



PUBLIC INQUIRY INTO LIVERPOOL CITY COUNCIL

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

**PUBLIC HEARING
SYDNEY**

**THURSDAY, 06 NOVEMBER 2025
AT 4.34 PM**

DAY 38

APPEARANCES

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

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<THE HEARING COMMENCED AT 4.34 PM

COMMISSIONER: Yes.

5 **MS McDONALD:** I think we're up to other parties asking Mr Harte questions.

COMMISSIONER: All right. We might have the councillor resworn - since it's been a few days since you were here. You took an oath, didn't you?

10 **MR HARTE:** Yes.

COMMISSIONER: Yes.

<MATTHEW WILLIAM HARTE, SWORN

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COMMISSIONER: Thank you. Mr Tynan, you're up.

MR TYNAN: Yes. Thank you, Commissioner. Mr Harte, I have some questions about five discrete topics.

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MR HARTE: Sure.

MR TYNAN: I won't be too long. The first topic is in relation to Mr Breton's appointment in April 2025 as the permanent CEO. Now, I just want to go back in time a little bit. You were aware, weren't you, that Mr Breton applied for the permanent CEO position at the council at the end of 2022?

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MR HARTE: Yes, I believe so.

30 **MR TYNAN:** And are you aware that the selection process for that permanent CEO position involved a multi-stage selection process, including meeting with external third parties and various council members at the council?

MR HARTE: The selection process in 2020?

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MR TYNAN: '22, yes.

MR HARTE: Sorry, 2022?

40 **MR TYNAN:** Yes. Yes.

MR HARTE: I've been made aware of it through the course of this inquiry, yes.

MR TYNAN: And you'd be aware that Mr Breton was unsuccessful in being appointed the permanent CEO, following that appointment round?

45

MR HARTE: Yes.

MR TYNAN: And that Mr Ajaka was selected as the CEO in 2022?

MR HARTE: Yes.

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MR TYNAN: You were aware also - aren't you, Mr Harte, that Mr Breton applied for the permanent CEO position earlier this year?

MR HARTE: Yes.

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MR TYNAN: And there was an independent appointment process managed by Chandler MacLeod?

MR HARTE: Yes.

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MR TYNAN: There were over 100 candidates that applied for the position. Are you aware of that?

MR HARTE: Yes.

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MR TYNAN: And that following an extraordinary council meeting on 15 April 2025 Mr Breton was appointed the permanent CEO. You're aware of that?

MR HARTE: Yes.

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MR TYNAN: And you're aware that he was - the council voted unanimously in support of Mr Breton?

MR HARTE: Yes.

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MR TYNAN: You weren't at that meeting, were you?

MR HARTE: Correct.

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MR TYNAN: So you had no role in his selection as CEO; is that correct?

MR HARTE: No. I had no -

MR TYNAN: Is that correct?

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MR HARTE: No - yes, correct. I had no role in that process.

MR TYNAN: I want to take you back in time -

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MR HARTE: Sorry, can I just ask you to move the mic up a little bit? It's a bit quiet. Thanks.

MR TYNAN: Let me know if you can't hear me.

MR HARTE: All right.

5 **MR TYNAN:** I want to take you back in time to - prior to the 2021 election.

MR HARTE: Yes.

10 **MR TYNAN:** A lot of questions were asked of you about Mr Breton's failed election campaign.

MR HARTE: Yes.

15 **MR TYNAN:** I think Mr Breton described it as a fundamental failure.

MR HARTE: Yes.

MR TYNAN: Did you hear or see that evidence?

20 **MR HARTE:** Yes.

MR TYNAN: It was clear to you, at the time when you commenced assisting Mr Breton, that he was a political novice; correct?

25 **MR HARTE:** Yes.

MR TYNAN: It was apparent that he was not an astute politician?

30 **MR HARTE:** No. Yes.

MR TYNAN: Is that correct?

MR HARTE: Yes, that's correct. Yes.

35 **MR TYNAN:** You were aware that he had not run for council before?

MR HARTE: Yes, I wasn't aware if he did, but I -

40 **MS McDONALD:** I'm sorry, I couldn't hear the answer.

MR TYNAN: Neither could I.

45 **MR HARTE:** Yes, no, I wasn't aware he - I'm not aware whether he ran for council previously. I assume not.

MR TYNAN: Okay. Now, Mr Breton wasn't your first pick, was he, as a candidate to run as an independent?

MR HARTE: Correct.

MR TYNAN: Can I take you to - who was your first pick -

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MS McDONALD: I object. I don't know if the evidence establishes that it was Mr Harte's pick. There is evidence that Mr Mannoun was involved in the process. So the question is based on the assumption that it was Mr Harte's determination that Mr Breton would ultimately be the alleged independent candidate.

