

LIVERPOOL CITY COUNCIL

PUBLIC INQUIRY

INFORMATION PAPER ON THE CONDUCT OF THE INQUIRY

This Information Paper is provided as a source of general guidance in relation to the conduct of the Inquiry and is not a substitute for interested parties taking their own advice. The Commissioner, and those assisting him, cannot provide legal advice in relation to the Inquiry or its processes.

A. CONTACT WITH THE INQUIRY

All contact with the Inquiry should be by the following means:

- By email addressed to the attention of the Solicitors Assisting the Inquiry to LiverpoolCCInquiry@holdingredlich.com
- By post addressed to the attention of the Solicitors Assisting the Public Inquiry into Liverpool City Council, Holding Redlich, Level 65, 25 Martin Place, Sydney NSW 2000

No contact is to be made with the Commissioner directly.

B. GATHERING OF INFORMATION

Written submissions

The Commissioner has issued a public call for submissions, which can be found on the [Inquiry's website](#).

The Commissioner invites written submissions from members of the public on matters relevant to the [Terms of Reference](#) for the Inquiry. The Commissioner encourages submissions from:

- the Council;
- individual Councillors;
- former Councillors;
- Council's General Manager;
- Council's former General Manager;
- current and former senior Council staff;
- other Council staff;
- the Office of Local Government;
- other Government departments and authorities; and

- any interested members of the public.

Submissions should be sent by post to Solicitors Assisting the Public Inquiry into Liverpool City Council, Holding Redlich, Level 65, 25 Martin Place, Sydney NSW 2000 or by email to: LiverpoolCCInquiry@holdingredlich.com

The closing date for submissions is **16 December 2024**. However, the Commissioner may accept late submissions and/or call for further written submissions.

No written acknowledgement of submissions will be provided.

There is no requirement for a person wishing to make a submission to notify or inform any other person, including their employer, that they have done so.

Anonymous submissions

In your submission, you should identify yourself. This will allow the Inquiry to contact you to enable any follow up or clarification on matters raised in your submission.

The Commissioner will still review submissions from persons who have not identified themselves. However, because these submissions cannot be tested by further inquiry, these submissions may carry less weight than other submissions.

Publication of written submissions

The Commissioner may decide to publish written submissions or allow them to be inspected by relevant parties for the purpose of inviting comment or response from them.

In deciding whether to publish written submissions, the Commissioner will weigh the likely benefit to be gained from publication against any likely damage that may be caused to the reputation of any persons if the submissions were published. The overriding concern of the Commissioner is to encourage persons who have information relevant to the Terms of Reference of the Inquiry to come forward and give that information to the Inquiry in the knowledge that they will not suffer recriminations or other liability from or at the hands of third parties as a result.

The status of written submissions

Submissions are an important part of the Inquiry's process and enable the Commissioner and those assisting him to gain an understanding of the range of issues and matters that inform the consideration of the Terms of Reference. They may also identify lines of further inquiry.

However, they do not have evidentiary status. Unless tendered into evidence, the Commissioner does not intend to make factual findings based on the content of submissions alone.

Requests for anonymity

If you would like your name to be suppressed or otherwise protected from publication or disclosure, you should indicate this clearly in your submission or in your covering email/letter, along with a brief explanation of the reasons for your request. The Commissioner may agree to requests for anonymity in appropriate circumstances.

The *Public Interest Disclosures Act 2022* does not apply in respect of disclosures to the Commissioner. Any person who wishes to make a public interest disclosure should follow the guidance on the [Office of Local Government website](#).

Appointment of assistants

The Commissioner may engage persons to assist him in carrying out any inquiry or investigation that may need to be made as part of the Inquiry. For example, the Commissioner may engage persons to inspect documents and submissions provided to the Inquiry.

Commissioner's rights in respect of documents produced

The Commissioner or his delegate and assistants may inspect (and copy or take extracts from) any documents produced to the Inquiry and keep them for such reasonable period as the Commissioner thinks fit.

C. HEARINGS

Public hearings

The Commissioner may conduct public hearings of the Inquiry. Details of the venue and times of any public hearings will be announced in due course and advertised on the [Inquiry's website](#).

If the Commissioner determines to hold public hearings, the Commissioner will issue a practice direction that will provide further information about how those hearings will be conducted.

The Commissioner proposes to conduct any public hearings without undue formality.

The overriding concern of the Commissioner is to give all who appear before him a fair hearing.

Private hearings

As there is a strong public interest in conducting any hearings of the Inquiry in public, the Commissioner intends to hear evidence, and any oral submissions, in public hearings where possible.

However, the Commissioner may decide to receive oral submissions or evidence in a private hearing where satisfied that it is appropriate to do so. If the Commissioner directs that any part of the Inquiry is to take place in private, the Commissioner may also give directions limiting the persons who may be present for that part of the Inquiry.

Rights and obligation of witnesses

Persons giving evidence and making submissions to the Commissioner at hearings have the same protections and are subject to the same obligations as a witness in any case before the Supreme Court of New South Wales.

