COMMISSIONER: "Yes, the person's subject to it," so we get through the gateway.

20 **MR RISTEVSKI:** Yes.

COMMISSIONER: Then they have a look at it to see whether it warrants any action at all?

25 **MR RISTEVSKI:** Correct.

COMMISSIONER: That initial assessment is done?

30 **MR RISTEVSKI:** Exactly. For example, a post was made on social media. Remove it and -

COMMISSIONER: That's what I'm asking. When do you see the -

35 **MR RISTEVSKI:** After -

COMMISSIONER: - opportunity for engagement to try and resolve the issue? Is it after - by the internal ombudsman -

40 **MR RISTEVSKI:** Yes.

COMMISSIONER: Before - so the internal ombudsman may have made a decision or formed the view, "Yes, this needs investigation, but before I send it out I'm going to give the person who's the subject of the complaint an opportunity to withdraw, apologise" -

45 **MR RISTEVSKI:** Correct. Exactly.

COMMISSIONER: - "take whatever remedial steps might be appropriate"?

MR RISTEVSKI: Exactly. Exactly.

5 **COMMISSIONER:** And then if it can't then be resolved, off we go?

MR RISTEVSKI: Yes. Correct.

10 **COMMISSIONER:** Is that - have I understood you correctly?

MR RISTEVSKI: Yes. Yes, you have.

15 **MS McDONALD:** So for example, if the complaint was about one of your social media posts - in the words of the Commissioner, it gets through the gateway, a preliminary assessment is then undertaken. And again, if that box is ticked, you would be contacted and informed there has been a complaint about this post, that it personally - it disparages somebody. You are then given the option to say, in substance, "I acknowledge that," or, "I will remove it," or, "I will apologise," or something like that?

20 **MR RISTEVSKI:** Yes, and it has happened on two occasions.

MS McDONALD: With - I'm sorry, with you?

25 **MR RISTEVSKI:** Yes.

MS McDONALD: And I'm trying to avoid going - sorry. So it's been resolved?

30 **MR RISTEVSKI:** Correct.

MS McDONALD: Did it deal with social media posts?

MR RISTEVSKI: Correct.

35 **COMMISSIONER:** Was it a formal code of conduct complaint or did someone just contact you about posts?

40 **MR RISTEVSKI:** No, it was via email. The CEO and Shayne Mallard contacted me and suggested I make these amendments, which I was happy to, and we resolved it there and then.

MS McDONALD: And again, it was amendments to a social -

45 **MR RISTEVSKI:** Correct.

MS McDONALD: - media post?

MR RISTEVSKI: Correct.

MS McDONALD: And I'm just trying to place this in a code of conduct context.
The CEO and the other staff member, Mr Mallard, contacting you, was that before a
5 code of conduct?

MR RISTEVSKI: Yes.

MS McDONALD: Okay. So you put a post, they contacted you, asked you to make
10 some amendments, and you agreed to?

MR RISTEVSKI: Correct.

MS McDONALD: The second occasion - again, was it dealing with a social media
15 post?

MR RISTEVSKI: Correct.

MS McDONALD: Had it gone - I'm describing it as the three stages of a code of
20 conduct.

MR RISTEVSKI: Stage 1.

MS McDONALD: So it was at the gateway stage?
25

MR RISTEVSKI: Yes.

MS McDONALD: And somebody within the council contacted you?

30 **MR RISTEVSKI:** It's been, on two occasions, the CEO and Shayne Mallard.

MS McDONALD: Sorry, you gave an - the first example you gave, you said it was
the CEO and Mr Mallard?

35 **MR RISTEVSKI:** Two separate occasions.

MS McDONALD: All right. So it was two occasions.

40 **MR RISTEVSKI:** Actually, the CEO's done it on two occasions, Shayne's done it
on one.

MS McDONALD: All right. The second occasion, had a code of conduct - to your
knowledge, had a code of conduct complaint actually been lodged?

45 **MR RISTEVSKI:** No.

MS McDONALD: So you were just contacted on this second occasion with, "You've made this post, can you change it or" - was it amended or pull it down - or what was proposed?

5 **MR RISTEVSKI:** One of them, it was pulled down. The other one - the other two were amended.

MS McDONALD: The other two were what?

10 **MR RISTEVSKI:** Amended.

MS McDONALD: Okay. Again, the third one, were you contacted - was it the CEO?

15 **MR RISTEVSKI:** Correct.

MS McDONALD: By himself?

MR RISTEVSKI: Correct.

20 **MS McDONALD:** It involved a social media post?

MR RISTEVSKI: Correct.

25 **MS McDONALD:** Do you know whether a code of conduct complaint had actually been lodged?

MR RISTEVSKI: It wasn't lodged.

30 **MS McDONALD:** All right. So the three examples you've given are actually kind of something occurring before we move to a code of conduct complaint -

MR RISTEVSKI: Yes.

35 **MS McDONALD:** - being lodged?

MR RISTEVSKI: Yes.

40 **MS McDONALD:** Can you roughly give an indication - those three incidents, did they occur around the same time?

MR RISTEVSKI: Probably within the - within three months of each other.

MS McDONALD: But are we talking about October of last year -

45 **MR RISTEVSKI:** Would have been -

MS McDONALD: - December, January?

MR RISTEVSKI: Yes, it would have been at the first half of the year - this year.

5 **MS HAMILTON-JEWELL:** Sorry, Commissioner, can I just raise something? I think all of those documents actually are in the tender bundle.

COMMISSIONER: The -

10 **MS HAMILTON-JEWELL:** Okay. I just wonder whether - if my learned friend is looking for dates, those documents might assist.

MS McDONALD: Okay.

15 **COMMISSIONER:** You're right, the documents will reveal the date. I think we're just trying to place it in a spectrum, but thank you.

20 **MS McDONALD:** So you've had that experience. The proposal that you were making to the Commissioner - in a sense, you were incorporating that experience where you actually do have a code of conduct complaint, it goes through the gateway, it goes through the preliminary assessment, on your model by the independent ombudsman, and before the council sends it out to investigators A, B and C there is an attempt to resolve it informally?

25 **MR RISTEVSKI:** Yes.

MS McDONALD: And when I say "informally", either pull down the social media post, amend, apologise, do something along those lines?

30 **MR RISTEVSKI:** Yes.

MS McDONALD: That model that you've just described, even though it's without the internal ombudsman being there, you haven't experienced that since you've come back as a councillor, where the alternative procedure is after the preliminary
35 assessment? Do you see my point?

MR RISTEVSKI: No.

MS McDONALD: All right. The three examples you gave -

40 **MR RISTEVSKI:** Yes. Yes.

MS McDONALD: From your answers, that appeared where there was a concern?

45 **MR RISTEVSKI:** Yes.

MS McDONALD: By something you posted?

MR RISTEVSKI: Yes.

MS McDONALD: But a code of conduct complaint had not been lodged?
5 **MR RISTEVSKI:** Correct.

MS McDONALD: The model that I thought you were suggesting to the
10 Commissioner was a code of conduct complaint has been lodged.

MR RISTEVSKI: Correct.

MS McDONALD: You go through the gateway?

15 **MR RISTEVSKI:** Yes.

MS McDONALD: You go through the preliminary assessment?

MR RISTEVSKI: Look, I'm not too sure whether that process occurred in my -
20 **COMMISSIONER:** No, just - this -

MS McDONALD: No, no, no, no.

25 **COMMISSIONER:** This is what -

MS McDONALD: This is your model.

COMMISSIONER: We're just exploring what -
30 **MR RISTEVSKI:** Yes. Sorry. Yes, yes, yes.

COMMISSIONER: - I'm taking -

35 **MR RISTEVSKI:** Yes, go on.

COMMISSIONER: - to be a potential recommendation that you -

MS McDONALD: Yes.

40 **MR RISTEVSKI:** Yes.

COMMISSIONER: - would ask me to consider.

45 **MR RISTEVSKI:** My apologies. Yes.

MS McDONALD: Yes. So we're on the same page?

MR RISTEVSKI: Yes. Yes.

MS McDONALD: I'm looking at -

5 **MR RISTEVSKI:** No.

MS McDONALD: - a possible model -

10 **MR RISTEVSKI:** Yes.

MS McDONALD: - so that - you've got a code of conduct complaint lodged?

MR RISTEVSKI: Yes.

15 **MS McDONALD:** We've moved to a gateway?

MR RISTEVSKI: Correct.

20 **MS McDONALD:** Tick with the gateway. We've then had a preliminary assessment where, again, tick?

MR RISTEVSKI: Yes.

25 **MS McDONALD:** Before engaging investigator A, B, C -

MR RISTEVSKI: Yes.

MS McDONALD: - who works out in the community -

30 **MR RISTEVSKI:** Yes.

MS McDONALD: - alternative resolution is then explored with you post preliminary assessment before it's sent out?

35 **MR RISTEVSKI:** Exactly.

MS McDONALD: All right. That would be part - a model that you would suggest?

40 **MR RISTEVSKI:** Yes.

MS McDONALD: And as part of that model, the gateway and the preliminary assessment would be conducted by this independent ombudsman?

45 **MR RISTEVSKI:** Correct.

5 **MS McDONALD:** And in addition to the independent ombudsman doing that type of work, that person - you've raised that - from your view, is that there are within the community people who want to raise not strictly a code of conduct complaint but some other matter and would like a person like an independent ombudsman to be able to approach?

10 **MR RISTEVSKI:** Exactly, and I'll tell you why. The community do not trust the council. The trust level is very, very low. They are reluctant to provide their personal details. Now I'm getting on my councillor requests, "Councillor, can you tell us the name of the resident that asked for this, their address and phone number?" Then when I go to the resident, they go, "I'm not giving them those details. I don't trust those bastards," you know? So there's no trust in the community.

15 **MS McDONALD:** All right.

MR RISTEVSKI: So they want someone they can approach independently. And a good example is this asbestos issue, which has become a pandemic in our area, where it's been so poorly handled that the trust is not there with the community. They would rather go to an ombudsman, deal with them, knowing that they are independent and they can speak freely.

20 **MS McDONALD:** All right. And again, in this model of a wider jurisdiction of the independent ombudsman - that that - for example, an asbestos issue could be raised by the member of the community and then the internal ombudsman would take that complaint or concern and be able then to approach the council to get an answer -

MR RISTEVSKI: Exactly.

30 **MS McDONALD:** - without necessarily, depending on what the issue is, disclosing who the member of the community was?

MR RISTEVSKI: Exactly.

35 **MS McDONALD:** I think we've now got the video, but we might play that at 2 o'clock.

COMMISSIONER: Yes. All right. We'll adjourn for lunch. Councillor, I'll see you back here at 2 o'clock.

40 **MR RISTEVSKI:** Thank you.

COMMISSIONER: I'll adjourn until 2 pm.

45 **<THE HEARING ADJOURNED AT 1.03 PM**

<THE HEARING RESUMED AT 2.18 PM

COMMISSIONER: We have the video?

MS McDONALD: We -

5 **COMMISSIONER:** You're going there straight away? No?

MS McDONALD: We do. I just -

10 **COMMISSIONER:** Sorry.

MS McDONALD: - was going to ask one question.

COMMISSIONER: Of course. Yes.

15 **MS McDONALD:** Mr Ristevski, before the break I was asking you about work health and safety, and in particular whether as a councillor you had been provided with a copy of a memorandum of advice by a senior counsel at the New South Wales Bar, Bruce Hodgkinson.

20 **MR RISTEVSKI:** Yes.

MS McDONALD: And your evidence was you didn't receive that or you didn't recall it?

25 **MR RISTEVSKI:** Don't remember seeing it.

MS McDONALD: All right. Commissioner, we've been provided with a copy of it, and the council has waived privilege over it.

30 **COMMISSIONER:** Okay.

MS McDONALD: Could LCC.008.001.0059 be brought up, please. Yes. All right. We'll come back to that. What I'm going to do now - I'm sorry, Mr Ristevski, we're jumping around a little bit. I want to return to 2025 and a council meeting. Before
35 doing that, I should just draw your attention to a document, which is LCC.003.001.0078. Yes, please. Mr Ristevski, this is an email from Mr Breton on 28 January. You see the subject matter is "Social Media Posts"?

40 **MR RISTEVSKI:** Yes.

MS McDONALD: Do you recall receiving this email and reading it?

MR RISTEVSKI: Yes.

45 **MS McDONALD:** And if we continue - just look at the content of it. A comment about:

"...increased levels of social media posts at the moment, some of which I have been informed are concerning staff. Staff have approached me personally stating that they take these posts personally, and fear some of the comments made therein."

5 Then the next paragraph there's reference to:

"Staff welfare and staffing generally ... the [responsibility] of the CEO..."

10 And then you can see a reference to - I think Mr Breton says that is the PCBU. That's a term under the Work Health and Safety Act, a person conducting a business or enterprise, which I think is actually the council. But you can see:

"We must report all hazards including psychosocial hazards, perceived or otherwise."

