PUBLIC INQUIRY INTO LIVERPOOL CITY COUNCIL

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

PUBLIC HEARING
SYDNEY

TUESDAY, 18 NOVEMBER 2025
AT 10.07 AM

DAY 41

APPEARANCES

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

<THE HEARING COMMENCED AT 10.07 AM

MS McDONALD: Commissioner, before resuming Mr Knappick's evidence can we tender some documents. May I hand up to you a further amended - it's index to TB8, general exhibits. And then a document for counsel - Councillor Matthew Harte's evidence and also a table - documents to be tendered for Councillor Peter Ristevski's evidence.

COMMISSIONER: Thank you.

MS HAMILTON-JEWELL: Commissioner, before those are marked (indistinct) a query.

COMMISSIONER: Yes.

MS HAMILTON-JEWELL: I understand that there is a transcript - partial transcript of the council meeting from 25 February 2025 (indistinct) and I understand it was loaded into the tender bundle yesterday. I'm not sure if that's included on this list of documents proposed to be tendered, but I understand we may have some comments. So if that document is included, I ask that that document be held off.

MS McDONALD: Not included.

COMMISSIONER: Okay. I'll mark the index general exhibits TB8, as of 18 November 2025 at 9.31 am, MFI 36.

<MFI #36 - INDEX GENERAL EXHIBITS TB8 AS OF 18/11/2025 AT 9.31 AM

COMMISSIONER: The documents in the list headed Councillor Matthew Harte's Evidence Documents for Tender by Counsel Assisting handed up this morning will have the exhibit numbers attributed to them in that list. The documents in the list headed Councillor Peter Ristevski's Evidence Documents for Tender by Counsel Assisting will have the exhibits numbers attributed to them in that list.

MS McDONALD: Would you just excuse me.

COMMISSIONER: Yes.

MS McDONALD: Commissioner, could I just confirm - you'll see, for example, with the index to Peter Ristevski's evidence -

COMMISSIONER: Yes.

MS McDONALD: - that some documents are highlighted in blue, some are highlighted in green.

COMMISSIONER: Yes.

MS McDONALD: The green are relatively straightforward. There are non-publication orders have been made about - over those documents.

COMMISSIONER: I see.

MS McDONALD: The blue ones were not live streamed.

COMMISSIONER: Yes.

MS McDONALD: I understand at the moment the documents are not going onto the website - sorry, the exhibits are not going onto the website.

COMMISSIONER: Yes.

MS McDONALD: I just have in my mind whether there should be a consideration of whether any of the blue - the documents shaded in blue should be subject to non-publication orders, but I haven't turned my mind to it. But they were in a category - in a sense a special category, the way that we dealt with them during evidence.

COMMISSIONER: All right. Well, what do you want to do now? Do you want to think about it during the course of the day and return to it after a break?

MS McDONALD: Maybe we and other parties can consider it during the day and if we can come back to it this afternoon.

COMMISSIONER: Yes, I'm happy - that's perfectly sensible. Is that all the documentary matters?

MS McDONALD: Yes.

COMMISSIONER: Yes.

MS McDONALD: Commissioner, we're resuming Mr Knappick's evidence.

COMMISSIONER: Yes.

<CRAIG KNAPPICK, ON FORMER OATH

MS McDONALD: And yesterday afternoon when we were asking him questions it was in a closed session.

COMMISSIONER: Yes.

MS McDONALD: The topic of those questions is continuing.

COMMISSIONER: All right. Is it -

MS McDONALD: So if we could return for the moment to a closed session.

COMMISSIONER: This is the same area that was the subject of Mr O'Neill's application yesterday?

MS McDONALD: Yes.

COMMISSIONER: Pursuant to section 12B of the Royal Commissions Act, I direct that the next passage of hearing take place in private, that the transcript of this passage of hearing not be published otherwise than in accordance with my usual direction. Those who are currently in the hearing room can remain in the hearing room, and we'll make sure that Mr O'Neill and those that instruct him get this passage of transcript as well. And we'll just wait until the operator tells us we're in private.

<THE HEARING ADJOURNED TO PRIVATE SESSION AT 10.12 AM

<THE HEARING RESUMED AT 11.18 AM

COMMISSIONER: Yes. Yes, Ms McDonald.

MS McDONALD: Mr Knappick, I want to ask you some questions about the original engagement of Mr Strangas.

MR KNAPPICK: Yes, certainly.

MS McDONALD: I want to put some propositions to you. If you need to see, for example, a contract or a letter, please speak up and I can take you to it.

MR KNAPPICK: Certainly. Thank you.

MS McDONALD: But Mr Strangas was - his engagement with the council commenced in about January 2023, when he was offered a full-time temporary appointment as a senior officer, Government Relations.

MR KNAPPICK: Yes, that was - that's when I started as well.

MS McDONALD: That's when you started.

COMMISSIONER: But you're aware that's -

MR KNAPPICK: I was aware that he started around the time as I did. I wasn't really - I wouldn't have even known Haris, because I was brand-new, but in retrospect, afterwards, I found that that was the role that he was in.

MS McDONALD: And his - and again, the records we have indicate that he was employed on a temporary contract commencing 23 January 2023.

MR KNAPPICK: All right. Yes.

MS McDONALD: And as you've given evidence before, a temporary contract is subject to the requirements under the Act?

MR KNAPPICK: That's correct.

MS McDONALD: And it's a 12-month limitation?

MR KNAPPICK: Correct.

MS McDONALD: Now, the Office of Local Government made some inquiries, as part of their interim report, into some of the temporary appointments.

MR KNAPPICK: Yes.

MS McDONALD: Could we bring up, please, OLG.001.001.1066, please.

COMMISSIONER: What's this document?

MS McDONALD: It's - contains an email from Ms Wilson, that sets out -

COMMISSIONER: That's all right. I thought you were going to put up the interim report.

MS McDONALD: No. And if we can go down the bottom of the page. Can you see that's an email from Ms Wilson on 31 May, and you're copied into it?

MR KNAPPICK: Yes, I can see that.

MS McDONALD: And could we go to the next page, please. It refers to some questions about certain people.

MR KNAPPICK: Yes.

MS McDONALD: Including Mr Strangas.

MR KNAPPICK: Yes.

MS McDONALD: And can I take you down to the section where it's got:

"The role of senior Government and Stakeholder officer."

MR KNAPPICK: Yes.

MS McDONALD: And that was the renamed position that Mr Strangas, as at 31 May 2024, was occupying?

MR KNAPPICK: Yes. That's right.

MS McDONALD: Now, the information provided by Ms Wilson was newly created position in 2023 -

MR KNAPPICK: Yes.

MS McDONALD: Can we just move down, please. Sorry, just - stop there. Now, this is what I wanted to ask you about. The third and fourth dot points:

"Haris Strangas employed on a temporary contract, 23 January to 21 Feb."

MR KNAPPICK: Yes.

MS McDONALD: Then:

"The contract has been extended twice, 22 February 2024 to 2 May, then 3 May to 31 July."

MR KNAPPICK: Yes.

MS McDONALD: Now, that would appear to be inconsistent with the provisions of the Act.

MR KNAPPICK: It is. It shouldn't have happened. I remember this scenario.

MS McDONALD: How did it occur?

MR KNAPPICK: There was delays by the line manager in moving forward with wanting to recruit to the permanent role.

MS McDONALD: And when you say "delays", what was it - the delays? How did that arise?

MR KNAPPICK: I don't know the detail. I don't know whether it was the position description was being reviewed and not worked out, whether the line manager hadn't got around to filling out the necessary paperwork to advertise the permanent role. It was something of that nature.

MS McDONALD: All right. And was it your understanding at the end of that last extension Mr Strangas was then appointed to the permanent role?

MR KNAPPICK: That's correct.

COMMISSIONER: Was there a - it was at that stage there was a recruitment process conducted, was there?

MR KNAPPICK: There was. There was. HR were continually insistent on, "This role needs to be advertised. This role need to progress." And there were excuses, for want of a better word, as to why they couldn't do it yet. Eventually it was, through our push and assistance, and it was advertised and then Mr Strangas was successful.

MS McDONALD: Excuse me for a minute.

COMMISSIONER: How does one best put in place measures to prevent that eventuality in the future?

MR KNAPPICK: So the measures that we have now, because of the direct appointments and the temporary contracts that were put in place under the previous CEO, managers often forget that their employee's time is coming to an end. So we now issue a report every month that goes to the managers, telling them when the temporary contract are due to end, and then my human resources business partners,

in their monthly meeting with managers, remind them X employee - their temporary contract's due for ending next month, you need to do something about it, otherwise the person is definitely finishing.

So we sort of take no prisoners now. We basically say they're meant to finish on - let's say it's 16 November - they're finishing. We basically play policeman and tell them they're finishing, there's no extensions, that's it. Sometimes they - you see they - what happened, unfortunately, in the process was that people can apply for extensions through the Aurion payroll system. So whilst they flow through into payroll, my HR business partners might have no knowledge that a manager had extended them, because they just filled in on the Aurion payroll system, yes, extend them for a month.

COMMISSIONER: So the system would allow the extension -

MR KNAPPICK: To take place.

COMMISSIONER: I see.

MR KNAPPICK: That's right.

COMMISSIONER: And that wouldn't shoot a flag to your -

MR KNAPPICK: No.

COMMISSIONER: - team.

MR KNAPPICK: So now we pull an extra report out of the system and my HRBPs play police officer and say, "That person is going to finish on this date unless you do something," like advertise a permanent role. Or, "Yes, I accept that they're finishing."

COMMISSIONER: When - about when did you start to implement this new process?

MR KNAPPICK: At least 12 months ago.

COMMISSIONER: Has there also been a change in the use of temporary appointments within the organisation?

MR KNAPPICK: They've definitely gone down.

COMMISSIONER: Do you have a sense of -

MR KNAPPICK: I think I provided a report on Friday - and they are going down. They were particularly high during the previous CEO's tenure, but they have gone down because (a) we're playing police officer role, and because there's a general understanding they should only be used in exceptional circumstances.

COMMISSIONER: And you told me about that last week, I think.

MR KNAPPICK: Yes. That's right.

COMMISSIONER: And I think I asked you this last week - if I did I apologise, but to the extent that - the expectation that they not be used other than in exceptional circumstances isn't in a policy somewhere, do you think it - it can be beneficial to have that formally noted in a policy?

MR KNAPPICK: Yes. So whilst we have a recruitment policy that's been mentioned a couple of times in here, I think there are still some tweaks to that policy that would help refine that, and currently there are some that have been drafted regarding direct and temporary appointments, to make it even clearer.

COMMISSIONER: I see.

MR KNAPPICK: They are in draft and it is suggested they'll go out for consultation, to make it even clearer for people.

COMMISSIONER: And is part of your team's function to monitor - that those expectations are being implemented through the wider council organisation?

MR KNAPPICK: Yes, to a point. But I would also argue that it's a line manager's responsibility, because when you get promoted to a manager a lot of the responsibilities you take on are people management. Use your responsibility as a people manager to be across your staff in terms of extra hours that they do, overtime, people who are temporary, people who are - the vacancies that you have, that's part of your job as a line manager in my book, Commissioner.

MR RAMRAHKA: Commissioner, Mr Knappick has provided statistics for the last three years in terms of a number of direct appointments.

COMMISSIONER: Yes, I know. Thank you.

MR RAMRAHKA: I'm not sure if it's -

COMMISSIONER: (Crosstalk) we'll come to that.

MR RAMRAHKA: Yes. Yes.

COMMISSIONER: Thank you.

MS McDONALD: Yes, we're about to.

COMMISSIONER: Yes.

MS McDONALD: Can I bring up, please, LCC.011.001.0020. Yes, please. This is a management letter from the audit office, arising from the audit of the council's financial statements for the year ended 30 June 2024.

MR KNAPPICK: All right.

MS McDONALD: And you can see it's dated 4 December 2024.

MR KNAPPICK: Yes.

MS McDONALD: Have you seen this letter or the contents of this letter before?

MR KNAPPICK: I can't recollect if I have or I haven't, sorry.

MS McDONALD: Do you have an understanding of this letter that as part of the audit the Auditor-General can raise particular areas of certain within the council's operation?

MR KNAPPICK: Yes.

MS McDONALD: And if we move through to page 0017, this is issue 9, recruitment and remuneration policy and processes.

MR KNAPPICK: Yes.

MS McDONALD: And just looking at that page - and maybe if we can move down a little bit. You can see under Audit Observations:

"During this year, 25 per cent of the 188 positions were filled on a temporary basis, with a number being direct appointments. This proportion has increased over the past few years, as there is an increased use of temporary/direct appointment processes."

Before taking you further to this document, there is a distinction there between direct appointments and temporary appointments.

MR KNAPPICK: Yes.

MS McDONALD: What is the difference?

MR KNAPPICK: So a direct appointment doesn't involve any, sort of, recruitment process. So there's not a competitive recruitment process for the job. A person is found, is available, and they are directly appointed to the role, to undertake it for a 12-month period. Temporary appointment, generally that is a person that might be appointed to fill a maternity leave vacancy, for example. In many scenarios, there might be a competitive recruitment process for it.

MS McDONALD: So a temporary contract could involve a current employee being employed under a temporary contract in a higher position?

MR KNAPPICK: Yes, certainly.

MS McDONALD: And the determination of whether that person is going to be occupying that higher position, that could be subject to internal expressions of interest, leading to interviews, et cetera.

MR KNAPPICK: Exactly. Correct.

MS McDONALD: While, as you said, the direct appointment, there is no recruitment process, it could be somebody who is identified outside of the -

MR KNAPPICK: Organisation.

MS McDONALD: - organisation and is put into that position, according to the Act, for a maximum of 12 months?

MR KNAPPICK: Correct.

COMMISSIONER: And it's only to those temporary - direct appointments can only be made to temporary roles?

MR KNAPPICK: Yes, on a permanent basis. Temporary for 12 months.

COMMISSIONER: Yes.

MR KNAPPICK: I think there's an extension that allows up to 24 months, if it is for something - where there was maternity leave scenario.

COMMISSIONER: Yes. I think there is exception about that.

MS McDONALD: Yes. I think that's in the - either the Act or the award.

MR KNAPPICK: The award. Yes.

MS McDONALD: If we go back to this, the audit observations, as I've just read out, is that 25 per cent of the 188 positions were on a temporary basis, with a number of them being direct appointments. And they have, for the financial year '23, a figure of 36 per cent. And then it refers to a number of the direct appointees as subsequently hired on a permanent basis after an interview process. Then you've got gap findings. A number of the direct appointees were awarded salaries above the council's approved salary bands, with no support or basis being provided for that. And then the gap finding, second dot point:

"Council does not have guidelines or defined criteria of when it's appropriate to hire on a temporary basis or for direct appointments or conditions to be met for the direct temporary appointment process to be used."

And then it's noted that:

"Management advised human resources team is currently working on new guidelines."

MR KNAPPICK: Yes. Correct.

MS McDONALD: Now, with that, I will take you to some of your homework. And if we can bring up, please, KNA.001.001.0003.

COMMISSIONER: Whilst that's coming up, Mr Knappick, were you made aware of these findings by the -

MR KNAPPICK: Yes, I do recall those recommendations now that they've been shown to me.

COMMISSIONER: All right. Were you involved in considering them and advising on a response?

MR KNAPPICK: Definitely, and that's why we drafted a new recruitment policy and new recruitment guidelines that went through the consultation process and were endorsed by the JCC process and then launched in the business, which has also been supported by recruitment training that we now provide to all our - anyone who's potentially a hiring manager.

So they have to do that training in order to chair a recruitment panel. You now no longer can chair a recruitment panel unless you've done the training. And as I indicated before, there are some tweaks we've identified to that policy in relation to things like direct and temporary appointment, which have been drafted and will be going through to consultation soon.