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MR TYNAN: I'm not sure anything turns on that, but I'll reframe my question. Can I -

COMMISSIONER: Thank you, Mr Tynan.

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MR TYNAN: Can I take the inquiry -

COMMISSIONER: Have you got some water there, Councillor?

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MR HARTE: I do. I've been a bit unwell, unfortunately.

COMMISSIONER: That's all right.

MR TYNAN: Do you have water?

25

MR HARTE: Yes, I do. Thank you.

MR TYNAN: Can I take Mr Harte to MFI 30. The reference for that is HAR.003.001.0001. And that can be streamed. And then - so, Mr Harte, do you recognise this document? This is the text messages between yourself and Mr Breton.

30

MR HARTE: Yes.

MR TYNAN: And can you please turn the document to -

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MS McDONALD: Can I just interrupt. I understand this MFI is the unredacted version. If my learned friend is taking him to a page with personal details, there may be an issue there.

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COMMISSIONER: I see. Thank you. I think it was just some email addresses. I mean, not -

MR TYNAN: There's no personal -

45

COMMISSIONER: - that they should be streamed, but -

MS McDONALD: And bank account details.

MR TYNAN: No, no. No, page 8, there's nothing on -

5 **COMMISSIONER:** All right. We'll go directly to the pages rather than scroll through, and then we should be safe.

MR TYNAN: Okay. That's at page - can you see that, Mr Harte?

10 **MR HARTE:** I do.

MR TYNAN: Can you see the text message there in blue from you? The blue is your message; correct?

15 **MR HARTE:** Yes.

MR TYNAN: It says:

20 "Sound good. We have our independent candidate ready to go. I'll look after his campaign."

MR HARTE: Yes.

MR TYNAN:
25 "So we may be able to test our printing and distribution capabilities soon with the independent letter. Just depends on when he can get registered and officially a candidate."

30 See that?

MR HARTE: Yes.

MR TYNAN: And this was prior to - I'm just looking for the date - this was in July 2021.
35

MR HARTE: Yes.

MR TYNAN: This is prior to Mr Breton putting his hand up to run in that campaign; correct?
40

MR HARTE: Correct.

MR TYNAN: So you already had a candidate lined - independent candidate lined up; correct?
45

MR HARTE: Yes.

MR TYNAN: And who's - withdraw that. Now, you were also asked a lot of questions previously, Mr Harte, about Mr Breton's preferences during that campaign. Do you remember the series of questions you were asked about that?

5 **MR HARTE:** Yes.

MR TYNAN: Are aware, Mr Harte, that before any arrangement was made between you and Mr Breton in relation to preferences, that Mr Breton himself had attempted to contact all other candidates to strike preference deals with them?

10

MR HARTE: I don't know if I was aware at the time, but obviously I've been made aware throughout the course of this inquiry that was the case, yes.

15 **MR TYNAN:** So at the time, then, you wouldn't have been aware that only two people returned his calls? Is that correct?

MR HARTE: Yes.

20 **MR TYNAN:** And that he was unable to arrange by himself any preference deals with any other candidates; correct?

MR HARTE: Correct. Yes.

25 **MR TYNAN:** Are you aware of whether Mr Breton's - any of Mr - the votes for Mr Breton affected - the preference deals affected the outcome of that election?

MR HARTE: No, they didn't.

30 **MR TYNAN:** New topic. You were asked - it was put to you on - previously when you'd given evidence, Mr Harte, that - withdraw that. You were asked a series of questions about forms that you filled out on behalf of Mr Breton during that campaign; correct?

35 **MR HARTE:** Yes.

MR TYNAN: Nomination form, the post disclosure forms, et cetera.

MR HARTE: Yes.

40 **MR TYNAN:** And it was put to you that some of those forms were relatively simple or straightforward to fill out. Do you remember that?

MR HARTE: Yes.

45 **MR TYNAN:** Is it the case you have to access the New South Wales Electoral Commission website to obtain those forms?

MR HARTE: Yes.

MR TYNAN: Did Mr Breton have access to the Commission - the Electoral Commission website to obtain the forms, do you know?

5

MR HARTE: The - are you talking about the portal?

MR TYNAN: Yes, the portal. That's correct.

10 **MR HARTE:** I don't think he did. I think he left that to me.

MR TYNAN: Yes. So you had access to the portal; correct?

MR HARTE: Yes.

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MR TYNAN: On behalf - and you accessed it on behalf of Mr Breton?

MR HARTE: Yes.