15 **MR RISTEVSKI:** Yes.

MS McDONALD: And then he also reminds the councillors about - sorry:

20 "Additionally I have today, reminded all staff of their obligations under ... the Media Policy and the Code of Conduct."

And then it continues with:

25 "These obligations cover very important ethical considerations relating to improper behaviour, abuse of power, intimidation, fairness and equity and bullying and harassment ... fundamental to the conduct of everyone in public service and are the basis of the values of our Council and right action by all [of those] who work [in] council."

30 Now, when you received that - you can see there's a reference that I just took you to to "psychosocial hazards, perceived or otherwise"?

MR RISTEVSKI: Yes.

35 **MS McDONALD:** Did that prompt you to make some enquiries about what are psychosocial hazards -

MR RISTEVSKI: No.

40 **MS McDONALD:** - at this point?

MR RISTEVSKI: No.

45 **MS McDONALD:** Become more educated in obligations and duties under work health and safety?

MR RISTEVSKI: No.

MS McDONALD: The email raises social media posts?

MR RISTEVSKI: Yes.

5

MS McDONALD: An increase in their number, and that staff have raised that they're taking some of these posts personally and fear some of the comments made therein. When you read that comment, did you reflect on any of the social media posts that you had made?

10

MR RISTEVSKI: No.

MS McDONALD: Why not?

15 **MR RISTEVSKI:** Because if it concerned me, he should have emailed me. I had no idea who he was referring to. Because I don't follow any other councillor's Facebook page, I have no idea what they're posting. The normal thing would be, if it relates to me, send me the email and be specific. Why beat around the bush?

20 **MS McDONALD:** At this time you - you were using social media?

MR RISTEVSKI: Yes.

25 **MS McDONALD:** You use social media, in particular your Councillor Peter Ristevski Facebook page, quite frequently?

MR RISTEVSKI: Not as frequently as I am now.

30 **MS McDONALD:** But at that stage that was - I think you described earlier this morning that's your means of communicating with the community?

MR RISTEVSKI: Correct.

35 **MS McDONALD:** Surely, where the CEO sends an email about staff being concerned, take these posts personally, fear some of their comments made therein, that would prompt you to have a look at your social media posts and whether there was any problem or issue with them?

40 **MR RISTEVSKI:** No.

MS McDONALD: And it, again, didn't prompt you to look at any idea - any concept of your obligations under work health and safety or any idea of psychosocial hazards arising?

45 **MR RISTEVSKI:** No.

MS McDONALD: All right. If we now turn to 5 February. I want to take you just to some excerpts of the video. I took you before lunch to the various notices of motion. The video of the recording is INQ.013.001.0013. And can we first go - I think it's around 36.27.

5

RECORDING PLAYED

MS McDONALD: Can I - could we then just - no, sorry, keep on going, we're just near there.

10

RECORDING PLAYED

MS McDONALD: All right. Can we pause there. I think, as I raised with you before lunch, ultimately your motion was passed unanimously?

15

MR RISTEVSKI: Yes.

MS McDONALD: I just wanted to ask you about two comments that you made. The first comment where there was an issue about the civic and ceremonial responsibilities lying with the mayor or a delegate, and you said to the mayor, "I'm happy with the mayor to turn up. You can even sit next to me. It would be nice, wouldn't it?" Why did you make that comment?

20

MR RISTEVSKI: Why not? I mean -

25

MS McDONALD: No, I'm -

MR RISTEVSKI: Sorry. I have no problem with him turning up, and he agreed with it. (Indistinct).

30

MS McDONALD: And then when Mr - sorry, Councillor Harte asked you about - because you gave evidence it's an actor and the -

MR RISTEVSKI: Yes.

35

MS McDONALD: I take it the language that he was going to speak in. Again, you said to him something along the lines of translating, "If you sit on the other side of me it will be real nice. I'll have the mayor on this side and you on the other. We'll have a great night." Again, why did you say that?

40

MR RISTEVSKI: Because he wanted me to translate for him, and I can only translate if he's sitting next to me.

MS McDONALD: With the two comments inviting the mayor to sit next to you and Councillor Harte to sit on the other side, there was no subtext or other reason for you stating that?

45

MR RISTEVSKI: No, and their response - sorry - and their response confirms that. They had no problem with -

5 **MS McDONALD:** No, no, I'm not asking you that. I'm asking you why you said that. And my question was, was there any subtext or other reason why you were saying that.

MR RISTEVSKI: No.

10 **MS McDONALD:** All right. I now want to move to notice of motion 2.

COMMISSIONER: While that's happening, what was this event, Councillor, that you were discussing?

15 **MR RISTEVSKI:** He's a stand up comedian/actor, skits - sketches, whatever they're called, but he performs them in the Bosnian language. So he doesn't perform it in English. It's -

20 **COMMISSIONER:** And he was coming to the region to do some shows?

MR RISTEVSKI: Yes. He's quite popular within the ex-Yugoslavia community, so Macedonia. A lot of Bosnians, Serbians know him. He's now performing at the opera house next year. So it's quite a big thing. He had a - he's got a - quite a big following. So to have somebody of that standing choose Liverpool, it's quite good as part of our
25 promotion - branding.

MS McDONALD: Can we go - move forward to notice of motion 2. And my note is that it commences at about 47.40. If we can move along to that.

30 **RECORDING PLAYED**

MS McDONALD: Could you stop it and then move through to 1 hour, 10 minutes.

35 **RECORDING PLAYED**

MS McDONALD: All right. Can we stop the video - the recording now. Mr Ristevski, that notice of motion, on my rough maths, took about 23 to 25 minutes to - finally for the motion to be passed. It was a motion where - I think described earlier by one of your fellow councillors - that there was agreement with the spirit of
40 the motion that you put forward. You agree with that?

MR RISTEVSKI: Yes.

45 **MS McDONALD:** I cut - I didn't show the whole of the video of the motion, but I did play the early part, where people were speaking over each other.

MR RISTEVSKI: Yes.

MS McDONALD: It became heated at times?

MR RISTEVSKI: Yes.

5

MS McDONALD: There was the comment made by Mr Harte which, in substance, was trying to get some clarity about which council buildings it was anticipated there would be a flagpole erected on?

10 **MR RISTEVSKI:** I disagree.

MS McDONALD: What's what he was asking, wasn't it?

MR RISTEVSKI: I disagree.

15

MS McDONALD: To construe his comment about, "Is it all council buildings? For example, a toilet block? Where does it actually stop?" He's, in substance, asking a legitimate question along the lines of, "The council owns many buildings, is it supposed to be including all of those buildings?" That's what he was raising?