COMMISSIONER: I know we're coming to your homework, as it were, but as part of that process did you look back at the use of temporary appointments?

MR KNAPPICK: Yes, it was very obvious that it was very high during 2023, and it needed to be curtailed and in the latter part of 2024 that started to happen.

COMMISSIONER: In turning your mind to that, did you identify why or - it had been particularly high in the -

MR KNAPPICK: I think a change in leadership.

COMMISSIONER: Sorry?

MR KNAPPICK: A change in leadership.

COMMISSIONER: And when you said it needed to be curtailed, why did you form that view?

MR KNAPPICK: Because I didn't think the number of temporary appointments and direct appointments was justifiable.

COMMISSIONER: Yes. I'm sorry to -

MR KNAPPICK: It was too high.

MS McDONALD: Yes, please. You identify this is part of your homework?

MR KNAPPICK: Yes, I identify that as part of my homework.

MS McDONALD: Can I just ask you - you've got calendar year. So are these figures from 1 January to 31 September?

MR KNAPPICK: Yes. Except for the last one, obviously, because we haven't got to the end of 2025.

MS McDONALD: Right. So to try and cross-reference some of the figures in the Auditor-General's letter, we really can't do that because it was based on the - on a financial year?

MR KNAPPICK: Financial year. Yes. That's right.

MS McDONALD: All right. And again, here, where we've got temporary contracts issued and direct appointments -

COMMISSIONER: How - sorry, you go.

MS McDONALD: Just from your distinction between direct appointments and temporary contracts - and this may be wrong - I thought all direct appointments had to be a temporary contract.

MR KNAPPICK: Yes, they are. This table's making a distinction. So you would have to add the two up.

MS McDONALD: All right. So if I - if it is a direct appointment in the role of a planner for 12 months, that number is included in - for example, in 2023 and the number 39?

MR KNAPPICK: Yes. So if I wanted to know the total number of temporary contracts issued I'd have to add up 39 and 34 together.

MS McDONALD: Right. That's what I - okay.

MR KNAPPICK: We made the distinction based on the question that was asked. Sorry.

MS McDONALD: No, no, no. That's fine. It's -

COMMISSIONER: No need to apologise. It's just important that I understand how it's been formulated.

MS McDONALD: Yes.

COMMISSIONER: So for some temporary contracts there is a recruitment process conducted?

MR KNAPPICK: That's right, Commissioner. Yes.

COMMISSIONER: But for those in the direct appointments column, although they are also temporary contracts they were directly appointed?

MR KNAPPICK: That's right.

MS McDONALD: With no recruitment process.

MR KNAPPICK: With no recruitment process. A very high number, I agree.

MS McDONALD: Yes.

MR KNAPPICK: From the look on your face I can tell. Yes. Yes, I agree.

MS McDONALD: And then the last column is - of those 39 direct appointments, 13 were receiving a salary not part of the salary structure but an amount which probably would be described as "at market".

MR KNAPPICK: Yes.

MS McDONALD: Do you - were you able to distil within those figures how many of them have supporting analysis - for example, a Mercer evaluation - or whether it was just an appointment, obviously at a rate higher than the salary schedule, so it would be determined as being at market?

MR KNAPPICK: Yes. During this period of time, most of the direct appointments that were made we undertook within HR what you would call a benchmarking exercise, where we would ask other councillors or look at the pay salary guide to see what sort of salary that sort of role would get within the market, and provide that advice up the chain to whoever was appointing that particular role. There were some,

I think as you've indicated, with a particular memo that was produced on a particular employee -

MS McDONALD: Yes.

MR KNAPPICK: - where we were just told this would be the salary by that person.

MS McDONALD: So there were some of those where it was a matter of this person's being directly employed and will be paid at X?

MR KNAPPICK: That's right.

MS McDONALD: There were others where, instead of a Mercer evaluation, somebody within HR undertook this - I think we've heard some evidence about it - it might just be ringing around other councils to get an indication of, "What are you paying this particular role?"

MR KNAPPICK: Yes. So a benchmarking exercise, to compare it to other councils or to the market at large. If I was roughly - excuse me - roughly guessing, it'd probably 80 per cent were done that way and 20 per cent where we were directed this is the salary.

COMMISSIONER: This is in the 2023 period?

MR KNAPPICK: This is in the 2023 period. Yes.

MS McDONALD: And just looking at this, in the calendar year 2024, direct appointments decreased but were still 21.

MR KNAPPICK: Yes.

MS McDONALD: Is your view 21 is still too high?

MR KNAPPICK: Yes.

MS McDONALD: And then for this year there's been six. And your view - obviously it's a big decrease from the 39, but have you got a view about six? Should direct appointment be generally avoided or -

MR KNAPPICK: It's on a case by case basis. It depends on the nature of the work, what the urgency is. So yes, generally I think they should be avoided. I think, you know, six would indicate there's one happening every second month. I think that's possibly reasonable. I wouldn't want to see it creep up more than that.

MS McDONALD: But it would appear that, though direct appointments, the salary that the person is receiving is within the council's pay structure -

MR KNAPPICK: That's exactly right.

MS McDONALD: - or salary structure.

MR KNAPPICK: Yes.

COMMISSIONER: When might be - I know this is hypothetical, so -

MR KNAPPICK: Yes.

COMMISSIONER: - it might be difficult, and if it's too difficult say so, but what might be an example where a direct appointment is appropriate, in your view?

MR KNAPPICK: It may be that somebody's doing a particular role or a particular project in the organisation where you just cannot not do with a person in that job. You know somebody who is - maybe done the role previously here or in another council or elsewhere, who's extremely capable, and you can't really go a week without somebody in that job, it's just critical to the business, and in that instance a direct appointment might be necessary because the time it takes to recruit, even though ours is reasonably good, is still four to six weeks long, and four to six weeks in some roles is too long.

There are instances - I'm trying to think of an example for you. There may be managing particular - a particular team in a childcare centre, for example, or in a waste collection area, where you've just got to have somebody overseeing that process, so there isn't problems for the community.

MS McDONALD: Is this an appropriate time?

COMMISSIONER: Yes. Mr Knappick, we'll take the morning tea adjournment. Feel free to stretch your legs and get some air and we'll resume at five past 12.

MR KNAPPICK: Thank you very much.

COMMISSIONER: Thank you.

<THE HEARING ADJOURNED AT 11.43 AM

<THE HEARING RESUMED AT 12.14 PM

MS McDONALD: Could we bring up again LCC.011.001.0020, at page 17. This is the Auditor-General letter that I took you to before the break.

MR KNAPPICK: Yes.

MS McDONALD: If you can go through to page 17 again. I took you through some of this, in particular the gap findings. If I can just continue with the observations of the audit office. If we go down to under Gap Findings, they've got Implications, including:

"The lack of guidelines, policy, increased the risk of [and the first one is] abuse of the temporary appointment process or appointments without meeting the exceptional criteria, resulting in the council not meeting the objectives in the recruitment and appointment policy, ensuring all decisions are made on merit, free from bias and discrimination and unimpeded by any conflict of interest."

Then:

"Non-compliance with the Local Government Act."

And then:

"Possibly financial loss to the council."

You gave evidence to a question from the Commissioner about why in your view the direct appointments had to be curtailed, and you said it was just not justified. Was another consideration identification by, for example, the ICAC that the use of temporary contracts for extended periods potentially can be an area of corruption?

MR KNAPPICK: Yes.

MS McDONALD: If we keep on going, we've got the recommendations.

COMMISSIONER: Was that identification in a report or a paper by the commission?

MS McDONALD: If you can just excuse me for a minute.

COMMISSIONER: You can tell me later. I'm just curious as to which form it took.

MS McDONALD: It's in a corruption prevention document entitled Recruitment and Selection. I think -

COMMISSIONER: Sorry, you don't have to go to it. It's on the transcript. Thank you.

MS McDONALD: Now, I want to take you to the recommendations. The first one -

COMMISSIONER: Just before you do, do you agree with the three points raised by the audit office here that - under Implications?

MR KNAPPICK: I certainly agree with 2 and 3. I think with 1 - look, it particularly points out abuse. I think there are incidences where - I'm not talking about direct appointments, I'm talking about temporary appointments, where they are justifiable. Yes.

COMMISSIONER: This is identifying a risk. Do you agree that the risk in 1 can arise?

MR KNAPPICK: Yes, the risk is there. You have to puts in checks and balances to make sure it's not abused.

COMMISSIONER: And that's the work that you've done since -

MR KNAPPICK: That's the work that we've been doing that - hence indicates the decline. Yes.

MS McDONALD: But the work that you've been doing, my understanding was that that was looking at a further development of provisions of the recruitment and appointment procedure.

MR KNAPPICK: Well, yes, but we were also - as I was indicating previously, was - we're monitoring temporary appointments - although it is quite manual effort, we extract them out of the system. We are monitoring those on a monthly basis, producing reports. My human resources business partners are following up with managers. My recruitment team are managing the temporary appointments that come in and monitor the numbers of requests that they get for that type of appointment or recruiting process. So my team are very well aware of the need to police, monitor and quiz people who may be requesting such.

MS McDONALD: Your use of the word "police" - if there is a concern that a temporary appointment or a direct appointment is not justified or appropriate, what's the next step in the policing?

MR KNAPPICK: Well, the first step is always by empowering my staff - it's for them to ask the relevant hiring manager or manager why - what the need is, what's the justification to it. They may discuss that - if they're in the recruitment team with the human resources business partner, because they're often the first point of contact with managers - and then it may get escalate to me, and generally the talent acquisition lead, or one of the HR business partners may rise it with me.

MS McDONALD: What do you -

MR KNAPPICK: And then I would - then I would speak to one of the - speak to the relevant director in the team. The director may or may not be aware, because it may be the manager who's got the authority to do that within their directorate, and I would raise it and discuss it with them and they would give me their reasoning or otherwise. And it may be that they say they agree or disagree and we would discuss it.

MS McDONALD: And if they disagree, you have a right of veto or -

MR KNAPPICK: No. No, I don't have a right of veto. But then - you know, if I was strongly of the opinion - I can't think of an instance where this has happened - you know, many directors would - most of the directors take my advice, because they understand the procedural policy and the place that I'm coming from. If there was disagreement, then - if it was of that significance, then the CEO would intervene. We'd ask for his counsel.

MS McDONALD: If we go back now to Recommendations, I first wanted to take you to the second and third dot point, which is:

"Developing criteria and guidelines for the use of temporary/direct appointment process."

MR KNAPPICK: Yes.

MS McDONALD: For example, limit to exceptional circumstances. And then the next dot point refers to market salaries, requiring sufficient and appropriate documentation support to be provided. Now, a recruitment - a revised recruitment and appointment procedure was adopted on 6 March of this year.

MR KNAPPICK: Yes.

MS McDONALD: I can bring it up if you want to have a look at it, but I can't see in it any part which deals with those two dot points.

MR KNAPPICK: No. As I was indicating before with some of the questions - is that we have developed further draft clauses to address this, to go into the policy. Those clauses have been drafted by a temporary policy writer I have in my team, and they are ready to proceed to the executive team for their endorsement to go out to consultation as adjustments to the policy. So it is in train.

COMMISSIONER: In general terms, what do they say?

MR KNAPPICK: Effectively, that direct and temporary appointments should be used in limited circumstances, that there has to be justifiable reasons for giving - particularly around direct appointments - that the tightness is even tighter. It

has to be signed off by the CEO, that there has to be - yes, reasons given as to why, in this instance, it's required.

COMMISSIONER: What about recording - the recordkeeping of that process? Does it extend to that?

MR KNAPPICK: I can't recall.

MS McDONALD: Now, the first dot point is:

"Creating the right tone at the top. Adopting a culture of robust challenge when exceptions are taken to the recruitment process."

MR KNAPPICK: Yes.

MS McDONALD: I don't know how you actually create the right tone at the top, but is it a matter that, in your view, once these draft clauses are either adopted or incorporated into the policy, that right tone will hopefully be generated?

MR KNAPPICK: I think that enforces the tone. My view, more important than policies and processes is role modelling good behaviour by anyone in a leadership role. And so I think the tone adopted by the current CEO is such that - that's why it's reduced. There was a different tone under the previous CEO, and hence - you could presume why it was high. So I think the tone at the top is - is that we do it by exception, not as part of the normal business.

MS McDONALD: Then the final dot point is the training of officials involved in the recruitment process. I think you gave some evidence before the break about that - some of that training being introduced.

MR KNAPPICK: It is. That started - I think it would be the beginning of this year, and we have trained 98 per cent of anyone who is in a hiring manager role. So that's mainly people in what's - all the manager and coordinator classifications. And we have told them that you won't be chairing a recruitment panel unless you've been through that training, and that training has to be redone every two years.

MS McDONALD: Now, if we just go to the next page - this is under Management Response, and we've got:

"Agree. The recruitment and appointment policy and procedures is currently being reviewed and will address the recommendations raised in the audit."

MR KNAPPICK: Yes.

MS McDONALD: The recruitment and the employment procedure that's before the inquiry, which was adopted on 6 March -

MR KNAPPICK: Yes.

MS McDONALD: - didn't include the recommendations. Now, I know you've given evidence that - currently you've got some draft clauses and they've got to go to the executive team, et cetera.

MR KNAPPICK: Yes.

MS McDONALD: But why weren't they considered and dealt with in the recruitment and appointment procedure that was revised and then issued in March of this year?

MR KNAPPICK: The only answer I can give to that is it was possibly an oversight at the time. That oversight was recognised and it's being worked upon.

MS McDONALD: And just with the timeline, you've said that the draft clauses had been drafted.

MR KNAPPICK: Yes.

MS McDONALD: The next stage is it goes to -

MR KNAPPICK: Executive.

MS McDONALD: - the executive team?

MR KNAPPICK: To make sure that they're happy with what it says before it goes out for broader consultation.

MS McDONALD: And that consultation is to the whole workforce?

MR KNAPPICK: That's right. All policies and policy adjustments go to the entire workforce.

MS McDONALD: And again, is it the usual procedure, depending on what you get as a result of consultation, it may be that's the policy that's been finalised? Or it might be tweaked or -

MR KNAPPICK: Yes.

MS McDONALD: - changed, et cetera. And then, ultimately, does it go to the council?

MR KNAPPICK: No, policies don't all go to council. They're ratified, then - once we get the feedback, we make, as you said, the tweaks, et cetera, and then it goes back to the executive for endorsement.

MS McDONALD: And then it is introduced?

MR KNAPPICK: Then, yes, we go through a launch phase where we basically put it out to the organisations and say, "Here's the official document." We update it on the intranet so people have access to the new version.

COMMISSIONER: Mr Knappick, can you just remind me, when you assumed the role there was a policy in place, which - my recollection is it was quite old when you -

MR KNAPPICK: Yes.

COMMISSIONER: Do you remember the date of it?

MR KNAPPICK: I think it was 12 years old. I think it was - 2012 is my recollection.

COMMISSIONER: All right. To your knowledge, does the council have a process for reviewing policies periodically to ensure that they're up to date and current.

MR KNAPPICK: Yes. A number of us in the corporate services division under Mr Farooq Portelli came in at the same time and inherited a large number of what you would call old and - policies that needed review. Mr Portelli introduced a register of those that were overdue and we developed a timeline for rewriting those. And a number have been rewritten over the last two years. It does take time.

COMMISSIONER: Yes.

MR KNAPPICK: And I think, from workforce policies, we're about 85 per cent completed.

COMMISSIONER: What about - moving forward, is there a policy for how often these things should be reviewed?

MR KNAPPICK: There's a policy register, and I think at the end of each policy - I stand to be corrected - I think it says how often this policy needs to be reviewed. It might be two years, three years.