20 **MR TYNAN:** And that's made good by a number of text messages which I can go to if you need to, whereby you - Mr Breton and yourself communicated in relation to the login details so that you could get into the portal to access the documents on his behalf. Correct?

25 **MR HARTE:** Yes.

MR TYNAN: I'll take you to another document, please. This is the MFI 31. The document number is HAR.004.001.0001. Yes. Thanks. Is there - can I just be clear first - is there a redacted and unredacted version of this? Can I have the redacted version for the time being, please. I don't want to reveal anything unnecessarily. Mr Harte, do you recognise this document?

30

MR HARTE: Yes.

35 **MR TYNAN:** This is the series of emails between yourself and Mr Breton that was produced to the Commission.

MR HARTE: Yes.

40 **MR TYNAN:** And can you please turn the document to page 85. So it ends 0085. Do you see that, Mr Harte?

MR HARTE: Yes.

45 **MR TYNAN:** You'll see there at - on 29 November 2021, at 2.35 pm, Mr Breton sent you an email that says:

"Use signature as well, Jason Breton."

MR HARTE: Yes.

5 **MR TYNAN:** And the attachment says "Bretons Sig". And if you go to the next page, there's the signature.

MR HARTE: Yes.

10 **MR TYNAN:** Now, can you go back, please, to page 82, the document. You'll see earlier that day you emailed Mr Breton. Subject matter is "Letter of approval". This is at 2.22 pm, so -

MR HARTE: Yes.

15

MR TYNAN: - 13 minutes earlier:

"Hi Jason. Please see attached letter for your approval."

20 And it's attached - if you go to the next page, the - Breton's letter.

MR HARTE: Yes.

25 **MR TYNAN:** Next page, page 84. At 2.34, so 12 minutes later, Mr Breton replies to you:

"Okay. Change the yellow script, mate - can't read it."

MR HARTE: Yes.

30

MR TYNAN: Referring to the previous page. And then back to page - over to page 85. That's the original email, where it says, "Use signature as well". You'd accept, wouldn't you, Mr Harte, that what Mr - what was being referred to there was to use Mr Breton's signature on that flyer. Correct?

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MR HARTE: Could have been the case. I don't remember specifically.

40 **MR TYNAN:** But you would accept that, wouldn't you, because that was one minute after he - he responded to your email about the flyer, saying "change the script", and then a minute later he says, "Use the signature as well". It's in relation to the signature on - for use on the flyer at page 83; correct?

MR HARTE: Look, I don't remember specifically, but I accept that could be the case.

45

MR TYNAN: Well, if you go back to page 83, please, at the bottom. See there, there's a space for the signature between "best wishes" and his name?

MR HARTE: Yes.

5 **MR TYNAN:** I'm putting to you that that's what Mr Breton sent you his signature for. Do you accept that?

MR HARTE: It could be the case.

10 **MR TYNAN:** Well, I want to put it to you that that was the only reason he sent it to you and not to use at large. Do you accept that?

MR HARTE: No, it could - it could have been - look, I don't remember specifically, but it could have been the case.

15 **MR TYNAN:** Okay. I have no further questions, Commissioner.

COMMISSIONER: Thank you, Mr Tynan. Does anyone else have any questions for the councillor? Ms Hamilton-Jewell.

20 **MS HAMILTON-JEWELL:** Mr Harte, you gave some evidence on the first day that you came before the inquiry that you're currently employed as the electoral officer for the state parliamentarian Tina Ayyad?

25 **MR HARTE:** Correct.

MS HAMILTON-JEWELL: She was elected to that role in 2023; is that correct?

MR HARTE: Yes.

30 **MS HAMILTON-JEWELL:** And you were her campaign manager leading up to her election; is that correct?

MR HARTE: Yes.

35 **MS HAMILTON-JEWELL:** And when did you start in the role as campaign manager for her?

40 **MR HARTE:** Well, the campaign started in late January 2023, so from then onwards.

MS HAMILTON-JEWELL: And is it fair to say that you worked fairly closely with her during that campaign?

45 **MR BHUTANI:** Commissioner, I object that line of questioning. Happy to do it in the absence of the witness, if required. My submission is it doesn't assist the commission (indistinct).

COMMISSIONER: Councillor, I'm sorry to send you out, but if you wouldn't mind just stepping outside briefly so I can hear more fully.

<THE WITNESS WITHDREW

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COMMISSIONER: Yes.

10 **MR BHUTANI:** This is all well before the councillor was a councillor. Furthermore, it is tangentially related at best to Liverpool City Council, and so I don't see how it's going to assist the Commissioner in terms of its terms of reference to answer the questions before it.

COMMISSIONER: What is the relevance of -

15 **MS HAMILTON-JEWELL:** It'll be - well, Commissioner, it'll be my ultimate submission that this particular councillor has a very close relationship to Mayor Mannoun and that that has had a direct correlation to the number of codes of conduct complaints that have (indistinct) against my client Councillor Ristevski. Mayor Mannoun is, as we know, Ms Ayyad's - he has worked quite closely with that family
20 for a significant period of time.

COMMISSIONER: Do you need any more than what you've got to make that submission? Plus all the other evidence I've heard over the course of the councillor's evidence.
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MS HAMILTON-JEWELL: No, there's a doctor that - there's a document that I propose to tender, which is Ms Ayyad's maiden speech. That hasn't been put to this witness. If it's not necessary to put that to the witness -

30 **COMMISSIONER:** I wouldn't have thought so.

MS HAMILTON-JEWELL: (Indistinct).

COMMISSIONER: How much more have you got on this line to explore?
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MS HAMILTON-JEWELL: I will move on from line.

COMMISSIONER: All right. We'll have the councillor back.

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

COMMISSIONER: Thanks, Mr Tynan. Thanks, Councillor. Yes, Ms Hamilton-Jewell.

45 **MS HAMILTON-JEWELL:** I want to ask you now about the events leading up to the CEO recruitment meeting in February 2025.

MR HARTE: Yes.

5 **MS HAMILTON-JEWELL:** You gave evidence on 22 October in relation to questions about an alleged leak to the media during the CEO recruitment process. Do you recall that?

MR HARTE: Yes.

10 **MS HAMILTON-JEWELL:** And in your evidence you referred to an online outlet, The Pulse, that had published an article. Do you recall that?

MR HARTE: Yes.

15 **MS HAMILTON-JEWELL:** And, Commissioner, for your benefit, the transcript reference is T-2394, at line 30.

COMMISSIONER: Thank you.

20 **MS HAMILTON-JEWELL:** And to your recollection, was it just the one article that The Pulse ran?

MR HARTE: Sorry, can you repeat that?

25 **MS HAMILTON-JEWELL:** To your recollection, was it just the one article that The Pulse ran?

MR HARTE: Yes.

30 **MS HAMILTON-JEWELL:** And have you seen that article?

MR HARTE: Yes.

35 **MS HAMILTON-JEWELL:** And you gave evidence on a previous occasion - and this is at T-2394, lines 21 to 22 - that The Pulse published an online article and had the names in that article. Do you recall that evidence?

MR HARTE: Yes.

40 **MS HAMILTON-JEWELL:** And by that you were referring to the names of the candidates?

MR HARTE: Yes, I don't know if it was all the candidates or some of them, but it had names of candidates in the article.

45 **MS HAMILTON-JEWELL:** All right. Perhaps if we can bring the article up. It's RIS.004.001.0001. And while that's coming up and without disclosing any

candidates that haven't yet been disclosed in the commission, Dr Jackson was one of the candidates?

MR HARTE: Yes.

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MS HAMILTON-JEWELL: And Ms Bono was one of the candidates?

MR HARTE: Yes.

10 **MS HAMILTON-JEWELL:** And obviously Mr Breton was one of the candidates.

MR HARTE: Yes.

15 **MS HAMILTON-JEWELL:** Yes, please. Just to orientate ourselves, you can see underneath the big bold heading the date of that article is 17 February 2025?

MR HARTE: Yes.

20 **MS HAMILTON-JEWELL:** And if we can zoom out a bit, please, so we can see the front page of the article. That's the article that was run in The Pulse?

MR HARTE: Yes.

25 **MS HAMILTON-JEWELL:** And if you can go over the page, please. Take your time to read it if you need, but you can see the article there refers to looking for the Don Bradman of CEOs?

MR HARTE: Yes.

30 **MS HAMILTON-JEWELL:** Under the heading Last Wicket to Fall, it refers to Mr Ajaka and events concerning Mr Ajaka?

MR HARTE: Yes.

35 **MS HAMILTON-JEWELL:** Underneath the heading The Night Watchman, it refers to Mr Breton taking the position of acting CEO?

MR HARTE: Yes.

40 **MS HAMILTON-JEWELL:** And it refers, in the second-last line, that it was rumoured that Mr Breton had thrown his hat in the ring?

MR HARTE: Yes.

45 **MS HAMILTON-JEWELL:** And in the next heading A Former Captain Returns, there's a reference there to:

"Ex-CEO Eddie Jackson has been spotted around Liverpool's corridors of power."

Do you see that?