20

MR RISTEVSKI: No, he wasn't.

MS McDONALD: Your point that he was disrespecting the flag by suggesting that it be - the flag would be flown in a toilet or something like that was a nonsense point, Mr Ristevski?

25

MR RISTEVSKI: I disagree.

MS McDONALD: Can I suggest to you that if I - if a ratepayer of Liverpool City Council watched that motion and the way it was - the debate was conducted, they would have found it a very unedifying example of how council conducts itself?

30

MR RISTEVSKI: Unedifying? What do you mean by that?

MS McDONALD: That (a) the waste of time involved in debate of the motion. The fact that people were speaking over each other. At times making rather - if I call them juvenile points. For example, "Your motion is terribly drafted." "So is yours." Kind of tit-for-tat is quite a childish, juvenile approach to debate. It's those type of characteristics that underline that it was an unedifying example of council's operation?

40

MR RISTEVSKI: This happens with every -

MS McDONALD: I'm sorry?

45

MR RISTEVSKI: This happens at every council meeting, not just this motion. There's motions that have gone for an hour. And like I said in my testimony, the

chair does not know how to chair meetings. The Fairfield meetings go for 90 minutes because he knows how to chair a meeting. This mayor does not know how to chair. He's - he's - the Liberal councillors always get advantage over the non-Liberal councillors.

5

MS McDONALD: I'm concentrating on this particular motion.

MR RISTEVSKI: That's fine.

10 **MS McDONALD:** Do you agree that there - that people were speaking over each other?

MR RISTEVSKI: Yes.

15 **MS McDONALD:** That's not an appropriate way to conduct a debate?

MR RISTEVSKI: I disagree.

20 **MS McDONALD:** You - when you speak over each other, the audience, the people in the public gallery, those watching it being live streamed, often cannot hear who is speaking and what is being said. Do you agree with that?

MR RISTEVSKI: The reason I -

25 **MS McDONALD:** No, no, no. You don't agree with that?

MR RISTEVSKI: I want you to give you the reason why I disagree.

30 **MS McDONALD:** No, no, no. Take it step -

MR RISTEVSKI: I don't agree.

MS McDONALD: - by step. You do not agree with that?

35 **MR RISTEVSKI:** I don't agree.

MS McDONALD: You don't agree that it makes it more difficult for people in the public gallery or watching it on the live streaming to hear what is being said?

40 **MR RISTEVSKI:** I agree with that.

MS McDONALD: Do you agree that there were, in my words, juvenile comments being exchanged between councillors?

45 **MR RISTEVSKI:** I agree.

MS McDONALD: Ultimately, it led to a waste of time?

MR RISTEVSKI: This is normal in Liverpool.

MS McDONALD: I'm not asking -

5 **MR RISTEVSKI:** I know, but you're -

MS McDONALD: - you that.

10 **MR RISTEVSKI:** - picking at one snippet -

MS McDONALD: Yes.

15 **MR RISTEVSKI:** - and I need to give you the context. It's not about yes or no. You need to understand that this is how all our meetings are conducted. It's not just my motion. Did you see last night's meeting?

MS McDONALD: It led to a - the motion that we are examining, it led to a waste of time, didn't it?

20 **MR RISTEVSKI:** There's 90 other motions at - the same - similar process.

MS McDONALD: Do you agree or not that it led to a waste of time?

25 **MR RISTEVSKI:** Yes.

MS McDONALD: Now, within the matters being raised, there were some legitimate matters raised about the motion that you put forward?

30 **MR RISTEVSKI:** Yes.

MS McDONALD: For example, it appears to have been decided ultimately that the first step in the process was to ask the CEO to prepare a report?

35 **MR RISTEVSKI:** Correct.

MS McDONALD: And as we could - from what we have listened to, that report would look at identifying appropriate buildings?

40 **MR RISTEVSKI:** Correct.

MS McDONALD: And it was also raised that instead - in addition to the Australian flag, the Indigenous flag and the Aboriginal flag and the Torres Strait Islander flag should be included in the report?

45 **MR RISTEVSKI:** I didn't agree with that but I accepted it.

MS McDONALD: I know, but you accepted it. But during the process, I think about - from what we've watched, three points of order were made against you?

MR RISTEVSKI: Yes.

MS McDONALD: For comments which really weren't relevant to the debate on the question of the report for the flags?

MR RISTEVSKI: There should have been point of orders on the other side too. Not one.

MS McDONALD: The points of order - for example, a comment that "you're in the CEO's office every two minutes" - again, wasn't appropriate for what you were debating?

MR RISTEVSKI: I agree.

MS McDONALD: In dealing with this motion, the first matter that I'd suggest to you is it would have been helpful to you or appropriate for some feedback before the meeting -

MR RISTEVSKI: Of course.

MS McDONALD: - along the lines of the report should come first?

MR RISTEVSKI: I agree. I've said that in previous testimony.

MS McDONALD: And that - can I just ask you - that potential of raising beforehand, that is something that could have been done but wasn't done?

MR RISTEVSKI: Correct.

MS McDONALD: So your evidence is there is a mechanism or a procedure within council for that to be raised instead of wasting time at a meeting?

MR RISTEVSKI: What was the month of this?

MS McDONALD: February. 5 February.

MR RISTEVSKI: Okay. So I've previously testified that it is happening in the last few months, and meetings now - my motions are going through very, very quickly. And I've raised more motions than any other councillor. Probably double.

MS McDONALD: But what -

MR RISTEVSKI: We are talking about February.

MS McDONALD: What the - the other, as I've said, major problem with the debate on this was the behaviour of speaking over each other, juvenile comments, and other irrelevant comments which generated points of order?

5 **MR RISTEVSKI:** It happens in Parliament. It's politics.

MS McDONALD: It's a waste of time? You've complained -

10 **MS HAMILTON-JEWELL:** Commissioner, I rise to my feet at this stage. That proposition's been put a number of times now. Councillor Ristevski has accepted that there was a waste of time. It also, in my respectful submission, has a conclusion that it was a waste of time. I think the point - the question has been asked and answered, in my respectful submission. I don't think it's of assistance to keep that - going back over that it was a waste of time.

15 **MS McDONALD:** I thought he just was moving away from that position. You agree it was a waste of time?

MR RISTEVSKI: Of course.

20 **MS McDONALD:** And looking at the conduct now, if - have you - I'll start with you personally. Have you changed the way that you behave and perform at council meetings so that, for example, you don't speak over another speaker?

25 **MR RISTEVSKI:** I don't do that, if you look at the last few months.