COMMISSIONER: 11 might be a little too long.

MR KNAPPICK: 11 is definitely too long, because the labour market changes in that time.

COMMISSIONER: It might vary from policy to policy, how often it needs to be reviewed.

MR KNAPPICK: Without doubt. Some might require annual review because of the nature of the policy and some might be able to exist for four or five years because they're not subject to things like market forces and changes in - like, you know, if we look at - one of the most controversial ones we deal with is flexible working. Well, since COVID that has changed significantly. So that is still being debated as of today, as in most organisations, and - yes, it's something that should be reviewed regularly, because things are shifting in people's attitudes about it.

COMMISSIONER: Is there a person or a team within council that has responsibility to monitor that process? That is, the review and updating of policies on that periodic basis - or is -

MR KNAPPICK: My understanding is that it sits within the responsibility of the governance team, but then the business owners are the subject matter experts in the various groups of policies we have. So there are obviously finance policies, there's policies that relate to operational issues and policies that are workforce policies that I suppose I'm the owner of, and it's my responsibility to make sure they're regularly updated, and I think it's the governance team who tell me when they need to be reviewed.

MS McDONALD: Commissioner, the previous recruitment and appointment policy was adopted on 24 July 2012.

COMMISSIONER: Thank you.

MS McDONALD: And that's LCC.007.002.5614. Mr Knappick, one of the terms of reference of this public inquiry is to look at the role of the council as a responsible employer.

MR KNAPPICK: Yes.

MS McDONALD: The terminology "responsible employer", what's your understanding of what is included or covered by being a responsible employer?

MR KNAPPICK: We uphold EEO principles. So equal employment opportunity - that we comply with good workplace practice, as is expected of Australian labour market culture, and also by legislation and policy and procedure.

MS McDONALD: The EE - equal opportunity principles -

MR KNAPPICK: Yes.

MS McDONALD: - that would include ensuring that there would be no gender bias in recruitment -

MR KNAPPICK: Most definitely.

MS McDONALD: - or promotion?

MR KNAPPICK: Definitely.

MS McDONALD: Also issues such as workplace bullying or intimidation?

MR KNAPPICK: Definitely.

MS McDONALD: Again, that's part of the role of a responsible employer to, in a sense, keep an outlook -

MR KNAPPICK: Definitely.

MS McDONALD: - of whether that's arising and then to deal with it?

MR KNAPPICK: That's exactly right.

MS McDONALD: And also areas, for example, of sexual harassment?

MR KNAPPICK: Most definitely.

MS McDONALD: Again, it would be a matter of the council in some way reviewing or determining whether there is an issue -

MR KNAPPICK: That's exactly right.

MS McDONALD: - and then dealing with it?

MR KNAPPICK: Exactly right.

MS McDONALD: Now, before the inquiry are two staff surveys.

MR KNAPPICK: Yes.

MS McDONALD: In 2022 and 2024. Also, I think as part of a notice, there was a request about any exit surveys.

MR KNAPPICK: Yes.

MS McDONALD: Now, if I can just concentrate on the exit surveys, pursuant to the notice there were only four exit surveys that were produced.

MR KNAPPICK: Yes.

MS McDONALD: Could you outline - with the exit surveys, are they always offered to an employee who is leaving the employment of the council?

MR KNAPPICK: So the processes are currently - is that there is an exit form completed in the Aurion payroll system. In that, the responsibility rests with the line manager who is exiting the employee. They can refer - either undertake an exit interview with the said employee or they can refer it to HR.

MS McDONALD: But whether there is some kind of exit interview, from what you've said, that's at the discretion of the line manager?

MR KNAPPICK: Yes. Although I think, in recollection of the form, it asks the direct question, "Have you undertaken an exit meeting or interview with the employee departing?" I think it asks that question, to my recollection.

MS McDONALD: But if the answer is no, there's no compulsion for that to be offered?

MR KNAPPICK: No, there isn't presently. No.

MS McDONALD: And if there is some kind of exit interview - the results of that exit interview, are they automatically provided to HR?

MR KNAPPICK: No. No, there's no process to ensure it comes to use.

MS McDONALD: So if there was an exit interview with the line manager and there were some critical comments - for example, "I've experienced bullying," or, "I've experienced this," those comments are not necessarily fed back to human resources?

MR KNAPPICK: That's right. Under the current process that's correct. Might I add, however, that we are just in the process of procuring a survey system that's commonly used in many organisations, public and private, which has a range of survey tools in it. One of them is exit survey, and my intention is - once we get through doing general staff culture survey, that we will look at exit surveying, which is a formal survey that's given to all exiting employees, and they will complete that and - which will all - the information will come directly to HR because we'll be the owner of that culture survey system.

MS McDONALD: That culture survey system, is this new software that you -

MR KNAPPICK: It is.

MS McDONALD: And there hasn't been anything in place with the council before the introduction of this new system?

MR KNAPPICK: No, it was a noticeable gap. If you don't understand the environment of surveying, it's not as simple as using a tool that's readily available, freely, to anyone in society called SurveyMonkey. That's a very basic tool where you write questions and you can pump it out to people and it's free online. That, in my view, is not an effective way of surveying people.

There are well-known systems and tools available out there. The one that we've just purchased is called Culture Amp - that's one word, "Culture" and "Amp". Many organisations, including local councils, I know use this tool. I'm familiar with it in my profession and that's the one that we've purchased, and it provides surveys within that, with a whole range of question banks that you can use for different types of survey scenarios, such as exit surveys.

MS McDONALD: Excuse me.

COMMISSIONER: Are exit surveys useful tools for you and your team?

MR KNAPPICK: Yes, they're very useful. They're useful for the whole organisation.

COMMISSIONER: Why is that?

MR KNAPPICK: Because they provide insights into how people are feeling. Of course they have faults because they pick a feeling on a particular day at a particular time and you may be particularly optimistic or pessimistic at that particular moment, so you've got to be conscious of that. But it also allows you to drill down into certain areas.

So by certain demographics - and you've got to be careful going too narrow - you can see if a particular department or directorate has particular problems, because you've got to be careful of holistic figures for any data because it's an average and generalisation across the organisation, when in fact it might not be a problem at all in one section but could be a significant problem in another. And of course, by law of averages, you end up with something that might show it's worse than it is holistically, so you need to drill down by a whole range of things that these survey tools do - it allows you to break it down by gender, by age, by department, by length of service, and then you can start to assess, you know, why do we have that particular issue with that particular demographic.

COMMISSIONER: And tell me if I've misunderstood, but once this new software comes online, is it your intention to establish a structured process to exit surveys or interviews to capture that data in a systematic way?

MR KNAPPICK: Most definitely. It'll allow us to do engagement, i.e. culture surveys, exit surveying. One specifically around health and safety. They have a whole range of options within there that will allow to you do that.

COMMISSIONER: And these are things that are not currently being done?

MR KNAPPICK: Currently available, no. And from my networking across other councils, there's some councils that have it and there are some councils that are doing things like SurveyMonkey or doing nothing at all.

MS McDONALD: Mr Knappick, you're aware of the interim report prepared by the OLG?

MR KNAPPICK: Yes, I am.

MS McDONALD: Before the inquiry, was a document prepared by Liverpool Council which was a response?

MR KNAPPICK: Yes.

MS McDONALD: And within that response there, I'm just putting it broadly, there was a criticism about some - either findings or comments in the interim report where it is asserted there was a denial of procedural fairness to certain people.

MR KNAPPICK: All right. I can't recollect that, but all right.

MS McDONALD: All right. What I'm interested in with the interim report is that there were some other sections which don't seem to have been part of the response by the council. And I can bring it up - we won't live stream it, but if you need to see it I can bring it up, but there was a section under Matters of Concern which was described as matters of concern regarding the culture within the council:

"Such matters included multiple staff interviewed describing a toxic culture within council, where bullying, intimidation and sexual harassment occur without such matters being appropriately addressed in a timely manner."

Now -

COMMISSIONER: Have you seen the interim report, Mr Knappick?

MR KNAPPICK: I remember there being some issues over the interim report at the time.

COMMISSIONER: But have you - did you see it?

MR KNAPPICK: I think I did see it at the time, yes.

COMMISSIONER: All right.

MR KNAPPICK: There was - yes. Quite a while ago, isn't it? I can't remember the date.

MS McDONALD: It was July last year.

MR KNAPPICK: July last year.

MS McDONALD: I can bring this up for you, but in this part of the interim report they are raising those particular issues that - based on staff talking to the OLG investigators, of bullying and intimidation and sexual harassment.

MR KNAPPICK: Yes.

MS McDONALD: What I'm interested in is, given that that was raised in the interim report - and I'll just pause. In writing the interim report, there was a period where the OLG personnel attended the council and people could go - employees could go and speak to them?

MR KNAPPICK: Yes. That's right.

MS McDONALD: Now, it doesn't investigate who or in what area, but it is raising these matters of concern which I've just described. What I want to suggest is that's putting the council on notice that, to some degree, with some of the workforce there are issues with bullying, intimidation and sexual harassment.

MR KNAPPICK: Yes. All right.

MS McDONALD: When you were - sorry, not with you. When the council was put on notice about those issues at that - albeit a general level, what action did the council then take?

MR KNAPPICK: So a couple of things happened. There was reiteration, I think I recall, by the CEO through CEO all-staff emails that reiterated that this sort of behaviour was unacceptable. Where people came through - forward with formal complaints, they were dealt with through the investigative process. Some of those matters resulted in terminations of individuals, particularly where it involved sexual harassment. There was bullying and harassment training undertaken with - face to face with people in the depot, in the Operations department, because that's where we had received most of the complaints through my industrial officer.

MS McDONALD: The reiteration by the CEO that such behaviour was unacceptable, can you remember when that was issued?

MR KNAPPICK: I can't.

COMMISSIONER: Is this all steps that happened after the interim report?

MR KNAPPICK: Yes. I don't know whether the interim report was the instigator of them, but there were certainly things that have happened when I reflect back on the last 18 months.

MS McDONALD: You spoke about some formal complaints were made.

MR KNAPPICK: Yes.

MS McDONALD: One of the problems with issues such as sexual harassment, bullying and intimidation - that often employees are reluctant to come forward.

MR KNAPPICK: Most definitely. Yes.

MS McDONALD: At that point, was there any survey or means of - and I use the word "interrogating", but of the - of the workforce to see how widespread these issues were?

MR KNAPPICK: I can't recall there being any specific questions in the survey tool that went out. There has been another survey sent out a couple of months ago on psychosocial safety. That currently doesn't fit within my remit, because there's the work health and safety element of that, which - that team is mooted to come across to me, but they have undertaken a psychosocial survey to try and determine all things in terms of what's affected people's psychosocial status in the workplace.

COMMISSIONER: When was that done, Mr Knappick?

MR KNAPPICK: I think they started that survey about two months ago.

COMMISSIONER: Is that process complete, to your knowledge?

MR KNAPPICK: No, it's not complete. They've completed the surveys, but they're going through the summary and collation process. I think they had an independent party conduct it for them.

MS McDONALD: Who within council is dealing with that? Who's the responsible person?

MR KNAPPICK: The responsible person is at a coordinator level. His name Mr Chris Morgan. He currently reports through to Mr Farooq Portelli. It's mooted that he will report to me as part of the restructure.

MS McDONALD: I know you've given evidence that you didn't have that software Amp.

MR KNAPPICK: Culture Amp. Yes.

MS McDONALD: Culture Amp, sorry. But in some organisations, where a specific issue arises, even through a general survey or from some other source, sometimes what is known as a pulse survey is undertaken.

MR KNAPPICK: Yes.

MS McDONALD: You know pulse surveys?

MR KNAPPICK: I know pulse surveys, yes.

MS McDONALD: Which are usually - they're quite targeted, looking at a particular issue and trying to get immediate feedback from the workforce or a particular section of the workforce to identify the problem. Was anything like a pulse survey undertaken after these concerns were raised in the interim report?

MR KNAPPICK: No. No, it wasn't. But it is a good idea. I think we're very limited both in resourcing to run these things and also the tool. So hopefully with the tool, even though there's not an increase in resourcing, we'll be able to do such pulse surveys on a whole range of matters, once it's completed by February - January or February.

COMMISSIONER: You referred to some complaints being received about -

MR KNAPPICK: Correct. Yes.

COMMISSIONER: - behaviours of the kind that counsel assisting has been asking you some questions about. I'll add to your homework and ask you to produce a document like you did before on the other issues, but do you have a sense of how many complaints you were dealing - or the organisation was presented with on those issues? Over the last 18 months, I think you said.

MR KNAPPICK: Yes. At any one time my industrial relations specialist is dealing with, on average, about 20 what we would term employee relations issues. Some of those are grievances around an array of matters. It could be an award matter or an allowance that isn't being properly -

COMMISSIONER: It's a pay and conditions type issue?

MR KNAPPICK: Yes. That's right.

COMMISSIONER: Yes.

MR KNAPPICK: Others can be to do with bullying complaints. I would say of those average 20 that she has, and that's gone down significantly over the last two years because of her good work - that of 20, maybe six or seven relate to things to do with what I would generally call relationship disputes, of which maybe - at any one time maybe four or five are to do with bullying and harassment claims.

COMMISSIONER: What else falls within relationship disputes?

MR KNAPPICK: Just "she said, he said" type of things, if I can be colloquial like that. You know, disagreements around, you know, "The work that's expected of me," you know, "I don't particularly like this person, we're not getting on, I'm being asked to do" -

COMMISSIONER: Workplace tensions.

MR KNAPPICK: Yes. Workplace tensions.

COMMISSIONER: Not rising to bullying, intimidation and harassment and the like?

MR KNAPPICK: No, not particularly related to that particular issue.

COMMISSIONER: All right. And when a complaint is lodged that is in the bullying, intimidation, harassment category, what's the process for dealing with it?

MR KNAPPICK: So my industrial relations specialist does an investigation. She, with somebody else in one part of the organisation, form an investigative team, and then they interview the complainant, the respondent and any particular witnesses to the bullying and harassment. They then prepare a report summarising their findings and recommendations. That comes to myself and to the relevant director, who then decide what needs to be done.

COMMISSIONER: Is that process driven by the complaints and the complaints management policy of the council.

MR KNAPPICK: Yes. Correct. Yes.

MS McDONALD: And also your IR specialist, does she deal with, for example, complaints about sexual harassment?

MR KNAPPICK: Yes, she does.

MS McDONALD: So that's part of her remit as well?

MR KNAPPICK: Yes. It's all things to do with what we generally call employee relations. A subset of that is industrial relations, which is working with unions, but employee relations is about - as the term says - relationships between employees.

MS McDONALD: There was also in the interim report a concern raised about gender bias in staff recruitment and selection processes. And again, it refers to a number of female staff members interviewed, provided oral evidence of a number of occasions within their - where they alleged internal recruitment and selection decisions were made on the basis of gender.

MR PARISH: Commissioner, I rise at this point. The interim report was squarely, as we understand it at the start, not to be relitigated or the subject of this inquiry. That was dealt with in the opening. I think my learned friend's questioning was very careful before about the issues of bullying and sexual harassment and the reaction once they were put on notice in respect of that.

COMMISSIONER: Yes.

MR PARISH: In my respectful submission, that question went further to that and it was not necessary to explain the entire set of matters that came up in the gender bias - shall I continue or -

COMMISSIONER: Yes, continue.

MR PARISH: The gender bias. And it needed to go no further than to say, "You were put on notice about gender bias. What did you do about it?" rather than read wholesale (indistinct).

COMMISSIONER: Well, I understand this to be in the same category as the last line of questions, that -

MR PARISH: Yes.

COMMISSIONER: - this was an issue that was raised.