5 **MR HARTE:** Yes.

MS HAMILTON-JEWELL: And the article doesn't mention Ms Bono, does it?

MR HARTE: No.

10

MS HAMILTON-JEWELL: Sorry, I didn't hear your answer.

MR HARTE: No. No.

15 **MS HAMILTON-JEWELL:** And the article doesn't mention the names of any other candidates, does it?

MR HARTE: No.

20 **MS HAMILTON-JEWELL:** And so I think you've already clarified - your evidence that the article published the names, it's more accurate to say that the article published some of the candidates' names. Is that correct?

MR HARTE: Absolutely. Yes, I accept that. Yes.

25

MS HAMILTON-JEWELL: Now, following on from this article, to your knowledge, there was no investigation by Liverpool City Council into any alleged leak to the media, was there?

30 **MR HARTE:** Not that I can recall.

MS HAMILTON-JEWELL: And to your knowledge, there was no investigation by any external independent body about an alleged leak to the media, was there?

35 **MR HARTE:** Not that I know of.

MS HAMILTON-JEWELL: So when you gave evidence on the last occasion - and this is at T-2394, lines 8 to 12 - to the effect of:

40 "It wasn't an allegation. It was leaked."

That's only your view about whether or not the names of the candidates were leaked; is that correct?

45 **MR HARTE:** Well, it ended up in a media article, so - I don't know how it can get into a media article without it being leaked.

MS HAMILTON-JEWELL: Well, you accept that journalists write articles about possibilities all the time, don't you?

MR HARTE: Yes.

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MS HAMILTON-JEWELL: And it was public knowledge that Mr Ajaka was no longer the CEO; that's correct?

MR HARTE: Yes.

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MS HAMILTON-JEWELL: And so it would have been public knowledge that Liverpool City Council was looking for a CEO; that's correct?

MR HARTE: Yes.

15

MS HAMILTON-JEWELL: And it was public knowledge that Mr Breton was the acting CEO at the time?

MR HARTE: Yes.

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MS HAMILTON-JEWELL: And you can see here that the article states that Mr Jackson has been spotted around Liverpool's corridors. You see that?

MR HARTE: Yes.

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MS HAMILTON-JEWELL: And so you accept, don't you, that it's possible for a journalist to speculate that Mr Jackson was therefore applying for the role?

MR HARTE: Could be a potential theory, I suppose.

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MS HAMILTON-JEWELL: And the article doesn't mention the names of any other candidates, does it?

MR HARTE: No.

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MS HAMILTON-JEWELL: So you accept, don't you, that - there being no investigation, there was in fact no finding that there was a leak to any news outlet, was there?

40

MR HARTE: I suppose.

MS HAMILTON-JEWELL: If I can turn now to the CEO recruitment meeting that took place on 20 February 2025. Commissioner, I will refer to some of the evidence that has been given in closed session, but the evidence doesn't relate to the particular code of conduct complaint. So if you're content for me to ask the questions in public session I'm happy to do so.

45

COMMISSIONER: By asking the questions, are you going to reveal the content or are you just traversing a topic in public that was dealt with in private? Because there might be a difference.

5 **MS HAMILTON-JEWELL:** It's - it will not traverse the content of the code of conduct complaint, it will just deal with that meeting and evidence that was given at a private session. So essentially, I'm just seeking to adduce further evidence in the public session.

10 **COMMISSIONER:** Sorry, I wasn't clear. In putting the questions, are you going to be referring to passages of the transcript that are currently subject to an order, as opposed to putting fresh questions about same topic? Or a mix, perhaps?

15 **MS HAMILTON-JEWELL:** It's a mix, Commissioner.

COMMISSIONER: All right. Well, then, I think, to avoid any inadvertent disclosure contrary to my orders, we have to deal with it in private, as opposed to if it was just fresh questions on the same topic. So pursuant to section 12B of the Royal Commissions Act, I direct that the next passage of hearing take place in private, that
20 the transcript of this passage of hearing not be published otherwise than in accordance with the usual order. And the operator will tell me when we're in private session.

25 **MR TYNAN:** Do you actually want the door open and -

COMMISSIONER: It would be remarkable if there was someone stalking the halls at quarter to 5.

30 **MR TYNAN:** That's what I was thinking.

COMMISSIONER: Surprised when someone is at quarter past 10.

MS HAMILTON-JEWELL: When you gave evidence -

35 **COMMISSIONER:** I'm sorry, Ms Hamilton-Jewell. Just have to make sure we cut the feed.

<THE HEARING ADJOURNED TO PRIVATE SESSION AT 4.59 PM

<THE HEARING RESUMED AT AT 5.04 PM

COMMISSIONER: Yes. Thank you.

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MS HAMILTON-JEWELL: Mr Harte, you gave evidence about a WhatsApp group for councillors affiliated with the Liberal Party. Do you recall that?

MR HARTE: Yes.

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MS HAMILTON-JEWELL: Do you sometimes receive messages during council meetings on this WhatsApp group from Liberal councillors?

MR HARTE: Yes.

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MS HAMILTON-JEWELL: Now, you were asked some questions about the council meeting that took place on 26 February 2025.

MR HARTE: Yes.

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MS HAMILTON-JEWELL: In particular, the debate concerning the aerotropolis conference.

MR HARTE: Yes.

25

MS HAMILTON-JEWELL: Which resulted in the mayor leaving the chamber and then the Liberal councillors leaving the chamber.

MR HARTE: Yes.

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MS HAMILTON-JEWELL: Various attempts were made to play the video from that council meeting. If you would like it to be played again -

MR HARTE: It's okay. No.

35

MS HAMILTON-JEWELL: - please let me know.

MR HARTE: It's all right.

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MS HAMILTON-JEWELL: But having looked at the video, at about 2.48.40 you can be seen on the video looking at your phone for about two seconds.

MR HARTE: I accept that being the case.

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MS HAMILTON-JEWELL: The mayor leaves the chamber at about 2.49.40.

MR BHUTANI: Your Honour -

MS HAMILTON-JEWELL: Sorry. Apologies.

5 **MR BHUTANI:** I object to the exact times. I mean, if the exact times are pertinent to the ultimate proposition - otherwise, the order can just simply be put and the time (indistinct). The witness can't -

10 **COMMISSIONER:** I would understand his answers in that concept. I imagine Ms Hamilton-Jewell is pointing them out for my benefit and the benefit of those who are watching. There is some obvious hesitation in the councillor's voice, I imagine for that very reason. But, Councillor, I'm certainly not expecting you to remember the exact times with the time stamps of the video without that before you. So that's how I understand the questions to be asked and answered.

15 **MS HAMILTON-JEWELL:** The timestamps are really to direct everybody else.

COMMISSIONER: Of course.

20 **MS HAMILTON-JEWELL:** It's not going to be suggested that there is an issue in relation to whether or not this councillor recalls the particular time stamps.

COMMISSIONER: Yes. Thank you.

25 **MS HAMILTON-JEWELL:** At about 2.49.40, the video shows that you look again at your phone for about eight seconds.

MR HARTE: I accept that.

30 **MS HAMILTON-JEWELL:** Do you accept that eight seconds is long enough for you to read a message?

MR HARTE: It depends how long the message is.

35 **MS HAMILTON-JEWELL:** But if it's a short message, you accept that eight seconds is long enough for you to read a message on your phone?

MR HARTE: Sure.

40 **MS HAMILTON-JEWELL:** The mayor then leaves the room. The video then shows that, again, at about 2.57.14 you can be seen picking up your phone, and it appears from the video that you were reading a message. Shortly after this, you ask a question about whether the reason the mayor stepped out was due to a WHS issue. Do recall raising whether the mayor stepped out due to a WHS issue?

45 **MR HARTE:** Sorry, can you repeat that? Do I recall -

MS HAMILTON-JEWELL: Do you recall raising in the Liverpool City Council meeting -

MR HARTE: Yes.

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MS HAMILTON-JEWELL: - whether the mayor had stepped out due to a WHS issue?

MR HARTE: Yes. Yes.

10

MS HAMILTON-JEWELL: So there are two occasions before the mayor leaves the room and two occasions after the mayor leaves the room when you check your phone.

15 **MR HARTE:** Yes.

MS HAMILTON-JEWELL: You were asked about whether or not you were getting messages from the mayor in the WhatsApp group. Do you recall that?

20 **MR HARTE:** Yes.

MS HAMILTON-JEWELL: And you said it could have been the case that you were communicating with the mayor because you were checking in on him, and that's at T-2553, line 15. Do you accept that you were communicating with the mayor on your phone during the course of that meeting?

25

MR HARTE: I - I can't recall specific instance, but I accept that could have been the case because it does happen regularly.

30 **MS HAMILTON-JEWELL:** And were you having communications with the mayor about remaining present in the meeting?

MR HARTE: No, not that I can recall of. No.

35 **MS HAMILTON-JEWELL:** Moving to a different topic, do you follow Councillor Ristevski's social media page, his Councillor Ristevski page?

MR HARTE: No, he's blocked me.

