PUBLIC INQUIRY INTO LIVERPOOL CITY COUNCIL

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

PUBLIC HEARING
SYDNEY

FRIDAY, 31 OCTOBER 2025
AT 10.31 AM

DAY 37

APPEARANCES

Ms T McDonald SC, Senior Counsel Assisting
Ms B Anniwell, 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
Ms J Gallagher, Counsel for Mr S Mallard

<THE HEARING COMMENCED AT 10.31 AM

COMMISSIONER: Yes.

MS McDONALD: Apologise for the delay. There were some IT issues and just some other discussion amongst counsel.

COMMISSIONER: Yes.

MS McDONALD: We're ready to resume Mr Ristevski's evidence.

COMMISSIONER: Thank you, Councillor. Come take a seat. And you're still on your oath from earlier in the week.

MR RISTEVSKI: No problem.

COMMISSIONER: Yes, Ms McDonald.

<PETER RISTEVSKI, ON FORMER OATH

MS McDONALD: Mr Ristevski, I was asking you yesterday about your recollection of that meeting of 26 February.

MR RISTEVSKI: Yes.

MS McDONALD: As part of the questioning about events in February I asked you about an advice that the council had obtained from senior counsel about work health and safety - obligations of councillors under the Work Health and Safety Act.

MR RISTEVSKI: Yes.

MS McDONALD: Now, we'll bring up a document, please. LCC.008.001.0059. Yes. It's a four-page document. You can see at the top:

"Memorandum of Advice. Re obligations of elected councillors under the..."

Relevant legislation. And if we can just scroll through the document. And you can see there that the question was about councillors' obligations.
Mr - it's - Mr Hodgkinson of Senior Counsel is now referring to section 29 of the Act and describing it as a section 29 duty. And if you go on - and then if you stop - no. If you go a little bit - yes. You can see there:

"It follows that an elected councillor is required to take reasonable care that his or her acts or omissions do not adversely affect the health and safety of others who are at a council workplace..."

MR RISTEVSKI: Yes.

MS McDONALD: And then if we go to the next page. Stop. He gives an example of bullying behaviour?

MR RISTEVSKI: Yes.

MS McDONALD: And a consequence of another person's health and safety was adversely affected, then the councillor would be in breach of the section 29 duty. And then there's a further consideration about section 29. Keep on going. It's focusing on the use of the words in the legislation of "adversely affect", and he makes - opines that:

"...the legislator has included circumstances that are broader than those which cause a health and safety problem. Circumstances that contribute to or exacerbate a problem, even an existing health and safety problem are also included."

And then if we go across the page, his final paragraph:

"It follows from this advice ... that an elected councillor does have a broadly defined health and safety duty imposed upon them."

And then notes that the penalty range for an offence of breach of the duty of section 29 is the same as other provisions that relate to an offence by an officer of a PCBU. Now, that memorandum of advice, was - did you receive a copy of that sometime in January or February of this year?

MR RISTEVSKI: First time I'm looking at it.

MS McDONALD: This is the first time you've seen this advice?

COMMISSIONER: What's the date of this opinion?

MS McDONALD: Unfortunately, Mr Hodgkinson hasn't dated it.

COMMISSIONER: All right.

MS McDONALD: And I did make some enquiries.

COMMISSIONER: Mr Parish is shrugging.

MS McDONALD: Excuse me. I'm sorry.

COMMISSIONER: It seems from the introductory paragraph it seems to have been prepared for the Local Government New South Wales. Is that what's happened? I mean, it's been circulated to councils who are councils/members of that body? I don't know.

MS McDONALD: Uncertain, because -

COMMISSIONER: In any event, I'm distracting you. The councillor hasn't seen it until this moment - is his answer.

MS McDONALD: I'll bring up another document. I understand there's a non-publication order over this document, so maybe if we can just bring it up -

COMMISSIONER: Yes, in the room.

MS McDONALD: - in the room. LCC.003.001.0114. And if we can go to page 2. If we go to page 2, please - and if you pause there. Mr Ristevski, this is an email that was sent on the evening of 26 February after the meeting was either concluded, or at least after the mayor had left the meeting. You were not part of the circulation of this email?

MR RISTEVSKI: Yes, I was just looking for my name. I couldn't find it.

MS McDONALD: But what I wanted to take - draw your attention to - and if we could just move down that page - if we can stop there. Can you see the paragraph commencing, "As per Senior Counsel" - "as per Senior Counsel advice"?

MR RISTEVSKI: Yes.

MS McDONALD: It states there:

"As per Senior Counsel advice circulated by the CEO at yesterday's governance meeting and previously by email, and the briefing provided by the external lawyer, councillors have an obligation to ensure the safety of councillors."

They've got a positive obligation, et cetera. Now, checking the dates of governance meetings on the council's website, the governance meeting before 26 February was 18 February. We couldn't see a reference to "yesterday's governance meeting"?

MR RISTEVSKI: Yesterday?

MS McDONALD: If you look at the paragraph -

COMMISSIONER: As in a governance meeting on 25 February.

MR RISTEVSKI: Sorry. Yes. Yes.

MS McDONALD: We couldn't see any reference to a governance meeting on the 25th. But what I want to ask you is - there is a reference to "Senior Counsel advice circulated at yesterday's governance meeting," put that to one side, "and previously by email". So the suggestion is that a senior counsel advice on work health and safety obligations was circulated by email to the councillors.

MR RISTEVSKI: Do we have a copy of that?

MS McDONALD: Could you just - sorry. We'd made some enquiries to see if the council could help us -

COMMISSIONER: Do you remember receiving an email attaching -

MR RISTEVSKI: No. No.

COMMISSIONER: - an opinion of that kind?

MS McDONALD: You don't recall in January or February - we were operating on the basis that it was this advice, but I note that it does refer to Local Government of New South Wales at the beginning. But you have no recollection of receiving -

MR RISTEVSKI: No.

MS McDONALD: - via email or at a governance meeting a -

MR RISTEVSKI: No.

MS McDONALD: - copy of an advice by senior counsel?

MR RISTEVSKI: No.

MS McDONALD: Okay. And is your evidence that, before this was shown to you today, you'd never seen it before?

MR RISTEVSKI: No.

COMMISSIONER: Does that mean you're agreeing with counsel assisting?

MR RISTEVSKI: Sorry. Yes, I -

COMMISSIONER: That's all right.

MR RISTEVSKI: (Crosstalk). I haven't seen this. First time I'm seeing it now.

MS McDONALD: All right. That can be brought down. Thank you. Yesterday I asked you some questions about the change in the way you use social media. And to summarise it, your evidence was along the lines of, "my posts" - you now look at - or you keep in mind the code of conduct and the free speech guidelines?

MR RISTEVSKI: Yes.

MS McDONALD: And that with the Macedonian team - have you informed them about the code of conduct requirements and the way that you're now operating?

MR RISTEVSKI: Yes.

MS McDONALD: But in any case, you have given evidence that you now vet and authorise any posting on your Facebook page or any -

MR RISTEVSKI: Correct.

MS McDONALD: And when I say "your Facebook page", the only - I know you spoke about a personal Facebook page. I assume that's just in the name of Peter Ristevski?

MR RISTEVSKI: Yes.

MS McDONALD: But then, in addition, you have your Councillor Peter Ristevski?

MR RISTEVSKI: Yes.

MS McDONALD: Do you also have an Instagram account?

MR RISTEVSKI: Which accounts? Both or -

MS McDONALD: I'm sorry. For a Councillor Peter Ristevski Instagram account?

MR RISTEVSKI: Yes. Yes.

MS McDONALD: And with Twitter or X?

MR RISTEVSKI: I don't use that.

MS McDONALD: You don't use that. Okay. You also gave evidence yesterday - and I'm going to get the terminology correct - that people make comments to your postings?

MR RISTEVSKI: Yes.

MS McDONALD: And whether it's a comment that supports you or is against you, your philosophy is you don't censor it, it remains on there?

MR RISTEVSKI: Correct. Just out of curiosity, what are the rules on that? Am I -

MS McDONALD: I'm sorry?

MR RISTEVSKI: Out of curiosity, what are the rules on that, because I haven't - no one's ever spoken to me, it hasn't come up in any courses -

MS McDONALD: Right. Well, I'm asking the questions, Mr Ristevski.

MR RISTEVSKI: Yes, no, just out of curiosity.

MS McDONALD: So your evidence yesterday - I'm just getting you to confirm that -

MR RISTEVSKI: Correct. That's my evidence.

MS McDONALD: - is that the comments are not censored?

MR RISTEVSKI: Correct.

MS McDONALD: And the example I gave you yesterday was that if a member of the community or a member of the public put a comment which infringed or was not consistent with those restrictions that you say you're now observing, you wouldn't remove it?

MR RISTEVSKI: I wouldn't - I actually don't know the rules on that.

MS McDONALD: I'm not asking you that.

MR RISTEVSKI: I know, that's -

MS McDONALD: Your evidence is that you would not remove it?

MR RISTEVSKI: I would not remove it.

MS McDONALD: But if it was a comment that infringed the restrictions you're now observing, would you respond or comment on it in any way by approving it, or indicating that you agreed with the sentiment?

MR RISTEVSKI: I can't remember. There's - the amount of comments we get on our page, I can't remember each one. Unless you give me a specific example, I can't comment.

MS McDONALD: What's your procedure? If there was a comment which was personally disparaging of a fellow councillor, a comment that you would not make now -

MR RISTEVSKI: Yes.

MS McDONALD: - because it would infringe the restrictions - you don't remove it, you've told us that's your policy.

MR RISTEVSKI: Yes.

MS McDONALD: But would you respond to it with, like, a thumbs up or a comment along the lines which suggests support of the comment?

MR RISTEVSKI: I wouldn't. I don't think I have. I mean -

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

MR RISTEVSKI: Well, I'm very diligent. So my answer is no.

MS McDONALD: You wouldn't, as I said, comment to the comment by some communication of approval?

MR RISTEVSKI: No. And the courses I've done haven't actually gone into any of this, so this is a new area.

MS McDONALD: I'm not asking you that. I'm just talking -

MR RISTEVSKI: I know, but I have to say that to you.

MS McDONALD: Yes. What I'm trying to work out is what your policy and procedure now is.

MR RISTEVSKI: I don't - yes, I allow the public to comment. They can say what they like, whether it's terrible against me or terrible against someone else, it's free speech. Until I'm told otherwise, I don't think there's anything wrong with free speech in this country, and I encourage it.

MS McDONALD: Could we bring up a document, please. NMA.014.001.0005, please. Yes. If we go to the top of that, that's a post you made on your Councillor Peter Ristevski Facebook page on 13 September?

MR RISTEVSKI: Yes.

MS McDONALD: And you were commenting about a proposed million-dollar development in Austral?

MR RISTEVSKI: Correct.

MS McDONALD: And looking at the content of your post, it's a proposal for a development of a mosque?

MR RISTEVSKI: Correct.

MS McDONALD: And in your post you raise issues along the lines of the real issue being infrastructure - you raise traffic issues, proper roads, et cetera?

MR RISTEVSKI: Yes.

MS McDONALD: The photo underneath, is - and if we can just stop there - is that part of your post?

MR RISTEVSKI: I've actually - it's - it was a - see how it says "the Notice News"?

MS McDONALD: Yes.

MR RISTEVSKI: It's actually a media post. I've just shared it from the Notice News website.

MS McDONALD: All right. And then you've got two comments that I'll ask you about. There's a comment from a person that says:

"I heard that place was a pig farm."

MR RISTEVSKI: Yes.

MS McDONALD: Now, is it - you're responding to that, you say:

"Now that would be very ironic."

MR RISTEVSKI: Correct.

MS McDONALD: You know that in the past there have been public comments about the mayor which raised things like pork and pigs?

MR RISTEVSKI: Yes.

MS McDONALD: And you know that, because of the mayor's religious background, he finds those comments very offensive?

MR RISTEVSKI: I disagree.

MS McDONALD: Sorry, I'll - my question is, you know or you have heard that the mayor finds those comments offensive?

MR RISTEVSKI: He's weaponised it.

MS McDONALD: So you agree with me that you have heard reactions by the mayor, comments by the mayor, that he finds those comments offensive?

MR RISTEVSKI: Yes, by weaponising it.

MS McDONALD: And whether he is weaponising it or not, it is very evident, and you know it's evident, that the mayor takes offence to those comments?

MR RISTEVSKI: I'd like to elaborate.

MS McDONALD: No.

MR RISTEVSKI: Well, I can't answer yes or no.

MS McDONALD: Okay. Now, the comment by the person "JB", that's a direct reference to those comments about the mayor in the past which have raised pigs and pork?

MR RISTEVSKI: No chance.

MS McDONALD: It is quite clearly a comment arising from those previous offensive comments, isn't it?

MR RISTEVSKI: Which previous -

MS McDONALD: Do you agree with that or not?

MR RISTEVSKI: Which previous comments?

MS McDONALD: You've never heard any previous public comments that the mayor has taken offence at concerning pork or pigs?

MR RISTEVSKI: Did you -

MS McDONALD: Have you or have you not? That's my question, please.

MR RISTEVSKI: Yes, he's weaponised it. That's my answer.

MS McDONALD: And the first comment is clearly picking up on those previous comments, isn't it?

MR RISTEVSKI: No.

MS McDONALD: And that is why, instead of - I take it your policy is you wouldn't censure or remove that. But instead of remaining silent, you respond by saying:

"Now that would be very ironic."

MR RISTEVSKI: That's my response.

MS McDONALD: And what you're doing in that comment is joining in the disparaging comments that have offended the mayor in the past?

MR RISTEVSKI: I totally disagree. The mayor does not -

MS McDONALD: Across the page there is another comment?

MR RISTEVSKI: Yes.

MS McDONALD: This is another person saying:

"Ban the lot we are [a] Christian country."

And you don't ignore that. You respond with - is it hands in prayer and the flag?

MR RISTEVSKI: Yes.

MS McDONALD: You don't find that "ban the lot we are a Christian country" is a discriminatory statement? Do you find that or not? Yes or no, Mr Ristevski? Do you -

MR RISTEVSKI: It's not a -

MS McDONALD: - find that -

MR RISTEVSKI: I won't answer yes or no, I'll elaborate.

MS McDONALD: No, you will answer my question. Do you -

MR RISTEVSKI: Well, then I claim privilege.

MS McDONALD: - find that -

MR RISTEVSKI: I claim privilege.

MS McDONALD: What privilege?

COMMISSIONER: Just pause. Mass Hamilton-Jewell, do you need a moment?

MS HAMILTON-JEWELL: Yes, I do need a moment. Thank you, Commissioner.

COMMISSIONER: I can't go any further, I don't think, once that's been said. And Ms Hamilton-Jewell probably needs to take some instructions.

MS McDONALD: So I assume - is the privilege -

COMMISSIONER: I don't know and I'm -

MS McDONALD: I'm just concerned -

COMMISSIONER: - not going to -

MS McDONALD: - just concerned about the -

COMMISSIONER: - get into it.

MS HAMILTON-JEWELL: Respectfully, Commissioner, I should be allowed the opportunity to take an adjournment to find out what the privilege -

COMMISSIONER: I am -

MS HAMILTON-JEWELL: - is before my learned - senior counsel assisting -

COMMISSIONER: You're pushing against a very open door with me. All I'm saying is I'm going to not hear any more about it until that has happened. Ms Hamilton-Jewell, I'll adjourn. You can get a message to me when you're ready to resume.

MS HAMILTON-JEWELL: May it please.

<THE HEARING ADJOURNED AT 10.53 AM

<THE HEARING RESUMED AT 10.57 AM

MS McDONALD: Mr Ristevski, do you want me to repeat my question or do you remember it?

MR RISTEVSKI: I remember it.

MS McDONALD: And your answer?

MS HAMILTON-JEWELL: Commissioner, I understand that my client wishes to claim the privilege against self-incrimination in relation to the question and answer - or certainly in relation to the answer.

COMMISSIONER: Well, I have no power to abrogate that, so I can't -

MS McDONALD: You can't compel and then provide any form of immunity?

COMMISSIONER: I don't have that power, unless someone wants to suggest otherwise. But as I read the Act and the issues on this that were considered by then Commissioner Beasley in the Auburn Inquiry, which I think - respectfully, he was right - I don't have the power to do that.

MS McDONALD: Yes. All right.

COMMISSIONER: Does anyone need to be heard? No. Counsel assisting's question, I suppose.

MS McDONALD: Now, I want to jump back to work health and safety. Can we bring up - excuse me. At the moment could we not live stream this email. I think there is a non-publication order about it. We're just trying to determine whether it is pressed.

COMMISSIONER: Yes. Well, let's do that. Let's keep moving. We'll just have it in the room.

MS McDONALD: LCC.003.001.0079. Excuse me for a minute.

COMMISSIONER: Let's just bring it up in the room and we'll -

MS McDONALD: Yes.

COMMISSIONER: - keep things rolling.

MS McDONALD: It can be live streamed. It's definitely Friday. All right. Mr Ristevski, that's an email from Mr Breton sent on 31 January 2025 to all Liverpool City Council councillors. And he refers to:

"Recent events [have] led me towards seeking some guidance from [Local Government New South Wales] as to your liability (as Councillors) under the Workplace Health and Safety Act. Please find attached a copy of an advice obtained by OLGNSW from Bruce Hodgkinson SC, regarding councillors' liability under section 29 of the ... Act."

And then he summarises it:

"...he believes that the WHS Act does impose a health and safety duty upon elected councillors, and I would encourage all of Council ... to consider this advice as we all contribute towards our collective word for 2025, 'Better'."

And there is an attachment and the attachment is document LCC.003.001.0080. While it's just being brought up - you will see when it's brought up, that is - the attachment was the Bruce Hodgkinson advice that I took you to about half an hour ago.

MR RISTEVSKI: Sure.

MS McDONALD: All right. So from that email, Mr Breton distributed that advice to all councillors at the end of January?

MR RISTEVSKI: Yes.

MS McDONALD: You were included in the councillors that that was forwarded to?

MR RISTEVSKI: Correct.

MS McDONALD: Do you recall receiving that email?

MR RISTEVSKI: Correct.

MS McDONALD: You did?

MR RISTEVSKI: Yes. Sorry, yes.

MS McDONALD: And so you read the email?

MR RISTEVSKI: Yes.

MS McDONALD: The summary is that under the legislation you owe duties - work health and safety duties. There was the attached advice. Did you open the advice and read it?

MR RISTEVSKI: No.

MS McDONALD: Why not?

MR RISTEVSKI: I looked at the last paragraph, said it all.

MS McDONALD: All right.

MR RISTEVSKI: I get a thousand emails for my work. 24 hours in a day. Not unreasonable.

MS McDONALD: Okay. So the last paragraph, which clearly establishes or states that you have health - work health and safety duties under the Act, that was enough for you to be satisfied that you owe such a duty?

MR RISTEVSKI: Correct.

MS McDONALD: After being informed that you did owe such a duty, did that change the way that you operated as a councillor in your dealings or communications with staff?

MR RISTEVSKI: I've always been respectful, so I didn't see any reason to change.

MS McDONALD: I took you yesterday to some social posts where you made disparaging comments either about a member of staff or a group of members of staff?

MR RISTEVSKI: Correct.

MS McDONALD: Did you consider that, in making those posts - this is around February or March - after being informed of this, after being provided an advice, it didn't change - did it change your conduct at all?

MR RISTEVSKI: My post had nothing to do with work health and safety.

MS McDONALD: You don't understand -

MR RISTEVSKI: I do understand.

MS McDONALD: Mr Ristevski -

MR RISTEVSKI: I do understand.

MS McDONALD: - the reference is to an obligation.

MR RISTEVSKI: Yes.

MS McDONALD: A duty that you owe. That duty can be infringed or breached by things like social media posts. So what I'm asking you is did you change your conduct in any way in February or March, given that you've now been told expressly about your duty under the Act?

MR RISTEVSKI: I know you're looking for yes and no answers but I can't answer yes or no. It is an inquiry and I'm allowed to elaborate on any answers.

MS McDONALD: So you can't answer yes or no to that question?

MR RISTEVSKI: No. No.

MS McDONALD: All right. Can you excuse me for a sec. I want to now move to some topics dealing with the recruitment of the CEO that occurred earlier in the year. And you'll recall I asked you some questions yesterday leading up to the 20 February meeting, but do you recall as part of the process leading up to that meeting all the councillors were required to complete a conflict of interest form?

MR RISTEVSKI: Correct.

MS McDONALD: And if we can bring up LCC.034.002.0010, please. And that can be live streamed. Can you see that header Conflict of Interest Form - Recruitment?

MR RISTEVSKI: Yes.

MS McDONALD: And if we proceed down the page - just pause there, please - your name. You've completed this form and you say:

"I do have an actual or perceived conflict of interest."

And then under section 4 you've written:

"I personally know Tina Bono and Jason Breton through my work as a councillor."

MR RISTEVSKI: Yes.

MS McDONALD: And if we can go to the next - you assessed that - significance of that conflict of interest in section 5?

MR RISTEVSKI: Mmm.

MS McDONALD: And then under section 6 you sign it, which has been redacted. And there's a date - I think it's 17 February or -

MR RISTEVSKI: Yes.