MR PARISH: Yes.

COMMISSIONER: And I anticipate that the next question is what, if anything, happened next.

MR PARISH: Yes.

COMMISSIONER: I don't see this - and Ms McDonald will tell me if I'm wrong - is relitigating the interim report, but - and you tell me if you take a different view - an assessment of what the council has done with some of the issues that were raised in the interim report is within my terms of reference, I would have thought.

MR PARISH: Yes.

COMMISSIONER: And I anticipate - and I would treat the question as being only to orient Mr Knappick with the nature of the issue that was raised. Is there a problem with that?

MR PARISH: Maybe he could be asked if he understood the nature of the issue raised first rather than read out tranches of the interim report, which has its problems and which council are sensitive about, quite frankly.

COMMISSIONER: Yes.

MS McDONALD: Commissioner, it's headed Gender Bias, the particular section. I needed to expand as to what was contained in the interim report, and it was based on this reporting by a number of female staff members. And as you just commented, to

orient Mr Knappick that (a) the council was put on notice about this, and then what, if anything, has been done, et cetera. So that was the context of it.

COMMISSIONER: I'm not going to be asked to make a finding that that - what is - am I going to be asked to make a finding based on that paragraph of the interim report that that issue existed, or is this being explored on the basis of an issue was raised, what if anything happened next?

MS McDONALD: Yes. The latter, I'm sorry.

COMMISSIONER: All right. I think, Mr Parish, if the question is asked of a witness, "Do you understand what the issue is" -

MR PARISH: Yes.

COMMISSIONER: - what follows next may not be very helpful to me if it's divorced from what - the content of what was in the interim report.

MR PARISH: If -

COMMISSIONER: I understand that the - I well understand the difficulties that have -

MR PARISH: Yes.

COMMISSIONER: - attended the interim report, and it's not my role to redo the interim report or go further into those difficulties. The council's position in relation to it is well understood and noted, but I think for this evidence to make sense to me it's appropriate that Mr Knappick be oriented to what the nature of the issue that was raised was.

MR PARISH: Respectfully, that could have been dealt with by asking whether he needed orientation on that matter and if he well understood the matters -

COMMISSIONER: I'm not sure that's right, Mr Parish.

MR PARISH: Please the court.

COMMISSIONER: I'm going to allow the question, and your position is noted.

MR KNAPPICK: Sorry, I don't know what I'm being asked.

COMMISSIONER: Neither do I, any more, so -

MS McDONALD: Mr Knappick, what I raised with you is that there was a section in the report which referred to a number of female staff members raising gender bias in recruitment and selection processes.

MR KNAPPICK: Yes.

MS McDONALD: Now, are you aware of that?

MR KNAPPICK: I can't recollect that in the report, but you're telling me it's in there, so -

MS McDONALD: I can bring it up if you want to have a look at it.

MR KNAPPICK: No, I accept you're saying it's there.

MS McDONALD: Again, that - when I asked you about what is a responsible employer, aspects of equal opportunity, which would include avoiding - or gender bias in recruitment and selection process would be covered by that?

MR KNAPPICK: Definitely.

MS McDONALD: Now, in respect of this, I would suggest to you that because it's raised in the interim report, at a minimum it's alerting the council that that issue has arisen from reporting from some of their employees?

MR KNAPPICK: Yes.

MS McDONALD: What, if anything, has the council done in respect of that - the issue of possible gender bias in staff recruitment and selection processes?

MR KNAPPICK: So as part of the recruitment training that I said was instigated, the principles of EEO are enforced during that - that there is to be no bias on any equal employment opportunity front, which are known through anti-discrimination legislation - and that's emphasise to people, that, "You must not be biased on things like gender."

The recruitment team are very conscious of that in their work. That's been emphasised with my team. And when they're involved in any recruitment process and if they're on any panel, they would raise that if there was any indication that there was any gender bias. I can't recollect receiving any complaints from staff of perceived gender bias in a recruitment process. If it was, they would go through that investigative process that the industrial relations specialist undertakes if such a scenario was to occur.

MS McDONALD: But again, like issues - where there are allegations of bullying or sexual harassment, often employees are reluctant - in your experience, employees are often reluctant to come forward and make a formal complaint?

MR KNAPPICK: Yes, they can be. That's right.

MS McDONALD: And is there - as part of your recruitment policy, does that expressly address the issue of gender bias?

MR KNAPPICK: I think it talks about equal opportunity and that there is to be no bias for gender, age, sexual orientation, religion. I think all those things are mentioned in there.

MS McDONALD: And also after this was included in the interim report, the council didn't undertake any kind of pulse survey or other survey of the workforce to see if this was an issue, how prevalent it was, et cetera?

MR KNAPPICK: No, our process was educational - to tell people that this was not acceptable. As I said through the recruitment process, we haven't done any more surveying, mainly because we don't have the tools and the resources to do it. We will, so all these pulse surveys - different topics will be able to be addressed much more efficiently and economically, going forward.

MS McDONALD: From February next year?

MR KNAPPICK: That's right. Well, yes, the expectation is it will be up and operating by the end of January.

MS McDONALD: Would that be an appropriate time?

COMMISSIONER: Yes. Is that the new recruitment system that you told me about?

MR KNAPPICK: No, they're two separate things. So the new recruitment system - it's commonly called in the industry an applicant tracking system, or an ATS. That is to manage the whole recruitment process end to end, from writing job descriptions to writing advertisements to tracking every candidate so you can watch every candidate - when you've last spoken to them, when you receive their application. So it allows us to have great detail around the full recruitment process until a body is in the position.

So you can (a) make sure nobody falls through the cracks during the candidate recruitment process, that the thing are kept timely, because at the moment we just do that through an Excel spreadsheet where my recruitment team have to make sure, "Oh, that date was two weeks ago, I must do things about that." It gives alerts as to how you do things.

This has nothing to do with recruitment. This is a survey tool where there's a bank of questions in there, prepared by - by colleges, et cetera, over many years. It allows us you then to formulate surveys that you might want to delve into on particular topics or generally around staff engagement. It pushes it out to all the workforce or the relevant part of the workforce, then responses are provided.

When the responses are provided, it provides detailed reports based on the demographics. It assures that there's confidentiality, because that's always a great concern for people in survey tools. So if, for example, you've got a team of only four people, it's never going to give that level of demographic, because you can effectively work out who the four people are who have said something. But if it's a team of 20, it would tell that general review.

Then what it does, which is the major benefit I see - is that when you've got all the results, it then creates action items. So from the findings you'll see where the challenges are, and with the challenges it creates an action item for you to actually address that challenge so that it improves. And it allows you, as a line manager and as HR, to track how we're actually addressing the challenge, because the information is one thing, it's what you do with it that's important.

So through that tracking process you can see have we addressed the action item this month and that month, so that when you get to doing a survey again, say, in 12 months' time, you can say back to the staff, "We've done this and this is what we've tried to improve."

COMMISSIONER: And so do you anticipate that will allow you to identify emerging issues -

MR KNAPPICK: Most definitely.

COMMISSIONER: - in the workplace, whether it be culture issues or instances of unacceptable behaviours and the like?

MR KNAPPICK: Yes. The benefit of a survey tool is it's both retrospective and proactive. So it tells you where people are feeling at the moment, but also can start to highlight where things are arising, particularly the trends, and then you can step in and do something. So it's very beneficial in that regard, which also - you have to be careful about the type of questions you choose, so that -

COMMISSIONER: And survey fatigue, I take it?

MR KNAPPICK: Yes, there's survey fatigue. You don't want to have too many, you know? Many people are quite anti-surveys, you would know from doing that in general life, you know? A lot of organisations now ask two questions at the end of a phone call -

COMMISSIONER: Yes.

MR KNAPPICK: - to keep it simple. So you know, you've got to be considerate of all those things. You've got to be considerate of the different type of workforces. Obviously people in the depot and child care aren't sitting at a computer.

COMMISSIONER: Yes.

MR KNAPPICK: You've got to be considerate of people's - English as a second language scenario, the complexity of the language, depending upon educational levels, et cetera, the time it's going to take to complete it. How many questions you have that are open-ended versus questions that are - you know, like, yes, no or, you know, strongly agree, strongly disagree questions or where you just allow people to speak their mind - that takes more analysis, and finding themes, et cetera. So that goes into getting the best survey possible.

COMMISSIONER: But despite all those challenges, I gather from your answers that you see this as a significant improvement coming on the horizon.

MR KNAPPICK: Yes, because I think it provides insight into the environment of your staff at a particular point in time.

COMMISSIONER: And what are the - you've told me some of the advantages of the new recruitment system from a tracking and oversight point of view. Are there any others that you think will be derived from that system?

MR KNAPPICK: The benefit of the recruitment system is outstanding, I think it will reduce the team's workload significantly in my team, because they are running around, chasing up form completion, have the referees been rung, when do they need to be rung, have I notified the candidates who are unsuccessful. That's all manual by checking the spreadsheet at the moment. You don't get any notifications. With the system, you know, a notice comes up. You know, have you contacted the referee, have you let this person know because the date of the recruitment is now completed.

There will be data that shows, you know, we've received X number of candidates for this type of role, Y number of candidates for this other type of role, so you can see trends of interest and disinterest in types of roles or where we struggle to find a lot of candidate, and that's all automatic rather than - you know, if I ask for that information now my staff would have to sit there over spreadsheets and add it up, you know, which can take days.

COMMISSIONER: And no criticism of them intended in this, but that also introduces some human error into the process from time to time?

MR KNAPPICK: Of course. Yes. Human error happens as a result, so - yes.

COMMISSIONER: Why - I take it you think it's important for accurate and timely data on your workforce to be available to you?

MR KNAPPICK: Most definitely. I think it's -

COMMISSIONER: Why?

MR KNAPPICK: - critical for good decision-making in the business. And that's the difficulty of not having great IT systems. The difficulty with IT, of course, is that it's expensive and it's a big expense in council's tight budget. And when you're deciding about systems as opposed to fixing a road, things - decisions have to be made, don't they? So hence - I think my experience, coming into a council environment, is that we are quite behind in the technology front compared to what I've had in places like Transport for New South Wales, et cetera, where their IT systems are much more up to date than here because of the investment cost.

COMMISSIONER: So the survey system you expect to be up and running January, February?

MR KNAPPICK: Yes, because most IT systems these days are what they call in the cloud, and so it's much easier to put them in place quicker than, say, 10 years ago, when they were on premise.

COMMISSIONER: What about the recruitment system? Do you know when that's coming online?

MR KNAPPICK: Yes. We expect that also to be probably the beginning of February. So my talent acquisition lead is spending a significant part of his days working with the provider of that system. It's called Cornerstone - is the provider of that recruitment system. He's spending multiple days in what they call the build of the system in our environment.

COMMISSIONER: You might not know this, but does that system - will that system go some way to addressing the issue of temporary appointments getting close to their end date before people twig -

MR KNAPPICK: Most definitely, because it will give automatic reminders to managers. It will produce automatic reports without my staff having to spend hours extracting the information out of the payroll system. So it's all about timeliness and efficiency.

COMMISSIONER: All right. I've delayed the break enough. Mr Knappick, we'll take lunch. And I'll resume at five past 2. Thank you.

MR KNAPPICK: Thank you.

<THE HEARING ADJOURNED AT 1.08 PM.

<THE HEARING RESUMED AT 2.23 PM

MS McDONALD: Mr Knappick, before lunch you were giving evidence about some of the new software systems that have been acquired.

MR KNAPPICK: Yes.

MS McDONALD: And that it would appear they're not in operation at the moment, but you anticipate they'll be in operation maybe January or February of next year?

MR KNAPPICK: Correct.

MS McDONALD: An issue that has arisen is the - historically with some of the appointments that we've looked at or referred to in 2023 and 2024, of either direct or temporary appointments - the lack of documentation.

MR KNAPPICK: All right.

MS McDONALD: Do you know about that issue?

MR KNAPPICK: With the direct appointments, sometimes they were initiated on a memo from the CEO of that time.

MS McDONALD: All Right. I'm talking about, again - the interim report raised issues about documentation that - that was being sought - for example, conflict of interest forms that you would anticipate would have been completed in respect of an appointment, and none of those were produced. Do you recall that issue arising?

MR KNAPPICK: Yes, I think it was in evidence yesterday I mentioned how we tightened up the conflict of interest form process in the latter part of last year or early this year. Because whilst - I think you identified that you had one from sometime in 2022, what I had identified was that it wasn't done consistently. So whilst a form might have existed and it might have been used on occasion, what I identified in my investigation was that it wasn't a regular occurrence, and hence that's why now, for the last 12 months, all people on a recruiting panel have to complete a conflict of interest form.

MS McDONALD: I'll bring up a document, please. OLG.001.001.1440. And don't live stream it yet. Do you remember seeing this document before?

MR KNAPPICK: Yes, I do know this document.

MS McDONALD: And this was a document that was prepared by somebody within the council?

MR KNAPPICK: Correct.

MS McDONALD: And it looks at - I think it's seven of those either direct appointments -

MR KNAPPICK: Yes.

MS McDONALD: Direct or temporary appointments?

MR KNAPPICK: They were particular individuals that I recall the people undertaking the investigation on behalf of the OLG asked about.

MS McDONALD: And this was provided by - this spreadsheet was prepared by somebody within -

MR KNAPPICK: Within my team.

MS McDONALD: I'm sorry?

MR KNAPPICK: Within my team.

MS McDONALD: Yes. What I wanted to first take you to is the final column, if we can move across, which is the question:

"Were there any conflict of interest declarations completed?"

MR KNAPPICK: Yes.

MS McDONALD: And you'll see that for all of those appointments no record could be located.

MR KNAPPICK: No.

MS McDONALD: And I suppose the problem with that is it leaves unanswered were any conflict of interest forms completed to begin with or - and then it was a matter of they've been lost or they haven't been appropriately filed or identified. Or the second possibility is that they just weren't completed.

MR KNAPPICK: That is possible. Do you mind if on that document that's on the screen I can see the first column as well? I think that - there's a column missing, isn't there? Sorry, it continues on. Is it the same -

COMMISSIONER: It seems to be across the page.

MR KNAPPICK: Across the page. All right. Sorry -

COMMISSIONER: Despite how it's presented on the screen, is - that -

MS McDONALD: I've got -

COMMISSIONER: You've got a good one.

MR KNAPPICK: I see.

COMMISSIONER: All right.

MS McDONALD: And I'm sorry -

COMMISSIONER: Well, someone will give me one of those too at some point.

MS McDONALD: I'm sorry, I didn't - I initially didn't identify that it's been split into two.

MR KNAPPICK: Two pages. No, that's okay. I understand.

MS McDONALD: So you will see - I think the first person, if we go to the top, is Mr Strangas.

MR KNAPPICK: Yes.

MS McDONALD: And this appears to be giving some details of how they were first employed - as I said, either a direct or temporary employment.

MR KNAPPICK: That's exactly right. So I take note of the column that says "Date of the Recruitment Process", and that - some of these were in December 2022, some at the very beginning of 2023, and those direct appointments which - I think we can see the approver is the CEO or one of the directors - was obviously the instigator of this direct recruitment process at that time. And, yes, as you said, there doesn't seem to be any conflict of interest forms, which would indicate either they weren't done or they've been misplaced.

MS McDONALD: The other column that I just wanted to draw your attention to is the Missing Documents.

MR KNAPPICK: Yes.

MS McDONALD: And again, if you work your way through that, with a number of the recruitments there appears to be missing documents.

MR KNAPPICK: Mmm.

MS McDONALD: Though, to be fair, with some of them it records:

"All required recruitment documents are available."

MR KNAPPICK: Yes. That's right.

MS McDONALD: But again, it would appear that there are some that are missing which you would have expected to have been created?

MR KNAPPICK: Most definitely.

MS McDONALD: So it would appear that at least with those temporary or direct appointments there seems to have been an issue with some of them where documents that you would expect to have been created now can't be located?

MR KNAPPICK: Correct.

MS McDONALD: And my question is - you've given evidence about the new recruitment software, which is - as you've described, will be keeping tabs on the recruitment process, giving alerts to particular people that, you know, "Have you gone out and got references? Have you done this? Have you done that?"

MR KNAPPICK: Mmm.

MS McDONALD: How are you ensuring that any relevant documentation created through a recruitment process is - as per your obligations under the State Records Act, been filed and maintained and then, secondly, in a way that allows easy access or identification as to where they are?

MR KNAPPICK: Yes. So it's changed significantly since the - this time, and I think this does highlight that - again, I hate to keep doing this, but I inherited a significant problem here. And the recruitment team at that point was one permanent person and one temporary casual from an agency when I walked into the organisation, which was inadequate with the amount of vacancies and recruitment that needed to be done.

So I was able to - to brief, obtain additional staff into the team. And there is now - putting aside that we're getting a new system, there is a - there are what is known as process maps. These process maps, which have been developed by my head of talent acquisition, Mr Philip Smith, outline exactly what his staff are to do. And so they now - and I have pretty good confidence that they keep all these documents in recruitment files for the roles that are being recruited, and have been doing that for the best part of close to two years.

MS McDONALD: And when you talk about a recruitment file, that's obviously primarily a digital record?

MR KNAPPICK: Yes. Well, there are hard-copy documents, but rather than keep a paper we scan them -

MS McDONALD: Scan, yes.

MR KNAPPICK: - into the system, keep the digital version.

MS McDONALD: And when you describe or refer to a recruitment file - for example, if it was the recruitment for the CEO, there will be a digital file created which should include all the documentation generated from the original advertisement, to applications, consideration of shortlists, interview questions, et cetera, culminating in a final recruitment report?

MR KNAPPICK: That's correct. Although because of the disjunctions of the system at the moment, some of the things, like the recording of the scoring - the shortlisting - that's in Aurion - so that's in the Aurion payroll system because that's where a panel member does their scoring.

MS McDONALD: Sorry, can you say that again? The Aurion is the payroll system.

MR KNAPPICK: Yes, but in that system there is - parts of the recruitment process are done in that because we don't have a system, and so what happens is all the PDs that are - sorry, not the - all the CVs, the resumes that are received from applicants go into that system. Then a panel member can go into Aurion and they can then assess the resumes, read them and score them, according to the criteria that are in there, and that collates to show which candidates had the highest score for interview.

MS McDONALD: All right. Does that raise risks when you're dealing with -

MR KNAPPICK: Yes.

MS McDONALD: - different software systems?

MR KNAPPICK: Of course it does. And it's not ideal not having a recruitment system, and why I put so much effort into getting a new applicant tracking system which comes into place in January, because, as I said when I first came into the organisation, people were recording recruitment things in their notebook. Then we moved all onto Excel documents, which - Mr Smith has been making sure there is a firm process around that with his team, and now we are moving into a more contemporary system, which has been around since the early 2000s with an applicant tracking system, which will be in place at the end of January or early February.

MS McDONALD: But a request to see all documents within a recruitment file, does that mean that the Aurion system also has to be interrogated?

MR KNAPPICK: It does, yes, because things are kept in there, not in the recruitment file because we're dealing with this dual process, unfortunately.

COMMISSIONER: That will change when the new system comes online? It'll be a one-stop shop?

MR KNAPPICK: Most definitely. So Aurion will stop doing anything from a recruitment process. Everything will be in the new Cornerstone recruitment system.

COMMISSIONER: I think Mr Breton has told me Aurion is a payroll system that's had some add-ons.

MR KNAPPICK: That's exactly what it is. It's a payroll system that has been functionally amended to try and help us, but it's purely a payroll system.

COMMISSIONER: Can I just ask, whilst this document's on the screen - you'll see in the first two rows under Missing Documents, Selection Committee Report is identified.

MR KNAPPICK: Yes.

COMMISSIONER: But does that suggest that they weren't direct appointments?

MR KNAPPICK: Those individuals - I wasn't, sort of, involved in the hiring of those. That would suggest to me that whilst there might have been interviews for them - I don't know if it says - there was, for example - with Ms Havilah, you'll see it says "interview notes", so clearly there were interviews. There wasn't - whoever did the interviewing, there wasn't a completed selection report done.

COMMISSIONER: Where there's a direct appointment, though, would you expect to have a selection committee report?

MR KNAPPICK: No.

COMMISSIONER: Yes.

MR KNAPPICK: No. So in this particular instance with Ms Havilah, she must have also undertaken an interview if there were interview notes. So it wasn't purely -

COMMISSIONER: So there was a recruitment process conducted.

MR KNAPPICK: Yes. And, in fact, I think - I just note now, Commissioner, in the third column it actually says for her it was a permanent appointment. So definitely would have been.

COMMISSIONER: Yes, that - so that - but I take it the first row -

MR KNAPPICK: Yes.

COMMISSIONER: That's temporary.

MR KNAPPICK: That's correct.

COMMISSIONER: But it's identified that there is a selection committee report missing.

MR KNAPPICK: Yes.

COMMISSIONER: So does that - do I read that as being this is not a direct appointment, that there was a recruitment process, but that a selection committee report can't be found? Is that how I would -

MR KNAPPICK: That's certainly the way I read it, Commissioner.

COMMISSIONER: Yes. Thank you. Because as I understood your evidence earlier, you wouldn't expect to have a selection committee report for a direct appointment -

MR KNAPPICK: For direct -

COMMISSIONER: - because there's no traditional recruitment process.

MR KNAPPICK: That's exactly right, Commissioner.

MS McDONALD: I just want to return to your homework.

MR KNAPPICK: Yes.

MS McDONALD: The first one that I brought up, which was KNA.001.001.0003, I was - you gave evidence this morning that this has been done by the calendar year. Just wondering why you didn't - sorry - why you didn't derive the figures according to financial year?

MR KNAPPICK: No particular reason. We would normally prepare things by calendar year in HR related matters rather than financial year. Also the things that were done as homework were quite an impost on my team on Friday, so they had to sort of rush to get everything done, but (crosstalk).

COMMISSIONER: So I don't think I specified either.

MR KNAPPICK: (Crosstalk) they selected.

COMMISSIONER: I don't think I specified either whether it should be one or the other, so -

MS McDONALD: Could we bring up KNA.001.001.0002.

COMMISSIONER: One of the benefits of the new systems that - the impost that was created by me asking you these questions on Friday will be less, going forward?

MR KNAPPICK: Most definitely, Commissioner.

MS McDONALD: Yes. Now, this was for turnover.

MR KNAPPICK: Yes.

MS McDONALD: But there, it is according to financial year.

MR KNAPPICK: Yes.

MS McDONALD: And I'm always hopeless with this - where you've got financial year 2025 -

MR KNAPPICK: Yes.

MS McDONALD: - that's the year ending 30 June 2025?

MR KNAPPICK: Correct.

MS McDONALD: All right. So we don't have figures from 1 July until current.

MR KNAPPICK: No, we don't.

COMMISSIONER: Do you have a sense of what it is for the current -

MR KNAPPICK: Yes, I'm pretty sure it's pretty much the same.

COMMISSIONER: The same as FY25?

MR KNAPPICK: Similar, very similar to F?Y2025, in fact the total turnover might be a bit lower, where it says "all".

MS McDONALD: So the way this is structured is you've got Turnover Involuntary and then the note that that includes retirement, death, redundancy and dismissal.

MR KNAPPICK: Yes.

MS McDONALD: Then Turnover Voluntary, that's resignations and abandonment?

MR KNAPPICK: Yes.

MS McDONALD: Then All Turnover, all separations divided by total staff over the last 12 months?

MR KNAPPICK: Yes.

MS McDONALD: And, sorry, you've excluded any contractors, temps or casuals?

MR KNAPPICK: Correct.

MS McDONALD: And as this sets out, Turnover Involuntary was 6.6 per cent in the financial year '23, but now it's decreased to around four?

MR KNAPPICK: That's right.

MS McDONALD: And then Turnover Voluntary, so resignations and abandonment, in financial year 2023 it was 10 - about 10 per cent.

MR KNAPPICK: Yes.

MS McDONALD: Then it's decreased, and again roughly - if we're looking at the two financial - subsequent financial years, it's roughly around about seven?

MR KNAPPICK: Yes.

MS McDONALD: Do you know why the figures in financial year 2023 appear to be higher, or are higher, I'm sorry.

MR KNAPPICK: There was a higher level of redundancies because the involuntary is higher. I recall there being more redundancies given during 2023 under the prior CEO. The Voluntary Turnover, why that was higher I can't recollect. I don't know why. Turnover was something that was not regularly collected. I've insisted on it being collected every month so that we can see the trends that are arising. That's as much light as I can shed on financial year 2023.

COMMISSIONER: Would the exit survey process collect some data that might inform trends in turnover, going forward?

MR KNAPPICK: Yes, certainly. Obviously you're most interested in what is voluntary because that's people resigning, which may be to advance their career, to go to another job, it might be for higher pay or because they're unhappy. So voluntary is the more interesting figure, because involuntary is generally because of those other issues that are outlined there. Those voluntary turnover figures don't concern me, because -

COMMISSIONER: Why is that?

MR KNAPPICK: Because that's normal industry trend. And in fact, I think New South Wales State Government is a bit higher than that, my recollection of the People Matters employment survey is it sits around 13 per cent, so our turnover figures are very favourable. When I say favourable, you don't want them to be too low either, because otherwise you're not getting any fresh blood into the organisation, you've got the same people there constantly.

COMMISSIONER: What's the current FTE?

MR KNAPPICK: It's 985.

MS McDONALD: And there you did collect the figures according to financial year.

MR KNAPPICK: Yes.

MS McDONALD: The reason why I'm just asking you about that is with the temporary contracts and direct appointments I took you to the Auditor-General letter.

MR KNAPPICK: Okay.

MS McDONALD: It was done by -

MR KNAPPICK: Financial year.

MS McDONALD: - financial year and it assisted in a comparison.

MR KNAPPICK: Yes. The reason being -

COMMISSIONER: You can blame me. That's my fault.

MR KNAPPICK: - these two reports - well, the two reports also were compared - completed by two different teams within my team. So this one comes directly from the payroll team. They're used to collecting this because I've insisted on it for the last two years. The other one, which is the direct appointments is usually done upon request in that summary form like you've requested, and it was the recruitment team who prepared that, so different people prepared it in different ways and we were trying to meet the deadline.

MS McDONALD: Now, so your next piece of homework was to look at vacancies. Before taking you to the document you produced in respect of that, when we're looking at vacancies what are we looking at?

MR KNAPPICK: We're looking at jobs that are funded within our organisation but remain unfilled. So there's not a person doing the job.

COMMISSIONER: Does that extend to - I'm aware that different organisations approach this issue slightly differently, where there is actually no one in the role, or there's no one permanently in the role but there might be a contractor doing it. Does that distinction make sense? Have I expressed that -

MR KNAPPICK: Yes, that distinction makes perfect sense. So I would have to check this for the figures that you've been provided as to whether that includes people that are temporarily or agency contractors that are in the role. My assumption is that they're vacant, nobody's doing it.

COMMISSIONER: All right. If when you check it - after you leave - that it's something different -

MR KNAPPICK: Yes.

COMMISSIONER: - that you can just get a message to us that clarifies that?

MR KNAPPICK: Certainly, yes.

MS McDONALD: And with roles you say they're funded but they're currently not filled. At times, are they not filled because, although funded, it allows those funds to be employed elsewhere within the organisation? Does that make sense?

MR KNAPPICK: Yes, that makes perfect sense. That's not the reason, as I understand it. The reason is - is that they're not filled because the person has - a person, being the hiring manager, the line manager, hasn't progressed to fill it.

MS McDONALD: So you've never come across - I'll put it generally to begin with - some kind of direction, whether formally or informally, that will put a pause on -

MR KNAPPICK: Yes.

MS McDONALD: - filling vacancies?

MR KNAPPICK: Yes, that has happened.

MS McDONALD: And you've experience that before. Have you experienced that when you've been working at Liverpool City Council?

MR KNAPPICK: Yes, I have. So there was a pause put on - was it earlier this year or last year? I can't recollect the exact date. But it wasn't on all positions. So where it was considered that positions were frontline and essential, such as parks operatives, child care workers, they still proceeded, but obviously there are a number of other types of roles in the business and they were put on pause. Yes, there were budgetary considerations in that.

MS McDONALD: And the pause, did that come from the CEO?

MR KNAPPICK: Yes.

MS McDONALD: If we could bring up, please, KNA.001.001.0001. Yes. Now, there is - it's entitled Vacancy Number and Percentage. And as the index indicates, the blue rectangles are vacancy numbers?

MR KNAPPICK: Yes. Correct.

MS McDONALD: The pause that were you referring to previously, when was that implemented?

MR KNAPPICK: I think it was earlier this year. So it might be when the peak was.

MS McDONALD: So when we're looking at - that was what I was going to ask you, the March 2025, which seems to be a peak?

MR KNAPPICK: Yes, that may have been the time. I would have to for certainty go back and check if that was the time, but it would seem logical, because usually when you look at graphs with peaks and troughs you can usually say this is what happened at that peak and trough.

MS McDONALD: And again the difference in July it was down, I think, with the exception of October the lowest, then again it went up in August, and a little decrease in September, again those variations, is there any explanation you can put forward?

MR KNAPPICK: The explanation for the downward trend was after the pause that because of the vacancy that seemed to be existing for some time, my team had to step up and keep reminding line managers that they had vacancies, and they needed - if they needed the job it needed to be filled. Otherwise, if they don't need the job, then the funds can be returned to other parts of the business. So those declines, I would think, are because my HR business partners and our reporter has said to people, "Move it along."

COMMISSIONER: There would be some natural fluctuation from month to month in these rates in any event, wouldn't there?

MR KNAPPICK: Yes, there is, but I know we've put a - additional effort into getting people to fill the role or return the role to the budget.

COMMISSIONER: Does that mean make the role redundant?

MR KNAPPICK: No, because these are vacancies. So - well, yes, it mean making - we need to delete the role, but it's not taking somebody out of a job, it's vacant.

COMMISSIONER: No, I - yes, I understand, yes.

MS McDONALD: Does that happen often?

MR KNAPPICK: No, no. Usually it's people just with a vacancy - a line manager with a vacancy not acting to fill it. You know, and I understand if you've got a bigger team, you know, in my own team I know when I've got a vacancy. I've got 25 people, I know when there's a gap and I have to fill it because I need the hands.

If somebody doesn't, then my HRBP now is asking then, "Well, why aren't you filling it?" So we're encouraging them to, you know, fill it, because it's budgeted. The money is there. Why wouldn't you? The only reason would be you believe you don't need it. So we're making ground in that area. I would say it's not my experience in my HR career that HR have to follow this sort of thing up, because generally line managers are keen to have a full cohort of staff to get the work done in their department, so it is what it is.

COMMISSIONER: Is that part of the training that you've provided to line managers and those responsible for recruitment about being proactive in this area?

MR KNAPPICK: We - it has been mentioned at various manager's forums. I wouldn't say there's been training about getting the vacancy numbers under control. I think - my presumption would be is that a line manager knows that you've - you have a certain number of budgeted roles you fill them. I don't know why someone would need training on that, yes.

COMMISSIONER: It's only that a couple of - in a couple of contexts you've mentioned the line managers needing prompting or reminding to -

MR KNAPPICK: Yes.

COMMISSIONER: - do things in this space?

MR KNAPPICK: I have.

COMMISSIONER: Does that suggest that there might be - I understand your view of it, that there might be a need to provide some more guidance -

MR KNAPPICK: Yes.

COMMISSIONER: - on these type of things to bring them forth to the front of mind?

MR KNAPPICK: I think so, dare I say, unfortunately, Commissioner. We have instituted also in the last two and a half years a course called Frontline Management where frontline managers in - over a three-month period, half days, where they're trained and educated and developed on good management practice. Some of that is about - some general management technique on managing staff, being a good leader, but some of it gets down to the practicalities of, you know, managing excessive leave, sick leave issues, vacancies, recruitment is also included in that, so we tried to make it so it was about, to stretch things of being a good leader but also the practical element. Hopefully it's having some impact.

MS McDONALD: And just finishing with this piece of your homework, in addition to the blue rectangles you've got the orange line. What does it represent?

MR KNAPPICK: That's just showing it as a percentage of the total staff FTE of the business. So in March 2025, which is the peak year we're highlighting, 23 per cent - point 6 per cent of positions were vacant.

MS McDONALD: I think in answer to a question from the Commissioner you said it was 900-odd FTEs?

MR KNAPPICK: Yes, 985 FTE.

MS McDONALD: So the 200 - if there was that number in March 2025, the 201 out of the 900-odd is about 23 point -

MR KNAPPICK: Point 6 per cent, yes.

COMMISSIONER: Is that high?

MR KNAPPICK: Yes, that's awfully high. I would think at any one time. The vacancy rate is fairly close to the turnover rate with a few exceptions. If the turnover rate is sitting at 10 per cent I would expect the vacancy rate to be sitting at 12 or 13 per cent, because there's the roles that are vacant plus you've got a little for some that have been vacant for maybe a little while.

COMMISSIONER: Yes.

MR KNAPPICK: But then, as you indicated, that was also when there was a pause on. So that's - so why it was high.

COMMISSIONER: So if one takes the July '25 period onwards, noting that although the figures aren't there, I think you said it was about - the turnover rate was consistent with the period up to the end of FY25.

MR KNAPPICK: Yes.

COMMISSIONER: Is that more -

MR KNAPPICK: Much more -

COMMISSIONER: - in the realm where you would expect it?

MR KNAPPICK: That's much more, that period, from July to October is much more consistent. October's surprisingly low, I was interested in seeing that figure when it was produced on figure, but those figures from July to September are indicative of what I would expect when there's no pause on.

COMMISSIONER: Do I take it that it's better to look at these things over the year period rather than a month in isolation because of that natural fluctuation?

MR KNAPPICK: That's exactly right, and hence why I was able to get somebody to prepare this in graphical form. It was just the inquiry.

COMMISSIONER: Love a picture. Thank you.

MS McDONALD: Just a couple of other topics, hopefully quickly. Within your organisation - sorry, your section of the council, the role of relationship with the relevant trade unions who represent employees -

MR KNAPPICK: Yes.

MS McDONALD: - that comes under your remit?

MR KNAPPICK: It does.

MS McDONALD: The inquiry has heard evidence about - at one point probably before the beginning of 2023 the number of grievances, industrial grievances was a very large number.

MR KNAPPICK: It was.

MS McDONALD: And that during the period when Mr Ajaka was the CEO those number of industrial grievances decreased.

MR KNAPPICK: Yes.

MS McDONALD: That's your observation of what occurred, that the number of industrial grievances decreased?

MR KNAPPICK: Yes, I completely agree with you. There are a number of reasons for that.

MS McDONALD: At the moment what are the level of industrial grievances?

MR KNAPPICK: Under 15, under 10. At that time I recollect it was over 50.

MS McDONALD: When Mr Ajaka was the CEO, we've heard evidence that there was opened up a direct channel of communication between, I think, it was the organiser of the United -

MR KNAPPICK: Services Union.

MS McDONALD: - Services Union and the CEO.

MR KNAPPICK: There was.

MS McDONALD: Our understanding is that, if I can describe it as a direct line of communication -

MR KNAPPICK: There was.

MS McDONALD: - isn't in existence anymore or -

MR KNAPPICK: No, it was a very unusual scenario. I hadn't experienced it in my career, where an organiser had a direct line of phone contact on a very regular basis, like almost daily was my understanding between the organiser and the CEO during that time. I understand - understood it to a degree, when I walked in and found that there were over 50 IR issues, so, of course, I think Mr Ajaka's goal was to get that down, which was admirable and advisable.

MS McDONALD: With current arrangements in place, are the primary dealings with the union, or unions, I'm sorry, if grievances arise or other issues is that through your - I'll describe it as your kind of head of industrial relations?

MR KNAPPICK: That's right, so that's what I called the relations specialist, but head of industrial relations is fine. I've mentioned before, Ms Margot Kindley.

MS McDONALD: Yes.

MR KNAPPICK: She has been there only a month after I started as well. I believe she's had a big part to play in reducing industrial issues. I've had good feedback from the union regarding the way she works with them, so I think she's - as well as Mr Ajaka, I think she had a significant impact in reducing that, and she does deal with things at a very granular level, locally. Most of the issues arrive within a particular directorate, and most of them are quite granular issues, rather than the larger strategic - excuse me.

MS McDONALD: Separate from these issues that arise, are there also scheduled a monthly meeting between the union organisers -

MR KNAPPICK: And myself.

MS McDONALD: - yourself and also Ms -

MR KNAPPICK: Ms Kindley comes along as she is aware of the detail - excuse me.

COMMISSIONER: Have you got some water there?

MR KNAPPICK: Yes, I do.

MS McDONALD: So you attend those monthly meetings?

MR KNAPPICK: I do.

MS McDONALD: Is there some issue at the moment about asbestos within the council?

MR KNAPPICK: There has been, yes, over recent months.

MS McDONALD: What's that issue been?

MR KNAPPICK: There was identified by a member of the public some asbestos in soil at a particular park within the council area called High Hill Reserve. There was investigation done into that. Employees became quite concerned because they do gardening, lawn work in that park. They raised it as a work health and safety issue. Then the Operations Directorate undertook both close-down of the affected areas of the park and, I believe, investigative work to see what had happened, the extent of the problem.

MS McDONALD: And is your understanding, is the problem resolved, or is it ongoing investigation and -

MR KNAPPICK: No, the investigation internally has been undertaken. The recommendations in the report have been given to the CEO and the director of operations, and they then from that have to make a decision as to what actions need to be taken, both in regard to procedural issues about handling when asbestos complaints in this instance can occur and what act, who to involve, who to inform, where to respond, what has to be done, and there's been a range of recommendations around that, and also recommendations around, for want of a better word, failings in the way certain individuals may have acted or not, when they were aware.

MS McDONALD: But where there was an issue and how they acted once they became - became aware.

MR KNAPPICK: Yes. Correct.

MS McDONALD: And is the particular area - has it been reopened?

MR KNAPPICK: I don't know.

MS McDONALD: Another or additional evidence that the inquiry's heard is about letters written by the unions to the council raising particular issues. And again, I suppose, like the vacancy there's - there seems to be ebbs and flows with it. Do you have any oversight of that, or is that a matter of letters written to the CEO and he deals with them?

MR KNAPPICK: No. All union letters come from the CEO's office, one receipt, to my department. So again, my industrial relations specialist is the one who writes the responses to those letters. She has to get more detailed information from the relevant

line manager or director within the organisation because she might not be au fait with all the issues that come in a letter. She then, with them, drafts that letter up, formulate it to a version that they're happy with, and then it comes to myself. I, for want of a better word, quality check it, assess the answer that's been given based on the letter that they've originally written, and then I send it forward to the CEO's office for signing.

MS McDONALD: And again roughly at the moment can you give an indication of how many letters you're getting per month or again does it differ -

MR KNAPPICK: It varies enormously, I have to say from month to month. The last - how long has the public inquiry been going, the last three months?

COMMISSIONER: I don't want to answer that.

MR KNAPPICK: So the reason I say that is because it has gone up in the last two to three months with, I think - let's say and I'm sort of guessing here because I can't recall off the top of my head, let's say 15 to 20 letters a month.

COMMISSIONER: What sort of issues are raised in this correspondence?

MR KNAPPICK: Well, over recent months it's been as I was asked about the asbestos issue. Sometimes it can relate to a particular individual and whether they're going to be made redundant, a particular complaint around a manager and the way they're dealing with a particular staff member or not. We've had questions around - letters around the restructure.

COMMISSIONER: Some are in the nature of general requests for information?

MR KNAPPICK: Some of them are general requests for information, some of them are stating that, you know, what we're doing isn't compliant with the award, in their view, that we haven't consulted enough on a particular matter, that somebody isn't being paid the right allowance or rate or something. So they can vary enormously from broad-brush to specific individuals.

COMMISSIONER: And is this correspondence in the nature of an industrial grievance of the kind that you told me about earlier?

MR KNAPPICK: Yes, so I don't recall those in our grievance record as grievances, even though - I think we spoke about this the other day, on the bottom of most of their letters it says, "We invoke the grievance procedures under the award." But as I understand what we record as grievances is when somebody completes a grievance form, so it's an official grievance that we have to investigate.

MS McDONALD: Different topic, code of conduct complaints.

MR KNAPPICK: Yes.

MS McDONALD: We've heard a lot of evidence about code of conduct complaints, but where the complaint is against a councillor.

MR KNAPPICK: Yes.

MS McDONALD: Code of conduct complaints can also be made against employees of the council?

MR KNAPPICK: Yes.

MS McDONALD: Dealing with those code of conduct complaints, does that come under your responsibility?

MR KNAPPICK: It does. So they're referred to from the Governance team. I think Mr Day's name has been mentioned before. He refers them on to Ms Kindley, who's my industrial relations specialist, who undertakes an investigation with the relevant staff member.

MS McDONALD: All right. Can I pause there. So the procedure is a complaint is made, it goes to Mr Day.

MR KNAPPICK: Yes.

MS McDONALD: Do you have any role in, in a sense, vetting it to determine whether an investigation should be undertaken internally or whether it should go to an outside body?

MR KNAPPICK: So the first person to do that is Ms Kindley, so she would do that. If she believes it needs to go external she would come and speak to me, because obviously that comes at a cost, and then we would confer and make a decision. If I was uncertain, then I could confer with Mr Portelli, that's what happens.

MS McDONALD: Where the - you said the complaint is made or lodged and it goes to Mr Day to begin with. Any preliminary assessment or vetting that, yes, this is a complaint that comes within the jurisdiction of the code of conduct -

MR KNAPPICK: Yes.

MS McDONALD: - and/or it's not vexatious or something along those lines, which would indicate it shouldn't be pursued, is that determined by Mr Day or is it, when it comes to Ms Kindley?

MR KNAPPICK: My understanding is it happens at Mr Day's point. If something goes through and she would identify that maybe there is something here. She might go back and ask him, is as I understand what would happen.

MS McDONALD: And then if it passes that requirement it comes to Ms Kindley, she determines whether it can be dealt with in an internal investigation or whether it needs to go externally -

MR KNAPPICK: Correct.

MS McDONALD: - and you're brought in, as you have given evidence about, that determination. The internal investigation, is that then conducted by Ms Kindley?

MR KNAPPICK: With one other staff - senior staff member.

MS McDONALD: All right. And is that the procedure I think you outlined earlier in today where there could have been a complaint about, for example, bullying or sexual harassment, et cetera - the investigative structure is Ms Kindley with another member of staff?

MR KNAPPICK: Correct.

MS McDONALD: So it's that, but applied particularly to code of conduct complaints?

MR KNAPPICK: Yes. If it's of a serious nature it would go external.

MS McDONALD: Again, roughly, how many code of conduct complaints against employees do you get per year?

MR KNAPPICK: I note it has increased a little - and when I say "a little", I'm talking about four or five in the last two months, but that's not been the experience for the first - rest of the year. So up until, say, August, it might have been three or four in total. And then I think there was three and four between August and October.

MS McDONALD: And are they disparate complaints or is there some kind of trend -

MR KNAPPICK: There's no pattern -

MS McDONALD: No pattern.

MR KNAPPICK: - no, it could be on any code of conduct issue.

MS McDONALD: Now, just two other matters, I wanted to revisit something that you gave evidence about the other day, if we could bring up, please, LCC.010.009.9400. Commissioner, I took Mr Knappick to this previously. It's the Mercer evaluation in July 2024, dealing with the position of senior adviser. We weren't in private session for that.

COMMISSIONER: No. Is this captured by the direction I made on Mr O'Neill's application yesterday?

MS McDONALD: My view is not, because my understanding of Mr O'Neill's concern is issues that are now possibly arising, and I'll put it broadly in respect of Ms Boustani's employment in the work - in the workplace now, which may have certain repercussions both legally or -

COMMISSIONER: Just pause. He did this in private - that application was made in closed session. So just be cautious.

MS McDONALD: Yes, sorry.

COMMISSIONER: Look, given that Mr O'Neill's not here I just want to tread carefully, not to contradict myself in the direction I've made. So we'll go into private session and if it is something that need not be done in private then that can be just released. I'm just conscious that he's not here. Pursuant to section 12B of the Royal Commissions Act I direct that the next passage of hearing take place in private and that transcript of the private portion of the hearing not be published otherwise than in accordance with my usual direction. Those who are present in the room can remain in the room.

<THE HEARING ADJOURNED TO PRIVATE SESSION AT 3.15 PM

<THE HEARING RESUMED AT 3.18 PM

COMMISSIONER: Yes. Thank you.

MS McDONALD: Thank you. Could you please bring up INQ.001.001.1110. Yes, please. You can see that's the minutes of the council meeting held on 16 October 2024?

MR KNAPPICK: Yes.

MS McDONALD: And can we go through to page 27, please. Can you see there there is an item that the council is considering - that is, the recruitment of the CEO?

MR KNAPPICK: Yes.

MS McDONALD: And it sets out a motion moved by Councillor Macnaught and seconded by Councillor Harte?

MR KNAPPICK: Yes.

MS McDONALD: And if I can just take you to some of the terms of the resolution.

MR KNAPPICK: Yes.

MS McDONALD: The first one is Mr Breton who is acting or basically continuing in the role until the new permanent CEO is appointed?

MR KNAPPICK: Yes.

MS McDONALD: Then it says:

"Council undertakes competitive process of appointing the CEO, engage a suitable independent consultant, engage an independent probity adviser."

And then 5:

"Establish a selection panel."

And at this point, as you've given evidence, it was to consist of all the councillors, and it sets out the constitution, and then finally it says:

"Notes the final decision to appoint a CEO, will be made by the council, as required by the Local Government Act."

MR KNAPPICK: Yes.

MS McDONALD: And if you need to see it, I think it's right down the bottom, that motion was put forward and was carried.

MR KNAPPICK: Yes.

MS McDONALD: Now, that notion in substance, what it's identifying is that ultimately the decision about whose going to be the CEO has to be council's decision?

MR KNAPPICK: Yes.

MS McDONALD: But this is in a sense delegating to a selection panel the kind of the nuts and bolts of - in addition with the probity person and the independent consultant, delegating that, you know, basically the nuts and bolts of the recruitment process?

MR KNAPPICK: Yes, that's right.

MS McDONALD: But ultimately it's leading to we've delegated all these tasks but ultimately it's going to come back to the council and we will decide?

MR KNAPPICK: Yes. That's right.

MS McDONALD: But obviously there are functions that, if there wasn't that delegation, the governing body of the council would have to be undertaking itself?

MR KNAPPICK: Yes, I suppose so. Yes.

MS McDONALD: So that recruitment panel, from this motion, is really - has received a delegation from the governing body, do you agree with that?

MR KNAPPICK: Yes. That's right.

MS McDONALD: And to then perform functions as delegated?

MR KNAPPICK: Yes. Correct.

MS McDONALD: And even though it's nominated or described as a selection panel - I'm sorry, not a recruitment panel, a selection panel - in substance, what this resolution is doing is delegating those functions to a subcommittee?

MR KNAPPICK: Yes, to undertake the selection.

MS McDONALD: Now, can I take you now to the recruitment and appointment procedure which is currently in place. LCC.030.005.0002. Now, this is the procedure that was adopted in March of this year.

MR KNAPPICK: Yes.

MS McDONALD: Yes, please. And if we can go to section 4.4 Creation and Composition of the Selection Committee. And I want to take you first to 4.46 and 4.47. And under 4.46, you can see:

"The selection committee members and others must declare whether there is a reasonably perceived conflict of interest that could undermine the integrity of the selection process."

And then:

"The conflict of interest form must be completed and submitted to the..."

The TA's the talent -

MR KNAPPICK: Talent acquisitions team.

MS McDONALD: - acquisitions team. "Before the candidate shortlisting."

The final one, the 4.47 is that:

"Shortlisting can't occur until all the forms have been submitted and people have been approved to continue in the process. Any conflict of interest will be managed or negated in line with the code of conduct."

MR KNAPPICK: Yes.

MS McDONALD: Can I then take you back to the code of conduct that was in existence I'll take you to the one that was in existence in March INQ.001.001.1134. To be live-streamed, if we can go through to page 17 which is part 5, non-pecuniary conflict of interest. If we move down the page to managing none pecuniary conflicts of interest. I took you to this previously, 5.6 requires that if there is a non-pecuniary conflict of interest it must be disclosed:

"The relevant private interest you have in relation to the matter fully and in writing."

Though that interrelation between the recruitment policy any conflict of interest will be managed or negated in relation to the code of conduct is that your understanding that kind of cross-reference will pick up that it must be disclosed fully and in writing?

MR KNAPPICK: Yes, within the form is where they write it, yes.

MS McDONALD: Well, that's where the writing occurs, the issue about whether it's a full disclosure.

MR KNAPPICK: I would hope that when they're writing it they're fully disclosing their interest.

MS McDONALD: But is that assessed by anybody, other than obviously the person completing the form?

MR KNAPPICK: Yes. So if we're talking about the CEO recruitment - as I indicated the other day, they were all given to the probity adviser, who was making sure that everything was aboveboard, and he was assessing it for the CEO recruitment. In other recruitment processes they're assessed by the talent acquisition partner, who looks at those conflict of interest forms to see what the - excuse me - declaration is.

MS McDONALD: In this form, can we just jump back to page 4, which is part of Definitions. Can you see that definition of "council committee"?

MR KNAPPICK: Yes.

MS McDONALD: It refers to:

"A committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to."

And I'll stop there. The rest of it isn't relevant for what I'm interested in asking you about. From that definition, the selection panel that was established by that delegation of functions in - I think it was the October meeting - that would come within the definition of a council committee within the code of conduct?

MR KNAPPICK: Yes, it wasn't referred to as a committee. As I said before, it was referred to as a selection panel. It depends how tight you want to refer to the word "committee". Yes.

MS McDONALD: And then if we jump back to page 17 - and this time 5.7 - it talks about:

"If a disclosure is made [and I'll jump over the relevant words] ... at a committee meeting, both the disclosure and nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises."

Now, I know - I know - think you gave evidence that this selection panel wasn't strictly keeping minutes?

MR KNAPPICK: That's right.

MS McDONALD: But the intent of that paragraph, I suggest to you, is that there is some kind of public disclosure at a meeting of the committee which allows other participants in the committee to be informed of there is the conflict and the

potential - the conflict or potential conflict and it comprises of this and this is the way I propose deal with it.

MR KNAPPICK: It can be read that way. Again, as I said, the wording was a selection panel, not a council committee. If we join them up and say they are the one and the same thing, then, yes, then that would be the case. In this particular scenario with the selection panel, as I've said, we had a probity adviser. He had all the conflict of interest, he was the one examining them to see if there was an interest. No, it wasn't - there was no statement made to the other committee members that anyone had a particular interest beyond that they had all -

MS McDONALD: Other than a common one about past employment?

MR KNAPPICK: We know these people because they currently work here, or they are a previous CEO in the case of Dr Eddie Jackson.

MS McDONALD: I think what I'm interested in is the interrelationship between the recruitment policy where it expressly says any conflict of interest will be - I'll say managed, in line with the code of conduct.

MR KNAPPICK: Yes.

MS McDONALD: And when you read the code of conduct there is at least one reading which would suggest that there should have been a more fulsome procedure with the conflict of interest being identified and that information then being provided to other members of the committee.

MR KNAPPICK: Yes, when we were discussing this the other day I think it was suggested then that when the probity adviser had these one way for improvement in the future would be for him to say, "I noticed X and Y conflict in these forms," and to raise that with the whole of the panel.

MS McDONALD: But putting to one side the probity officer, this procedure set out in the code of conduct doesn't diminish or change if there is a probity officer there. It requires certain disclosure as it sets out in, for example, paragraph 5.7?

MR KNAPPICK: Yes, but it does change who is going to give that disclosure based on how the tasks are allocated. In this case the CEO the task of managing the probity over the whole program was to the probity officer. In normal recruitment in other roles it is handled by the talent acquisition partner within our team.

MS McDONALD: But even if a probity officer is there, 5.7 would suggest that there must be some, in a sense, public disclosure to other members of the committee of the disclosure and the nature of the interest, because that would have to occur for it to be recorded in the minutes.

MR KNAPPICK: Yes, so in this case he could have stood up and said, "This is what I see in these forms that have been completed."

MS McDONALD: And that would have been complying with 5.7?

MR KNAPPICK: Well, it would have been disclosing to the other panel members that these are the interests other people have (indistinct).

MS McDONALD: I suppose what I'm interested in - it appears that there might be some tension or conflict between what is set out in the recruitment policy and its express engagement that the conflict of interest will be managed by the code of conduct, and how the two interrelate. Have you turned your mind to that or has that arisen?

MR KNAPPICK: No. If there's something here that you notice would help make it clearer for people and that could be said in either the code of conduct or the recruitment policy, then I'm very willing to know what that is and for the improvement to be made.

MS McDONALD: All right. But compliance with - the management of the conflict of interest, in line with the code of conduct, it doesn't appear that there's - sorry, this could be wrong. Has there been any analysis of how the two are supposed to interact?

MR KNAPPICK: No, probably not. No. Because the policy are - as written - you know, to identify cross-comparison between any policies, if we call the code of conduct a policy as well, I suppose if it hasn't been identified by the writer or somebody doing QA checking or through the consultation process it can be missed.

MS McDONALD: Can you just excuse me? Could you just excuse me for a moment? Could you bring up please HAR.001.001.0001? And it can be live-streamed. Now, this was a conflict of interest form completed, I think the date was around, I think it's 13 February, so it's when the selection panel was the 11-odd members, 11-odd councillors, and if we move down that document you can see it's for the CEO and it's completed by Councillor Harte.

MR KNAPPICK: Yes.

MS McDONALD: And as you've indicated he declares the interest - the possible conflict of interest, because he knows Mr Breton, he knows Ms Bono, because they have worked at council for the period of time, but when you see also in respect of Mr Breton, he says:

"I briefly had contact during this period, which..."

Sorry, I jumped over something:

"I have previously provided advice to Mr Breton in an election before his employment and my election in the LCC. I briefly had contact during this period, which ceased until my election as a councillor (besides occasional contact regarding post-election obligations)."

So you see that?

MR KNAPPICK: Yes, I do.

MS McDONALD: So with this particular conflict of interest, it's not the - I'm not being rude, garden variety we know Mr Breton and Ms Bono because they work at council, there is an additional aspect to it?

MR KNAPPICK: There is, yes.

MS McDONALD: If we continued down to the next page, there is section 7. And my understanding of section 7 is it's to be completed by the talent acquisition and approving officer?

MR KNAPPICK: Yes.

MS McDONALD: And there it requires:

"Having considered the code of conduct conflict of interest policy, consulted with governance the following actions will be taken to manage the conflict."

And then a provision for names and signatures.

MR KNAPPICK: Yes.

MS McDONALD: Now that's just completely blank.

MR KNAPPICK: It is.

MS McDONALD: Now, there might be an argument, well, on what has been revealed, there's nothing to do, but at a minimum wouldn't you expect to - for section 7 to have in a sense recorded that, considered what's being said, "My view is it doesn't need to be taken further"?

MR KNAPPICK: My view was that the probity aspect of this exercise had been delegated to the probity officer, so therefore I would see it as being role to notify if there is some probity concern, such as conflict of interest with the code for them to identify that.

MS McDONALD: So the fact that there was a probity officer, the form that dictates that the management of the conflict of interest has to be dealt with by the talent acquisition person, that doesn't apply here?

MR KNAPPICK: No, because normally most recruitment is handled by our talent acquisition team. This was not the normal, because we had delegated the process of hiring the most senior role in the organisation to both a recruiting agency probity officer.

MS McDONALD: Mr Smith was still involved and your evidence was that your understanding was that Mr - did Mr Smith collect them or did you collect them?

MR KNAPPICK: I collected them in the meeting only so we got one from every person and then I provided them to the probity adviser and also to Mr Smith to keep on record.

MS McDONALD: Was there any requirement of the probity officer then to complete either section 7 or equivalent?

MR KNAPPICK: I didn't have any discussion with the probity officer around that.

MS McDONALD: So you had no idea if the probity officer, how he - I'm sorry, it was a he, wasn't it?

MR KNAPPICK: It was a he.

MS McDONALD: How he turned his mind to it, how he recorded what is required to be recorded there, that I have considered it, the following actions will be - need to be taken or nothing needs to be taken?

MR KNAPPICK: That's right, I would - knowing the probity officer through this process, I'm assuming that he would have considered this. It's not completed as (indistinct).

MS McDONALD: They're my questions.

COMMISSIONER: Just having a look at this document and picking up the concept of improvement that you raised, do you think it could be a good idea, even where no action is deemed necessary, to ensure that section 7 or an equivalent document is completed, as part of a recruitment process?

MR KNAPPICK: Yes, I think it should say - like even if there is no action, it should say, "no action" or, "not applicable" something along those lines, it doesn't have to be an essay but something to show it should have been completed I know it's unfortunate there is no signoff or date of people involved in that process at the time.

COMMISSIONER: And that - at the risk of complicating this further, can we bring up INQ.001.001.1140. Yes, please. Just scroll down. This is the Conflicts of Interest Policy that as I understand it, someone will correct me if I'm wrong, was applicable at the time of the CEO recruitment process, earlier this year?

MR KNAPPICK: 2024.

COMMISSIONER: There might be a later version but as I understand it this is the one that applied. Can we go through to page _10. We'll start at _9. Scroll up, you'll see this is the section Procedure for Disclosing Conflicts of Interest, do you see that?

MR KNAPPICK: Yes.

COMMISSIONER: Are you familiar with this policy?

MR KNAPPICK: Yes, I'm familiar.

COMMISSIONER: Right. Well, just scroll down to the next page. You see there "committee member"?

MR KNAPPICK: Yes.

COMMISSIONER: It set out seven points?

MR KNAPPICK: Yes.

COMMISSIONER: Are you familiar with those points? Take a moment -

MR KNAPPICK: Not in detail.

COMMISSIONER: No, but you're familiar with the process?

MR KNAPPICK: Yes.

COMMISSIONER: Right. As I've understood your evidence, there's a doubt in your mind as to whether the selection - the CEO selection panel was a committee -

MR KNAPPICK: Yes.

COMMISSIONER: - as defined, but leaving that to one side, this is another place where processes for disclosing conflicts of interest or potential conflicts of interest is set out. Do you see there being some benefit in some harmonisation between the recruitment policy, the reference to the code of conduct and the reference to this policy to make it clearer as to what should happen as part of a recruitment process going forward?

MR KNAPPICK: Yes, I think that would be beneficial, Commissioner. I imagine that there are a number of policies where that - I think the word you used was comparison or -

COMMISSIONER: Jargon of harmonisation.

MR KNAPPICK: Harmonisation, thank you, that was the word, harmonisation would be beneficial across, I think, a number of policies in the organisation and certainly in here, yes, I agree.

COMMISSIONER: As I understood some of your answers I think it was yesterday you see benefit in this process, including what is contemplated here, that being a recording of the conflict before the whole committee, so that it's on the table, everybody knows where everybody stands.

MR KNAPPICK: So everybody knows for transparency's sake, yes, that would be better.

COMMISSIONER: You were asked some questions earlier by senior counsel assisting about the notion of responsible employer.

MR KNAPPICK: Yes.

COMMISSIONER: That arises from the Act. I'll get the language right. Reasonable, I'm sorry, reasonable employer and:

"..provide a consultative and supportive working environment for staff."

And you were asked some questions about what you understand to be within those concepts?

MR KNAPPICK: Yes.

COMMISSIONER: Does effective and robust recruitment processes feed into concept as well, in your view?

MR KNAPPICK: Yes, certainly. So when I was answering that question I referred to ensuring that policies and procedures are complied with - excuse me - as part of that role, and obviously we try to make those policies and procedures as effective and as fair as possible, and to get other people's inputs, where gaps might be identified through the consultation process. Policies always - like any law, it can always be refined and improved.

COMMISSIONER: Can I ask you about culture of an organisation.

MR KNAPPICK: Certainly.

COMMISSIONER: And I accept that that might mean different things to different people.

MR KNAPPICK: Yes.

COMMISSIONER: But when one speaks about the culture of a workplace or organisation, what do you include in that concept?

MR KNAPPICK: So there's a distinction in HR between culture and engagement. Culture is how I feel about the place. So it's how people feel about coming to work each day, what their experiences of work are. Is it something that they are feeling based on their personal standard - is meeting what they expect out of the workplace? Because obviously that can vary for every individual. Some want career satisfaction, some just want a job, to get paid and go home.

COMMISSIONER: It's quite subjective.

MR KNAPPICK: Yes, it's quite subjective. Yes. But culture is how I personal feel about the workplace that I'm coming to each day and whether - you know, if you go to basic values, whether I feel that I'm doing a good job, that the organisation values me, that my team and my boss are valuing the work that I do, if there are performance caps people will let me know in a respectful way, and that coming to work is as an enjoyable experience as I personally expect it.

COMMISSIONER: And what's engagement? Do you draw a distinction between the two?

MR KNAPPICK: Yes, I did. Engagement is do I feel committed to the organisation.

COMMISSIONER: Are those two concepts things that are monitored within the council organisation?

MR KNAPPICK: Well, they will be once this survey through Culture Amp is implemented. We will have a much better view of that than I think the organisation has had in the past.

COMMISSIONER: All right. That being noted - that you think things on that - the ability to do so will improve, do you have a sense of how the culture and engagement in the workplace is at the moment?

MR KNAPPICK: I think it varies between place to place. I know there are some sections of the organisation where the culture is very positive and good, and there are other sections where it's not so good. Unfortunately I think there's a lot of anecdote that's said, and sometimes the words of a few can be expressed in a way as though it's the thoughts of many, which I think is misrepresentation - I think. Survey, if we can get a reasonable response rate, will give a much better indication.

So my view at this time is that there are some departments where the culture is very positive, there are some departments where it's not so positive. There's some where it has improved because of better management, some areas where it might be declining because of poor management. I couldn't put my finger on it exactly. I do get told things occasionally by the unions, who talk in broad terms, around their view of the

culture from the members they speak to. I think that's a particular view. I don't discount that view. I'm not sure it's completely representative.