40 **MS HAMILTON-JEWELL:** Do you monitor social media for activity that relates to Mayor Mannoun?

MR HARTE: Yes.

45 **MS HAMILTON-JEWELL:** And you've done that for some time?

MR HARTE: Yes.

MS HAMILTON-JEWELL: And as part of that, you go onto - well, before being blocked you went onto the Facebook page for Councillor Ristevski and read all posts and comments that had been published on the page?

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MR HARTE: Yes.

MS HAMILTON-JEWELL: And do you accept you regularly go onto the Liverpool Shenanigans page and monitor it for activity about the mayor?

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MR HARTE: Yes.

MS HAMILTON-JEWELL: And you've lodged - I think you -

15 **MR HARTE:** Sorry, can I just re-answer that? I - not specifically just for the mayor, I just monitor it because I'm a councillor and they talk about council-related issues. It's not solely about the mayor.

20 **MS HAMILTON-JEWELL:** And I think the evidence before this inquiry is that you have lodged 36 code of conduct complaints since October last year.

MR HARTE: Yes.

25 **MS HAMILTON-JEWELL:** And 35 of those code of conduct complaints are against a particular councillor?

MR HARTE: Yes.

30 **MS HAMILTON-JEWELL:** Now, is it fair to say that you're actively monitoring Councillor Ristevski's social media posts with a view to calling out posts that you consider to be inappropriate?

MR HARTE: Yes, sure.

35 **MS HAMILTON-JEWELL:** And it's fair to say that you're calling them out as inappropriate by lodging code of conduct complaints? Do you accept that?

MR HARTE: Yes.

40 **MS HAMILTON-JEWELL:** And you've never raised with Councillor Ristevski directly, have you, that you consider his social media posts to be inappropriate?

MR HARTE: No, I have, actually. I have by email.

45 **MS HAMILTON-JEWELL:** And you haven't waited for previous code of conduct complaints to be resolved before lodging further complaints, have you?

MR HARTE: Well, no code of conduct complaints have gone back to council.

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

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COMMISSIONER: Thank you. Does anybody else have any questions for the councillor? Mr Parish or Ms Richardson? Any from you?

10 **MS McDONALD:** Just a couple of questions. When were you blocked accessing -

MR HARTE: I was blocked -

MS McDONALD: - Councillor Ristevski's social media page?

15 **MR HARTE:** After I posted - sorry, after I emailed Councillor Ristevski raising concerns about one of his social media posts.

MS McDONALD: And when did you -

20 **MR HARTE:** It was in February.

MS McDONALD: Right. That was my next question. So in February of this year there was a post - your evidence is you emailed Councillor Ristevski directly about that?

25

MR HARTE: Yes.

MS McDONALD: And what did you say in your email?

30 **MR HARTE:** It was a - it was during the period of which I was on leave and the - it was a social media post about me made by Councillor Ristevski.

MS McDONALD: Was that a post about you attending a particular event?

35 **MR HARTE:** Yes.

MS McDONALD: Excuse me for a minute. You were asked some questions about Mr Breton's assertion that he attempted to contact all other candidates about preferences.

40

MR HARTE: Yes.

MS McDONALD: You first heard that account when Mr Breton gave evidence about it at this inquiry?

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MR HARTE: Yes. I don't recall specifically at the time, but I heard - like, that's where I remember it from. Yes.

MS McDONALD: Yes. From his evidence.

MR HARTE: Yes.

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MS McDONALD: Now, you were asked some questions about - could you excuse me for a minute. Could we bring up, again, HAR.004.001.0001. These are the email exchanges. And you were asked some questions about an exchange of emails where there was a creation of a letter for Mr Breton's campaign which you sent to him for his approval.

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MR HARTE: Yes.

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MS McDONALD: And if we can bring that up, it's at page 82. If we go to 83 - 83 seems to be the letter. The next page, 84, there's a complaint about the yellow script.

MR HARTE: Yes.

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MS McDONALD: Then it would appear that you've resent the letter. Can you see Mr Breton raises the yellow script?

MR HARTE: Yes.

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MS McDONALD: "Can't read it". And then at 3.33, I think you send it back.

COMMISSIONER: We might need a different page, perhaps.

MS McDONALD: I'm sorry, I'm misreading this. Sorry. So then you get:

30

"Change the yellow script, mate - I can't read it".

MR HARTE: Yes.

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MS McDONALD: Sorry. And then at page 85, in the context of that particular post - letter, and as indicated by my learned friend, there seemed to be a space where a signature could be put in for that?

MR HARTE: Yes.

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MS McDONALD: And then in that context we've got Mr Breton saying:

"Use signature as well".