MS McDONALD: Not the 12th, it's the 17th?

MR RISTEVSKI: No, 17th.

MS McDONALD: Right. Do you recall the circumstances in which you completed this form? Like, were you at a meeting or did you do it at home, or were you at council or -

MR RISTEVSKI: I think it was in the boardroom of the first - when we found out the applicants.

MS McDONALD: And when you say "when we found out the applicants", that was when there was a shortlist of -

MR RISTEVSKI: Correct.

MS McDONALD: - of about 10, something along those lines?

MR RISTEVSKI: Yes. Yes.

MS McDONALD: And at this meeting were you informed of the final 10?

MR RISTEVSKI: Yes.

MS McDONALD: And was it a matter of - you were informed about the final 10, and so you look at the names and you can work out whether there is anybody on the final 10 where you might have a perceived conflict of interest?

MR RISTEVSKI: Yes.

MS McDONALD: And that's where you identified Ms Bono and Mr Breton?

MR RISTEVSKI: Correct.

MS McDONALD: And from - I can take you back to the first page, but it appears your perceived conflict of interest has arisen because they're employees of council in the period where you've been a councillor?

MR RISTEVSKI: Correct.

MS McDONALD: Now, at this meeting, is it your recollection that other councillors at the same time were completing this form?

MR RISTEVSKI: Yes.

MS McDONALD: When you completed your form, what did you do with it?

MR RISTEVSKI: Handed it in to the relevant person.

MS McDONALD: Do you remember who that was?

MR RISTEVSKI: Craig Knappick.

MS McDONALD: All right. So it was a member of staff who had responsibility in some way for the recruitment process?

MR RISTEVSKI: Yes.

MS McDONALD: And again, was it your understanding, or from observation, that your fellow councillors completed their form and did the same thing?

MR RISTEVSKI: Correct. But I never saw anyone else's.

MS McDONALD: Well, will you wait for my question, Mr Ristevski?

MR RISTEVSKI: Sorry. Yes.

MS McDONALD: You handed yours in?

MR RISTEVSKI: Yes.

MS McDONALD: You either observed or knew that other - your fellow councillors did the same thing?

MR RISTEVSKI: Correct.

MS McDONALD: Did you ever see, in the lead-up to the appointment of the successful candidate, any of the other conflict of interest forms?

MR RISTEVSKI: No.

MS McDONALD: Were you informed by anybody something along the lines of a summary of, "Well look, X has said a conflict of interest but on this ground," or "Y has raised this for a particular reason"? Any kind of information about the content of any of your fellow councillors' forms?

MR RISTEVSKI: No.

MS McDONALD: You've said that you have been tuning in to some of the inquiry evidence. The conflict of interest form completed by Mr Harte, there's been some evidence about it. Were you ever - did you ever see it in the lead-up to the appointment of the successful candidate?

MR RISTEVSKI: No.

MS McDONALD: Did you know about any of the contents - I'm sorry, I withdraw that. Putting to one side knowledge of Ms Bono and Mr Breton through their employment - put that to one side. You remember in Mr Harte's conflict of interest form he spoke about - and I'll paraphrase - providing some advice to Mr Breton in a previous campaign?

MR RISTEVSKI: I never - I never saw that.

MS McDONALD: No, no, no, no.

MR RISTEVSKI: Yes, I heard that evidence. Yes.

MS McDONALD: That information, in the lead-up to the appointment of the CEO - were you ever informed of that previous relationship as described by Mr Harte?

MR RISTEVSKI: No.

MS McDONALD: Mr Ristevski, you've given evidence, and I've referred you to it this morning, about through self-audit, speaking to some of the reviewers of the code of conduct complaints - that in a sense you've reviewed your conduct and your evidence is that you've changed your conduct?

MR RISTEVSKI: Yes.

MS McDONALD: Now, in your evidence I think originally you said June/July?

MR RISTEVSKI: Correct.

MS McDONALD: And then I - my recollection is the other day it became more July.

MR RISTEVSKI: Yes.

MS McDONALD: Can you actually - it's probably not like a lightning -

MR RISTEVSKI: Yes.

MS McDONALD: - bolt and you remember it was, you know, 3 July, but can you give an indication of actually when in July?

MR RISTEVSKI: No, I can't.

MS McDONALD: The inquiry commenced 14 July. Do you think at that stage you had come to this kind of revelation?

MR RISTEVSKI: I can't give you an exact date in July, I'm sorry.

MS McDONALD: Excuse me just for a minute. Could we bring up, please, but not live stream, INQ.021.001.0004. No, not that one. Sorry. I think they're just coming, if you can't find it. Look, while that's being done I'll just ask you some other questions. Some general topics. The first one was your experience of induction and training in this period that you've been a councillor from October of last year. Now, you have given some evidence about that. You've given evidence about the induction and, again summarising it, you've been critical about it?

MR RISTEVSKI: Correct.

MS McDONALD: In respect of the induction that you've received, you will remember the comments you've made -

MR RISTEVSKI: Yes.

MS McDONALD: - through your evidence. Is there anything you wish to add?

MR RISTEVSKI: Not at the moment.

MS McDONALD: All right.

COMMISSIONER: Just so I have it fresh in my mind. I understood your concerns with induction, that it - you didn't consider it detailed enough?

MR RISTEVSKI: Especially considering that we've had a lot of questions around work health and safety that was never mentioned. Not enough training on social media. Not enough training on code of conducts. I know some councillors have said,

"Oh, it's common sense." Well, it isn't common sense because there's a lot of grey areas. Not a lot of training around notice of motions, and you saw some councillors criticising - picking at my notice of motions strategically. They're the hands and bolts that a councillor needs. I mean, I really don't need to know what this director does and that director does and spend half a day on the training on that.

COMMISSIONER: You might need to know something about that, though, mightn't you?

MR RISTEVSKI: Yes, you do, but I think they should leave it for the afternoon and touch on it rather than leave the really important parts for the afternoon when we're all kind of, you know - you're not as - thinking as sharp as the morning. But a whole day should have been spent on those things that I mentioned and another day could have been spent on that, because you've really got to drill down on - as a councillor, there's no university degree, there's no TAFE course, it's - it's pretty much you're thrown in and try and navigate yourself around this role.

I - I was - had some experience but I'd been out of the game for eight years, but there was new councillors there and - I think it needs to be more structured and not run by guys from council. They need someone that - outside that can sit us down at a desk and, "This is how you draft a motion." Give us examples of, "If you make a post like this, it breaches the code of conduct." More practical rather than theory.

MS McDONALD: And you gave evidence that you received an email from the CEO inviting councillors to speak with him, have a meeting with him about training needs?

MR RISTEVSKI: Yes.

MS McDONALD: And you have given evidence - I think your meeting with the CEO is scheduled -

MR RISTEVSKI: In the next fortnight.

MS McDONALD: Next fortnight. And you have given evidence that recently you've attended - I think it was a social media course?

MR RISTEVSKI: Yes.

MS McDONALD: You have or you are attending work health and safety -

MR RISTEVSKI: No, I've already done that.

MS McDONALD: Done that. And without going into detail, do you have in your mind some further training that you would like to be provided with that you'll be raising with the CEO?

MR RISTEVSKI: Social media, where I could probably be given one-on-one training, where I can speak openly about specific examples. That in particular. Maybe another refresher on work health and safety around psychosocial - just specifically on that, because the work health and safety talked about a lot of issues rather than - rather than just psychosocial. So it'll probably be those two, more specific.

MS McDONALD: Now, just two general questions which have been asked of some of your fellow councillors who have given evidence.

MR RISTEVSKI: Yes.

MS McDONALD: For the rest of your term as a councillor, which is about another three years -

MR RISTEVSKI: Yes.

MS McDONALD: - what challenges do you see are facing the council?

MR RISTEVSKI: I can give you a good answer on that. Financial. And I'll give you an example. We just had the auditor present on Wednesday night the financial statements, delivering a I think just under $11 million deficit. The previous councillors, not us, determined a budget surplus of 2.6 million. That's a $13 million difference. The previous financial year delivered a $10 million deficit and I found out on Wednesday night they were going to deliver another $10 million deficit after the councillors - I voted against the budget - after all the other councillors voted on a balanced budget.

MS McDONALD: Can I just indicate we have heard evidence - I think it was last week - from Mr Nadan -

MR RISTEVSKI: Yes.

MS McDONALD: - who provided to the Commissioner an update of the financial position, including that financial report which was produced to council on Wednesday night.

MR RISTEVSKI: Yes.

MS McDONALD: So one of the challenges, as you've outlined, is the financial position of the council?

MR RISTEVSKI: Yes. There's a cloud around the appointment of the CEO. Probably seen an extraordinary meeting seeking his suspension and investigation. When you lose just under 50 per cent of councillors' confidence it makes it very difficult to continue. There's a lot of uncertainty with staff. There's been a stop-work meeting, a strike, around the uncertainty around sacking staff. Staff don't have

security in their job. The other issues are nepotism in the employments where, if that's going to continue, I don't know, but the 12-month rule where you come on as a contract, that's continuing and it will continue and it leaves a bitter taste with everyone.

MS McDONALD: Can I just - I want to ask you some things about at least the two last comments. The uncertainty that - of staff, is that arising because of the foreshadowed ongoing restructure of the council?

MR RISTEVSKI: I think it's going beyond our discussions with the CEO. He's - there's been so many restructures with the previous CEO, and we've had so many CEOs. Every CEO wants to do a restructure. I can imagine being a staff member, I wouldn't want to work at council with that uncertainty. Everyone wants certainty. They get up in the morning, they want to feel comfortable coming to work. And the morale of staff is very low.

MS McDONALD: Where is the - can you assist us with, in your view, where is the uncertainty that's being experienced by staff - what's it arising from?

MR RISTEVSKI: The restructuring. There may be redundancies.

MS McDONALD: All right. So there has been an announcement of further restructure?

MR RISTEVSKI: Correct.

MS McDONALD: And it has been announced that associated with that proposed further restructure there may be - there may be redundancies?

MR RISTEVSKI: Correct.

MS McDONALD: And so that's where the uncertainty's arising from?

MR RISTEVSKI: Correct.

MS McDONALD: Can I - the observation you made about a person coming in, being employed for 12 months, then the position being advertised, and that the person who's been appointed for 12 months obviously has some kind of advantage - the inquiry's received some evidence that in a previous council term that seemed to occur on a number of occasions, but is it your observation that that is still continuing now? That people have been brought in on a 12-month contract?

MR RISTEVSKI: The most recent one is one of the directors who had a working relationship with the CEO. Came in as a 12-month contract - so, obviously take over his role, because he was now acting CEO - and he's got the advantage. Ended up getting employed. So that was a recent one that I can remember.

MS McDONALD: All right. And -

COMMISSIONER: What's the vice with that, though? The Act - do you see a problem with that scenario?

MR RISTEVSKI: Yes.

COMMISSIONER: What is it?

MR RISTEVSKI: I don't think you should allow someone to come in temporarily for 12 months and then advertise the position, especially when that person's already in that position. Either employ them full-time - because a lot of those positions do lead to long-term employment. It's kind of like a soft corruption way of employing your mates to get around the Act.

COMMISSIONER: In the scenario or the context that you've just raised, though - so the incumbent in the position had moved into a different role -

MR RISTEVSKI: So, for example -

COMMISSIONER: - as an acting CEO?

MR RISTEVSKI: Yes. Yes.

COMMISSIONER: So there was at that stage no certainty that he would stay in that CEO role, he might go back to his substantive position. How do you -

MR RISTEVSKI: I think that -

COMMISSIONER: How does that scenario fit -

MR RISTEVSKI: Okay.

COMMISSIONER: - with the concern?

MR RISTEVSKI: I understand. I think you need to go through a proper interview process, like you were going to employ them full time. You can't just have a captain's pick and give someone that role. There needs to be a - a full, proper process, like you're employing someone on a full-time basis, and that's not required if you're employing someone on contract for 12 months. You get a captain's pick.

MS McDONALD: I think the issue the Commissioner is raising with you is that - the example that you gave was that there was a need to appoint an acting CEO, Mr Breton was appointed.

MR RISTEVSKI: Correct.

MS McDONALD: That opened up his director of operations position?

MR RISTEVSKI: Correct.

MS McDONALD: Now, at that point it could be that Mr Breton was going to be successful -

MR RISTEVSKI: Correct.

MS McDONALD: - in getting the full-time CEO, or he might be unsuccessful, which means he would go back to his substantive position?

MR RISTEVSKI: Correct.

MS McDONALD: So in those circumstances, given that uncertainty, you had to appoint somebody on a 12-month contract to be the director of operations?

MR RISTEVSKI: What I was actually saying was the same process should be applied whether it's the full-time role - proper interview process. You can't have a captain's pick, "I'm going to pick this guy to come in for 12 months."

MS McDONALD: So your point is that, even if you're appointing somebody for 12 months, that should be advertised and people interviewed for it?

MR RISTEVSKI: Exactly. Exactly. It's a backdoor method.

MS McDONALD: Sorry, I understand. Now, that particular example which would have occurred - the appointment of the acting director - probably around April or May of last year?

MR RISTEVSKI: Yes.

MS McDONALD: To your knowledge, have there been other circumstances where somebody's come in on a 12-month - somebody from outside has come in on a 12-month contract?

MR RISTEVSKI: I can't recall at the moment. Probably is, but I just can't recall.

MS McDONALD: All right. Now, I interrupted you. I had asked you about challenges facing the council. Is there anything else you wish to raise underneath that?

MR RISTEVSKI: Financial is a big one. That is, we've - we've sort of breached our loan covenants. As an accountant, I'm - I'm very uncomfortable putting my branding behind these kind of financial management. If we can't budget properly, it's a poor reflection on me and it's a - I know the residents hate it. And especially - if you're delivering $10 million budget deficits - and I've asked other councils, "How much do

you guys spend on festivals" - and it's not into the seven figures. We're spending 3.2 million on festivals. That's not our priority. We're not in the business of festivals. We can't even get the basics right. And the continuing of overseas travel and overseas donations, it's - the perception in the community is they have a - a very bad distaste for this method of financial prudence.

MS McDONALD: I wanted to move to an associated question which you probably have already answered. Any risks facing council for the next just under three years? From your answer, obviously financial position of council?

MR RISTEVSKI: Correct.

MS McDONALD: Anything else that you wish to raise?

MR RISTEVSKI: I think they lack systems. We recently got a $20,000 fine for losing a hard drive that had people's personal information regarding their work health and safety claims. The council got a $20,000 fine for losing that.

MS McDONALD: So do you know who imposed the fine?

MR RISTEVSKI: I can't remember. Work health and safety - whoever regulates that.

MS McDONALD: SafeWork New South Wales?

MR RISTEVSKI: Yes, I think so. I think so. The asbestos issue is a major issue. It's become a pandemic. Every site - there's a new site every single time. That's a very serious issue. And probably - and I've also had a breach of privacy. I got an email saying that, "Someone's accessed your file for code of conducts." "Five staff members within council have accessed your file concerning code of conducts." That, to me, is a risk. How is this going on? Privacy breaches left, right and centre.

MS McDONALD: A different topic. What is council doing well?

MR RISTEVSKI: Speaking for myself - I can only talk about myself. We have done a lot of good over those 1,400 councillor requests. That's all from the community - this needs to be cleaned, that needs to be rectified - every single one of them is getting done. Our community is probably the most engaged community in the entire Sydney metropolitan area. They know exactly what's going on. They're becoming engaged - that's what you want from your community. That's a positive.

MS McDONALD: Okay.

MR RISTEVSKI: The new councillors, they're great. We've got two Labor councillors, Monaghan and Karnib, who are lawyers. They are fantastic, because no one's really held council to an account. And at the moment they know when they present something to council, us councillors, they need to make sure they have every

I dotted, every T crossed, because it - it wasn't happening. The scrutinisation is a good thing, not a bad thing.

Now, if I can sort of deviate a little bit, I know there may be a risk of appointing a - what do you call it - an administrator. The community, although they are very upset, I think they will lose that aspect where they can come to a councillor like myself, there's an issue, and we deliver. The administrator won't be able to deliver that. So there is a risk there the community will not have that voice or interaction if this council is sacked. Yes, certain councillors probably need to be, but I guess we need to keep that in mind because it has been under administration previously and the community hated it for that very reason.

MS McDONALD: Right. Anything else on that topic?

MR RISTEVSKI: I think that's fine.

MS McDONALD: All right. Just -

COMMISSIONER: Sorry to interrupt -

MS McDONALD: I'm sorry.

COMMISSIONER: In an answer to one of counsel assisting's earlier questions, my note is you said staff morale is very low.

MR RISTEVSKI: Yes.

MS McDONALD: How do you - how have you arrived at that view?

MR RISTEVSKI: I look at strikes, the amount of claims they have in the Industrial Relations Commission. We get a legal report. The amount of stress leave that staff are taking - obviously, the amount of stress leave - if it's high, that tells you that the morale is very low. And you can see it in their faces when you turn up. They're under-resourced, under-appreciated. And there is a thick air when you walk into that building of tension. You can just feel it. Your gut feel tells you that people aren't happy.

MS McDONALD: And, sorry, just on that point, you referred the other day at the Wednesday night meeting - you described it as a legal report, but there were some stats - statistics, I'm sorry, provided to councillors about an increase in either worker comp claims or work health and safety issues?

MR RISTEVSKI: Going through the list, you can actually see all of those.

MS McDONALD: So that - when you answered about staff low morale -

MR RISTEVSKI: Yes.

MS McDONALD: - were you relying in part on those statistics or material?

MR RISTEVSKI: Correct. Yes. Yes.

COMMISSIONER: Is that in the red part of the council papers? The confidential papers?

MR RISTEVSKI: I don't think it - I don't think it is in the - I can't remember.

COMMISSIONER: That's all right.

MR RISTEVSKI: It probably is. It probably is, but I'm not mentioning names.

COMMISSIONER: No, no. Just to assist those -

MS McDONALD: Yes.

COMMISSIONER: - who might want to see them -

MS McDONALD: Yes.

COMMISSIONER: - to look - know where to look.

MR RISTEVSKI: Yes, it is in the confidential. Yes.

MS McDONALD: Now, can I just jump back to the question of roughly the date of the revelation that you've spoken about. Can we bring up INQ.021.001.0004. And please don't live stream it. Now, if we look at the top of the page, that was on 10 July?

MR RISTEVSKI: Yes.

MS McDONALD: I would suggest that the wording over the photograph of Mr Mannoun is personally disparaging?

MR RISTEVSKI: In my opinion?

MS McDONALD: Well, I withdraw the question. Given your now knowledge and willingness to work within those restrictions, you wouldn't be posting something like this again?

MR RISTEVSKI: No. I wouldn't.

MS McDONALD: And -

MR RISTEVSKI: I wouldn't be posting that.

MS McDONALD: And that would suggest - and I'm just - there's the -

COMMISSIONER: Sorry, I just didn't hear the answer.

MS McDONALD: I'm sorry?

COMMISSIONER: I just didn't hear the councillor's answer.

MR RISTEVSKI: No, I wouldn't be posting.

COMMISSIONER: Wouldn't?

MR RISTEVSKI: Yes, exactly.

COMMISSIONER: Yes.

MR RISTEVSKI: Yes.

MS McDONALD: And as that was 10 July, again, that would suggest that your - the revelation hadn't occurred by then?

MR RISTEVSKI: And being a story - I don't see a lot of the stories as well, because they disappear. But, yes, it's probably at the end of July I -

MS McDONALD: Was this done by the Macedonian team?

MR RISTEVSKI: Correct.

MS McDONALD: With the Macedonian team, how did you feed them information or material?

MR RISTEVSKI: About this one or any -

MS McDONALD: Any. How did you -

MR RISTEVSKI: I would send them -

MS McDONALD: - operate with -

MR RISTEVSKI: I would send them a photo or a video and we'd have a discussion about what I want to say, and then they put the context together. Now, at the moment, they show me - I have a look at it before it goes live and I give it the tick.

MS McDONALD: Okay. And that discussion with them about what you want to say, would that be done over the phone -

MR RISTEVSKI: Yes.

MS McDONALD: - or via AVL or -

MR RISTEVSKI: Over the phone.

MS McDONALD: Okay. And then we have one which is INQ.086.001.0001. Not live streamed, please. You can see the time of the screenshot, 16 July?

MR RISTEVSKI: Mmm.

MS McDONALD: And we've got two photographs with a comment about Europeans?

MR RISTEVSKI: Yes.

MS McDONALD: And then a comment about Aboriginals?

MR RISTEVSKI: Yes.

MS McDONALD: The opening - counsel assisting's opening was on 14 July, where there was a reference to the indigenous - indigenous groups who had been resident or living in the Liverpool City Council area for over 60,000 years. Was that a pick-up from those comments in the council assisting opening? I referred to -

MR RISTEVSKI: Yes.

MS McDONALD: - the Liverpool City Council area, where it was, its dimensions, and then I mentioned that Aboriginals of this grouping had been there for 60,000 years, et cetera. And I'm just wondering if this story was inspired by those comments?

MR RISTEVSKI: No, I didn't hear that.

MS McDONALD: Not -

MR RISTEVSKI: No, it's not inspired, because I didn't hear those comments.

MS McDONALD: You didn't listen to the counsel's - the opening?

MR RISTEVSKI: Today, you mean, or -

MS McDONALD: No, no, no. No, back on 14 July -

MR RISTEVSKI: I -

MS McDONALD: - day 1 of the inquiry.

MR RISTEVSKI: Yes, no, I - I don't remember it.

MS McDONALD: All right. And again with your conversion revelation, would you - and I take it it's a story. It's the Macedonian team again?

MR RISTEVSKI: Yes.

MS McDONALD: Would you authorise such a story to be posted?

MR RISTEVSKI: I know you want a yes or a no, but I can't answer a yes or a no. I have to elaborate. If I can't elaborate, then I can't answer.

MS McDONALD: Okay. No further questions.

COMMISSIONER: All right. Well, for those of you who want to ask questions, have you got an order or - Mr Parish, are you first up?

MR PARISH: I think it's me to start, by default.

COMMISSIONER: How long have you got?

MR PARISH: I'll be about 15 minutes probably. I'd be happy to take the morning tea now.

COMMISSIONER: Why don't we do your 15 minutes, given the later start, and then we'll take a break.

MR PARISH: Thank you.

COMMISSIONER: And if there needs to be a reshuffling at the bar table that can happen then.

MR PARISH: Thank you. Can I just mention before I commence some questions, Commissioner, that we made some enquiries about Mr Hodgkinson's advice.

COMMISSIONER: Yes.

MR PARISH: Not with him but with the data that laid behind - the metadata, and the metadata says 7 September 2015. Yes. (Indistinct) better than me -

COMMISSIONER: Sorry -

MR PARISH: - and the advice was - the metadata -

COMMISSIONER: What's the significance of that date from the metadata? That it was in the council system on that day or -

MR PARISH: It was created - a PDF was created on that date.

COMMISSIONER: Okay.

MR PARISH: That at least marks it as something which was created before that date.

COMMISSIONER: Yes. Okay.

MR PARISH: That's about as far as that goes.

COMMISSIONER: Thank you.

MR PARISH: But I thought I ought to pass it along.

COMMISSIONER: No. Thank you.

MR PARISH: Mr Ristevski, my name's David Parish. I'm one of the counsel for the council and I've probably got 10 or 15 minutes' worth of questions for you, mainly about the training, the induction process and the councillor interaction policy. Do you remember, on 27 October, you were asked some questions by senior counsel assisting about the induction training and specifically whether there was any training about the use of social media?

MR RISTEVSKI: Yes.

MR PARISH: And your answer was no?

MR RISTEVSKI: No, I said there was a - one sentence in one of the paragraphs.

MS McDONALD: Right.

MR RISTEVSKI: In the -

MR PARISH: I'll just take you to a transcript reference. I think you might have given more than once - answer, possibly -

MR RISTEVSKI: Yes.

MR PARISH: - but just in fairness I'll take you to the transcript reference.

MR RISTEVSKI: Yes. Yes. Yes.

MR PARISH: It was at page 2628.34.

COMMISSIONER: That would be a private session?

MR PARISH: It would have been private session.

COMMISSIONER: I'm sorry.

MR PARISH: No, I'm not sure it would have been.

COMMISSIONER: I'm sorry. I've read the 26 as being the page and then the line, I'm sorry.

MR PARISH: Pardon me. It's -

COMMISSIONER: No, it's my fault.

MR PARISH: - 2628.

COMMISSIONER: It's my fault entirely.

MR PARISH: Line 34. Ms McDonald asked:

"So you were [elected] in - last year, in about September 2024."

And you said, "Yes." And then Ms McDonald said:

"We've heard evidence that the first training that the councillors received is in the form of some kind of induction."

You said, "Yes." And then Ms McDonald said:

"Which may have gone on for about a day or two..."

You said, "Yes." And then Ms McDonald said:

"During [the] induction training, were you given any training about the use of social media?"

And you said, "No." Do you recall that?

MR RISTEVSKI: I do, but if I can just elaborate?

MR PARISH: I will be asking you to elaborate.

MR RISTEVSKI: Okay.

MR PARISH: That's -

MR RISTEVSKI: Yes.

MR PARISH: - where I'm going.

MR RISTEVSKI: Yes.

MR PARISH: Can you just take us back to that day, 15 October last year, where you received induction training. You were asked some questions about induction training on the code of conduct and the Code of Meeting Practice in the afternoon. Do you recall that?

MR RISTEVSKI: Yes.

MR PARISH: And the timetable - at least that we had - said that Mr John Oberhardt was going to give you some training on those two topics from 1 o'clock until 2.45. Does that sound about right?

MR RISTEVSKI: Yes.

MR PARISH: And then you were going to have a cup of tea and a bikkie for 15 minutes.

MR RISTEVSKI: Yes.

MR PARISH: And then you were going to come back at 3 and go through until 5. Do you recall that -

MR RISTEVSKI: Yes.

MR PARISH: - timetable that we had?

MR RISTEVSKI: Yes.

MR PARISH: Can you just take us to the setting of that training? Where was it?

MR RISTEVSKI: In - where we hold our council meetings.

MR PARISH: I see. Do I call that the council chamber? Is that -

MR RISTEVSKI: Yes.

MR PARISH: Okay. And Mr Oberhardt stood at the front of the room, in front of a screen or something like that; is that right?

MR RISTEVSKI: The podium where we normally have our public gallery.

MR PARISH: Did he have a PowerPoint or something like that on a screen?

MR RISTEVSKI: A - I honestly can't remember, but I'd say so.

MR PARISH: Okay. I'm not asking you to guess, I'm just trying to put you in that room and -

MR RISTEVSKI: Yes. Yes, I -

MR PARISH: - hopefully -

MR RISTEVSKI: Yes, I'd say there would be. Yes.

MR PARISH: - jogging your memory.

MR RISTEVSKI: I'd say there would be.

MR PARISH: And do you recall if he talked to something on a screen? Did he sort of point -

MR RISTEVSKI: He would have. Yes.

MR PARISH: - to things from time to time and -

MR RISTEVSKI: Yes, he -

MR PARISH: - then elaborated on it?

MR RISTEVSKI: Yes, he would have. Yes.

MR PARISH: And do you recall if you received a handout or anything like that -

MR RISTEVSKI: Yes.

MR PARISH: - while he stood at the front of the room - or, pardon me, at the lectern and talked?

MR RISTEVSKI: We received a book which was presented on the screen.

MR PARISH: Okay.

MR RISTEVSKI: Council induction handbook. That's right.

MR PARISH: Yes. Can I just bring up a document and just see if this jogs your memory. It's LCC.003.002.0111. While that document's bought up - brought up, do you remember if the presentation by Mr Oberhardt went roughly for the amount of time that was set out in that timetable?

MR RISTEVSKI: I can't remember.

MR PARISH: Can't remember. Okay. Yes, please. See that document there, it says:

"Liverpool City Council Code of Conduct For Councillors Facilitated by John Oberhardt."

MR RISTEVSKI: Yes.

MR PARISH: Do you recall receiving a handout or a flyer or a document like that?

MR RISTEVSKI: We probably did. I just can't remember it.

MR PARISH: Do you recall if something like that was put up on the screen while Mr Oberhardt talked to it?

MR RISTEVSKI: I can't remember, but it probably did.

COMMISSIONER: Were you given a bundle of documents on the day? Maybe in a folder that looks like this or stack of papers on the desk when you arrived?

MR RISTEVSKI: They were - they may have been loose. But I remember the handbook clearly because it was thick. It - it had it all in there, and that's the one that I sort of remember clearly - the one that was put on the screen.

MR PARISH: Sorry, that induction handbook was also -

MR RISTEVSKI: Correct.

MR PARISH: - popped up on the screen and -

MR RISTEVSKI: No, I'm saying it was put on the screen here.

MR PARISH: Sorry. Yes.

MR RISTEVSKI: Yes. But we actually got a physical book and I carried that one with me. That's the one I was referring to.

MR PARISH: Okay. So your evidence in respect of this document at least, you don't have a clear recollection of receiving a -

MR RISTEVSKI: No.

MR PARISH: - hard copy version of it?

MR RISTEVSKI: It was over 12 months ago. I can't remember, but maybe if you flick through it I might be able to recall.

MR PARISH: That's a good idea. Can we try going to page 7. Do you see there that talks about talking in depth about a series of things which are a - a little dash beside them?

MR RISTEVSKI: Yes.

MR PARISH: You see the second from the bottom there is "social media activity"?

MR RISTEVSKI: Yes.

MR PARISH: Does that jog your recollection in any way whether you received the document or discussed social media activity on that day?

MR RISTEVSKI: I can't remember.

MR PARISH: Okay.

MR RISTEVSKI: Unless there's other slides - but I - that doesn't joggle my memory.

MR PARISH: Doesn't jog your memory?

MR RISTEVSKI: No.

MR PARISH: Can we try page 50. That's a slide or a printout about inappropriate interactions with three dot points. You see that?

MR RISTEVSKI: Yes.

MR PARISH: And that's got reference there in dot point 1 to, presumably being anti rather than pro:

"Councillors making personal attacks on Council staff..."

MR RISTEVSKI: Yes.

MR PARISH:

"...or engaging in conduct..."

Et cetera.

MR RISTEVSKI: Yes.

MR PARISH:

"...in public forums including social media."

Does that jog your memory at all about whether it may have been discussed on that day or whether you've seen this document before?

MR RISTEVSKI: Is there any other slides on that?

MR PARISH: We could try page 52, which is headed A Word About Social Media.

MR RISTEVSKI: Anything else?

MR PARISH: Well, do you see the dot points there? Do any of those dot points, if you read them, jog your memory about whether you might have discussed social media or received training about it on that day?

MR RISTEVSKI: Is there another slide that we can go to?

MR PARISH: Do you want to try number 51 - if we go back a page. Just a discussion about media more generally. Does that jog your memory at all?

MR RISTEVSKI: No, but what I'd like to see - it wasn't adequate because there's only one paragraph on social media. Like, I did a whole course for three hours on social media. Talking about it with a - one paragraph is not enough training, in my opinion.

MR PARISH: Okay.

MR RISTEVSKI: I mean, I had no idea the impact that social media would have - like, that was the first day. Moving down the track, six months later, obviously it'd become a big issue, but they couldn't determine that at - in October. So the - you know - and the CEO has done the right thing by scheduling meetings and allowing us to do training. So we can be critical on both sides, but I think on both sides we are learning as we go, and I'm - and I'm very thankful for that.

MR PARISH: But to my question, you don't have any specific recollection and this hasn't jogged your memory -

MR RISTEVSKI: No.

MR PARISH: - about whether you might have received some sort of -

MR RISTEVSKI: Look, it may have been mentioned, but mentioning something that's become a major issue is just not enough.

MR PARISH: All right. Thank you. I've got a similar question about training that you might have received about the code of conduct. And do you recall that your evidence about that was that there was a snippet?

MR RISTEVSKI: Yes.

MR PARISH: If we go to the first page of this document - now, I accept that you don't have a clear recollection of whether you actually received this document or Mr Oberhardt spoke to it, but you'll note there that it says "Liverpool City Council Code of Conduct" and it's 59 pages long. Do you see that?

MR RISTEVSKI: Yes.

MS McDONALD: If I ask you to assume for a second that you did receive this document and Mr Oberhardt did speak to it, is that something a bit more than a snippet?

MR RISTEVSKI: Look, I agree with you. My answer to the snippet was the handbook that we received, the - the, well, prospectus style handbook.

MR PARISH: I see.

MR RISTEVSKI: That only had a snippet of that in that. This would have been good to be included in that because that's kind of a document you can carry around. This was a handout. I mean, who carries around handouts? It's - you need something a bit more sturdy that won't get damaged. Because I refer to that handbook more regularly and it really doesn't give me much guidance. There was a handout on this, which I can't remember - and there probably was - I don't have it. It's probably an A4. You can't carry it around because it'll get dog - you know, the dog ears when you carry it around a lot. There needs to be like - you know, like, as an accountant we have thick books that we can carry around and refer to it. We probably should have a pack like that going forward.

MR PARISH: So I take it from your answer that one of the pieces of feedback you would give to the council, Mr Oberhardt and others conducting those induction sessions is everything in one big Bible for you to -

MR RISTEVSKI: Yes.

MR PARISH: - be able to refer to?

MR RISTEVSKI: Yes, 100 per cent. That would be great. I'd carry the - carry that around all the time.

COMMISSIONER: Do you have regard now, and since your re-election, to the councillor handbook published by the Office of Local Government? Is that in your toolkit?

MR RISTEVSKI: We've got it online, but I'm oldschool, I like to carry it around. I'd love to have a - a more, you know, nicely bound - that you can put in your bag, carry it around, throw it around, it doesn't get damaged.

COMMISSIONER: So do you have regard - have you used that resource over the past 12 months since your re-election?

MR RISTEVSKI: Yes, I'm using it with a lot of the code of conducts online also, because I don't have a hard copy available.

MR PARISH: Thank you, Commissioner. You were a councillor between 2012 and 2016?

MR RISTEVSKI: Yes.

MR PARISH: Do you recall - without having to descend into specifics, but do you recall the induction training you received, I presume in 2012, and whether you felt at that time that it was sufficient to equip you for your role as a councillor?

MR RISTEVSKI: I fully can't remember it, but I think it was -

MR PARISH: That's okay.

MR RISTEVSKI: It was better handled back then than it is now.

MR PARISH: Counsel - senior counsel assisting also asked you some questions about the Code of Meeting Practice, and that was one of the things which was dealt with - at least in the timetable it purports to have been dealt with by Mr Oberhardt. And one of the things that senior counsel assisting asked you about was exposure to on-hands experience and how the meetings were conducted. Do you remember that?

MR RISTEVSKI: Yes.

MR PARISH: And you said that you would have been assisted if things like drafting a notice of motion or moving a dissenting motion could have been dealt with.

MR RISTEVSKI: Yes.

MR PARISH: I think you described it as the - "kind of the nuts and bolts"?

MR RISTEVSKI: Yes.

MR PARISH: Do you recall if you brought any experience forward from your 2012-2016 term to the new term, in respect of Code of Meeting Practice?

MR RISTEVSKI: Well, I mean, it has changed since I was there, so I - I would say no. Because it's a document that always changes, Code of Meeting Practice.

MR PARISH: Sure. But we're talking here about the nuts and bolts. Presumably the nuts and the bolts have to stay in place or the whole thing falls apart?

MR RISTEVSKI: That wasn't my strong parts of my first term -

MR PARISH: Okay.

MR RISTEVSKI: - so I didn't bring that with me in my second term.

MR PARISH: So do I take from that answer that code of conduct - Code of Meeting Practice is something that needs to be refreshed from time to time for everyone, notwithstanding that they had previous experience as a councillor? I think you might have been deputy mayor for a while? You would have -

MR RISTEVSKI: Yes, because -

MR PARISH: - chaired the occasional meeting; is that right?

MR RISTEVSKI: Yes. I was part of the Liberal team. So you had -

MR PARISH: I see?

MR RISTEVSKI: - that guidance and support. This time I'm an independent on my own.

MR PARISH: Yes.

MR RISTEVSKI: Got no resources except myself, so different circumstances. Definitely, it - it needs to be ongoing. We saw an example where Councillor Monaghan - he knows the Code of Meeting Practice down pat, where he pulled out a motion that - we don't have a quorum, we're going to reschedule the council meeting. None of the councillors that walked out had any idea that this was available in the Code of Meeting Practice, and the mayor's been there since 2008. So that tells you that they don't know it and there needs to be a refresher at least.

MR PARISH: Thank you. You were also asked some questions, I think two days ago now, about acting as a conduit for constituents for their submissions and complaints and your use of the Councillor Support system.

MR RISTEVSKI: Yes.

MR PARISH: Do you recall that? I think it might have been yesterday, in fact.

MR RISTEVSKI: Yes.

MR PARISH: And you gave an example of the DA for a mosque at Austral, which - we saw a post not long ago, and you said that you'd had a number of complaints that had come to you and that you'd act as a conduit for them to

Councillor Support, where they would make up part of the public submission for or against. And you said:

"It's mainly around that kind of stuff."

Do you recall that?

MR RISTEVSKI: Yes.

MR PARISH: Can you just elaborate on what you meant by "that kind of stuff"?

MR RISTEVSKI: As a conduit?

MR PARISH: Yes.

MR RISTEVSKI: The budget was another one.

MR PARISH: Yes.

MR RISTEVSKI: I received 180 submissions from the public -

MR PARISH: Yes.

MR RISTEVSKI: - when it was open for public submissions - that they would send me their comments for public submission, and then I would forward it to Councillor Support to make up the submissions, which then made the council agenda item, and they were reflected in the business papers. Do you want more examples?

MR PARISH: No, that's fine. Thank you. I'm just - is that a lot of work from you - for you, I should say, as a councillor, having to act as a conduit in those sort of circumstances? Like, a question about rates increases?

MR RISTEVSKI: Part of the role.

MR PARISH: But there's other ways in which a constituent can raise an issue, can't they? They don't have to go through you?

MR RISTEVSKI: Well, when they come for me I'm - I'm obligated to deal with it.

MR PARISH: Do you undertake any sort of critical evaluation or triage of the constituent submissions or complaints or feedback that you get?

MR RISTEVSKI: Give me an example?

MR PARISH: When you receive, say, an email from a constituent about -

MR RISTEVSKI: Yes.

MR PARISH: - say, the proposed rate increase -

MR RISTEVSKI: Yes.

MR PARISH: - do you read it, see whether it might be bona fide from a ratepayer in the area, cogent before you send it on? Or do you just flick it straight on to Councillor Support?

MR RISTEVSKI: How do I know if it's a ratepayer? I don't have resources to check their address.

MR PARISH: Is that a no, you don't check that out? Do you assess the email for whether it's cogent, relevant, something that appropriately should be passed along to council through the Councillor Support system?

MR RISTEVSKI: Every constituent that reaches out to me deserves that respect and I give them that. And I deal with every single response and I follow it through. Considering we don't have a system to track these councillor requests, I've literally got to go through all my emails - so when someone comes to me, I deal with it, I look at it, and I forward it on to Councillor Support.

MR PARISH: Doesn't quite answer my question. You said you look at it. Can you tell me in what depth you look at an email that you receive from someone?

MR RISTEVSKI: Read - I read it.

MR PARISH: Do you ever determine that it might not be appropriate to pass it on, or do I take it from your previous answer you assume that it deserves the respect to be passed along because it's coming from a constituent?

MR RISTEVSKI: If someone reaches out to me, then they're taking their time to - they need assistance, and every constituent deserves to be treated with that respect and not ignored, which is the way I run my business, the way I've been raised by my family, and I'll continue that in this role.

MR PARISH: Do you ever assess whether or not there might be a proforma email or - sometimes they're called bot emails, where you're just getting a generic complaint that's in the same form?

MR RISTEVSKI: No, because I have communications between - once I get a response, I forward it to the constituent, they reply back. I don't understand this bot business.

MR PARISH: I see. Could I just bring up a document. Commissioner, this might be taking slightly longer than I thought. I might be another five or 10 minutes. Do you want to take -

COMMISSIONER: All right. Yes. The councillor has been answering questions for a while now.

MR PARISH: Yes.

COMMISSIONER: Councillor, we'll take the mid-morning break.

MR RISTEVSKI: Yes. No problem.

COMMISSIONER: I'll resume at 20 past 12.

MR RISTEVSKI: Thank you.

COMMISSIONER: If you wouldn't mind being back here then.

MR RISTEVSKI: Yes. No problem.

COMMISSIONER: We'll adjourn until 20 past 12.

<THE HEARING ADJOURNED AT 12.00 PM

<THE HEARING RESUMED AT 12.23 PM

COMMISSIONER: Just pause a minute, Mr Parish, Ms Hamilton-Jewell isn't at the bar table. Yes, Mr Parish.

MR PARISH: Thank you, Commissioner. Councillor Ristevski, I just want to ask you a few questions about using the Councillor Support email and how that system works. And in particular, to start off with, some questions about the emails you were receiving about the proposed six per cent increase in council rates.

MR RISTEVSKI: Mmm.

MR PARISH: And I think your evidence was that that topic and the DA in respect of a mosque, and perhaps a few other things, represented the bulk of the 1,400 requests that you have made. Is that a fair summary?

MR RISTEVSKI: Difficult to give you a summary because there's no system for me to check, but let's just go with that.

MR PARISH: No, you don't have to accept it. I'm genuinely -

MR RISTEVSKI: I mean -

MR PARISH: - interested in your -

MR RISTEVSKI: There are a lot of individual ones -

MR PARISH: Yes.

MR RISTEVSKI: - that you can't bulk.

MR PARISH: Yes.

MR RISTEVSKI: So there's a quite a lot. I deal - the community comes to me knowing that I follow through. Just the way I am. And I guess word spreads throughout the LGA, "Go see Ristevski, he'll make sure you get a" - "he'll follow through, you'll get a phone call." I run it like my business, everyone get a - gets the attention.

MR PARISH: Can I maybe approach it this way. You have emails that you send to Councillor Support which may be about a very discrete topic, such as a pothole -

MR RISTEVSKI: Yes.

MR PARISH: - on the corner of a road that's dangerous -

MR RISTEVSKI: Yes.

MR PARISH: - and you want to bring it to the appropriate operational person -

MR RISTEVSKI: Correct.

MR PARISH: - as soon as possible.

MR RISTEVSKI: Correct.

MR PARISH: And then there are topics where you might get many emails -

MR RISTEVSKI: (Crosstalk).

MR PARISH: - about the exact same topic -

MR RISTEVSKI: Correct. Yes.

MR PARISH: - that might be a live issue in the community at the time.

MR RISTEVSKI: Yes.

MR PARISH: And one of those is the - or was the six per cent council rate increase; is that correct?

MR RISTEVSKI: Yes.

MR PARISH: I'm just going to ask Madam Associate to put a couple of emails up side by side, and the first one is LCC.014.002.05 - sorry, pardon me, 0757. Yes, please. And the second one, if we could put it next to that, is LCC.014.002.0754. Thank you, Associate. If we could start on the right-hand side - with .0754 - see that's an email that you sent to Councillor Support on 14 May 2025 at 5.31.23 in the am?

MR RISTEVSKI: Yes.

MR PARISH: And the email that you're forwarding is below that. We've redacted the identity of the sender, but that was provided to you at 4.09 am on the same day. Do you see that?

MR RISTEVSKI: Yes.

MR PARISH: And there's effectively four paragraphs: one expressing opposition to the rate increase, one doing some maths about what that rate increase is and why it's unacceptable to them, then there's a reference to the money spent on festivals, and then finally is a comment to you about - presumably to you - about standing against the rate hike. Do you see that?

MR RISTEVSKI: Yes.

MR PARISH: Do you see on the right-hand side, with .0757, we have an email from you to Councillor Support on the same day at 8.58.10 am?

MR RISTEVSKI: Yes.

MR PARISH: And you're effectively sending it to Councillor Support and asking them to submit it as part of the advertising period - the 28-day advertising period. Do you see that?

MR RISTEVSKI: Yes.

MR PARISH: Take your time, but they're identical emails, aren't they?

MR RISTEVSKI: No, they're not.

MR PARISH: Can you tell me in what way you say they're not identical?

MR RISTEVSKI: The font's different. The one on the left says "Dear Councillor Ristevski", the one on the right says "Dear Councillor".

MR PARISH: Okay. Is that the only way that they're different?

MR RISTEVSKI: I can't see the email addresses, so I can't comment on that one, and I can't see who they're from, so I can't comment on that.

MR PARISH: The substance in those four paragraphs that I took you to is identical; is that correct?

MR RISTEVSKI: Yes.

MR PARISH: Does that suggest to you that these have been sent as part of a proforma email that people have been encouraged to send to you?

MR RISTEVSKI: Nothing wrong with it.

MR PARISH: No, no, I'm not suggesting it is.

MR RISTEVSKI: I don't know. I don't - I don't have the time to analyse these things. Like, one was received on the 14th of the 5th at 5.31, the other one was received at - different time of a date. I've got a million and one things going on. I don't have the time to sit there and analyse these emails, whether that's similar to that one. I don't have the time. And it's not part of my role.

MR PARISH: It's council staff's job, is it, to analyse these and assess whether or not they are similar in nature, perhaps sent from the same proforma document, and may be reflecting the exact same point? Is that right?

MR RISTEVSKI: Nothing illegal about that.

MR PARISH: No, no, I'm not - that's not my line of questioning.

MR RISTEVSKI: Yes.

MR PARISH: I genuinely want to know where you see the responsibility for undertaking that role to lie.

MR RISTEVSKI: You want me to -

MR PARISH: Yes.

MR RISTEVSKI: - take responsibility of -

MR PARISH: No, no, no. I'm asking you where you think the responsibility should lie.

MR RISTEVSKI: We deal with it. If someone has taken the time to email us, whether they're similar or not, who cares? It's from a person. Everyone agrees they don't want a rate rise. Everyone agrees about festival spending. Just because they're similar doesn't make them -

MR PARISH: No, no. I'm not -

MR RISTEVSKI: Yes.

MR PARISH: - cavilling with the substance of it.

MR RISTEVSKI: These are bona fides and I think they should be acted upon. That's my answer.

COMMISSIONER: Mr Parish, what was the context of this six per cent? Is this an IPART increase? Is it waste levy?

MR PARISH: Councillor Ristevski, can you give us the context of -

MR RISTEVSKI: Yes. So -

MR PARISH: - the six per cent increase?

MR RISTEVSKI: - the budget goes on public exhibition.

COMMISSIONER: Yes.

MR RISTEVSKI: And the - during that public exhibition there can be comments. No one likes a rate increase. So the maximum rate that we as a council were allowed to increase was either zero or six per cent max.

COMMISSIONER: Yes.

MR RISTEVSKI: Councillors voted to increase it by six per cent. I voted against. The -

COMMISSIONER: This wasn't a special variation? This was the -

MR RISTEVSKI: No, no. Just the normal -

COMMISSIONER: Just normal -

MR RISTEVSKI: Part of the budget every year.

COMMISSIONER: I understand. Thank you.

MR RISTEVSKI: Yes.

MR PARISH: And that advertising period, do you recall - or do you know if there was an email addressed or a point of contact given during that period that concerned ratepayers were supposed to - or allowed to contact?

MR RISTEVSKI: Can't recall.

MR PARISH: And just back to my question before. Is it your view that the best party or people to undertake an analysis of whether or not emails received by you should be actioned and how they are actioned is at the staff end rather than you undertaking some -

MR RISTEVSKI: Hundred per cent. I'm $35,000 a year. They're on 80 to 90 grand full-time. This is a part-time role for me. If this is another role I have to do, then I'd like to know.

MR PARISH: With matters such as the six per cent council rate increase, where it's one topic and you're getting many emails about the same topic, do you think it would assist you if there were a separate process to pass along these rather than through the councillorsupport@liverpool.nsw.gov.au email?

MR RISTEVSKI: I think you need to elaborate. I don't follow.

MS McDONALD: Well, as we were talking about before, if you've got a concern from a ratepayer specifically about a pothole in the corner of this street and that street and it could be dangerous and it really needs to be actioned in quite an -

MR RISTEVSKI: Yes.

MR PARISH: - urgent way -

MR RISTEVSKI: Yes.

MR PARISH: - that could get caught up with 400 emails set out in the exact same way expressing a view about the budget? Is that - is there a better way to use the resources of council staff to have separate systems or a better way of dealing with these things, or are you -

MR RISTEVSKI: I'd give you a good answer to that. The way it's being done now via emails, there is no tracking device.

MR PARISH: Yes.

MR RISTEVSKI: They need to have a software - and I've mentioned this to them, "You're making my life very difficult" - when they don't put the TRIM number on an emails, I've got to go through all the emails and try and track it and match it, where - it's a live document, I can go in, I can see the notes, people can add to the notes. This emailer system is back in the 1800s. It's a very old system that's taking up too much time on my behalf.

Now, I don't accept criticisms for work - for being a proactive councillor. You get criticised for doing something wrong, you get criticised for being proactive as well. God help us. This responsibility is on council - develop a system to make everyone's life easier. I've told them this on many, many occasions, and they still haven't come up with a system. They prefer a system that's so outdated. It wastes my time - I'm a part-timer, it wastes councillor resources time as well. Develop a system where - systems are there to benefit us, to make it more efficient.

And if we had a system, I could actually see them if they're duplicated with duplicate emails or duplicate comments. There is no way I can tell this - I get an email - I get a thousand emails, and you want me to go through to see if they're all duplicated? Not going to happen, I can tell you right now. But if you develop a system, it's a live document, I can log in, I can probably see that.

COMMISSIONER: Tell me if this is an enhancement to the system - and I know you will - feel free to agree or disagree as you see fit, but I think the issue that might be being explored with you - either Mr Parish or others will take up the tracking issue with you separately, but you have on the one hand a concern from a constituent about road repair. You've told me about cleanliness issues, it might be a dangerous tree, that sort of thing. "Hey, we need to" - "can someone have a look at this, can someone see if action needs to be taken." That's one category.

Here you have a series of submissions or objections from the public about an issue that's come in before council, which might, on one view, be in a separate category dealing - needing a different type of response from staff. Do you agree generally with what I'm raising with you?

MR RISTEVSKI: I - I agree, but I -

COMMISSIONER: So just let me finish. Then you can -

MR RISTEVSKI: Yes, yes, yes, yes.

COMMISSIONER: - feel free to -

MR RISTEVSKI: Yes.

COMMISSIONER: Would it assist if there was a separate process - a separate way - for you and your councillor colleagues to say, "Here's a constituent submission on an issue that's come in before council. We're going to send it down this path." "Here's a concern about a pothole or a tree, that goes in the" - on a different path. So you separate the two.

MR RISTEVSKI: It's difficult to know where you email them. I think this is -

COMMISSIONER: No, no -

MR RISTEVSKI: Yes.

COMMISSIONER: This is a system that, as I am apprehending - it doesn't yet exist, but I'm -

MR RISTEVSKI: Yes, it doesn't. Yes.

COMMISSIONER: - exploring with you whether you think that might be a good idea -

MR RISTEVSKI: No, I don't think - because I would then have to think, "Okay, does it go here? Does it go there?" I think the one - or you put it in a live system. I log it in and then someone can log in each day and they can see - everyone can see it, so you -

COMMISSIONER: So you don't think that idea would be of assistance?

MR RISTEVSKI: No, because I don't know then. Where do - I would - who do they say I've got to email it to? I wouldn't - it's just another - look, I'll be honest with you. I don't do this for the money, but the amount of responsibility as councillors, reading budgets, going through this - 35 grand a year, it's embarrassing, the amount of work we have to do. And, you know, now to analyse these emails, it's - that needs to be looked at. In all honesty, if I'm being fair, that has to be looked at.

COMMISSIONER: What's the "that"?

MR RISTEVSKI: The - the wage that a councillor gets. You really - you've got one retired councillor, Peter Harle, and he can spend every - 44 hours on this because he doesn't have a job. Do we really want councillors that are retired? Or do we want professionals like - I mentioned the two councillors - they're great at what they do. We need more of them, but 35 grand - they struggle to attend a lot of these other meetings. You want quality people and you've got to adjust. The CEO's on more than the Prime Minister and us councillors, we're on - I'm not complaining, but I'm just saying if you want better quality councillors, that needs to be looked at.

MR PARISH: Thank you, Commissioner. One of the other topics which you raised yesterday that took up some of the emails that you sent to the Councillor Support email related to the DA for a mosque in Austral. Do you remember that?

MR RISTEVSKI: Yes.

MR PARISH: And we were shown earlier today a post that you had made about that topic. If we could perhaps -

MR RISTEVSKI: That's correct.

MR PARISH: - bring it up. NMA.004.001.0005. Yes, please. Do you see at the top there - I can't quite figure out what that is - it's two red hats or something like that under the first line that says:

"$11 million development in Austral - have your say!"

MR RISTEVSKI: Yes.

MR PARISH: In this circumstance, you had actually sought feedback from your constituents?

MR RISTEVSKI: Correct.

MR PARISH: Do you agree with that?

MR RISTEVSKI: I agree with that.

MR PARISH: And without cavilling in any way with the time and the resources and correspondingly the money that you receive for your important role, this was a circumstance in which you had effectively created a rod for your own back insofar as you were asking for a - as much feedback and you can get?

MR RISTEVSKI: I'm a thorough individual and I want to hear from everyone.

MR PARISH: Yes. Likewise, can you give us your insight as to whether there might be a better way to address these sorts of issues than through the Councillor Support system? For instance, I presume that when the DA was on exhibition there was a specific person who received submissions or feedback on it?

MR RISTEVSKI: Yes.

MR PARISH: Is that a more appropriate way of dealing with this sort of issue than through Councillor Support?

MR RISTEVSKI: I disagree and I'll give you a lot of examples.

MR PARISH: Sure.

MR RISTEVSKI: Recent council meeting.

MR PARISH: Yes.

MR RISTEVSKI: One area involving a DA, zero submissions. Another one had three. Out of 241,000 residents, I didn't put up a post about it, you get three submissions. Obviously, they are not doing the role correctly. Now, when I put up a post, I want community feedback. I'm there to listen, I'm there to represent. I'm not there to dictate. So if I get 180 submissions, me as a councillor - and going back to

the history of council, they normally get five or 10 - who's doing the incorrect job? Obviously council. I've shown that there is a problem with their system in participation from the residents. And I mentioned before what is a positive that has happened out of this council: the participation from the residents.

I would love to ask every other councillor, "How many submissions do you get for your budget?" I'd be surprised if they get more than 10. Now, that's a positive for Liverpool. Yes, we're here to criticise Liverpool, but that's a positive. That's an absolute positive. You want participation from your residents, and we are getting that.

MR PARISH: Not quite my question. You were talking about the receipt of feedback, as I understand it. What I'm interested in is what you then do with feedback you receive. Would there be a better way of providing that feedback to staff? Rather than through the Councillor -

MR RISTEVSKI: No, I think -

MR PARISH: - Support system -

MR RISTEVSKI: I think it works. The Councillor Support system works. Why should the mayor have an adviser and all of this? We need more resources, and I've pushed for that. The ladies do a great job. Throw another resource in there, because 1,400 requests from one councillor and 300 from 10, but the mayor gets two or three media advisers, we are not putting the resources in the right areas.

Councillor Support is the most appropriate area. I don't need to think about whether it needs to go here or there or over here. I don't have the time. You're supposed to make my life easier as well, but with limited resources - council's got a - way more resources than me, they should come back with a system that's making my life easier. I'm not there to make their life easier. Should be the other way around.

MR PARISH: Not really suggesting a system, from your point of view, that makes your life easier. What I'm suggesting is, is there a way that council could be better to triage or separate the sorts of issues we're dealing with here, a DA, from the pothole on the corner of the street that's quite urgent and needs to be fixed before there's any sort of safety problems?

MR RISTEVSKI: My answer is the system is working. Councillor Support, they need more resources. That's my answer. And I think if they had more resources there wouldn't be any complaints. These ladies are paid 80 grand a year. They're underpaid.

MR PARISH: Councillor - Commissioner, that's all my questions for now. I might have one further topic that I might hopefully ask leave to deal with at the very end, but I don't want to (indistinct).

COMMISSIONER: Okay. Why does it need to be deferred?

MR PARISH: Pardon me?

COMMISSIONER: Why does it need to be deferred?

MR PARISH: Because I just received instructions on it and I don't quite understand the point -

COMMISSIONER: All right. So you -

MR PARISH: - and I want to make sure it's even relevant.

COMMISSIONER: That's very frank of you.

MR PARISH: Yes.

COMMISSIONER: Well, it might come to nothing.

MR PARISH: It might come to - probably will come to nothing.

COMMISSIONER: All right. Well, you can make the application at the appropriate time if you need to. Just before you sit down, does the council have - I think it's called Have Your Say in other councils - I've seen things like that, where things go on public exhibition and then there's an interface for the public to make comment.

MR PARISH: There's a customer request system, which - I might take some more instructions - I want to be more specific about in due course.

COMMISSIONER: Yes.

MR PARISH: But something exists.

COMMISSIONER: You can deal with it any time over the next couple of weeks, but -

MR PARISH: Yes.

COMMISSIONER: - I'm familiar with some systems in other councils where things like - things that go on public exhibition, and then there's an interface for whoever wants to comment on it - just comment directly into the system.

MR PARISH: Yes.

COMMISSIONER: But I'll leave that with you.

MR PARISH: Thank you, Commissioner.

COMMISSIONER: Yes. Ms Richardson.

MS HAMILTON-JEWELL: Sorry. Commissioner, can I just raise one matter?

COMMISSIONER: Yes.

MS HAMILTON-JEWELL: Rather than - in my respectful submission, it may not be the best course to have counsel for the council come back and do further examination. If it's a matter that can be dealt with relatively quickly, it may be preferable to take an earlier lunch and come back earlier so that we can avoid that need.

COMMISSIONER: I was hoping to keep momentum. Mr Parish, how long do you need to work this out? I'm not sure that -

MR PARISH: It's going to be one or two questions, Commissioner, if it's any -

COMMISSIONER: Let's just put - all right. Is there any prejudice?

MS HAMILTON-JEWELL: Just only trying to avoid a particular witness being cross-examined twice by the same counsel. But I've raised my concern, Commissioner.

COMMISSIONER: I think we'll proceed. Ms Richardson.

MS RICHARDSON: I'll take just a moment to regather. Commissioner, while people are reorganising their positions -

COMMISSIONER: Yes.

MS RICHARDSON: - I've had a discussion with my learned friend senior counsel assisting, and also with Ms Hamilton-Jewell, who (indistinct) just wanted to flag this issue. In terms of trying to cut down the amount of time, because I'm conscious of the need to progress through witnesses and so on - so that I don't need to cross-examine Mr Ristevski on the various topics, I wanted to propose something - to check whether it is acceptable to Mr Ristevski's counsel and to the Commissioner.

COMMISSIONER: Yes.

MS RICHARDSON: So when one reviews Mr Ristevski's evidence this week, there are various views, opinions that he has expressed. For example, you know, about the length of meetings and what's the cause of it, whether objections are ruled on - I'm just giving examples.

COMMISSIONER: I understand.

MS RICHARDSON: Whether objections are ruled on fairly, whether - certain allegations of bullying or harassment being - things have been weaponised or not. You know, who instigated various conflicts or adverse interactions. You know, how one is to interpret what happened at the meeting on 25 February about the Hong Kong trip. Today there was evidence about budgets and state of budgets and finances or jobs for the boys and so on. There's also the issue of the 20 February meeting in terms of standing on the foot and so on and the different interpretations of that, and my learned friend Ms McDonald has put a version of events to Mr Ristevski which he's accepted in some parts and rejected in others.

COMMISSIONER: Yes.

MS RICHARDSON: What I was proposing, which to my mind is consistent with the practice direction on cross-examination that I think has been issued either in draft or final at the beginning of the inquiry. I think it's PD2.

COMMISSIONER: It was certainly circulated. I'm not sure it ever made it, but certainly circulated.

MS RICHARDSON: Yes. It was certainly circulated.

COMMISSIONER: Yes.

MS RICHARDSON: Is that I will not cross-examine on those topics. In large part, they are Mr Ristevski's opinion/assertion about things and so on. Some of them are factual matters, but versions of events have been put to him through other witnesses and counsels - counsel - that I would not cross-examine those, in the interests of time, but that I'm not taken to accept the correctness of any of that material. And that if the counsel assisting team wishes to pursue those matters as to, you know, what is the position about the cause of length of meetings and - or any of the topics I mentioned or weaponising of things or not and so on, that they would be matters that would be put to my client, which as a matter of procedural fairness - if the assisting team is interested in pursuing those matters, it would have to in any event.

COMMISSIONER: Yes.

MS RICHARDSON: So it may be that my learned friend Ms Hamilton-Jewell wants to consider over the luncheon adjournment that approach, but that would be my proposal. And if it's not acceptable, then I would have to cross-examine Mr Ristevski at some length, which I apprehend would be undesirable for everybody and probably not progress things very far from the inquiry's perspective, in the sense of my approach - would be my hope that if there are topics within the evidence that has been given, that the assisting team - which is to pursue - that the way to do it is to put a rival version of events to my client.

COMMISSIONER: That would be my expectation, as you say, consistently with the draft practice direction. And it may be that I don't need to make factual findings

on some of those areas of context - contest, should I say, to answer my terms of reference as well. Ms McDonald, do you wish to be heard on that approach?

MS McDONALD: As my learned friend indicated, we had a discussion this morning about that.

COMMISSIONER: Yes.

MS McDONALD: I agree with her proposal.

COMMISSIONER: Yes.

MS McDONALD: If there is a particular matter that's been raised in Mr Ristevski's answers that we feel we wish to pursue, the first step would be to put that to Mr Mannoun when he's giving evidence. Hypothetically, depending on what the topic is and the state of the evidence, it may be necessary to - for Mr Ristevski to be asked some further questions. It's just unclear whether - how far we'll have to go with it. But at the moment the proposal suggested we agree with, but we just flag -

COMMISSIONER: Well, if it's a matter of fairness to the (crosstalk) -

MS McDONALD: Yes.

COMMISSIONER: - then what you say is right. But it seems, as I understand the proposal and what you're putting, that would be perhaps unexpected.

MS McDONALD: Yes. Yes.

COMMISSIONER: But I understand why you raise it. Ms Hamilton-Jewell, do you need some time to consider it or -

MS HAMILTON-JEWELL: Yes, please, Commissioner. It was raised with me in the morning tea break, but I'll be in a position to indicate later today.

COMMISSIONER: All right. Okay. Well, then, having -

MS RICHARDSON: I can proceed with other topics, so -

COMMISSIONER: Okay.

MS RICHARDSON: - it won't hold me up.

COMMISSIONER: Why don't we do that. I was going to suggest we sit on till about 10 past, quarter past, Ms Richardson, if there's a convenient point at around that time for the break.

MS RICHARDSON: That's fine. Thank you. Councillor Ristevski, my name's Ms Richardson. I'm acting for Mayor Mannoun. So you've given evidence about the fact that you have a Facebook page which is your Councillor Peter Ristevski page?

MR RISTEVSKI: Yes.

MS RICHARDSON: So I might refer to that in shorthand as "the councillor Facebook page" -

MR RISTEVSKI: Sure.

MS RICHARDSON: - if that makes sense.

MR RISTEVSKI: Yes.

MS RICHARDSON: And you've given evidence yesterday that that's a page that you use frequently, it's your method of communicating with the community; is that correct?

MR RISTEVSKI: That's correct.

MS RICHARDSON: And you've given evidence today that you're very diligent about reviewing comments on that Facebook page?

MR RISTEVSKI: Well, do you mean before I post it I'm very diligent?

MS RICHARDSON: The -

MR RISTEVSKI: The comments - we don't get a chance to read all of them because there are so many.

MS RICHARDSON: But you gave - I understood you to give evidence this morning that you were very diligent in checking the content of that Facebook page. Is that correct?

MR RISTEVSKI: Correct. Before we post it we do a double-check.

MS RICHARDSON: And you're also aware of the comments that are posted on your page, aren't you, because you frequently use that Facebook page?

MR RISTEVSKI: Not all the comments, because there's so many. You don't have time to go through a thousand comments. The main thing is getting the - getting the post done, and then - sometimes we don't read all the comments. We don't have the time.

MS RICHARDSON: But you regularly respond to comments on your Facebook councillor page; correct?

MR RISTEVSKI: Whenever I've got time.

MS RICHARDSON: And there's - you're also aware of another Facebook page, which is called the Team Ristevski Facebook page?

MR RISTEVSKI: Yes.

MS RICHARDSON: And they are a team that works to support your work as a councillor at Liverpool?

MR RISTEVSKI: No.

MS RICHARDSON: Right. Well, you agree with me that they - that, first of all, you're aware that Team Ristevski Facebook page exists?

MR RISTEVSKI: Yes.

MS RICHARDSON: And your view is that they work incredibly hard for the Liverpool community?

MR RISTEVSKI: Wouldn't have a clue.

MS RICHARDSON: Well, you posted something on Instagram recently, didn't you, saying:

"Team Ristevski is working incredibly hard for the Great City of Liverpool, which I love and won big in 2004."

Do you recall posting that to your Instagram page recently?

MR RISTEVSKI: Yes.

MS RICHARDSON: And do you agree with me, then, that you are aware that - you're aware that a Team Ristevski exists, and your view is that they're working incredibly hard for the great City of Liverpool? Correct?

MR RISTEVSKI: I'm talking about myself, not Team Ristevski of the Facebook page. It's arrogant for me to say I'm working very hard. It's politically incorrect for me to say I'm working hard. I say Team Ristevski as myself, so I look - because I do have - my staff at the office help me draft emails. There's people that help me doorknock, there's people that help me do flyers.

MS RICHARDSON: Okay. Just -

MR RISTEVSKI: I'm not talking about - I need to clarify.

MS RICHARDSON: So -

MR RISTEVSKI: I'm not talking about the Team Ristevski Facebook page, I'm talking about myself and my team that help me. Two different areas.

MS RICHARDSON: So you're aware that there is a group of people that call themselves Team Ristevski and that they post material on social media that is in favour of your work as a councillor; correct?

MR RISTEVSKI: Correct.

MS RICHARDSON: Who are the people that make up Team Ristevski?

MR RISTEVSKI: Don't know. Not my responsibility.

MS RICHARDSON: Is it your evidence on oath to this Commission that you have no idea who is behind the Team Ristevski -

MR RISTEVSKI: That is my -

MS RICHARDSON: - Facebook page?

MR RISTEVSKI: That is my evidence.

MS RICHARDSON: That's your evidence on oath, is it?

MR RISTEVSKI: Yes.

MS RICHARDSON: You're aware that they post - put comments on your official councillor Facebook page?

MR RISTEVSKI: Yes.

MS RICHARDSON: So you're aware of the sorts of things that they post?

MR RISTEVSKI: Yes.

MS RICHARDSON: Would you agree with me that if someone who has the Facebook handle or label "Team Ristevski" posts a comment on your official councillor Facebook page, that the public reading that are likely to see them as being associated with you?

MR RISTEVSKI: I can't comment what the public think.

MS RICHARDSON: Well, I'm asking you - just listen to my question - do you agree with me that the perception that a person reading your official councillor Facebook page would take - that if a Facebook entity called Team Ristevski

comments on your official Facebook page, that people are likely to see that as being associated with you?

MR RISTEVSKI: Disagree.

MS RICHARDSON: Disagree with that?

MR RISTEVSKI: Correct. I disagree with you.

MS RICHARDSON: Right. So, Mr Ristevski, you've given evidence that you've been aware since about March of this year about your obligations under the code of conduct; correct?

MR RISTEVSKI: Yes.

MS RICHARDSON: And you're aware that one of your obligations under the code of conduct is to - it involves not harassing or unlawfully discriminating against others on the grounds of various things, including ethnic origin or religion? You're aware of that?

MR RISTEVSKI: Yes.

MS RICHARDSON: And you've known that since about March of this year?

MR RISTEVSKI: I've known about it, but I know more about it now.

MS RICHARDSON: But you've known about it since March this year, haven't you?

MR RISTEVSKI: Sometimes you can't answer yes or no. I'm telling you I know about it, but I know more about it now.

MS RICHARDSON: So if Team Ristevski posts a comment on your official councillor Facebook page -

MR RISTEVSKI: Yes.

MS RICHARDSON: - that is offensive -

MR RISTEVSKI: Yes.

MS RICHARDSON: - and you leave that comment on your page -

MR RISTEVSKI: Yes.

MS RICHARDSON: - do you agree with me that because it's under the handle Team Ristevski and the fact that you have left it on your official councillor page, that

that would be taken by the community as being a comment that is associated with you?

MR RISTEVSKI: Disagree.

MS RICHARDSON: And do you agree with me that that scenario whereby Team Ristevski posts a comment on your official councillor Facebook page and you leave it there - that that would be taken as you endorsing those comments? Do you agree with that?

MR RISTEVSKI: Disagree.

MS RICHARDSON: You don't agree with that?

MR RISTEVSKI: I don't agree.

MS RICHARDSON: Do you tell the Commissioner that you think that's consistent with your obligations under the code of conduct?

MR RISTEVSKI: No one has ever told me that I need to edit or -

MS RICHARDSON: Mr Ristevski -

MR RISTEVSKI: I'm not going to answer yes or no.

MS RICHARDSON: No, listen to my -

MR RISTEVSKI: And if you require me to answer yes or no, I'll claim privilege.

MS RICHARDSON: Just listen to my questions.

MR RISTEVSKI: Yes.

MS RICHARDSON: I'm asking you a different question.

MR RISTEVSKI: Go ahead.

MS RICHARDSON: You have given evidence about your understanding of the code of conduct?

MR RISTEVSKI: Yes.

MS RICHARDSON: Is it your evidence to the Commissioner that that scenario, where Team Ristevski posts an offensive comment on your official councillor Facebook page and you leave it there and allow that to happen - that that is consistent with your obligations under the code of conduct?

MR RISTEVSKI: I've never been told that I need to go through every comment. I'm not going to answer yes or no and, if you insist, I'll claim privilege.

MS RICHARDSON: Are you prepared to - I'm going to repeat my question one more time and -

MR RISTEVSKI: Yes.

MS RICHARDSON: - ask you to attend to it. You're under oath. Your state of mind, what is your evidence about whether that situation would be consistent with the code of conduct?

MR RISTEVSKI: I can't answer a yes or no, and -

MS HAMILTON-JEWELL: Well, Commissioner -

MR RISTEVSKI: - I'll claim privilege.

MS HAMILTON-JEWELL: - I do have to object at this particular point in time. The witness has raised, on several occasions, that he may wish to claim privilege if a yes/no answer is required.

MS RICHARDSON: Well, I would ask which privilege is the witness seeking to invoke?

MR RISTEVSKI: Your questioning.

COMMISSIONER: Hang on. Stop, Mr Ristevski. Do you know?

MS HAMILTON-JEWELL: Well, I would need to take instructions, Commissioner. I can offer a view, but I would need to take -

COMMISSIONER: No.

MS HAMILTON-JEWELL: - instructions in respect of which particular privilege Mr Ristevski is seeking to claim.

MS RICHARDSON: All right. I'll ask a different question. Mr Ristevski, if the - Team Ristevski posts a comment on your official Facebook councillor page that is highly offensive in relation to an issue that council is considering and you leave that post on your account, do you agree with me that that could bring the council into disrepute?

MR RISTEVSKI: I disagree.

MS RICHARDSON: You disagree with that? So is it your evidence that Team Ristevski - that you would allow them to post whatever they like on your official

councillor Facebook page, regardless of how offensive or racist it is, and you would leave it there?

MR RISTEVSKI: I leave every comment - even if it's offensive against me, I leave every comment.

MS RICHARDSON: No, listen to my question.

MR RISTEVSKI: That's my answer.

MS RICHARDSON: Is your evidence it would not matter how offensive, how racist a comment made by Team Ristevski was posted on your official councillor Facebook page - that you would leave it there? Is that your evidence?

MR RISTEVSKI: I don't get a chance to look at every comment.

MS RICHARDSON: Focus on my question, please. Is that your evidence, that you would leave such a comment on your Facebook page regardless of how offensive or racist it was?

MR RISTEVSKI: My answer is I'm - I haven't been told that I need to get rid of comments on my Facebook page in the training on social media, in any matter whatsoever. If this is a new task that I need perform, I need to be told.

MS RICHARDSON: Mr Ristevski -

MR RISTEVSKI: That is my answer, and if you persist I'll claim privilege, because you're dancing around the same issue.

MS RICHARDSON: Well, just focus on my question?

MR RISTEVSKI: I've given you my answer. You can't get a yes or no answer out of everything.

MS RICHARDSON: Just focus on my question, Mr Ristevski.

MR RISTEVSKI: Ask it again.

MS RICHARDSON: I'm not asking you about whether you need training to work this out, I'm asking you a very specific question. Is it your evidence to the Commissioner that Team Ristevski could - if they post a comment on your official councillor Facebook page, regardless of how offensive or racist it is, your policy is to leave it on your Facebook page? Is that -

MR RISTEVSKI: My policy -

MS RICHARDSON: - your evidence?

MR RISTEVSKI: My evidence is my policy is I don't have time to review every comment unless I've been told otherwise. I don't have the time. That's my answer. I'm not going to answer it any differently. There's a thousand comments that go on one topic. I'm not going to go through every single one. If I'm told that I have to, I will abide by that. If I - if they said to me, "You need to do that as part of your code of conduct," I'll do it. But no one's told me, so that's my answer. I don't have the time to regulate the comments. I'm not required to. This is a free country, people can say what they like. The offensive comments against myself have been absurd, but I leave them.

MS RICHARDSON: So, Mr Ristevski -

MR RISTEVSKI: I leave them on -

MS RICHARDSON: - just focus on my questions, please.

MR RISTEVSKI: That is my answer. And you can ask it 20 times, that is my answer. We can be here all day, I'm not going to change my answer.

MS RICHARDSON: So the answer is you are unable to answer - you're refusing to answer in my - I'm going to put to you a very simple question, which is - I'll put it slightly differently - that regardless of how offensive or racist a comment by Team Ristevski is posted on your official councillor Facebook page, you will leave it there. Is that your evidence?

MR RISTEVSKI: My answer is if I'm required to go through every comment as part of a code of conduct process, I will do that. Until I'm told otherwise, I don't have the time to look at every comment, so I can't answer that question unless I look at every comment.

MS RICHARDSON: So are you happy to have a scenario where your official councillor Facebook page is used as a forum to post highly offensive and racist comments, and that you will only take action if you are directed to by someone else? Is that your evidence?

MR RISTEVSKI: It's a free country. People can say what they like. They've said some things about me - vile things. I don't care, let them say what they want. I don't have a - I - we are not a communist country. The way you are speaking, you're - you are saying that we are like North Korea. We are not. People can say what they like. And that's the problem with Liverpool. They want to have a voice, they can say what they like. It's not my job to go through a thousand comments. If it's part of my role, I will make that. I don't have enough time in the day to do that.

MS RICHARDSON: Do you agree with me, Mr Ristevski, that the fact that it's an official Councillor Ristevski Facebook page puts a different complexion on comments - I'll just finish my question - that you allow to remain on that page when

they're posted under the name Team Ristevski? Do you agree that that puts a different complexion on things?

COMMISSIONER: Just pause, Councillor.

MS HAMILTON-JEWELL: Commissioner, I think the word "official" may need to be clarified.

MS RICHARDSON: Right. The councillor Facebook page is the official one that you use for your duties as a councillor of Liverpool Council; correct?

MR RISTEVSKI: Yes.

MS RICHARDSON: Thank you. Do you agree with me that the fact that this is your official councillor Facebook page and that a group called Team Ristevski is - if it posts offensive and racist comments on your Facebook page, that that has a different complexion about it because it will be associated with you, and you have duties under the code of conduct as a councillor? Do you accept that?

MR RISTEVSKI: I don't accept that. My duty is not to go through every comment and regulate what people say. It's not under the code of conduct, it's not under the - the requirements I need to do. I don't have the time to regulate a thousand comments. People could say as they want. They've also said very offensive things about me and I've left them on my own page. That says something.

MS RICHARDSON: So what I want to suggest to you, Mr Ristevski, is that that - that type of conduct where you create an official Facebook page for your role as a councillor and you allow offensive or racist comments to remain on that Facebook page under the name Team Ristevski - that that is conduct by you that's likely to bring the council into disrepute?

MR RISTEVSKI: I disagree.

MS RICHARDSON: And I want to suggest to you that it's also a type of conduct that is a type of - could be a type of harassment on the basis of ethnic origin or religion, your conduct in creating the forum and allowing an entity called Team Ristevski to post that material. Do you accept that?

MR RISTEVSKI: Disagree.

MS RICHARDSON: Thank you. Now, if we just look at - I'll just bring up the Team Ristevski Facebook page, please. It's NMA.014.001.00 - sorry, 014.001.0010. Yes, please. So I'm happy to put up your official councillor Facebook page, but do you agree with me that that banner with you in front of the flag, with your name in larger font, that's the same artwork that appears on your official councillor Facebook page?

MR RISTEVSKI: I disagree.

MS RICHARDSON: You disagree?

MR RISTEVSKI: Yes.

MS RICHARDSON: All right. Can we do a split screen, please. Could we put up NMA.014.001.004. Yes, please. So I don't know what's happened on the left with that blue, but do you agree with me ordinarily there's a head shot of you in that blue section?

MR RISTEVSKI: Yes.

MS RICHARDSON: Do you agree with me that, looking at - I'll call it the blue banner, the oblong banner - do you agree with me the photograph with the flag behind you is exactly the same?

MR RISTEVSKI: Yes.

MS RICHARDSON: And that the colour of the banner is exactly the same?

MR RISTEVSKI: Yes.

MS RICHARDSON: And the font of your name "Peter Ristevski" is exactly the same?

MR RISTEVSKI: Yes.

MS RICHARDSON: And that the word "Liverpool" is exactly the same, in the sense we've got a device -

MR RISTEVSKI: Yes.

MS RICHARDSON: - of - the red circle device. We see that?

MR RISTEVSKI: Yes.

MS RICHARDSON: And so that - the only difference between the two banners is that your official page says "Liverpool First" as the banner in slightly smaller font and the Team Ristevski says "Make Liverpool great again"?

MR RISTEVSKI: Correct.

MS RICHARDSON: But do you agree with me that the artwork in the two pages is remarkably similar in that respect?

MR RISTEVSKI: Yes.

MS RICHARDSON: Is it the case the reason why they're so similar is you gave them the artwork from your official councillor Facebook website?

MR RISTEVSKI: No, I did not give them the artwork. The artwork that I - that's on the right-hand side was the artwork I used during the campaign. Anyone can get that. I can create a - a Mayor Mannoun one on my own and carry on that it's him.

MS RICHARDSON: And do you see on Team Ristevski it says, "@peterristevskiformayorliverpool"? See that?

MR RISTEVSKI: Yes.

MS RICHARDSON: So isn't it the case that they're a group that were assisting your campaign to become mayor?

MR RISTEVSKI: No, that's not my email address. Can you show the full rather than cutting it off down the bottom? Because you're only showing half.

MS RICHARDSON: That's fine.

MR RISTEVSKI: Okay. Here we go. Have a look at this. Have a look at the intro. What does it say?

MS RICHARDSON:

"This page is run independently of Councillor Ristevski."

MR RISTEVSKI: Exactly.

MS RICHARDSON: So I'm asking you questions - I've asked you questions about your knowledge -

MR RISTEVSKI: Yes.

MS RICHARDSON: - of the fact that this Facebook page exists?

MR RISTEVSKI: Yes.

MS RICHARDSON: And you've accepted that you know about it?

MR RISTEVSKI: Correct.

MS RICHARDSON: And that you know that they were working towards assisting you in your campaign for mayor?

MR RISTEVSKI: No. I disagree.

MS RICHARDSON: Well, you had no idea that there was a group called Team Ristevski that started a Facebook page to support you. Is that your evidence?

MR RISTEVSKI: They're posting on my page. I know it exists.

MS RICHARDSON: And you know that when they post things - that they're posting things that are supportive of you?

MR RISTEVSKI: 99 per cent of the people that post on my page are supportive of me.

MS RICHARDSON: Just answer my question, Mr Ristevski.

MR RISTEVSKI: That's my answer.

MS RICHARDSON: No, listen to my question. You know that the posts that Team Ristevski puts on your official Facebook page - they are supportive of you and your policies; correct?

MR RISTEVSKI: Unless I review every single post that they make, I can't answer that question.

MS RICHARDSON: Are you aware of a single post where Team Ristevski has posted something that is negative towards you?

MR RISTEVSKI: I haven't read every single post of -

MS RICHARDSON: Are you aware -

MR RISTEVSKI: I - my answer -

MS RICHARDSON: - of a single such -

MR RISTEVSKI: - is I don't know, because I haven't read every single post. My answer is I don't know.

MS RICHARDSON: So the answer to my question is you're not aware of a single negative post that they have put about you. Is that correct?

MR RISTEVSKI: That's my answer.

MS RICHARDSON: Now, you gave evidence to my learned friend Ms McDonald this morning about your interactions with the people assisting you with social media in Macedonia.

MR RISTEVSKI: Yes.

MS RICHARDSON: So you gave evidence that you give them a photo or a video -

MR RISTEVSKI: Yes.

MS RICHARDSON: - that you would like to be used?

MR RISTEVSKI: Yes.

MS RICHARDSON: Correct?

MR RISTEVSKI: Correct.

MS RICHARDSON: And this includes a photo or a video to be used in Facebook stories?

MR RISTEVSKI: No, I don't give them videos for Facebook stories.

MS RICHARDSON: Photos for Facebook stories?

MR RISTEVSKI: I don't give them that.

MS RICHARDSON: Well, you're on transcript this morning, Mr Ristevski -

MR RISTEVSKI: I said posts.

MS RICHARDSON: Just wait for my question.

MR RISTEVSKI: Yes.

MS RICHARDSON: You gave an unqualified answer.

MR RISTEVSKI: Yes.

MS RICHARDSON: The way you interact with that team is that you send them a photo or a video, and then - that you have a discussion on the phone about what you generally want the thing to say in terms of messaging around the image, and that the difference is that since July of this year they don't post it directly, that there has to be your vetting.

MR RISTEVSKI: Correct.

MS RICHARDSON: That was your evidence this morning?

MR RISTEVSKI: Correct.

MS RICHARDSON: And so the basis of your evidence is that that must apply to Facebook stories because that was primarily the task that the Macedonian team was undertaking for you; correct?

MR RISTEVSKI: Are you talking about as of today?

MS RICHARDSON: I'm talking about prior to July of this year -

MR RISTEVSKI: Stories I had no involvement in, because they were mainly memes and it involves creating an artwork. I'm an accountant, I can't create artwork. I let them have free rein. Now, the stories - I want to look at everything.

MS RICHARDSON: Mr Ristevski, your evidence this morning will appear on transcript, which we'll have the benefit of. Your evidence was not qualified. You said that you provided the photos or the videos to the Macedonian team, and that you had a discussion with them about what you wanted the messaging to say. Correct?

MR RISTEVSKI: Exactly.

MS RICHARDSON: And that you've given evidence earlier this week that in respect of your Facebook posts you have control over those and you - they only ever get posted, the permanent Facebook posts, when you're aware of the content. Correct?

MR RISTEVSKI: As of today, yes.

MS RICHARDSON: Well, your evidence was earlier this week, not as of today - that that's always been the case in respect of permanent posts on your Facebook page. You agree with that?

MR RISTEVSKI: I don't agree with that.

MS RICHARDSON: Well, you gave evidence earlier this week that they were permanent posts and you would turn your mind to the content of those posts.

MS HAMILTON-JEWELL: Well, Commissioner, I do raise an objection at this particular point in time. Perhaps if my learned friend can direct us to a particular transcript reference, because that is not my recollection of this witness's evidence.

MS RICHARDSON: Okay. It's at 2705. Could we turn up 2705, please.

COMMISSIONER: Transcript of 27 October. Can we have that on the screen?

MS RICHARDSON: Sorry, could that be brought up? Sorry, is that happening?

COMMISSIONER: Yes. It's just - we just have to go into a different part of the system. It hasn't been uploaded with a doc ID just yet, but it's coming. Yes.

MS RICHARDSON: Thank you. If we could go to 2705.

COMMISSIONER: Four pages from the end, Operator, if that helps. If you go all the way to the end and just work back four pages.

MS RICHARDSON: Thank you. Sorry, if we could actually go to the bottom of 2704, that would be great. So do you see there, Councillor, at line 35, Ms McDonald was confirming your evidence about posts and stories to your Facebook page of the procedure before July this year. And then line 46:

"The team in Macedonia were authorised to create memes?"

And then if we could go to the next page. And there's a reference to the story that would last 24-hours. And if you see, at line 16, Ms McDonald makes clear that the questions she's asking you were just dealing with stories, which, as you understand, are the things that last for 24-hours; correct? Line 16.

MR RISTEVSKI: Yes, I'm just having a read. Just bear with me. Yes. So I've said to her - she asked me:

"And those memes or stories, you didn't ... authorise each one?"

And my answer was, "No."

MS RICHARDSON: And then we go down to the bottom.

MR RISTEVSKI: And then I also said:

"No. Not the stories..."

MS RICHARDSON: So we go down to the bottom - sorry, line 26. Ms McDonald indicates she's talking about the posts, not the stories:

"...the posts are more permanent?"

You answer, "Yes":

"Those posts, what you would do is you would turn your mind to a particular subject matter for [the] post?"

"Yes."

And:

"If there was a relevant photo that you wanted as part of the post, you would identify that?"

"Yes."

"And then [you would] identify some words or keywords or things like that -"

"Yes."

"- to send to the Macedonian team?"

And then:

"...they would have the photo or the video. [Then] they would turn your words into an actual script for the post?"

"Yes."

So just - can I ask you, the evidence you gave this morning about sending a photo or a video to the team in Macedonia and having a discussion on the phone about the messaging and what you want the images to say, what period - what time period are you now saying that relates to?

MR RISTEVSKI: Can you ask the question again?

MS RICHARDSON: The evidence that you gave this morning to my learned friend Ms McDonald that you send a photo or a video content to the team in Macedonia, and then you have a discussion with them on the phone about what generally you want it to say -

MR RISTEVSKI: Yes.

MS RICHARDSON: - the text in relation to the image -

MR RISTEVSKI: Yes.

MS RICHARDSON: - that time period are you now saying that evidence relates to?

MR RISTEVSKI: From the start.

MS RICHARDSON: That's always been the case?

MR RISTEVSKI: Yes.

MS RICHARDSON: In respect of both posts and stories?

MR RISTEVSKI: No. Post. I've said - it's even written here that I'm talking about posts, not stories.

MS RICHARDSON: So are you saying that you have, in respect of posts - that the evidence you gave this morning, that is true of the entire period, it's not just a period since July this year? Is that correct?

MR RISTEVSKI: Difference between the two from July is, now I review them before they go live. Before that, I didn't.

MS RICHARDSON: But you reviewed the posts before they went live?

MR RISTEVSKI: When?

MS RICHARDSON: Well, you were the person making the post on the Facebook page; correct?

MR RISTEVSKI: If you listen to my answer, from the start of when I got elected till probably July, I didn't review them before they went live. From July, I review them before they go live.

MS RICHARDSON: Mr Ristevski, you are the person, in terms of posts on your - I'm not talking about stories - posts on your official councillor Facebook page, you were the person that actually posted them, even if they had been prepared by someone else; correct?

MR RISTEVSKI: Incorrect. Where did you get that from?

MS RICHARDSON: Well, I'm asking you -

MR RISTEVSKI: Oh, okay.

MS RICHARDSON: - is that correct or not?

MR RISTEVSKI: It's incorrect.

MS RICHARDSON: You gave authority to third parties in Macedonia to post things on your official councillor Facebook page; is that correct?

MR RISTEVSKI: Yes. I do it for my business. I've got a business one as well. I don't have time - I've got a guy that posts stories and everything like that. I do not have the time for that. This is not unusual. Do you think every politician does it themselves? They've got a team that does it.

MS RICHARDSON: But can I just ask, Councillor Ristevski, do you agree with me that the content of a number of things that were posted in your stories and posts involved focusing on the race or ethnicity of the mayor? Do you agree with that?

MR RISTEVSKI: Ask the question again.

MS RICHARDSON: Do you agree with me that the content of posts and stories posted on your councillor website that you say were created by a team in Macedonia - that -

MR RISTEVSKI: I think you're talking about - not the website. Facebook. You said - I don't have a website.

MS RICHARDSON: Okay. I'll start again. Do you agree with me that the content of posts, and separately stories, that appear under your name on your official councillor Facebook page - that there are regular - the content of that material regularly involves commenting on either the ethnic background or the religion of Mayor Mannoun? Do you agree with that?

MR RISTEVSKI: Disagree.

MS RICHARDSON: You disagree with that?

MR RISTEVSKI: Yes.

MS RICHARDSON: Do you agree with me that that has occurred often - that the content of that material is focusing on either the religion or the ethnicity of Mayor Mannoun?

MR RISTEVSKI: Disagree.

MS RICHARDSON: You disagree with that? You agree with me that there is some content that meets that description?

MR RISTEVSKI: Unless I see something in front of me, I can't comment.

MS RICHARDSON: Is that your evidence under oath -

MR RISTEVSKI: Show me something -

MS RICHARDSON: - that you are - just listen. You're unable to answer my question about whether the content of posts and stories that are posted under your name on your official Facebook page - that there are examples that focuses on the mayor's ethnicity and religion? Are you - is it really your evidence that you're unable to recall whether that's true or not?

MR RISTEVSKI: You have the opportunity to show me. Like -

MS RICHARDSON: I will show you. Are you able to answer my question?

MR RISTEVSKI: Not until you show me the evidence. If you want me to comment on something, I need to see it in front of me.

MS RICHARDSON: Is it your evidence that you have no recollection at all of a post or a story on your official councillor Facebook page -

MR RISTEVSKI: Yes.

MS RICHARDSON: - posted or a story under your name - that has content focusing on the ethnicity or the religion of Mayor Mannoun? Is that your evidence? You can't recall a single one, sitting there today?

MR RISTEVSKI: It's easy if you show me. We can answer the question -

MS RICHARDSON: Are you prepared -

MR RISTEVSKI: - (indistinct) move on.

MS RICHARDSON: - to answer my question? Can you recall an instance of that, sitting there today, or not?

MR RISTEVSKI: Not until you show me - in front of me.

MS RICHARDSON: I want to suggest to you that your evidence is disingenuous and you are not making an effort to tell the truth under oath.

MR RISTEVSKI: Why can't you show me?

MS RICHARDSON: Do you accept that that evidence is disingenuous, you are not -

MR RISTEVSKI: I disagree.

MS RICHARDSON: - being truthful?

MR RISTEVSKI: I'm actually asking further assistance so I can answer the question.

MS RICHARDSON: I will.

MR RISTEVSKI: If you want answers -

MS RICHARDSON: I think we'd better do that after lunch.

COMMISSIONER: Yes. Councillor, we'll break for lunch. I'll resume at half past 2, and I'll see you back here then. Half past 2. Thank you, everybody.

<THE HEARING ADJOURNED AT 1.30 PM

<THE HEARING RESUMED AT 2.37 PM

MS McDONALD: Commissioner, can I quickly raise a matter?

COMMISSIONER: Yes.

MS McDONALD: Yesterday, as recorded on the transcript at page 2980, there was an issue about what was said - I'm sorry - at the meeting - council meeting on 26 February.

COMMISSIONER: Yes.

MS McDONALD: And at line 29 I said:

"Well, I was looking at a note of the recording at 2.42.35..."

And then I think read out part of the note that I had. We've gone back and listened to that part of the video.

COMMISSIONER: Yes.

MS McDONALD: Can I correct, at 2.42.35 the councillor states he would love to attend the conference but pay - but he will pay his own way there. At that point he did not say anything about the mayor and him travelling together. And then at 2.43.09, which I think coincides with my learned friend's note, is Councillor Ristevski refers to the second paragraph of the motion and proposes that his name be placed as the alternative officer, "put my name in there", and it would be a good opportunity for he and the mayor to travel together.

COMMISSIONER: Thank you. Ready for the councillor?

MS HAMILTON-JEWELL: Commissioner, while the councillor is coming back in, if I can just -

COMMISSIONER: Yes.

MS HAMILTON-JEWELL: - indicate for the transcript my learned friend Ms Richardson raised a particular approach and I said I'd come back after lunch. I don't take any difficulties with that approach.

COMMISSIONER: Thank you very much. If I may say so, very - I'm grateful for the parties in finding an efficient and sensible way through those issues.

MS RICHARDSON: Yes. I'm grateful for that indication. Councillor Ristevski -

MR RISTEVSKI: Yes.

MS RICHARDSON: So just in terms of timing, you're aware that the mayoral election - latest one was in October of last year?

MR RISTEVSKI: Sorry, say that again?

MS RICHARDSON: The mayoral election was in October of last year?

MR RISTEVSKI: September.

MS RICHARDSON: September. And that you ran for mayor?

MR RISTEVSKI: Correct.

MS RICHARDSON: And you lost to Mayor Mannoun; correct?

MR RISTEVSKI: Correct. Yes.

MS RICHARDSON: And do you recall, when the electoral results were announced, you were interviewed by The Daily Telegraph and you were asked how the two, you and Mayor Mannoun, would work together on council, given your history, and you responded, "It's not going to work"? Do you accept that's what you told the media?

MR RISTEVSKI: I can't remember. I mean, we're talking about 12 months ago.

MS RICHARDSON: Well, does that ring a bell? That you were asked a question by The Daily Telegraph how the two of you would work together, given your history, and you responded, "It's not going to work"? Do you accept that's what you said?

MR RISTEVSKI: I can't recall. I speak to so much media that I - I can't remember that specific one.

MS RICHARDSON: You don't deny saying that?

MR RISTEVSKI: I don't deny it, I don't agree, I don't disagree. I just don't know the answer, unless you can show me. Then I can give you the answer.

MS RICHARDSON: Well, could that be brought up, please. NMA.015.001.0001. Do you recall that newspaper article being published after the mayoral results were announced?

MR RISTEVSKI: I honestly can't.

MS RICHARDSON: And I can see - you can see in the dates it's from -

MR RISTEVSKI: Yes, I can see the date.

MS RICHARDSON: That's dated 10 October 2024?

MR RISTEVSKI: Yes.

MS RICHARDSON: So if we scroll through, it says:

"A controversial former deputy mayor who distributed a fake Islamophobic flyer about his main political rival's wife will return to Liverpool Council with a goal to rebuild this city..."

Do you see that?

MR RISTEVSKI: I see that.

MS RICHARDSON: Do you agree that you were convicted for distributing a fake flyer about Mayor Mannoun's wife in 2023?

MS HAMILTON-JEWELL: Well, I object to that. Firstly, it's not relevant to this councillor's role as a councillor. It was before he was appointed as a councillor. And secondly, that "convicted" doesn't identify the offence for which he was charged. There may be an issue in the description of what he was convicted for.

MS RICHARDSON: I'm happy to do that.

MR RISTEVSKI: Your - the actual conviction was not what you just said, by the way, so I want to correct that. I wasn't -

MS RICHARDSON: Sorry, what did you say?

MR RISTEVSKI: I was not convicted on what you just said. So I want to clear my name - that what you just said was quite defamatory.

MS RICHARDSON: So you pleaded guilty to two charges in relation to distributing an electoral flyer about the mayor's wife; correct?

MR RISTEVSKI: What were the charges?

MS RICHARDSON: I'll tell you what they were. It was a breach of section 186, subsection (1)(a) of the Electoral Act and 186(1)(b) of the Electoral Act. You pleaded guilty through a barrister and you were fined $3,000 for distributing a flyer about Mayor Mannoun's wife. You accept that happened? You were convicted in 2023?

MR RISTEVSKI: Can you elaborate what those provisions mean? Because I - I have no idea what those provisions are.

MS RICHARDSON: Well, do you agree that you've pleaded guilty to two offences involving distributing electoral material about the mayor's wife?

MR RISTEVSKI: I'm asking what were the offences? You -

MS RICHARDSON: No, answer my question. Do you agree that you pleaded guilty to two offences involving distributing electoral material about the mayor's wife in 2023? Do you agree with that?

MR RISTEVSKI: Yes, and I'm glad you're not using the word "fake" this time.

MS RICHARDSON: Do you agree you pleaded guilty to two offences relating to the distribution of electoral material about the mayor's wife?

MR RISTEVSKI: Yes. And you know what they were? And I'll say it, because -

MS RICHARDSON: Just wait for my question. And that you actually went around physically distributing that material in letterboxes; correct?

MR RISTEVSKI: Correct.

MS RICHARDSON: And you were caught on CCTV doing that?

MR RISTEVSKI: Yes, there was nothing wrong with that.

MS RICHARDSON: Well, there was, because you were convicted of an offence. Do you agree with that?

MR RISTEVSKI: I want to elaborate on that.

MS RICHARDSON: You say there's nothing - even though you pleaded guilty to two offences, that there was nothing wrong with it. Is that your evidence?

MR RISTEVSKI: I'm not going to give a yes or a no. I'll give a yes or a no with an elaboration.

MS RICHARDSON: Okay. Wait for my question. And can we please go to page 4 of that article. And we see up the top - sorry. It should be on underscore page 4. The previous page. Right. Sorry, I think I've got a - okay. Can we scroll up the top of that page. So, you see about the fifth paragraph starts, "When asked how the pair" - or:

"Mr Ristevski stood by his comments and said Mayor Mannoun was 'definitely a slimeball'..."

And so on. And:

"When asked how the pair would work together on council, Mr Ristevski said, 'It's not going to work'."

Do you agree that you told that to the journalist?

MR RISTEVSKI: Where does it say that? Oh, below that line.

MS RICHARDSON: Fifth paragraph.

MR RISTEVSKI: I disagree with that, because there's a lot of factual misstatements in this article. So I disagree with that statement.

MS RICHARDSON: And just look at - can we scroll down, please. Sorry, keep scrolling. You see there - sorry, can we have both those images. Do you agree with me that's the mayor's wife, Tina Ayyad?

MR RISTEVSKI: Faten, yes.

MS RICHARDSON: You insist on calling her Faten, do you?

MR RISTEVSKI: I know her as Faten.

MS RICHARDSON: Do you?

MR RISTEVSKI: Yes.

MS RICHARDSON: Right. And do you agree with me that that is the front side and the back side of the flyer that you were convicted for distributing?

MR RISTEVSKI: Convicted for not putting the name of the printer? Yes.

MS RICHARDSON: That - they are the two sides of the flyer that you physically put in letterboxes in the Liverpool area; correct?

MR RISTEVSKI: Yes.

MS RICHARDSON: And -

MR RISTEVSKI: No. It's - actually, no. My answer is no.

MS RICHARDSON: Well, I want to suggest to you that that was the content of the flyer that you were convicted for distributing without the requisite political details on it, in terms of the printer and so on. Do you agree with that?

MR RISTEVSKI: Can you -

MS HAMILTON-JEWELL: Commissioner, can I raise a matter in the absence of the witness, please?

COMMISSIONER: Yes. Councillor, if you wouldn't mind just stepping outside for a moment.

MR RISTEVSKI: Yes. No problem.

COMMISSIONER: Thank you.

<THE WITNESS WITHDREW

MS HAMILTON-JEWELL: Commissioner, the matter that I wish to raise is that this is conduct that occurred before Councillor Ristevski was appointed as a councillor. In my respectful submission, it falls outside the terms of reference and it's not a matter in respect of which you, Commissioner, could or would be asked to make findings about.

MS RICHARDSON: If I could indicate, I'm just trying to get him to identify what is a matter of public record, because he includes saying things in this document:

"Let's make Holsworthy a Muslim stronghold."

That it is relevant to other posts in terms of Mr Ristevski, which will be my ultimate submission, consistently making posts about the mayor that focuses on his race and his religion. And that the Commission has already seen the Lego example of people being depicted in Islamic garb in Liverpool, saying, "This is Liverpool under this mayor," and so on. And that Councillor Ristevski, I will be submitting, was prepared to distribute a flyer about the mayor's wife the year before he was elected, written in first person, of:

"My husband, the Liverpool Council mayor, banned pork at council events. Let's ban pork products at Parliament House. Let's make Holsworthy a Muslim stronghold."

That he is prepared to distribute this material by walking around, putting it in letterboxes. Because it - I will be making the submission that it does - that the Commissioner, to the extent that fact-finding needs to be made on this, would reject evidence of Councillor Ristevski that he doesn't understand what "racist" is or he doesn't make posts that focus on people's ethnicity and religion.

But I am proposing - all I am asking - if he will identify this document. But if it's not required for procedural fairness, I can move on because we can prove - there's already material proving what he pleaded guilty to - that it was a flyer in this form. I can prove it separately.

COMMISSIONER: I'm going to reject the question, I think - on the line any further. I think it went on after your initial objection in part because the councillor wanted to make a clarification, which he did, in terms, but the difficulty is this is conduct before he was elected - directed to the mayor's wife, and what use I can

ultimately make of that in answering my terms of reference under the Local Government Act.

MS RICHARDSON: May it please the Commission.

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

<PETER RISTEVSKI, ON FORMER OATH

COMMISSIONER: Thank you, Councillor.

MS RICHARDSON: Could the following document please be brought up. NMA.016.001.0001. Yes, please. You're not mentioned in this article, Councillor Ristevski, this is just for context. Do you recall that in November of last year there was problems with an influx of mosquitos that was ruining people's lives, in terms of their ability to hold functions outdoors and -

MR RISTEVSKI: Yes.

MS RICHARDSON: - use their backyards and so on? Do you agree with that?

MR RISTEVSKI: Yes.

MS RICHARDSON: And that the article - if we scroll down - that you're aware that there were articles in the media at the time about how aggressive these mozzies were?

MR RISTEVSKI: Yes.

MS RICHARDSON: And if we scroll down, please, we see - and keep scrolling - that - we see there comment of Mayor Mannoun expressing concerns about bug spray and the amount of bug spray you would need to use to deal with this infestation of mozzies? See that?

MR RISTEVSKI: Yes.

MS RICHARDSON: And the mayor referred to people being frustrated going outside and fear of being bitten and so on?

MR RISTEVSKI: Yes.

MS RICHARDSON: If we go over the page, that - we see Member for Holsworthy, Tina Ayyad, the mayor's wife -

MR RISTEVSKI: Yes.

MS RICHARDSON: - also questioning, you know, why things were getting so bad with the infestation with local ponds and water sources and so on. Do you see that?

MR RISTEVSKI: Yes.

MS RICHARDSON: And expressing the concerns about costs of dealing with chemicals to deal with it?

MR RISTEVSKI: Correct.

MS RICHARDSON: Do you agree with that?

MR RISTEVSKI: Yes.

MS RICHARDSON: Do you agree with me that that was the - you knew at the time that was the context of that issue about mozzies - that Mayor Mannoun and Member Ayyad had expressed concerns about it in the context of that article? Do you recall that?

MR RISTEVSKI: About the mozzies?

MS RICHARDSON: Yes, and that that was the public statement they had made about mosquitos?

MR RISTEVSKI: Yes.

MS RICHARDSON: And I think there's a comment in here of Ms Ayyad - if we could just (indistinct) that - underneath the photo, expressing a concern that:

"Christmas could be axed for many families if conditions didn't improve quickly."

And that she had walked around local shops and seen kids with welts and so on. See that?

MR RISTEVSKI: Yes.

MS RICHARDSON: And so that was the context in which Ms Ayyad had expressed a concern about Christmas, which - it was a concern of - that it would affect all sorts of people in the community because of the terrible impact of the mosquitos. Do you see that?

MR RISTEVSKI: I see it.

MS RICHARDSON: And you knew that at the time?

MR RISTEVSKI: No.

MS RICHARDSON: Well, could we pull up a different document, please. NMA.014.001.007. If that could be live streamed. So if we just scroll down - it's picking up the concern about the impact of mozzies?

MR RISTEVSKI: Yes.

MS RICHARDSON: And so on. And do you agree, up the top, that's a post that you made on your official councillor Facebook page?

MR RISTEVSKI: In November last year, yes.

MS RICHARDSON: And you said:

"I find it appalling that Faten Mannoun and her husband have turned the mosquito issue into a political football. How dare they both say that Christmas will be cancelled? Christmas will never be cancelled. Can you imagine if I said that her Islamic Eid will be cancelled due to mosquitoes."

Do you see that?

MR RISTEVSKI: Yes.

MS RICHARDSON: I want to suggest to you that this is an example of you unfairly focusing on the religion and ethnicity of Mayor Mannoun. Do you accept that?

MR RISTEVSKI: No.

MS RICHARDSON: I want to suggest to you that you were taking an article that - where Mayor Mannoun was very fairly talking about a neutral matter, like impact of mosquitos on everyone - and you distorted that by turning it into a racial issue of suggesting that they wanted to cancel Christmas. Do you accept that?

MR RISTEVSKI: I find your statement highly offensive.

MS RICHARDSON: Well, do you accept - what's your answer to my question?

MR RISTEVSKI: My answer is no.

MS RICHARDSON: So you don't think that you are seeking to harass the mayor on the basis of a religious matter by taking a neutral matter about a mosquito infestation and taking the opportunity to turn it into a racial or religious issue? Do you accept that?

MR RISTEVSKI: No. I find your question highly inflammatory and inappropriate.

MS RICHARDSON: Well, are you prepared to answer my question?

MR RISTEVSKI: I said I disagree with you.

MS RICHARDSON: You disagree with me.

MR RISTEVSKI: Did you know this was spoken about in Parliament as well?

MS RICHARDSON: Just wait for my question. And I want to suggest to you that this is an example - I'm going to put a number of you - where you take particular issue and you take the opportunity to turn it into a racial issue and it's a part of your ongoing harassment of the mayor.

MR RISTEVSKI: This is theatrics and I totally disagree with you.

MS RICHARDSON: Disagree with that? And I want to suggest to you that this type of distorting Facebook message that you are disseminating in the community brings Liverpool Council into disrepute because you are seeking to politicise or turn neutral issues about insect infestation into a racial or religious issue. Do you accept that?

MR RISTEVSKI: No chance. Look at the headline of the article. That's not my article.

MS RICHARDSON: Just focus on what you chose to post. You find it -

MR RISTEVSKI: I will not answer yes or no questions. I need to elaborate. This is a public inquiry where they want to know information, and yes and no is not appropriate sometimes.

MS RICHARDSON: Just focus, Mr Ristevski -

MR RISTEVSKI: I am. I'm focusing. I'm giving you my answer.

MS RICHARDSON: Just look at -

MR RISTEVSKI: You can't cut me off.

MS RICHARDSON: No, look at your post.

MR RISTEVSKI: Yes.

MS RICHARDSON: You say:

"I find it appalling that Faten Mannoun and her husband have turned the mosquito issue into a political football. How dare they both say that Christmas will be cancelled?"

I want to suggest to you that that was a comment that does not constitute a fair description of what they had said and that you were putting a comment on that was personally disparaging of the mayor. You accept that?

MR RISTEVSKI: You're assuming I read that other article. I didn't read the other article. I read this article and I watched Parliament, where there was a debate about this same issue about Christmas being cancelled. You might as well raise everything in context. Don't just take snippets to make me look terrible. I accept - and I find that offensive - you're going to tarnish my family name, and I will defend myself every step of the way.

MS RICHARDSON: And do you recall you were asked by counsel assisting, I think yesterday, about the fact that on 9 January you had a meeting with the CEO Mr Breton about your social media posts, and that the version of events that was put to you was that he file-noted that he was, in terms of conduct - code of conduct issued raised by you, he was running out of alternative means of redress and it will have to be escalated? Do you recall having a meeting with Mr Breton on about 9 January?

MR RISTEVSKI: I did, but I don't accept the file note.

MS RICHARDSON: And that on 10 January - if we could please bring up LCC.022.001.0076. You recall you were asked some questions about this by counsel assisting. This started off as a post about collection of rubbish. Yes, please. And then if we could go to underscore page 3 of that, please. We have a comment by Elliott - this is a comment made on your official councillor Facebook page; correct?

MR RISTEVSKI: What's the date of all this?

MS RICHARDSON: This is about 10 January 2025.

MR RISTEVSKI: Does it say anywhere that it's 10 January?

MS McDONALD: Sorry, can I just raise - I think we're moving into territory that you, Commissioner, would need - it may be bringing up conduct - I'm sorry - a code of conduct matter and whether we've got to move into closed. Okay. Last time, when - sorry. My learned junior's informed me we didn't live stream this, but -

COMMISSIONER: The document?

MS McDONALD: I think we're coming - anyway, I think it did ground a code of conduct complaint, but I just raise it for my learned friends.

COMMISSIONER: Mr Parish?

MR PARISH: (Indistinct) same process (indistinct) live streaming it.

COMMISSIONER: The document?

MR PARISH: The document.

COMMISSIONER: All right. We can do that.

MR PARISH: (Indistinct).

MS RICHARDSON: So can it be streamed in a way the witness can see it but it's not on the video? Is that -

COMMISSIONER: Yes.

MS RICHARDSON: Thank you. So -

MS HAMILTON-JEWELL: Sorry, Commissioner, can I raise one minor, minor, minor point?

COMMISSIONER: Yes.

MS HAMILTON-JEWELL: I think there have been some questions asked and answered in previous closed sessions. To the - I just want to make sure that my client is not infringing - perhaps if I can get an indication that no issue will be taken if he answers a question now in open session that deals with a subject matter that was dealt with in closed session previously?

COMMISSIONER: No. The parties can tell me if they take a different view, but in inquiries of all kinds sometimes there are private hearings and later the some issues are traversed in the public hearing. I would not, unless anyone wishes to be heard against this proposition, regard that scenario as giving rise to a contravention of my non-publication order, but I'll hear from anybody if they have a different view. Ms McDonald?

MS McDONALD: (Indistinct) with what happened on the (indistinct) I'm sorry.

COMMISSIONER: What I was observing is that from time to time in inquiries you might have a private hearing and then there might be the same issue traversed in a public hearing, and when you're answering questions in the public hearing, even though it covers the same matter, that does not, I would not have thought, contravene an order relating to the public hearing because it's in a different forum at a different time.

MS McDONALD: Yes.

COMMISSIONER: And I would regard that as being the same here, but I'm offering an opportunity for anyone to tell me that I've misconstrued it or haven't - proceeding in an unsafe or unsatisfactory way.

MS McDONALD: If I can just clarify - and, sorry, may I enquire, has this not - stopped being live streamed, the document? If we could just move - you can see there - sorry. I do apologise. Sorry, I'll just - when I took Mr Ristevski to this, we were in private session.

COMMISSIONER: Yes.

MS McDONALD: Because that comment is subject to a code of conduct which hasn't been determined. But I just raise that because that was what we did in my questioning. But whether the council want to press that with this - I suppose that's - (crosstalk) -

MS RICHARDSON: If I could assist, I can - I'm going to move on to a different post -

COMMISSIONER: Okay.

MS RICHARDSON: - because my learned friend cross-examined on this post, so -

COMMISSIONER: Okay. But just - I'm sorry to interrupt. But, Ms McDonald, as to the general proposition that Ms Hamilton-Jewell raised - and I've raised with you and everybody else - if there is evidence given in a private session and the same issue is returned to in a public session and questions and answers are given, I would not - unless anyone tells me that I'm going about it the wrong way - regard that as a contravention of my order pursuant to section 12B, if it's a fresh question and answer scenario, as happens in other types of inquiries from time to time, where one might have a private hearing and then the same issue is returned to in public at a later stage. Am I proceeding in an unsafe, unsatisfactory way? That's the comfort that Ms Hamilton-Jewell seeks.

MS McDONALD: Sorry, Commissioner, the way you described it, no. But I think what has arisen here is that potentially in moving back to the subject matter and asking questions, the original reason why we moved into a private session was being raised again.

COMMISSIONER: I understand.

MS McDONALD: But I note my friend is moving on to another post.

COMMISSIONER: Right.

MS RICHARDSON: If we could please pull up INQ.020.001.0001. And if this could not be live streamed but shown to the witness.

COMMISSIONER: Sorry? Okay. I'm told we cut the feed out of caution. We'll reinstate the feed.

MS RICHARDSON: Okay. Thank you.

COMMISSIONER: So the document just in the room, not on the feed, please.

MS RICHARDSON: Thank you. Councillor Ristevski, you recall you were asked some questions about this the other day by senior counsel assisting -

MR RISTEVSKI: Yes.

MS RICHARDSON: - this post? So you gave evidence that, looking at the "send a message" device down the bottom, that you received lots of likes from people in response to this story on your official Facebook page?

MR RISTEVSKI: Yes.

MS RICHARDSON: So you knew this post was up at the time because you received lots of likes about it; correct?

MR RISTEVSKI: Correct.

MS RICHARDSON: And you did not take the post down while it was up; correct?

MR RISTEVSKI: When I saw it, it would have been 2 am in the morning in Macedonia, so I wasn't going to make a phone call.

MS RICHARDSON: Well, just focus on my question. You said you got lots of likes about it. You agree with me that you did not take this post down. You were aware of it while it was up, but you let it remain on your Facebook page; correct?

MR RISTEVSKI: I just answered that. Yes.

MS RICHARDSON: And I think you told Ms McDonald you don't see anything offensive with it, there's nothing offensive about that post. Do you stand by that evidence?

MR RISTEVSKI: Very subjective. In my mind I can't find anything - it's subjective.

MS RICHARDSON: But from your subjective perspective -

MR RISTEVSKI: Yes.

MS RICHARDSON: - you say, sitting there today, there's nothing's offensive about this post? Is that your evidence?

MR RISTEVSKI: That's my evidence.

MS RICHARDSON: And is it still your evidence - you said to my learned friend the other day - that the depiction of this type of meme, which says:

"Is this Liverpool under this mayor."

You disagree that that would create a hostile environment with members of the community of Muslim faith? Is that still your evidence?

MR RISTEVSKI: Yes, that's my evidence.

MS RICHARDSON: I want to suggest to you that post - allowing this type of material on your official Facebook page would tend to bring the council into disrepute because it suggests that councillors - that you, as a councillor, have a particular view about Islamisation or that you're an Islamophobic person. Do you accept that?

MR RISTEVSKI: No.

MS RICHARDSON: That the fact that you have allowed this material to be posted on your website would make people who are of the Islamic faith within the Liverpool constituency feel that you would not be voting fairly as a councillor in respect of them?

MR RISTEVSKI: I have to correct you. You said "website".

MS RICHARDSON: Your Facebook account?

MR RISTEVSKI: Well, everything's getting transcribed, so I want to make sure you're asking the question correctly.

MS RICHARDSON: Okay. Let's be really clear.

MR RISTEVSKI: Yes.

MS RICHARDSON: I want to suggest to you that if people of the Islamic faith were to see this type of post on your Facebook account - councillor Facebook account - that it would tend to bring the council into disrepute because it would make them feel like they are not going to be treated fairly by you as a councillor in your dealings. Do you accept that?

MR RISTEVSKI: Totally disagree, because people from the same faith actually express their humour over it.

MS RICHARDSON: And I want to suggest to you that that would create a hostile environment, in terms of suggesting that we've got competition between different religions and that you're suggesting this religion is problematic - that we have a prevalence of this religion in Liverpool. Do you accept that?

MR RISTEVSKI: I don't, and I want to clarify.

MS RICHARDSON: And - just wait for my next question.

MR RISTEVSKI: Well, how can I -

MS RICHARDSON: And -

MR RISTEVSKI: - if I can't answer this one?

MS RICHARDSON: No, just wait. Just - you're under oath. I ask the questions and you answer them.

MR RISTEVSKI: Yes.

MS RICHARDSON: And you've got a barrister here to protect you.

MR RISTEVSKI: And I can go into -

MS RICHARDSON: No, just wait for my question.

MR RISTEVSKI: I can also go into privilege as well.

MS RICHARDSON: Just wait for my question.

MR RISTEVSKI: Sure.

MS RICHARDSON: And there are limits to privilege. You're actually under oath -

MR RISTEVSKI: I know that.

MS RICHARDSON: - and you're required to -

MR RISTEVSKI: I understand -

MS RICHARDSON: - answer questions.

MR RISTEVSKI: - privilege completely.

MS RICHARDSON: So look at the tag line on there:

"Is this Liverpool under this mayor."

I want to suggest to you that this is another example of you putting - allowing divisive material on social media, calling into issue the religion of the mayor. Do you accept that?

MR RISTEVSKI: You allow me to answer? If you won't -

MS RICHARDSON: No -

MR RISTEVSKI: - I will go into privilege.

MS RICHARDSON: Just listen to my question.

MR RISTEVSKI: I - I hear your question, and I'm not going to say yes or no.

MS RICHARDSON: I'm going to put it in -

MR RISTEVSKI: You are not going to box me into a - into a little corner -

MS RICHARDSON: Just listen to me -

MR RISTEVSKI: - and defame my character - no, I'm entitled to talk too.

MS RICHARDSON: No -

MR RISTEVSKI: This is a public inquiry.

COMMISSIONER: Councillor -

MR RISTEVSKI: You are defaming -

COMMISSIONER: - please stop.

MR RISTEVSKI: - my character.

MS RICHARDSON: No.

COMMISSIONER: Councillor, please stop.

MS RICHARDSON: No, I'm going to put the question again -

COMMISSIONER: Ms Richardson, just -

MS RICHARDSON: - and then -

COMMISSIONER: - pause, please.

MS RICHARDSON: - if you want to invoke a privilege you can identify what it is, and then we can see whether the privilege applies.

COMMISSIONER: Ms Richardson - before you do - Councillor, Ms Hamilton-Jewell is here in your interest. If she thinks there's an unfairness to you in any way she will make an objection. And part of the process will be, you know, once the other counsel have asked their questions of you Ms Hamilton-Jewell will be able to ask you some questions.

MR RISTEVSKI: Sure.

COMMISSIONER: And if there are matters of clarification -

MR RISTEVSKI: I appreciate that, Commissioner.

COMMISSIONER: - that she thinks, in fairness to you ought be given, then she will have an opportunity to ask those questions. Okay?

MR RISTEVSKI: Thank you.

MS RICHARDSON: So my question is - look at the tagline of this post:

"Is this Liverpool under this mayor."

Do you agree with me that that's referring to Mayor Mannoun?

MR RISTEVSKI: Yes.

MS RICHARDSON: I want to suggest to you that this is another example of you allowing social - material to be disseminated on social media, on your Facebook account, which is divisive material highlighting the religion of the mayor. Do you agree with that?

MR RISTEVSKI: I disagree. And this statement -

MS RICHARDSON: Just wait. You disagree with that proposition?

MR RISTEVSKI: I disagree.

MS RICHARDSON: Thank you. Could INQ.086.001.0001 please be brought up. If this could not be live streamed, please. Do you agree with me that there are people of Aboriginal descent who are constituents of the Liverpool Local Government area?

MR RISTEVSKI: Sorry?

MS RICHARDSON: Do you agree with me that there are people -

MR RISTEVSKI: Yes.

MS RICHARDSON: Aboriginal people -

MR RISTEVSKI: Yes.

MS RICHARDSON: - who are constituents in the Liverpool Local Government area?

MR RISTEVSKI: Yes, I do.

MS RICHARDSON: I want to suggest to you that, by you allowing this type of material to be posted on your official Facebook councillor account, that you are bringing the council into disrepute by posting racially divisive material. Do you accept that?

MR RISTEVSKI: I totally - not accept that. That's - that's a very offensive question.

MS RICHARDSON: Okay. You don't accept that?

MR RISTEVSKI: How is this divisive? These are statements of facts.

MS RICHARDSON: So your view of this post is that it's a statement of fact?

MR RISTEVSKI: Yes. Isn't it?

MS RICHARDSON: Well, just wait for my next question.

MS HAMILTON-JEWELL: Sorry, Commissioner, while that question is coming - and I'm loath to interrupt - can I please have a short adjournment to seek instructions from my client or to provide him some advice in respect of the right to claim privilege?

COMMISSIONER: Yes.

MS RICHARDSON: Well, can I just - there is no question that's currently put that invokes a privilege.

COMMISSIONER: No, but I need to be very careful, and I don't have power to trespass in any way on privilege, and I don't think it's unreasonable in this area for - Ms Hamilton-Jewell says she needs instructions or would want to give her client some advice. I'm minded to permit it.

MS RICHARDSON: May it please the Commission.

COMMISSIONER: Ms Hamilton-Jewell, I'll adjourn and you can get a message to me once you've taken those instructions and completed that process.

<THE HEARING ADJOURNED AT 3.16 PM

<THE HEARING RESUMED AT 3.27 PM

MS HAMILTON-JEWELL: Commissioner, I'm grateful for the adjournment.

COMMISSIONER: Yes. Not a problem.

MS RICHARDSON: Now I forget what the question was. If we could just bring up INQ.086.001.0001 but not live stream it, please. Now, Mr Ristevski, is that material an example where you had provided the graphic to your social media team and discussed the type of message that you want displayed with it?

MR RISTEVSKI: No.

MS RICHARDSON: So you're suggesting that your social media team came up with that completely independently. Is that your evidence?

MR RISTEVSKI: Yes.

MS RICHARDSON: But you've given evidence that you don't see a problem with it because it's the truth. Is that correct?

MR RISTEVSKI: I've already been asked these questions, and as a result I'm going to be claiming privilege. This is the second time.

MS RICHARDSON: I just need to ask, which criminal offence are you concerned about - that you're invoking the privilege in respect of?

COMMISSIONER: Just pause.

MS HAMILTON-JEWELL: Well, I object to that. This's not a question for this witness.

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

MS RICHARDSON: Well, the next time a privilege is invoked there will have to be an argument with his counsel, because, as the Commissioner would be aware, for the privilege to arrive there has to be a real and appreciable danger in respect of a crime or civil penalty, which requires the crime or the civil penalty to be identified, and it's not appropriate to invoke an unarticulated privilege generally in respect of questions.

COMMISSIONER: Well, if you wish to press for an answer, then the argument can be had.

MS RICHARDSON: I'll move on to a different question. Could the post NMA.014.001.0005 please be brought up. If the witness could be shown that but not live streamed. So do you agree with me that this is a post about a proposal for a large

mosque? You've made that post on your Facebook page on 13 September of this year?

MR RISTEVSKI: Correct.

MS RICHARDSON: And counsel assisting asked you some questions about this document. If we could scroll down. So you agree that the start of this chain is an issue about whether or not a large mosque should be approved for development or not?

MR RISTEVSKI: Correct.

MS RICHARDSON: And then a "Justin B" puts a comment on:

"I heard that place was a pig farm."

And you responded:

"Now that would be very ironic."

Correct?

MR RISTEVSKI: Correct.

MS RICHARDSON: That was a post you yourself made?

MR RISTEVSKI: Correct.

MS RICHARDSON: And then it goes on, a person with the initials "KC" says:

"Ban the lot we are [a] Christian country."

See that?

MR RISTEVSKI: Correct.

MS RICHARDSON: And you understood that to mean ban the lot of Muslims because we are a Christian country?

MR RISTEVSKI: No.

MS RICHARDSON: Well, how did you read - you reacted to it by putting two hands together and a flag. Do you see that?

MR RISTEVSKI: Yes.

MS RICHARDSON: So, the Emojis you chose to use were a form of positive endorsement; correct?

MR RISTEVSKI: Incorrect.

MS RICHARDSON: Well, it wasn't a negative endorsement, was it?

MR RISTEVSKI: It's a - an Emoji of peace.

MS RICHARDSON: It's what?

MR RISTEVSKI: Peace. P-e-a-c-e, peace.

MS RICHARDSON: Your evidence is that someone said "ban the lot we are a Christian country," and you were saying, like, "peace Australian flag"?

MR RISTEVSKI: I was saying -

MS RICHARDSON: Is that your evidence on oath to this Commissioner, is it?

MR RISTEVSKI: Are you going to allow me to speak?

MS RICHARDSON: Yes. I'm asking you, is that your evidence on oath?

MR RISTEVSKI: My evidence is, putting two hands together is a sign of peace. Why are you laughing?

MS RICHARDSON: I'm listening to you. I'm listening to your evidence.

MR RISTEVSKI: I know, but you don't need to make facial expressions, because it turns me off my evidence. We need to be professional.

MS RICHARDSON: So just focus on - you put two hands together and a flag. You are - is it your evidence that you are, in effect, saying "peace"?

MR RISTEVSKI: Yes. Peace, like, calm down.

MS RICHARDSON: You didn't write "calm down," did you?

MR RISTEVSKI: No.

MS RICHARDSON: What I want to suggest to you is that the way - the Emojis you chose to respond to a comment "ban the lot we are a Christian country" in relation to a mosque, would be identified by most members of the community as you expressing a positive sentiment about that comment. Do you agree with that?

MR RISTEVSKI: Have you done a survey to say that?

MS RICHARDSON: Just listen to my question.

MR RISTEVSKI: No. I disagree with you. You can't say something like that without facts. That's a silly question to put to me.

MS RICHARDSON: I want to suggest to you that, when you used those two Emojis, you knew that that is how your comment or your reaction would be viewed by most members of the community?

MR RISTEVSKI: Definitely not. These questions are out of line.

MS RICHARDSON: And I want to suggest to you that by deploying those types of Emojis, of two hands together and an Australian flag in response to a "ban the lot we're a Christian country" about a Muslim mosque, is a form of racist dog whistling by you. Do you accept that?

MR RISTEVSKI: How dare you. The Australian flag is racial dog whistling?

MS RICHARDSON: No. I'm suggesting that you deploying those two Emojis -

MR RISTEVSKI: The Australian flag is - is peace.