COMMISSIONER: Will the new system enable you to identify some of those issues or trends with more precision -

MR KNAPPICK: That's exactly right, Commissioner.

COMMISSIONER: - and then respond?

MR KNAPPICK: Yes. Yes. Because I'm not big on broad-brush solutions for the whole organisation. I believe that there will be areas where we will need to do certain things, which might be around relationship management, complaints and grievances, good or poor leadership, and that's where we need to focus our efforts.

COMMISSIONER: All right. I don't wish to impose on your team any more than I already have, but I think I find those documents very useful, and I would be assisted by a similar process - I'm saying this to you but it's probably also directed to those who direct you and probably Mr Parish as well, to some degree, given it's a council record - but a similar documents that deals with the grievances, and one that separates out the industrial workplace pay and conditions from complaints of unacceptable behaviours, as we discussed earlier.

MR KNAPPICK: Yes. So we could theme them for you, if you like, based on those issues.

COMMISSIONER: That would be fantastic. Over the last three years, I think you -

MR KNAPPICK: Last three years? Yes, I can get that for you.

COMMISSIONER: All right. Thank you.

MS McDONALD: I failed to ask a question. I will be very quick.

COMMISSIONER: All right. Yes.

MS McDONALD: I've asked you a number of questions about conflict of interest.

MR KNAPPICK: Yes.

MS McDONALD: And we've been looking at, for example, the selection panel and the conflict of interest revealed there. I'm going to ask you a broad question and then maybe narrow it. Have you come across - where there is a recruitment for a particular role and the applicants are asked whether there is any potential conflict of interest that may arise from either who is going to be determining their employment or on any other basis?

MR KNAPPICK: I've never seen that in my career.

MS McDONALD: All right. I'll narrow it a little bit further, with - then with a recruitment for a particular senior role, where there is going to be a particular panel, have you ever come across notification to the applicants, "The panel is going to consist of A, B, C and D. Is there any potential conflict of interest that you want to raise in respect of that panel?"

MR KNAPPICK: Not in the that - those terms. I've been in scenarios where people are told who's on the panel, and then if somebody says, well - voluntarily says, "Yes, I have an issue because I know that person intimately," or whatever it is, then we might need to change the panel.

MS McDONALD: All right. So - but the way you're describing it, it's an identification of who is on the panel, and then an expectation that the applicant, if they are concerned about something, will raise it - excuse me - themselves.

MR KNAPPICK: That's right. And that's what I've seen throughout my career, never anything else.

COMMISSIONER: You put that as an expectation. I thought the witness was saying it was a - volunteered. Just so there's no disconnect, perhaps clarify.

MS McDONALD: The circumstances that I just raised of the senior role, the applicant being informed of the panel beforehand, is there an expectation that the applicant will raise - as you gave an example, you know, of, "That person is my cousin," or something along those lines?

MR KNAPPICK: No.

MS McDONALD: So not an expectation, it's purely if the applicant is, what, of the view that they should disclose it?

MR KNAPPICK: That's right. I've been in scenarios where it's come out later - in other government departments, not here - where people have said, "Well, did you know that he was interviewing his" - I remember one - "his mother?" And this was in another government department about 15 years ago, and I was flabbergasted because there was no - yes, clearly the mother didn't reveal it was her son.

MS McDONALD: The son didn't and the mum didn't?

MR KNAPPICK: Yes. That's right. There is no obligation. No.

COMMISSIONER: Yes. Does anyone seek to ask Mr Knappick some questions?

MR PARISH: Commissioner, I have two topics.

COMMISSIONER: Yes.

MR PARISH: One may require a closed session, just to be consistent with Mr O'Neill's application yesterday.

COMMISSIONER: Yes.

MR PARISH: I did also wonder whether the mother got the job. Something I can ask -

COMMISSIONER: Well, if it was discovered later it seems probably yes.

MR PARISH: Yes.

COMMISSIONER: Do you want to deal with the public topic first or the -

MR PARISH: I think deal with the public topic first.

COMMISSIONER: Yes.

MR PARISH: Few matters of clarification, effectively, Mr Knappick. Firstly, you were shown what was described this morning as the glossy brochure, which was created by the CEO.

MR KNAPPICK: Yes.

MR PARISH: I might bring it up for clarification. It's LCC.030.003.0001. Yes, please. You see that document? You were asked some questions about that. Do you remember? I think it was last Thursday.

MR KNAPPICK: Yes, I do recall this document.

MR PARISH: You also mentioned last Thursday that about five weeks later a refined version of this was circulated. Do you recall that evidence?

MR KNAPPICK: Yes, I do.

MR PARISH: For the transcript, that was T-3144.22. I'm just going to ask you to clarify for us what that document was. Can I show you LCC.032.001.0028. Yes, please. That was about five weeks later, on 7 October 2025. Do you see that?

MR KNAPPICK: Yes, I do.

MR PARISH: Was that the document you were referring to as being the updated refined circulated document?

MR KNAPPICK: It is. And further down in there I think we've identified that it says "click here" for the structure and the position description.

MR PARISH: And I think I'll just show you that document, just to clarify and close out this topic. It's LCC.032.001.0031. Is that the document you're referring to just then?

MR KNAPPICK: Sorry, the reason for my pause is I was thinking that the document where it did say, "click here" -

MR PARISH: Yes.

MR KNAPPICK: - didn't have those three positions on it.

MR PARISH: Okay. Well -

MR KNAPPICK: I've indicated before were removed, so -

MR PARISH: Yes.

MR KNAPPICK: The other one had - I think up the top left-hand corner it said "September 2024".

MR PARISH: I see. So we'll -

MR KNAPPICK: Five, sorry.

MR PARISH: We'll take that down so I don't confuse things any further. It was a form of that chart.

MR KNAPPICK: Yes.

MR PARISH: Attached to the email from the CEO on 7 October 2025. That was the document you were referring to as refining things about five weeks later.

MR KNAPPICK: That's correct.

MR PARISH: And it wasn't some further version of the glossy brochure or anything like that.

MR KNAPPICK: No, that is the one.

MR PARISH: Thank you. That's the first topic, Commissioner. And the second topic would require a closed section.

COMMISSIONER: The other chart that you spoke of, was that one on the screen earlier today?

MR KNAPPICK: Yes, where it didn't have those three positions.

COMMISSIONER: And it had the date on it.

MR KNAPPICK: Yes. I think it had the "September" on it.

MS McDONALD: It's dated September.

MR KNAPPICK: Yes.

MS McDONALD: It was KNA.001.001.0005.

COMMISSIONER: Right. And that's the - that's what came up if one hit "click here" on the council system?

MR KNAPPICK: I think so, without seeing it and not knowing the exact number that applies to that document.

COMMISSIONER: Yes, of course. Sorry.

MR KNAPPICK: I'm assuming what you're telling me is correct.

COMMISSIONER: The number that was - this one.

MR KNAPPICK: That's the one. Yes, that's the one.

COMMISSIONER: There you go.

MR KNAPPICK: That's the magic one.

COMMISSIONER: So that's the - you click - you hit "click here" and this comes up.

MR KNAPPICK: Yes.

COMMISSIONER: Yes. All right. Yes. Private?

MR PARISH: Yes, please.

COMMISSIONER: Pursuant to section 12B of the Royal Commissions Act, I direct that the next passage of the hearing take place in private, that the transcript of the private portion of the hearing not be published otherwise than in accordance with my usual direction. Those who are in the room can remain.

MR PARISH: I just want to clarify some terminology.

COMMISSIONER: Just pause.

MR PARISH: Pardon me.

<THE HEARING ADJOURNED TO PRIVATE SESSION AT 3.59 PM

<THE HEARING RESUMED AT 4.22 PM

COMMISSIONER: Yes. Yes, Ms Hamilton-Jewell.

MS HAMILTON-JEWELL: So, Mr Knappick, just returning to the topic of the CEO recruitment meeting on 20 June.

MR KNAPPICK: Yes.

MS HAMILTON-JEWELL: A concern was raised about an alleged media leak, and you gave some evidence that a post on social media had been brought to your attention. Do you recall that evidence?

MR KNAPPICK: That's correct. Yes.

MS HAMILTON-JEWELL: How did that post come to your attention?

MR KNAPPICK: I think it might have been somebody from the communications team within our organisation. I can't recall who.

MS HAMILTON-JEWELL: And that social media post, that was a reposting on the Liverpool Shenanigans Facebook page of an article which had been run by the Local Pulse Press; is that correct?

MR KNAPPICK: I don't recall.

MS HAMILTON-JEWELL: If I can show you a document, RIS.007.001.0001. Yes, please. You can see there it's an extract from the Liverpool Council Shenanigans page. And you see under the icon there's the date 17 February.

MR KNAPPICK: It says, "A good read".

MS HAMILTON-JEWELL: And you see down the bottom there's a reference to "11th Time's a Charm".

MR KNAPPICK: Yes.

MS HAMILTON-JEWELL: I'll bring up - because it hasn't come up properly, if I can bring up the document on the split screen RIS.004.001.0001. Yes, please. If you need to look at the whole article please let me know, but you can see there - and perhaps if it can be blown up a little bit because it's a bit tiny - under the words "Interviews for the new CEO" you see a date, 17 February.

MR KNAPPICK: Yes.

MS HAMILTON-JEWELL: And having a look at those two documents together, is that the social media post that was brought to your attention?

MR KNAPPICK: Sorry, I can't remember exactly what it looked like. I remember language in there that referred to Dr Eddie Jackson, sorry, and I think Jason Breton and maybe Tina Bono.

MS HAMILTON-JEWELL: Can we go - can we go down to page 2 of that article then, please. Just under the heading there, you can see there's reference to "Mannoun's First XI Seeks the Final Player". And it's under "Last Wicket to Fall" there's a reference to "Ajaka's dramatic exit"; do you see that?

MR KNAPPICK: Yes.

MS HAMILTON-JEWELL: And do you see under the heading "The Night Watchman"?

MR KNAPPICK: Yes.

MS HAMILTON-JEWELL: There's a reference at the end of the first line to Jason Breton, and then the fourth line.

"...rumoured to have thrown his hat in the ring for the permanent position..."

Do you see that?

MR KNAPPICK: Yes.

MS HAMILTON-JEWELL: And then under the next paragraph, A Former Captain Returns, you see the words:

"Adding to the intrigue [skipping over] Dr Jackson has been spotted around Liverpool's corridors..."

Do you see that?

MR KNAPPICK: Yes.

MS HAMILTON-JEWELL: And having looked at those items now, does that refresh your memory -

MR KNAPPICK: Yes, it does.

MS HAMILTON-JEWELL: - that that's the article that you saw at the time?

MR KNAPPICK: It does.

MS HAMILTON-JEWELL: And so then - is it the case that the Facebook post that you saw was that reposting by the Liverpool Council Shenanigans?

MR KNAPPICK: Yes.

MS HAMILTON-JEWELL: Now, if we can bring up, please, a document but not live-stream it, LCC.003.001.0043. Commissioner, the reason I'm not live streaming it is because this is an email that has been the subject of evidence in closed session, but there's a part I don't think relates to any of the evidence in closed session so I think can be dealt with publicly. But for the avoidance of doubt, I haven't -

COMMISSIONER: Yes. Perfectly sensible. Thank you. Well, we'll just have it in the room. Thanks.

MS HAMILTON-JEWELL: Yes, LCC.003.001.0043. Operator, it's the document that was up earlier on the screen in the closed session.

COMMISSIONER: Is it the 24 February email of Mr Knappick's?

MS HAMILTON-JEWELL: Yes. If you can go to page 3, please. You can see there there's an email from Ms McIlvenny to yourself.

MR KNAPPICK: Yes.

MS HAMILTON-JEWELL: And it says there in the second paragraph:

"After discussions with Jason..."

That's Jason Breton.

MR KNAPPICK: Yes.

MS HAMILTON-JEWELL:

"We agreed to do an incident report and an investigation from a due diligence perspective."

See that?

MR KNAPPICK: Yes.

MS HAMILTON-JEWELL: Was that investigation - did that sit within your team and was it your role to conduct that investigation?

MR KNAPPICK: No, because it says here this is from Michelle to me. So the way I read this is that we agreed - is that it's her that was to do an incident report and investigation.

MS HAMILTON-JEWELL: But did you carry out any investigation in relation to any alleged leak of confidential information?

MR KNAPPICK: Not that I can recollect.

MS HAMILTON-JEWELL: And to your knowledge, did Ms McIlvenny conduct an investigation into the source of any alleged leak of confidential information?

MR KNAPPICK: I don't know.

MS HAMILTON-JEWELL: But you haven't been provided with any report or outcome that suggests conclusively one way or another the source of the alleged leak of confidential information?

MR KNAPPICK: No.

MS HAMILTON-JEWELL: Those are my questions.

COMMISSIONER: Thank you. Nothing from you, Mr Tynan? Anything from you?

MS McDONALD: Just a couple of questions very quickly. You were just asked some questions about who was in the room at that meeting on 20 February. And not recorded in your email, you said that Ms Boustani was there.

MR KNAPPICK: Yes. That's correct.

MS McDONALD: Do you know why she was there?

MR KNAPPICK: No, I don't.

MS McDONALD: Okay. You were asked some questions by Ms Richardson and she referred you to some documents that arose or were created during the permanent - the recruitment for the permanent position of senior adviser.

MR KNAPPICK: Yes.

MS McDONALD: And I think she referred to a letter from the recruitment agency - is it Chandler Macleod?

MR KNAPPICK: That's correct.

MS McDONALD: The scoring for senior adviser - for the positions for the three candidates who were interviewed.

MR KNAPPICK: Yes.

MS McDONALD: And a reference check.

MR KNAPPICK: Yes.

MS McDONALD: Those documents - are those documents which councillors - and I think you gave evidence about this a couple of days ago - that councillors do not have access to?

MR KNAPPICK: For her particular recruitment process?

MS McDONALD: For any particular -

MR KNAPPICK: No, councillors don't have access to recruitment of roles within the organisation.

MS McDONALD: And again, consistent with your evidence earlier, applicants don't have access to those documents?

MR KNAPPICK: Correct.

MS McDONALD: Have you played a role in - I'm sorry, withdraw that. A number of notices have been issued by the Commissioner, seeking documents for the inquiry.

MR KNAPPICK: Yes.

MS McDONALD: Have you had a role in compiling any of those documents that had being sought?

MR KNAPPICK: In some instances.

MS McDONALD: All right. And is it - do you have any understanding as to whether any councillors had been given access to documents which had been compiled by the Operations area of council - to be provided to the Commissioner, pursuant to a notice?

MR KNAPPICK: Not aware of any, no.

MS McDONALD: Excuse me for a minute. No further questions.

COMMISSIONER: Mr Knappick -

MR KNAPPICK: Yes, Commissioner.

COMMISSIONER: That additional piece of homework, I'll call it - is next Monday okay? That's not going to create too much of an impost for your team?

MR KNAPPICK: No, that would be perfectly fine.

COMMISSIONER: All right. That completes your oral evidence.

MR KNAPPICK: Thank you very much.

COMMISSIONER: Very grateful for your attendance and assistance over the course of the three days, which I accept I lengthened by my frequent interruptions, but I found it very helpful.

MR KNAPPICK: My pleasure to assist.

COMMISSIONER: As you may know, I'm asked not to formally release anybody from their summons at the moment, but we're fast approaching the end of the public hearing block. So as soon as I'm told that I can do that, that will be communicated to you via your legal representatives. You're free to go for the moment.

MR KNAPPICK: Thank you very much, Commissioner.

<THE WITNESS WITHDREW

COMMISSIONER: Thank you. 10 am tomorrow? All right. I'll adjourn until 10 am tomorrow.

<THE HEARING ADJOURNED AT 4.32 PM