MR HARTE: Yes.

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MS McDONALD: And that's in the context of that particular letter?

MR HARTE: Is that - it could have been the case, but I don't remember specifically.

MS McDONALD: All right. Could we also in this bundle, please, go to page 36. It was the case, wasn't it, that previously you'd received an email from Mr Breton attaching his signature?

MR HARTE: Yes.

MS McDONALD: With the statement, "Use as required."

MR HARTE: Yes.

MS McDONALD: And I don't know whether it comes up, but on the next page was the signature.

MR HARTE: Yes.

MS McDONALD: So you received that at the beginning of November, with a direction of "use as required"?

MR HARTE: Yes.

MS McDONALD: Would you just excuse me for a minute?

MR HARTE: I apologise.

COMMISSIONER: Don't apologise, Councillor.

MS McDONALD: Excuse me. Commissioner, can I indicate the particular email that Mr Harte gave evidence about - we have a copy of it, but it would be a matter where I think, at a minimum, we wouldn't live stream it.

COMMISSIONER: Which email? To Mr Breton?

MS McDONALD: This is from Mr Harte to Mr Ristevski.

COMMISSIONER: I'm sorry. I was -

MS McDONALD: Sorry, I was jumping around.

COMMISSIONER: - still following along with Mr Breton. I see. Okay. Yes. It can go up on the screen in the room. Have the councillor identify it.

MS McDONALD: Will just take a couple of seconds.

COMMISSIONER: Yes.

MS McDONALD: I'll give you the number of the document. It's LCC.003.002.0721, and it's at page _0004. LCC.003.002.0720. Maybe towards the bottom of the previous page. Do you see there your email?

5 **MR HARTE:** Yes.

MS McDONALD: It's an email dated 7 March 2025 -

MR HARTE: Yes.

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MS McDONALD: - to Councillor Ristevski, and you've copied in the - I think it was the acting CEO at the time, and also your fellow councillors.

MR HARTE: Yes.

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MS McDONALD: And then if we go to the next page, page 4, that's the particular email where you refer to a post which concerned you and your attendance at a particular event?

20 **MR HARTE:** Yes.

MS McDONALD: And you can see there, towards the end of that email, you set out your account of why you were there, and then you kindly ask the councillor to do three things.

25

MR HARTE: Yes.

MS McDONALD: To your knowledge, did the councillor meet those requests?

30 **MR HARTE:** No.

MS McDONALD: They're the questions.

COMMISSIONER: Is this document being tendered or should I mark it?

35

MS McDONALD: Maybe at the moment if it can be marked.

COMMISSIONER: All right.

40 **MS McDONALD:** Sorry, it's now been uploaded to TB8.

COMMISSIONER: But it hasn't yet been tendered?

MS McDONALD: No.

45

COMMISSIONER: Anyway, if it has and I'm marking it again, that won't do any harm. Just so I can keep track of it on the transcript, I'll mark it with the document with the document identifier LCC.003.002.0720 MFI 35.

5 <**MFI #35 DOCUMENT WITH DOCUMENT IDENTIFIER LCC.003.002.0720**

COMMISSIONER: Thank you, councillor.

MR HARTE: Thank you.

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COMMISSIONER: As you would have seen, I'm asked not to release anyone formally from their summons for the moment, but we are fast approaching the end of the hearings so I hope to be able to inform you in the not too distant future that that has happened.

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MR HARTE: Lovely.

COMMISSIONER: I'm grateful for your attendance and your assistance over the days that you've been here, and including coming late this afternoon.

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MR HARTE: Thank you for accommodating.

COMMISSIONER: You're free to go for the moment.

25 **MR HARTE:** Thank you.

<**THE WITNESS WITHDREW**

COMMISSIONER: Is there anything else to do quickly this afternoon?

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MS McDONALD: Not - no.

COMMISSIONER: All right.

35 **MS McDONALD:** May I indicate we're still exploring with all the parties whether we can use any time next week.

COMMISSIONER: Yes.

40 **MS McDONALD:** But that's an ongoing discussion.

COMMISSIONER: All right. Well, if time can and should be used to ensure that we finish by the - on time -

45 **MS McDONALD:** Yes.

COMMISSIONER: - then that should occur. Otherwise I will adjourn for the moment until Monday week -

MS McDONALD: Yes.

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COMMISSIONER: - unless advised earlier. I'm grateful for - everybody for coming and facilitating this late sitting to complete the councillor's evidence. I appreciate it would have caused inconvenience, so I'm very grateful. Otherwise I'll see everybody back here Monday week. Thank you.

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<THE HEARING ADJOURNED AT 5.24 PM