MS McDONALD: All right. That's what I'm asking you.

MR RISTEVSKI: Yes. All right.

30 **MS McDONALD:** So you now refrain from speaking over another speaker?

MR RISTEVSKI: Correct. This is only the fourth -

35 **MS McDONALD:** Do you -

MR RISTEVSKI: This is only the fourth meeting in our term.

MS McDONALD: Do you refrain from making juvenile or irrelevant comments?

40 **MR RISTEVSKI:** I haven't done that in the last - this half of the financial year.

MS McDONALD: And to your observation, do other councillors - have they reformed or changed their behaviour that was evident in the debate on this motion?

45 **MR RISTEVSKI:** No, they haven't changed.

MS McDONALD: Nobody's changed, only you?

5 **MR RISTEVSKI:** No, no, I'm not saying that. I can give you names. Richard Ammoun, he hasn't changed. Matthew Harte, he hasn't changed. They've been very disrespectful to other councillors. I don't - I don't even think those two can be reformed.

MS McDONALD: All right. Now, I want to continue along February.

10 **COMMISSIONER:** Finished with the video?

MS McDONALD: Yes. Sorry. Excuse me for a minute. I'm moving now to 20 February. Look, probably for abundant caution, the video - or the recording, I'm sorry, was put on a USB. Probably should be marked for identification.

15 **COMMISSIONER:** Yes. The recording of the meeting of the - what date in February was it?

20 **MS McDONALD:** 5 February.

COMMISSIONER: 5 February 2025.

MS McDONALD: '25.

25 **COMMISSIONER:** Will be MFI 34.

<MFI #34 RECORDING OF THE COUNCIL MEETING OF 05/02/2025

30 **MS McDONALD:** Now, as I said, I'm moving to 25 February. Could you bring up, please, LCC.003.001.007. Sorry. The last four digits are 0007. Yes, please. Now, just putting 20 February in context. Do you recall - I think it was in the afternoon - there was a meeting of the recruitment panel for the recruitment for the CEO?

35 **MR RISTEVSKI:** Yes.

MS McDONALD: This was an entry from Mr Breton's diary which I've taken you to previously.

40 **MR RISTEVSKI:** Yes.

MS McDONALD: But this meeting with Mr Breton occurred before the recruitment panel meeting?

45 **MR RISTEVSKI:** I can't remember the date, but I'll agree with that.

MS McDONALD: If I suggest -

COMMISSIONER: Sorry, can we take - can we just move this off the live stream for a minute, this document?

MS McDONALD: Yes.

5

COMMISSIONER: That refers to a council staff member. I don't know whether that -

MS McDONALD: I'm sorry, I didn't pick that up.

10

COMMISSIONER: - intersects with issues that were raised with me before.

MS McDONALD: Could we stop the live stream and can we go backwards? Yes. I'm sorry, I didn't pick that up.

15

COMMISSIONER: That's all right. I only interrupted because I wasn't sure whether it was the same context.

MS McDONALD: Yes.

20

COMMISSIONER: But if it is, then the same course should be taken. Do you need to go to the specifics of the staff member or just the meeting generally?

MS McDONALD: It's really the second part of the note. If we could bring it up -

25

COMMISSIONER: Not live stream it, but -

MS McDONALD: Not live stream it, just in the room.

30

COMMISSIONER: Yes.

MS McDONALD: Mr Ristevski, I'm going to take you subsequently to the recruitment panel meeting. There is a document which reports on what occurred at that meeting, and it - it refers to the meeting finishing at about 6.40 pm. That would suggest that it was maybe a late afternoon/evening meeting?

35

MR RISTEVSKI: It would have started at 6, I'd say.

MS McDONALD: Okay. That would suggest that your meeting with Mr Breton on the 20th probably was in the morning?

40

MR RISTEVSKI: Yes.

MS McDONALD: You agree with that?

45

MR RISTEVSKI: Yes.

5 **MS McDONALD:** Now, you can see there, meeting with you. If we jump to the next line, he raises with you picking on staff members and nominates a staff member. Your response was - sorry, as recorded by Mr Breton, is that you have no appetite for stopping this behaviour, as you believe you must represent your constituents in this manner. Now, that would appear to be referring to social media - some social media posts you have made?

MR RISTEVSKI: Yes.

10 **MS McDONALD:** Do you remember Mr Breton raising with you at this meeting his concern about some of your social media posts?

MR RISTEVSKI: Yes.

15 **MS McDONALD:** Did you - did he raise with you either stopping or changing or amending your posts?

MR RISTEVSKI: No.

20 **MS McDONALD:** Did you utter or say anything along the lines of you don't have an appetite for stopping this behaviour as you believe that you must represent your constituents in this manner?

25 **MR RISTEVSKI:** I don't talk that way.

MS McDONALD: That is Mr Breton's note of what you said.

MR RISTEVSKI: Yes, I wouldn't have said that.

30 **MS McDONALD:** I concede that it's what he's writing, but you can tell from what he's written the sentiment or the substance that he's recording.

35 **MS HAMILTON-JEWELL:** Sorry, I object to the reference to "sentiment". I certainly agree that you can - that reflects the substance of what he's recording. I object to the use of "sentiment".

COMMISSIONER: (Indistinct) rephrase the question.

40 **MS McDONALD:** The substance of what he recorded that you said. Now, on that basis, there's - that being the substance of what you said, can you recall saying something along those lines at this meeting?

45 **MR RISTEVSKI:** I would have said to him, "As a councillor, my only mechanism is social media. It's to communicate and inform them of what is happening in the community." If - I won't mention the staff member's name, but -

MS McDONALD: Can I just stop you. What I'm interested in -

MR RISTEVSKI: Yes.

5 **MS McDONALD:** - is not your elaboration now of what you would have said. I'm really asking you about your recollection on 20 February of what you said to Mr Breton, okay?

MR RISTEVSKI: That's what I'm saying.

10 **MS McDONALD:** So you started off by saying, "I would have said".

MR RISTEVSKI: Yes.

15 **MS McDONALD:** Do you have a recollection of saying something along the lines of, "I can only communicate via social media. I communicate what is happening"?

MR RISTEVSKI: Correct.

20 **MS McDONALD:** All right. Did you say anything about stopping particular posts or particular things that you were - you were posting?

MR RISTEVSKI: No.

25 **MS McDONALD:** Well, Mr Breton wasn't suggesting to you that you stop posting on social media per se, was he?

MR RISTEVSKI: No.

30 **MS McDONALD:** He was raising particular posts because they were picking on staff members?

35 **MR RISTEVSKI:** The one particular post that I did post was already in the public domain through The Australian, and I was just regurgitating what was said in The Australian.

MS McDONALD: All right. I'm not asking you that. I'm asking -

MR RISTEVSKI: That's what I said to him.

40 **MS McDONALD:** I'm trying to work out your account - we've heard Mr Breton's account -

MR RISTEVSKI: No, no. I'm saying I said that -

45 **MS McDONALD:** - of what was discussed at that meeting. So your account is that you said to him, "That's in the public domain. It was in The Australian," or it was -

MR RISTEVSKI: Correct.

MS McDONALD: - in the Sydney Morning Herald?

5 **MR RISTEVSKI:** Correct.

MS McDONALD: Did you say to him anything along the lines of, "This is the" - "I believe I must represent my constituents in that manner"?

10 **MR RISTEVSKI:** No, my - I would have said that I have a job to hold everyone to account. "In my opinion, council hasn't been very transparent in the past term."

MS McDONALD: Can I just pause you. You're not - I'm interested in what you told Mr -

15 **MR RISTEVSKI:** I'm saying that.

MS McDONALD: - Breton. So are you saying that you raised -

20 **MR RISTEVSKI:** I'm - sorry.

MS McDONALD: - all this with Mr Breton?

25 **MR RISTEVSKI:** Yes. We - we meet for about an hour, so it's not a five-minute conversation. I explained to him, because I don't think he understood -

MS McDONALD: Don't have that -

30 **MR RISTEVSKI:** Well, I'm -

MS McDONALD: Just - I'm asking you about what you - your memory of what you said to Mr Breton.

35 **MR RISTEVSKI:** Okay.

MS McDONALD: So we've got, "I use social media to (indistinct) what is happening. The particular post that he has raised, I said to him it's already in the public domain"?

40 **MR RISTEVSKI:** Yes.

MS McDONALD: What else did you say to Mr Breton at the meeting?

45 **MR RISTEVSKI:** In specific to social media? Because there would have been other topics.

MS McDONALD: No, social media.

5 **MR RISTEVSKI:** And I - I remember I said to him, "What is the problem? I'm not giving any confidential information. There's an Australian that's identified the particular staff member. I haven't identified them. What is the issue? You need to clarify to me if there's a particular issue." And he couldn't.

MS McDONALD: Mr Breton raised with you that the issue was that it was moving into work health and safety issues?

10 **MR RISTEVSKI:** He didn't raise that with me. He should have raised it with The Australian. I was -

MS McDONALD: Mr Ristevski, just listen to my question. You're now -

15 **MR RISTEVSKI:** He didn't say that.

MS McDONALD: You're saying that Mr Breton did not raise -

20 **MR RISTEVSKI:** No.

MS McDONALD: - with you that your comments - even if they'd been published in every newspaper in the land - that you were advised that the matter is now moving into the work health and safety area?

25 **MR RISTEVSKI:** I want to put that in context.

MS McDONALD: No, no, no.

30 **MR RISTEVSKI:** He didn't say that. He didn't say that.

MS McDONALD: He did not say that?

MR RISTEVSKI: Correct.

35 **MS McDONALD:** Okay.

MR RISTEVSKI: Can I elaborate or - no?

40 **MS McDONALD:** No. I'm just -

MR RISTEVSKI: Okay.

MS McDONALD: I'm just interested -

45 **MR RISTEVSKI:** No, he didn't -

MS McDONALD: - in your evidence of what he said.

MR RISTEVSKI: He didn't say that.

5 **MS McDONALD:** Even though he had a couple of days before issued an email to all councillors where he reminded councillors about their obligations re social media posts under the media policy and the code of conduct, and also raised in that email work health and safety issues? I took you to that email probably about 20 minutes ago.

10 **MR RISTEVSKI:** Yes.

MS McDONALD: So even in that context, you're saying that he did not raise work health and safety issues at this meeting?

15 **MR RISTEVSKI:** No.

MS McDONALD: Okay. Let's go to the meeting in the afternoon of the recruitment panel.

20 **COMMISSIONER:** Just before you do, do I need to -

MS McDONALD: I'm sorry. We can withdraw that.

25 **COMMISSIONER:** Yes.

MS McDONALD: Can I just flag, I'm going to ask questions about Mr Ristevski's recollection of what occurred during that meeting, which - I think the matter that you're referring to, Commissioner, it does come under that.

30 **MR PARISH:** Yes.

COMMISSIONER: Okay. Did we ever restart the live stream after I killed it? All right. Pursuant to section 12B of the Royal Commissions Act, I direct that the next passage of the hearing take place in private, that the transcript of this passage of the
35 hearing not be published otherwise than in accordance with the usual order, and that those who are presently in the hearing room can remain.

MS McDONALD: Mr Ristevski -

40 **COMMISSIONER:** Hang on. Pause.

MS McDONALD: I'm sorry. Sorry.

<THE HEARING ADJOURNED TO PRIVATE SESSION AT 3.16 PM

<THE HEARING RESUMED AT 3.43 PM

5 **MS McDONALD:** We're right? Thank you. Mr Ristevski, I want to ask you some questions about the council meeting on 26 February. Now, you've given evidence that you have either been primarily watching the proceedings live or catching up with the transcript?

MR RISTEVSKI: Just watching live. I don't read the transcript.

10 **MS McDONALD:** All right. I didn't want to go to that meeting in great detail because we have watched the video, I think, on two or three occasions.

MR RISTEVSKI: Yes.

15 **MS McDONALD:** And a number of witnesses have given evidence about what happened on that occasion.

MR RISTEVSKI: Correct.

20 **MS McDONALD:** What I was going to propose to do was, in summary, take you to some key points or key things that happened.

MR RISTEVSKI: Sure.

25 **MS McDONALD:** And then ask you about what you thought was going on -

MR RISTEVSKI: Yes.

30 **MS McDONALD:** - et cetera.

MR RISTEVSKI: Yes.

MS McDONALD: Now -

35 **COMMISSIONER:** If at any stage during that process, Councillor, you'd like to see the tape or need the minutes or the papers, feel free to sing out. That can be arranged.

MR RISTEVSKI: Thank you.

40 **MS McDONALD:** All right. Now, at this meeting there was a relevant report which was entitled Mayoral Attendance at the Fifth Annual Aerotropolis Conference in Hong Kong.

45 **MR RISTEVSKI:** Yes.

MS McDONALD: And again I can bring it up if you want to, but it was basically along the lines of the mayor's going to attend -

MR RISTEVSKI: Yes.

5 **MS McDONALD:** - and there was information that the conference organisers were going to pay for it?

MR RISTEVSKI: Yes.

10 **MS McDONALD:** That is, airfare and attendance.

MR RISTEVSKI: Yes.

15 **MS McDONALD:** I think the second part of it was looking at some kind of - either a member of staff or some other person who would attend with the mayor, but that would have to be paid by council?

MR RISTEVSKI: Correct.

20 **MS McDONALD:** All right. When that came for debate, you raised the suggestion - or you actually foreshadowed an amendment that you also wanted to attend the conference?

MR RISTEVSKI: Yes.

25 **MS McDONALD:** But you would pay for yourself?

MR RISTEVSKI: Yes.

30 **MS McDONALD:** And during that discussion, you made the comment that the motion should be amended - you'd like to attend the conference, the motion be amended so that you and the mayor could travel together, but you will pay your own way?

35 **MR RISTEVSKI:** Yes.

MS McDONALD: Do you recall that?

MR RISTEVSKI: Yes.

40 **MS McDONALD:** If you wanted to attend the conference and you were going to pay your own way, did you need a motion by the council approving that?

45 **MR RISTEVSKI:** Well, I mean, we're talking about the motion. We might as well get it - as the mayor says, make it a complete motion. You can't chop and change - we are talking about a particular topic. If a member of council is travelling or -

MS McDONALD: Wanted to attend?

MR RISTEVSKI: Wants to attend. And obviously there's going to be networking sessions. You're there representing the council.

5

MS McDONALD: I've got no problem - there's no issue with -

MR RISTEVSKI: Yes. It should be -

10 **MS McDONALD:** - if you wanted to attend -

MR RISTEVSKI: - part of the motion.

MS McDONALD: - and you pay, but why?

15

MR RISTEVSKI: Because if you're there at a network function, you're handing out Liverpool Council cards, it should be part of the motion. We're already talking about it.

20 **MS McDONALD:** But you don't require a motion to attend the conference. As long as you pay your own way and you pay the attendance fee or the conference fee, you can attend, can't you?

25 **MR RISTEVSKI:** Then why was the motion brought up, if the mayor was paying his own way?

MS McDONALD: Can you answer my question? If you wanted to attend the conference -

30 **MR RISTEVSKI:** Yes.

MS McDONALD: - you were paying your own way -

MR RISTEVSKI: Yes.

35

MS McDONALD: - you did not need approval or a resolution to do that, did you?

MR RISTEVSKI: I disagree.

40 **MS McDONALD:** And that was pointed out by your fellow councillors during the meeting, wasn't it? That there was no need, if you wanted to attend, for that - for the motion to include that?

MR RISTEVSKI: It was included in the motion and it was passed.

45

MS McDONALD: Why did you make the comment that it be amended so you and the mayor could travel together?

MR RISTEVSKI: Well, I wanted to go as well.

5 **MS McDONALD:** No, you - why did you make the comment that it be amended so that you and the mayor could travel together?

10 **MS HAMILTON-JEWELL:** Well, I object to that. That doesn't accord with my note of what the minutes say. My note here says, "Why don't we change that and put my name on there? It would be a good opportunity to travel together."

MR RISTEVSKI: Exactly. That's what I said.

COMMISSIONER: All right. I think it -

15 **MS McDONALD:** Well, I think it's -

COMMISSIONER: Sorry, did you refer to minutes? Is that - that's -

20 **MS McDONALD:** I think it's -

COMMISSIONER: - the minutes or is that a note of the recording that you're -

25 **MS HAMILTON-JEWELL:** I'm looking at a note of the recording and what was said at the recording.

COMMISSIONER: All right.

30 **MS McDONALD:** Well, I was looking at a note of the recording at 2.42.35, where it was - so that Mr Ristevski and the mayor can travel together. And then your reference was to another comment at 2.43 where, again, it's raised it would be a good opportunity for him and the mayor to travel together.

35 **COMMISSIONER:** All right. I think probably, in fairness to the witness, both should be put. Ms Hamilton-Jewell, is there an issue with the - so I think you're in agreement that the passage that Ms Hamilton-Jewell read out was said. Is there an issue with the passage that counsel assisting put? And then I'll have both propositions put to the witness.

40 **MS McDONALD:** At 2.42.35.

MS HAMILTON-JEWELL: My note doesn't deal with 2.42.45, so I'll - I'll accept what the counsel assisting says.

45 **COMMISSIONER:** All right. Ultimately, it only goes as far as -

MS McDONALD: Yes.

COMMISSIONER: - what the (indistinct) recording shows. And if there's a problem with the proposition, then there's obviously going to be a problem with the answer. But perhaps put both of the contextual comments and -

5 **MS McDONALD:** We'll try and avoid to play it. The first reference that my notes have is that you stated you wanted to attend the conference, you suggest the motion be amended so that you and the mayor can travel together but you will pay your own way. So that's the first reference. And then there's another reference. You proposed that the alternative officer, who was referred to in the second paragraph - do you
10 remember that -

MR RISTEVSKI: Yes.

MS McDONALD: - in the second motion?
15

MR RISTEVSKI: Yes.

MS McDONALD: "Be amended to put my name on there", and it would be a good opportunity for he and the mayor - sorry, for you and the mayor to travel together.
20

MR RISTEVSKI: Yes.

MS McDONALD: So first step, I put to you that on those two separate occasions you are raising the topic of travelling together with the mayor. You agree with that?
25

MR RISTEVSKI: Well, it's not travelling together on the same plane. I - I'm paying my own airfare, so I make my own arrangements.

MS McDONALD: Mr Ristevski, do you recall that during the meeting you raised in - on those two separate occasions you said something along the lines of, "So that I
30 and the mayor can travel together"?

MR RISTEVSKI: Yes.

35 **MS McDONALD:** Yes.

COMMISSIONER: Perhaps in the two-week recess a transcript of this meeting and any other meeting where I might be asked to look at comments that pass between councillors - for example, the one you played earlier - could be prepared by those
40 who are doing the transcript for us -

MS McDONALD: Yes.

COMMISSIONER: - and then we can - that can be tendered.
45

MS McDONALD: Yes. Do you remember after the - the first time you referred to - that you and the mayor can travel together, the mayor then indicated that a

motion was not required for you as you were paying - as you proposed to pay your own way there?

MR RISTEVSKI: Yes.

5

MS McDONALD: You then proposed that - the alternative officer in paragraph 2 should be amended, and again reiterated, "It would be a good opportunity for me" - you and the mayor to travel together. And then the mayor responded along the lines of, "I see no humour in that statement"?

10

MR RISTEVSKI: Yes.

MS McDONALD: Now, you just said in an answer that there was no requirement for you and the mayor to be on the same flight or anything like that.

15

MR RISTEVSKI: (Indistinct).

MS McDONALD: You didn't say that at the meeting, did you? Your words were "travelling together"?

20

MR RISTEVSKI: I interpret it a different way.

MS McDONALD: I'm not asking you to begin with what you interpreted, I'm trying to get your words.

25

MR RISTEVSKI: Yes.

MS McDONALD: So your words were, on those two occasions, "The mayor and myself travelling together"?

30

MR RISTEVSKI: Yes.

MS McDONALD: You did not at any time in the meeting say, "Oh, but of course, that" - you know, "we could be on different flights, it doesn't mean that we're on the same flight or we're sitting next to each other." You never expressly stated that, did you?

35

MR RISTEVSKI: That's time-wasting. It's unnecessary to state.

40

MS McDONALD: So my answer to my question is, "No, I never said that"?

MR RISTEVSKI: No, I never said that.

MS McDONALD: So your evidence is that, in your mind, you could be flying up separately, et cetera?

45

MR RISTEVSKI: Of course.

MS McDONALD: Now, in your mind, when you raised that, did you consider, after the events of 20 February, when you stood on the mayor's toe - I know you've described the circumstances, but you did stand on his toe -

5

MR RISTEVSKI: Yes.

MS McDONALD: - whether the mayor would react to that suggestion?

10 **MR RISTEVSKI:** No, I didn't. Didn't give it any thought.

MS McDONALD: Now, there's then some discussion about whether it's an amendment or a foreshadowed motion from you. And the motion as it stood was put to the council and was lost, and then the mayor raised, "As we now deal with the foreshadowed motion" - he raised going into a closed session. Do you recall that?

15

MR RISTEVSKI: Yes.

MS McDONALD: And he referred to section 10A(2)(f) of the Act. You asked what that section means. Do you recall that?

20

MR RISTEVSKI: Yes.

MS McDONALD: The mayor reads the section, the motion to move into closed session was put and it was lost?

25

MR RISTEVSKI: Correct.

MS McDONALD: At that point, when the mayor read out that provision of the Local Government Act, did you understand in substance what he was raising?

30

MR RISTEVSKI: I thought it was a stunt.

MS McDONALD: All right. So you - you did not have any understanding of what he was raising other than you thought it was a stunt?

35

MR RISTEVSKI: Exactly.

MS McDONALD: All right. And the mayor then removes himself from the meeting?

40

MR RISTEVSKI: Yes.

MS McDONALD: And Deputy Mayor Harle then becomes the chair?

45

MR RISTEVSKI: Yes.

MS McDONALD: And then there's further discussion about the foreshadowed motion. And then you've got Councillor Harte asking the deputy mayor, "Is the reason why the mayor has stepped out relating to a work health and safety issue?" And Councillor Harte replies, "And that's why we wanted to go into a confidential."
5 There was further discussion about whether a closed session was called for. Do you recall that discussion?

MR RISTEVSKI: Yes.

10 **MS McDONALD:** When Councillor Harte confirmed that the reason for wanting to go into the closed session was work health and safety, was there any elaboration on what work health and safety issue?

MR RISTEVSKI: No.

15 **MS McDONALD:** Did you raise or ask any questions as to what work health and safety issue was being - was -

MR RISTEVSKI: I think I may have said, "What are you guys on about?"

20 **MS McDONALD:** And did you receive a reply to that?

MR RISTEVSKI: No reply.

25 **MS McDONALD:** Now, your foreshadowed motion is then passed?

MR RISTEVSKI: Yes.

MS McDONALD: And then I think a five-minute recess was called?

30 **MR RISTEVSKI:** Yes.

MS McDONALD: Now, can I just bring up INQ.007.001.0004. Yes, please. And if we can go to the bottom of page 23. That ultimately was the motion that was passed?

35 **MR RISTEVSKI:** Yes.

MS McDONALD: Which is:

40 "Council notes the invitation from the event organisers..."

Confirms the attendance of the mayor to present at the summit?

MR RISTEVSKI: Yes.

45 **MS McDONALD:**

"The CEO or alternate officer to consider attending with the mayor..."

MR RISTEVSKI: Yes.

5 **MS McDONALD:** And do you recall that - the debate - and I think in particular it was - Councillor Monaghan raised that the alternative officer should really be somebody from operations because they - they've got the knowledge, they can, you know, really answer the questions that are going to be asked?

10 **MR RISTEVSKI:** Yes.

MS McDONALD: And then finally:

"Any councillors that wish to attend they self fund."

15

MR RISTEVSKI: Beautifully written motion. Yes.

MS McDONALD: All right. That was the motion that was passed?

20 **MR RISTEVSKI:** Yes.

MS McDONALD: Now, after that - again, I'm just jumping through - you had the recession - sorry, the break. You come back and there was a rescission motion?

25 **MR RISTEVSKI:** Yes.

MS McDONALD: That was defeated?

MR RISTEVSKI: Yes.

30

MS McDONALD: And then do you recall that a number of the councillors, including Councillors Macnaught, Adjei, Ammoun and Harte, then left the meeting?

MR RISTEVSKI: Correct.

35

MS McDONALD: At the time that they left the meeting, did you know why they were leaving the meeting?

MR RISTEVSKI: Another stunt by the Liberals.

40

MS McDONALD: All right.

MR RISTEVSKI: That's what I thought.

45 **MS McDONALD:** Okay. At any time - for example, when you had the five or 10-minute break before the rescission motion was raised, did anybody raise with you

work health and safety issues underlying why the mayor originally left, why the other councillors did eventually leave?

5 **MR RISTEVSKI:** Never, and not to this day. We have no idea what's going on.

MS McDONALD: I'm just noting the time.

COMMISSIONER: Yes.

10 **MS McDONALD:** It was raised with me that one of our counsel at the bar table does have to leave at four.

COMMISSIONER: We're there? Yes, it's bang-on 4. Yes, of course. 10 am tomorrow?
15

MS McDONALD: Yes.

COMMISSIONER: All right. I'll adjourn until 10 am tomorrow. We'll see you here in the morning, Councillor.
20

MR RISTEVSKI: Yes.

COMMISSIONER: Thank you very much for your attendance today. You're free to go.
25

MR RISTEVSKI: Thank you. Thank you.

COMMISSIONER: Thank you, everybody.

30 **<THE WITNESS WITHDREW**

<THE HEARING ADJOURNED AT 4.02 PM