MS RICHARDSON: Just wait. Wait for my question. That you -

MR RISTEVSKI: Well, you're cutting me off. I'm trying to answer and you're - you're - you need to allow me to answer. You can't cut me off, then I lose my trail of thought, and then -

MS RICHARDSON: Councillor Ristevski, I'm asking questions -

MR RISTEVSKI: Okay.

MS RICHARDSON: - you answer them -

MR RISTEVSKI: Just go ahead.

MS RICHARDSON: - and you've got a senior barrister here to protect you.

MR RISTEVSKI: That's fine. I'm trying to answer the question (indistinct).

MS RICHARDSON: So, what I want to say to you is that you are not deploying the Australian flag in isolation, that there is a post about a proposal for a large mosque in your area. A person makes a comment on your official Facebook page, "Ban the lot we're a Christian country." You respond with two hands together and a flag. I want to suggest to you that that is a form of racist dog whistling by you on your official Facebook page account. Do you agree with that?

MR RISTEVSKI: I'm not going to answer yes or no. I'm going to give you an answer and I'm going to elaborate.

MS RICHARDSON: Do you - are you prepared to say - answer my question or not?

MR RISTEVSKI: Yes. My answer is this and I hope you don't cut me off. Peace, we are all Australian. That's what that means. Don't give me this dog whistling and trying to defame me because people are watching. I refuse for you to put me in that situation, because the media are here and they could report on this.

MS RICHARDSON: I want to -

MR RISTEVSKI: You're not going to defame my name and my character with these inappropriate comments. We're here to work out why this council is not working and this is not an example of that.

MS RICHARDSON: And can I ask another post to be brought up, please. NMA.014.001.006. Not on the live stream, please. Do you see there, this is a post by you on your official councillor -

MS HAMILTON-JEWELL: Sorry. Perhaps if we can wait until the document has come up.

MS RICHARDSON: Sorry. There it is. Do you see - if we could scroll up - this is something that you posted on your official Facebook page on 24 October this year?

MR RISTEVSKI: Yes.

MS RICHARDSON: And it's about a trip to Saudi Arabia. Do you see that?

MR RISTEVSKI: Yes.

MS RICHARDSON: And over the page we see someone with the initials "KA" saying - this is about the mayor going to Saudi Arabia:

"Don't come back. Shut the gate."

MR RISTEVSKI: Yes.

MS RICHARDSON: You see that?

MR RISTEVSKI: Yes. Yes.

MS RICHARDSON: And then Team Ristevski responds:

"100 per cent he should just F-off."

You see that?

MR RISTEVSKI: Yes. I see that.

MS RICHARDSON: And it goes on.

MR RISTEVSKI: Yes. I see that.

MS RICHARDSON:

"He's spending ratepayers money to give a minute speech to sell ratepayer's assets to the Saudis. What for ... another mosque? Sharia law?"

Do you see that?

MR RISTEVSKI: I do see that.

MS RICHARDSON: And it goes on that Team Ristevski posts on your Facebook account:

"This flog wants our women covered in ninja outfits."

Do you see that?

MR RISTEVSKI: I do see that.

MS RICHARDSON: And then someone says:

"Probably selling off more of LGA to his Arab relos."

R-e-l-o-s. Do you see that?

MR RISTEVSKI: I do see that.

MS RICHARDSON: And then Team Ristevski responds:

"1000% and trying to introduce sharia law into Liverpool."

Do you see that?

MR RISTEVSKI: I do see that.

MS RICHARDSON: And then Team Ristevski adds:

"He needs to be ball gagged and walked down the main street of Liverpool."

Can you see that?

MR RISTEVSKI: I see that.

MS RICHARDSON: Now, you're aware of those comments being posted on your official Facebook page?

MR RISTEVSKI: I am now.

MS RICHARDSON: Well, I want to suggest to you, given that you regularly check your Facebook account and engage with it, that you must have been aware of those at the time?

MR RISTEVSKI: I disagree.

MS RICHARDSON: You disagree?

MR RISTEVSKI: I disagree.

MS RICHARDSON: And I want to suggest to you that when Team Ristevski posts material on your official councillor Facebook page, that members of the community are likely to view that material as expressing your view -

MR RISTEVSKI: I disagree -

MS RICHARDSON: - you accept that?

MR RISTEVSKI: - because, if you go to that Facebook page, it says it has nothing to do with me.

MS RICHARDSON: And that, if a person is looking at your Facebook councillor page and they see things being said by Team Ristevski that are offensive or racist, that members of the community are likely to think that at least you endorse those views. Do you accept that?

MR RISTEVSKI: I disagree. There's another Peter Ristevski, not me, who also posts on my page and is not very complimentary of the mayor. Does that - saying that it's me as well?

MS RICHARDSON: And looking at those comments -

MR RISTEVSKI: I comment in my own name. I comment in my own name. People know I comment in my own name.

MS RICHARDSON: Just look at these comments, please, Councillor Ristevski. Do you agree with me that it is not an example of healthy public debate that where there's a post about whether money should be spent on a trip to Saudi Arabia, that on

your Facebook account it descends into analysis of women in ninja outfits and sharia law and so on, do you agree with me that that is not conducive to a healthy political debate?

MR RISTEVSKI: It's not healthy by him going to Saudi Arabia and creating this.

MS RICHARDSON: Just focus on my question.

MR RISTEVSKI: That is my answer.

MS RICHARDSON: No. Focus on my question.

MR RISTEVSKI: That is my answer.

MS RICHARDSON: No. Just wait please. Do you agree with me that for you to host an official Facebook page that has comments by an entity called Team Ristevski making comments of the ilk that I just read out is not conducive to healthy public debate about issues affecting the Liverpool Council? Do you accept that?

MR RISTEVSKI: My job is not to remove comments, censure people. This is a free country, they can say what they like. There's other - have you seen what goes on the Liberal council Facebook page about that trip to Saudi Arabia? There was 120 comments and every 120 was negative.

MS RICHARDSON: So, is your evidence to this councillor [sic] that looking at comments like that, including the one that, "The mayor needs to be ball gagged and walked down the street - the main street of Liverpool," that you would leave a comment to that effect on your Facebook page and not remove it? Is that your evidence?

MR RISTEVSKI: That's not my job to remove posts.

MS RICHARDSON: Is your -

MR RISTEVSKI: I don't have the time to remove posts.

MS RICHARDSON: So, your evidence is that you -

MR RISTEVSKI: I'm not - well, I don't have enough time. I haven't been told that I have to do that, is not another job that I have. I don't have enough time. I've spent four days here, I've got to do another 12 hours after today to go into my business, and you want me to go through every comment and delete, review. Where does it say I have to do that?

MS RICHARDSON: I want to suggest to you -

MR RISTEVSKI: That's my answer.

MS RICHARDSON: - I want to suggest to you, Councillor Ristevski, that by hosting an official councillor Facebook page where you allow comments of this offensive nature to be posted, and not removed, that you are bringing the council into disrepute?

MR RISTEVSKI: Are you going to waste the time on this thing over and over, asking the same question 20 times, when there's more important things to go through? This -

COMMISSIONER: Councillor -

MR RISTEVSKI: Sorry.

COMMISSIONER: As I said to you earlier -

MR RISTEVSKI: My apologies.

COMMISSIONER: - Ms Hamilton-Jewell - I know it's - you've been here a number of days, and I know it's getting late in the afternoon -

MR RISTEVSKI: I apologise.

COMMISSIONER: - but if Ms Hamilton-Jewell thinks there's been any unfairness, or Ms McDonald of Senior Counsel as counsel assisting thinks there's any unfairness, I'm sure they will raise an objection.

MR RISTEVSKI: Thank you.

COMMISSIONER: And, as I've said, to the extent that there's to be some clarification in your evidence, Ms Hamilton-Jewell will have an opportunity to take that up with you. So -

MR RISTEVSKI: Thank you, Commissioner, you've been very fair.

COMMISSIONER: Perhaps Ms Richardson will ask the question again and -

MS RICHARDSON: I'll ask a slightly different question. I want to suggest to you, Councillor Ristevski, that this - your conduct in hosting a councillor Facebook page where offensive posts about the mayor posted under the name Team Ristevski, and you leave that content up and do not remove it, that that is conduct by you that involves the harassment of Mayor Mannoun?

MR RISTEVSKI: I disagree.

MS RICHARDSON: And that you are, by that conduct, adding to creating a hostile environment?

MR RISTEVSKI: No. He went to Saudi Arabia. He created this hostile environment, not me.

MS RICHARDSON: So, do you think it's a fair comment, if you look at that comment, that the mayor of Liverpool needs to be ball gagged and walked down the main street of Liverpool?

MR RISTEVSKI: People are angry that our city is in a mess and he's going to Saudi Arabia while we've got asbestos issues. The Prime Minister went overseas, Scott Morrison, while we had fires. He got smashed. This is no different.

MS RICHARDSON: So -

MR RISTEVSKI: Asbestos is a critical issue in our Local Government.

MS RICHARDSON: So, just attend to my question, please. You think that's a fair comment, that leaving -

MR RISTEVSKI: People are angry and then, when they're angry, they can say what they like. People, we have got a cost of living crisis in Liverpool. People are struggling to pay their rates. And when they see this guy going overseas on their dime to Saudi Arabia, they're not going to get positive responses. People are entitled to have their say.

MS RICHARDSON: It's the case, isn't it, that you wanted to go to the conference in Saudi Arabia as well? Is that correct?

MR RISTEVSKI: Where does it say that?

MS RICHARDSON: Is that true or not?

MR RISTEVSKI: I was making enquiries. Like, why didn't this come up to a council meeting like Hong Kong? Why was it done through the back door? This is what needs to be going to the public inquiry.

MS RICHARDSON: Now, councillor -

MR RISTEVSKI: Not this kind of stuff.

MS RICHARDSON: - Ristevski, you've also called Mayor Mannoun a "Middle Eastern despot"; correct?

MR RISTEVSKI: I can't recall.

MS RICHARDSON: Okay. Could we please bring up NMA.014.001.008. You see there that's a post of your Facebook page account; correct?

MR RISTEVSKI: 14 August 2024?

MS RICHARDSON: Yes. And you said:

"The Liberal mayor thinks he's a Middle Eastern despot."

Correct?

MS HAMILTON-JEWELL: I object to that question, Commissioner. That was in August 2024. In my respectful submission, that's outside the terms of reference, it's before this councillor was a councillor.

MS RICHARDSON: Well, I'm putting a proposition to the witness that you have called the mayor a Middle Eastern despot. The witness wanted an example and I have given it to him. I'm entitled, in my submission, to ask that question.

MR RISTEVSKI: I wasn't a councillor then.

MS RICHARDSON: Just wait for the objection to be ruled on, please.

COMMISSIONER: The same timing issue that I ruled on earlier. And, for those same reasons, I reject the question.

MS RICHARDSON: Those are my questions.

COMMISSIONER: Yes. Mr Tynan, do you have any questions of the witness?

MR TYNAN: Mr Ristevski, my name is Mr Tynan, I'm Senior Counsel for Mr Breton.

MR RISTEVSKI: Yes.

MR TYNAN: In your evidence earlier today you used the expression "captain's pick" to describe acting appointments at the council. Do you remember giving that evidence?

MR RISTEVSKI: Yes, I do.

MR TYNAN: You also used the - you also referred to acting appointments as "a form of soft corruption." Do you remember giving that evidence?

MR RISTEVSKI: Yes.

MR TYNAN: Are you aware of the terms of section 351 of the Local Government Act?

MR RISTEVSKI: I - no, I don't know that section.

MR TYNAN: Can we have that brought up, please. That's ING.012.001.0005.

COMMISSIONER: "ING", did you say?

MR TYNAN: That's what I've got.

COMMISSIONER: It might be a rogue Q perhaps.

MR TYNAN: I'll go with INQ.012.001.0005.

COMMISSIONER: 351?

MR TYNAN: 351, thank you. Headed Temporary Appointments. Yes, please. 351. Page 245. Have you seen that provision before, Mr Ristevski?

MR RISTEVSKI: No.

MR TYNAN: You will see there, 351 is headed Temporary Appointments. It says:

"If a position (including a general manager position) within the organisational structure of the council is vacant or the holder of such a position is suspended from duty, sick or absent: (a) the council in the case of the general manager's position; or (b) the general manager in the case of any other position, may appoint a person to the position temporarily."

Subsection (2) then says:

"A person who is appointed to a position temporarily may not continue in that position..."

Then if you go down relevantly to (b):

"After a period of more than 12 months."

Do you see that?

MR RISTEVSKI: I do.

MR TYNAN: So, this provides for the legislative framework for the appointment of temporary appointments. Do you understand that?

MR RISTEVSKI: Yes, but I was giving the Commissioner my opinion, and I think that needs to be changed.

MR TYNAN: Okay. So, you - your opinion is, in your evidence before this commission, that that provision enables soft corruption to take place, does it?

MR RISTEVSKI: Yes. It's very subjective. Look, I don't see any objectivity. "May appoint." You know, you're giving one person - do they interview? Do they have to do it when you interview someone? There's a whole bunch of the steps you've got to go through. This doesn't have the checks and balances. And, I'm not saying the CEO has done anything wrong, but that's not what I was saying. I'm just saying that this needs to change in my opinion.

MR TYNAN: Okay. Do you know who was appointed to the acting role of director of operations when Mr Breton was appointed as the acting CEO?

MR RISTEVSKI: Do I know who?

MR TYNAN: Yes?

MR RISTEVSKI: Yes. They were work colleagues.

MR TYNAN: And who was that?

MR RISTEVSKI: Peter Scicluna.

MR TYNAN: And do you know what Peter Scicluna's background is? Professional background?

MR RISTEVSKI: I worked with Jason at day - what are they called - Downer.

MR TYNAN: Right. And did you know he was a senior project manager before coming to the council?

MR RISTEVSKI: I did, but it's - there's lot of senior managers out there, and do we know we have - I'm not being critical of anyone, but do we really know we have the best person in that role?

MR TYNAN: Do you know that he was a lecturer in project (indistinct) and manager operations at TAFE?

MR RISTEVSKI: He had no government experience, which was my concern.

MR TYNAN: Can you answer my question?

MR RISTEVSKI: Sorry?

MR TYNAN: Can you answer my question?

MR RISTEVSKI: Yes, but no Local Government experience.

MR TYNAN: And you would have been aware, wouldn't you, that at the time of his appointment he held the position of manager of operational support with the council? Correct?

MR RISTEVSKI: Yes. That was his first Local Government position.

MR TYNAN: And, in terms of the position of director of operations, there was more than 100 applications? Are you aware of that?

MR RISTEVSKI: I am now.

MR TYNAN: Were you aware of that at the time?

MR RISTEVSKI: No.

MR TYNAN: And that eight candidates were interviewed as part of a formal - as part of an interview process? Are you aware of that?

MR RISTEVSKI: No.

MR TYNAN: Is it your evidence still then that the appointment of Mr Scicluna was a captain's pick?

MR RISTEVSKI: Yes, it is.

MR TYNAN: A form of soft corruption?

MR RISTEVSKI: It has the potential, yes.

MR TYNAN: Right.

MR RISTEVSKI: Like, it's - it's a back door appointment in my opinion. I don't like that term whatsoever, it should be thrown out.

MR TYNAN: What term?

MR RISTEVSKI: The 351 temporary appointments. That should be gone. It doesn't pass the pub test. You ask an average punter in the street and they'll agree with me.

MR TYNAN: The pub test?

MR RISTEVSKI: Correct.

MR TYNAN: What's that?

MR RISTEVSKI: If I told them the circumstances, how you're going to employ someone temporary, 12 months, and then nine times out of 10 they get the full-time rob - roll, it doesn't pass the pub test. People say, "There's something dodgy about that."

MR TYNAN: And is it your evidence then that Mr Breton's appointment as CEO was a form of soft corruption? CEO.

MR RISTEVSKI: Well, I think what we've heard from this inquiry, if we had known this information he wouldn't have got the job.

MR TYNAN: Can you answer my question?

MR RISTEVSKI: The corruption can't be on us because we dealt with (crosstalk).

MR TYNAN: Can you answer my question, please, Mr Ristevski?

MR RISTEVSKI: Sorry. Re-ask the question.
Can you re-ask it?

MR TYNAN: I'm asking you, based on your evidence, are you suggesting that Mr Breton's appointment as CEO was a form of soft corruption?

MR RISTEVSKI: Potentially, yes, through the Liberals.

MR TYNAN: Right. And you'd be aware that Mr Breton was - he was voted in unanimously by the council to be CEO, a permanent - as on a permanent role?

MR RISTEVSKI: If we had known what we know now, he wouldn't have got that vote.

MR TYNAN: Can you answer my question please?

MR RISTEVSKI: I have to answer it that way.

MR TYNAN: No. Can you answer my question. You were aware, weren't you, and still are, that he was appointed unanimously to the role of CEO; correct?

MR RISTEVSKI: Yes, and there's 40 per cent of councillors that don't want him there. Based on what I've heard here.

MR TYNAN: No further questions, Commissioner.

COMMISSIONER: Ms Hamilton-Jewell.

MS HAMILTON-JEWELL: Commissioner, I do have matters by way of re-examination, but I will require a short adjournment to take instructions (indistinct).

COMMISSIONER: I'm not intending to curtail you in any way, shape or form, but do you have an estimate of, subject to your instructions of course, how long you think you might need?

MS HAMILTON-JEWELL: I anticipate that I'll need about 20 to 25 minutes, and I think it will also be necessary to play a council video which will take some time. I'm very conscious of the fact that we're keen to get everything finished. There are some commitments at my end as well.

COMMISSIONER: Yes.

MS HAMILTON-JEWELL: Which means that I may not be able to stay, but I am also (indistinct).

COMMISSIONER: All right. Well, the councillor's been in the witness box over several days, I'm happy to give you that time. I'll do what I have now adopted as a practice. I'll adjourn. You can let me know when you're ready and then you can let me know which course you wish to take this afternoon.

MS HAMILTON-JEWELL: May it please.

COMMISSIONER: All right. I'll adjourn until I'm advised to come back.

<THE HEARING ADJOURNED AT 3.54 PM

<THE HEARING RESUMED AT 4.06 PM

MS HAMILTON-JEWELL: Commissioner, I'm grateful for the adjournment.

COMMISSIONER: Yes.

MS HAMILTON-JEWELL: Unfortunately, I anticipate that I will be about half an hour, and due to commitments and the time of the day, Commissioner -

COMMISSIONER: Yes. Okay. What's the -

MS McDONALD: Plan of action?

COMMISSIONER: - plan of action? What time - whilst I have this discussion, do you have a time - a drop-dead time that you need to be gone this afternoon? Just so I don't impose on that. Have we reached it?

MS HAMILTON-JEWELL: Essentially, Commissioner.

COMMISSIONER: All right.

MS McDONALD: Can I just very quickly (indistinct)?

COMMISSIONER: Yes.

MS McDONALD: Next week, 6 November, 4.30.

COMMISSIONER: Yes.

MS McDONALD: Mr Harte will be continuing his evidence.

COMMISSIONER: Yes.

MS McDONALD: We have the courtroom, the lights will be on. The building management know.

COMMISSIONER: It's not a guaranteed thing in this building, I can assure you.

MS McDONALD: Sorry, I should knock on wood. So that is confirmed.

COMMISSIONER: Yes.

MS McDONALD: The counsel assisting team sent an email this morning that we wish to try and use some of the time in the two week break.

COMMISSIONER: Yes.

MS McDONALD: And we nominated a witness.

COMMISSIONER: Yes.

MS McDONALD: I think we've got to discuss that further.

COMMISSIONER: All right.

MS McDONALD: What I would like to do is explore first with my learned friend if she and - sorry, Mr Ristevski as well -

COMMISSIONER: Of course. The councillor, yes.

MS McDONALD: - whether they will have availability in the next two weeks.

COMMISSIONER: All right.

MS McDONALD: And if they do, and we can establish that, I would be pressing that we complete Mr Ristevski's evidence then because I don't anticipate - if my friend thinks half an hour, I can't see myself in re-examination being very long.

COMMISSIONER: Yes.

MS McDONALD: So again, we might be able to schedule it in.

COMMISSIONER: We might find a few hours on one of those days. All right. Yes, I'm happy for all that to happen. And, of course, the councillor to be consulted and we can do that. I'm happy to facilitate an earlier start or a litter finish as is required. To the extent that the days in the next two weeks can be used, and you think need to be used to ensure that we finish, then we will accommodate availability as much as possible, but there might be a limit if we need to get witnesses through, because I don't - as I understand the position at the moment, we don't have the space, and we've just got to finish.

MS McDONALD: Yes.

COMMISSIONER: All right. Councillor, you've heard all that.

MR RISTEVSKI: Yes.

COMMISSIONER: I'll see you, I think, sometime over the next couple of weeks.

MR RISTEVSKI: Thank you very much.

COMMISSIONER: Thank you for your attendance and attention over the last week.

MR RISTEVSKI: Thank you very much.

COMMISSIONER: I'm grateful for your assistance. You're free to go for today.

MR RISTEVSKI: Thank you very much.

COMMISSIONER: And I'll notionally adjourn until 4.30 next Thursday unless earlier advised.

MS McDONALD: Yes.

COMMISSIONER: All right. Thank you, everybody.

<THE HEARING ADJOURNED AT 4.10 PM