This is the case whether the person is appearing voluntarily or under compulsion pursuant to a summons, or whether the person provides the Inquiry with documents or information voluntarily.

The Commissioner expects that submissions and evidence will be directed to matters within the Terms of Reference of the Inquiry and references to extraneous matters will be avoided.

Sworn evidence

Persons giving evidence at the hearings will be required to take an oath or an affirmation. An affirmation carries with it the same consequences as an oath. No exceptions from the swearing of an oath or the making of an affirmation will be given.

Voluntary attendance at hearings of the Inquiry

Persons who have information relevant to the Terms of Reference of the Inquiry are encouraged to come forward voluntarily.

Compulsory attendance at the hearings and compulsory production of relevant documents to the Inquiry

The Commissioner may summons a person to attend the Inquiry to give evidence and/or to produce documents relevant to the Inquiry which are in the person's custody or control.

Every witness who has been summoned to attend the Inquiry must appear on the day required and thereafter until they are excused from further attendance by the Commissioner.

It is an offence to fail to comply with a summons without reasonable excuse.

Examination of witnesses

Persons who have been given a right of appearance by the Commissioner, and any legal representative who has been authorised by the Commissioner to represent them, may, with the leave of the Commissioner, examine any witness on any matter which the Commissioner deems relevant to the Inquiry.

Applications to appear before the Inquiry

Where it is shown to the satisfaction of the Commissioner that a person has sufficient interest in the subject matter of the Inquiry, or that a person may be the subject of adverse comment, the Commissioner may grant authorisation to that person to appear before the Inquiry.

As the Commissioner wishes to conduct the Inquiry without undue formality, there is no expectation or requirement for legal representation. However, the Commissioner may grant authorisation for any witness or interested person who is granted authorisation to appear before the Inquiry, to also be legally represented.

If you wish to appear before the Inquiry or be legally represented at the public hearings, you should make a request to the Commissioner in the form attached to this Information Paper and submitted to the Inquiry's email address.

Financial assistance and expenses

The Commissioner has no power to make orders to provide financial assistance to persons appearing at the public hearings to cover expenses for travel and accommodation or for costs of legal representation. This is the case regardless of whether a person is voluntarily making submissions or has been summoned to give evidence or produce documents.

D. REPORT OF COMMISSIONER'S FINDINGS

At the conclusion of the Inquiry, the Commissioner will make a written report to the Minister for Local Government and may make recommendations to the Minister.

The Minister will lay the report before both Houses of the NSW Parliament. If neither House is sitting, the report is presented to the Clerks of both Houses.

The Commissioner may also, in appropriate circumstances, pass on information or evidence or material given to the Inquiry to any law enforcement agency, such as the Director of Public Prosecutions, the Commissioner of Police, or the Independent Commission Against Corruption if the information or material relates or may relate to a breach of the law.

E. FURTHER ASSISTANCE

If you require further information in relation to the Inquiry, please contact the Solicitors Assisting the Inquiry at LiverpoolCCInquiry@holdingredlich.com.

LIVERPOOL COUNCIL PUBLIC INQUIRY

APPLICATION FOR AUTHORISATION TO APPEAR

Completed applications should be submitted by email to LiverpoolCCInquiry@holdingredlich.com or by post to the Solicitors Assisting the Public Inquiry into Liverpool City Council, Holding Redlich, Level 65, 25 Martin Place, Sydney NSW 2000.

Part 1 – Name and contact details	
Name:	<i>[Name of the person seeking authorisation to appear, or the name of the person who proposes to be represented by a legal practitioner (as the case may be)].</i>
Address:	
Contact person:	
Telephone:	
Email:	
Part 2 – Name and contact details of legal practitioner (if any)	
Details of Counsel (if any):	
Name:	
Address:	
Telephone:	
Email:	
Details of solicitors (if any):	
Name:	
Address:	

Contact person:	
Telephone:	
Email:	
Part 3 – Terms of reference	
Which particular term or terms of reference does the person in question claim to have an interest?	
Part 4 – Nature and extent of interest	
In respect of each term of reference identified in answer to Part 3, what is the nature and extent of the person’s asserted interest in that matter?	
Part 5 – Assistance to the Inquiry	
a) Will the person appearing or to be represented be in a better position to assist the Inquiry if authorisation to appear is granted? If so, how?	

b) Please specify precisely the nature and extent of any assistance that will be provided to the Inquiry if authorisation is granted?

Part 6 – Conflicts

In the case of an application for authorisation for a legal practitioner to appear, does the practitioner (and in the case of Counsel, his or her instructing solicitors) act for any other person in relation to the Inquiry and the matters it is inquiring into? If so, what information can be provided to the Inquiry such as to enable the Commissioner to determine whether it is appropriate for authorisation to be granted?

Part 7 – Submissions in support of the application for authorisation to appear

What submissions do you wish to make, and what other matters do you wish to rely upon, in support of the application for authorisation?

--

Signature of person making the application:

Name:

Position:

Date: