



LEGISLATIVE COUNCIL

PRIVILEGES COMMITTEE

Citizen's Right of Reply (Mr Brett Whitworth)

Report 100

August 2025



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Privileges Committee

Citizen's Right of Reply

Mr Brett Whitworth

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"August 2025"

Chair: Hon Stephen Lawrence MLC



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Terms of reference

The inquiry was conducted in accordance with standing orders 208 and 209.

Committee details

Committee members

Hon Stephen Lawrence MLC	Australian Labor Party	<i>Chair</i>
Hon Natasha Maclaren-Jones MLC	Liberal Party	<i>Deputy Chair</i>
Hon Greg Donnelly MLC¹	Australian Labor Party	
Hon Wes Fang MLC	The Nationals	
Ms Sue Higginson MLC	The Greens	
Hon Rod Roberts MLC	Independent	
Hon Emily Suvaal MLC²	Australian Labor Party	

Contact details

Website	www.parliament.nsw.gov.au
Email	privilege@parliament.nsw.gov.au
Telephone	(02) 9230 2354

Secretariat

Peta Leemen, Principal Council Officer

Rhia Victorino, Director

Robin Howlett, A/Senior Council Officer

Stephen Frappell, Deputy Clerk

¹ The Hon Greg Donnelly MLC substituted for the Hon Bob Nanva MLC for the meeting regarding the citizen's right of reply.

² The Hon Emily Suvaal MLC substituted for the Hon Peter Primrose MLC for the meeting regarding the citizen's right of reply.

Report

- 1.1 Standing orders 208 and 209 of the Legislative Council provide a mechanism for a person who has been adversely referred to by a member of the Legislative Council in proceedings of the House to seek a right of reply through the incorporation of a response in *Hansard* or in the *Minutes of Proceedings*.
- 1.2 On 23 June 2025, the President of the Legislative Council, the Hon Ben Franklin MLC, received a submission from Mr Brett Whitworth requesting the incorporation of a response under standing orders 208 and 209.
- 1.3 The submission referred to comments made during debate in the Council by the Hon Chris Rath MLC on 26 March 2025, and the Hon Mark Latham MLC on 26 March, 7 May, 28 May, 29 May and 4 June 2025. The President, having considered the submission under standing order 208(2), referred it to the Privileges Committee on 25 June 2025.
- 1.4 The committee met in private session on 6 August 2025, and decided, according to standing order 209, to consider the submission. The response, which the committee now recommends for incorporation in *Hansard*, has been agreed to by Mr Whitworth and the committee in accordance with standing order 209(4)(b).
- 1.5 The committee draws attention to standing order 203(3)(b) which requires that, in considering a submission seeking a citizen's right of reply, the committee must not consider or judge the truth of any statements made in the House or in the submission.
- 1.6 The committee recommends:

Recommendation 1

That a response by Mr Whitworth, in the terms specified at Appendix 1, as agreed to by Mr Whitworth and the committee, be incorporated in *Hansard*.

The Hon Stephen Lawrence MLC

Chair

Appendix 1 Reply to comments made in the Legislative Council by the Hon Chris Rath MLC and the Hon Mark Latham MLC

Under Standing Order 208 I make the following responses regarding six references that have been made about me in the Legislative Council over the last 3 months, and the impacts on my reputation.

Instance one

On 26 March 2025, the Hon Chris Rath MLC said:

During the proceedings it was discovered that the deputy secretary, Brett Whitworth, apparently changed his mind on his recommendation to suspend Liverpool City Council. I understand that between 11.27 a.m. and 5.17 p.m. on 10 July, Mr Whitworth had an apparent change of heart from recommending that the council is not suspended to recommending that it is suspended. Was the Minister involved in that change of heart? Perhaps the deputy secretary received advice from another public servant. Rather than speculating, the approach of this House is to let the truth set the Government free. Sunlight is the best disinfectant, after all.

(Legislative Council, *Hansard*, 26 March 2025, p 65.)

Response:

I deny that my advice was influenced by others as asserted by Mr Rath.

At the December 2024 supplementary budget estimates hearing for the local government portfolio, I was questioned extensively by the Hon Scott Farlow MLC about my role, my advice, and how I formed my views relating to the recommendations associated with Liverpool City Council.

(Portfolio Committee No. 8 – Customer Service, *Transcript*, 5 December 2024, pp 2-10.)

Instance two

On 26 March 2025, the Hon Mark Latham MLC said:

The allegation made in this Chamber by the Hon. Chris Rath is that between the times of 11.27 a.m. and 5.17 p.m. on 10 July—the times are so precise it is like a crime thriller—Mr Whitworth, the head of the Office of Local Government, had an apparent change of heart from recommending that the council not be suspended to recommending that it be suspended. What happened there? I do not think it matters too much that there is an inquiry underway.

(Legislative Council, *Hansard*, 26 March 2025, p 67.)

Response:

I deny any impropriety as suggested by Mr Latham through references to ‘*it is like a crime thriller*’.

At the December 2024 supplementary budget estimates hearing for the local government portfolio, I was questioned extensively by the Hon Scott Farlow MLC about my role, my advice, and how I formed my views relating to the recommendations associated with Liverpool City Council. My responses are contained in the transcript to the hearing.

(Portfolio Committee No. 8 – Customer Service, *Transcript*, 5 December 2024, pp 2-10.)

Instance three

On 7 May 2025, the Hon Mark Latham MLC said:

What is going on here, especially given the knock-on consequences of this matter for Labor preselections in Bayside and potentially Labor State preselections down the track? Why has Minister Hoenig involved himself in this matter, with his own conflict of interest at three levels? He told the OLG to get a criminal barrister. It thought that was a joke. He told it to accelerate the matter. He also, on this mystery third matter that he talks about, said he asked for "certain things" and nobody knows what they are. Let us find out what the documents might show in that regard. The double standard is apparent. Saravinovski is sent to NCAT. They do a plea bargain. He gets a slap on the wrist for a matter from which he recused himself at the council meeting. I think that is adequate in terms of those circumstances. Mr Hoenig has a direct conflict of interest involving himself in the Office of Local Government matter. He told it to get a criminal barrister and to accelerate it. There is a mystery third matter to get certain things and, also, the head of the office, Brett Whitworth, twice now will not answer the question: Did Hoenig tell you to accelerate this because of the election and Labor preselection?

(Legislative Council, *Hansard*, 7 May 2025, p 47.)

Response:

I am restricted in what I can say around my reasons for the referral of then Councillor Saravinovski to the NSW Civil and Administrative Tribunal (NCAT), under section 440J of the *Local Government Act 1993* by the non-disclosure order of Deputy President Seiden (<https://www.caselaw.nsw.gov.au/decision/194aa6b92423acd3fc62170d>), as well as the provisions of section 111 of the *Independent Commission Against Corruption Act 1998*.

I reject Mr Latham's assertion that I referred the matter to NCAT to prevent then Councillor Saravinovski from being pre-selected.

During the February 2025 budget estimates hearing for the local government portfolio, I answered a question regarding the time taken to refer the Saravinovski matter to NCAT. I expressed my frustration that it had taken too long to investigate and lodge the submission. The questioning from Mr Latham and the Hon Ms McDonald MLC, as well as my responses, are available on the transcript of the hearing.

(Portfolio Committee No. 8 – Customer Service, *Transcript*, 28 February 2025, pp 37-54)

Instance four

On 28 May 2025, the Hon Mark Latham MLC said:

My supplementary question for written answer is directed to the Leader of the Government, representing the Premier. Having taken on notice my question regarding Minister Ron Hoenig, will the Leader of the Government and the Premier now review the transcript of the Local Government budget estimates hearing conducted by Portfolio Committee No. 8 - Customer Service on 28 February 2025 and subsequent answers on notice where three matters of ministerial interference are evident and substantiated?

What does the review show regarding breaches of the ministerial code of conduct? As part of that review, will the Leader of the Government and the Premier now seek from Brett Whitworth, who has refused to answer three times, his knowledge of Minister Hoenig wanting the Saravinovski matter expedited to suit Labor's Bayside election timetable?

(Legislative Council, *Hansard*, 28 May 2025, p 24.)

Response:

Questions on notice are directed to the relevant Minister and not to individual public servants. It is incorrect to state that I refused to answer Mr Latham's questions.

I am restricted in what I can say around my reasons for the referral of then Councillor Saravinovski to the NSW Civil and Administrative Tribunal (NCAT), under section 440J of the *Local Government Act 1993* by the non-disclosure order of Deputy President Seiden (<https://www.caselaw.nsw.gov.au/decision/194aa6b92423acd3fc62170d>), as well as the provisions of section 111 of the *Independent Commission Against Corruption Act 1998*.

I reject Mr Latham's assertion that I referred the matter to NCAT to prevent then Councillor Saravinovski from being pre-selected.

While the issues of then Councillor Saravinovski's potential pre-selection, the timing of the hearings and any public knowledge of the proceedings, were raised with me by Minister Hoenig, we were both clear it was not a matter that I was going to engage in as the decision maker under the *Local Government Act 1993*. We were both concerned at the time it had taken the Office of Local Government to deal with the matter.

I took a question on notice during the February 2025 budget estimates hearing for the local government portfolio to confirm the date in which the matter was referred to NCAT. I do not know when the pre-selection process commenced.

(Portfolio Committee No. 8 – Customer Service, *Transcript*, 28 February 2025, pp 37-54.)

Instance five

On 29 May 2025, the Hon Mark Latham MLC said:

Ron Hoenig became Minister for Local Government. In December 2022 a referral came from the ICAC to former Minister Wendy Tuckerman.

Minister Hoenig received a brief about it. For all the reasons I mentioned, the first thing he should have said is, "My involvement at Bayside means that I cannot be involved or touch this at all. I have known Bill Saravinovski as a Labor candidate for 30 years. We have got preselections coming up. I used to be the mayor down there. I have close relatives still working at Bayside. Count me out. I am declaring an interest and will have no involvement." We know from budget estimates that TikTok Ron did not do that. He got very animated and got involved in the matter, having been briefed in the middle of 2023.

"He did three things. He told Brett Whitworth, the head of the Office of Local Government, to get a criminal lawyer. For what? For minor administrative matters. He tried to ramp it up.

They ignored him and got a bloke who had only ever dealt in admin matters; he had not practised criminal law at all. The Minister for Local Government was trying to ramp it up against the interests of Saravinovski for whatever reason. The second thing was to tell Brett Whitworth to expedite the matter, interfering in the conduct of the Office of Local Government investigation to say, "Get it moving faster against Saravinovski." Perhaps he was worried about the local government preselection timetable for his own political party. The third thing was to hold out a mystery, like the Shroud of Turin, as to a third item that may be investigated elsewhere by ICAC regarding Saravinovski, without ever saying what that is but saying that he had given the Office of Local Government advice about it and expected it to all be wrapped up within a month. That was in February, and there has been no news since. I suspect that it does not even exist.

(Legislative Council, *Hansard*, 29 May 2025, p 43.)

Response:

I am restricted in what I can say around my reasons for the referral of then Councillor Saravinovski to the NSW Civil and Administrative Tribunal (NCAT), under section 440J of the *Local Government Act 1993*

by the non-disclosure order of Deputy President Seiden (<https://www.caselaw.nsw.gov.au/decision/194aa6b92423acd3fc62170d>), as well as the provisions of section 111 of the *Independent Commission Against Corruption Act 1998*.

I reject Mr Latham's assertion that I referred the matter to NCAT to prevent then Councillor Saravinovski from being pre-selected.

Instance six

On 4 June 2025, the Hon Mark Latham MLC said:

I move:

- (1) That the Privileges Committee inquire into and report on:
 - (a) the failure of Mr Brett Whitworth, Deputy Secretary, Office of Local Government to answer a question concerning ministerial propriety from the Hon. Mark Latham regarding the Bill Saravinovski affair at the Portfolio Committee No. 8 - Customer Service additional budget estimates hearing on 28 February 2025, and his failure to answer, again when taken on notice and again in the answer to question on notice No. 3522 received on 24 April 2025 and for a fourth time, in the answer to question on notice No. 3720 received on 20 May 2025, with these answers on notice provided by the Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales representing the Minister for Local Government;
 - (b) whether section 11 of the Parliamentary Evidence Act 1901, regarding the penalty for refusal to answer, has been breached and what penalty should apply; and
 - (c) the accuracy of and any misleading of the Parliament in the answers to questions on notice Nos 3522 and 3720.
- (2) That this House notes the background to this matter, such that:
 - (a) at the Portfolio Committee No. 8 - Customer Service additional budget estimates hearing on 28 February 2025 it was clear from answers by the Minister for Local Government and the Deputy Secretary that the Minister for Local Government has interfered several times in the Office of Local Government's [OLG] handling of the referral of former Bayside mayor Bill Saravinovski to the NSW Civil and Administrative Tribunal [NCAT], even though Mr Saravinovski had been a 30-year Labor Party colleague of the Minister for Local Government, the Minister's wife was a longtime employee of Bayside Council and that the Minister had been a longtime mayor of the former Botany Council;
 - (b) the Hon. Mark Latham, believing that the Minister for Local Government had misused his ministerial office for an internal party matter, which was getting the mayor off the Australian Labor Party ticket for the September council elections, as part of a local factional and preselection manoeuvre, questioned Mr Whitworth about the Minister's urgency in dealing with this matter;
 - (c) Mr Whitworth replied, "The Minister was anxious for this to be resolved. Again he was concerned about the length of time it was taking", and Mr Latham then asked, "But did he mention the forthcoming election?", to which Mr Whitworth responded, "I would have to go back and try to recollect", taking the question on notice, and Portfolio Committee No. 8 - Customer Service would have logically expected, at this point, for Mr Whitworth to test his memory and recollect whether the Minister for Local Government had ever pressed him to expedite the Saravinovski matter because of the forthcoming September council election, and then answer in writing to the Committee;
 - (d) Mr Whitworth's answer to the question taken on notice stated "I am advised the matter was first listed for a direction hearing by the NCAT in April 2024 before the September 2024 elections.

Once listed, OLG had no control over the NCAT processes." That is, he did not answer the question;

- (e) in answer to question on notice No. 3522, Minister Moriarty, representing Minister Hoenig, repeated the non-answer, almost word for word;
- (f) in question on notice No. 3720, the Hon. Mark Latham asked why on three occasions the question had not been answered and why the failure to answer should not be regarded as a contempt of the House, and on behalf of Minister Hoenig, Minister Moriarty answered, "During the hearing Mr Whitworth took the question on notice about the local government elections to confirm the date of his referral of the matter in relation to former Councillor Saravinovski to the NSW Civil and Administrative Tribunal in comparison to the date of the NSW Local Government Elections. The response to Question on Notice 3522 and supplementary questions following the budget estimates hearing on 28 February 2025 makes it clear that decisions on pre-selections of Australian Labor Party candidates is a matter for the Australian Labor Party";
- (g) Mr Whitworth did no such thing, he took the question on notice to search his memory for the Minister for Local Government ever mentioning to him the election timetable as a factor in expediting the Saravinovski matter, and as such, Minister Hoenig has caused Minister Moriarty to mislead the Legislative Council; and
- (h) in the Legislative Assembly on 29 May 2025, Minister Hoenig said, "Often when governments fail to produce something, it is because governments do not like the scrutiny", and in this case, the Government's failure to produce an answer from Mr Whitworth because it would further incriminate the Minister for Local Government, speaks for itself and warrants a Privileges Committee inquiry.

Given the Government's amazing, newfound, late-night enthusiasm for rail travel, my speaking time is limited, so I say that the motion speaks for itself. The motion follows things that I have previously said in the Chamber. It is essentially about respect for the upper House, and a Government Minister and a senior official who will not answer a question—not once, twice or three times but four times. There are provisions for that, and the matter should be dealt with by our new, much-improved Privileges Committee. I commend the motion to the House.

(Legislative Council, *Hansard*, 4 June 2025, pp 88-89.)

Response:

I reject Mr Latham's allegations.

I am restricted in what I can say around my reasons for the referral of then Councillor Saravinovski to the NSW Civil and Administrative Tribunal (NCAT), under section 440J of the *Local Government Act 1993* by the non-disclosure order of Deputy President Seiden (<https://www.caselaw.nsw.gov.au/decision/194aa6b92423acd3fc62170d>), as well as the provisions of section 111 of the *Independent Commission Against Corruption Act 1998*.

I reject Mr Latham's assertion that I referred the matter to NCAT to prevent then Councillor Saravinovski from being pre-selected.

I reject Mr Latham's allegation that I failed to answer questions put to me. Questions on Notice asked in the Legislative Council are answered by the relevant Minister and not by a public servant. I note Mr Latham was given answers to his questions.

If called, I will attend the Privileges Committee.

Personal impact to me

I have been a public servant for over 30 years, serving both Coalition and Labor Governments. I have been a Deputy Secretary since 2018 and have directly served multiple Ministers of all parties. I have also worked hard in the planning space, in disaster recovery, and most recently in the regulation of local councils, all in service to the people of NSW and their Government. I was recently advised that I have been awarded a Public Service Medal for my service to the people of NSW.

I have been deeply offended by the six specific mentions of me in the Legislative Council, as well as the proposed referral to the Privileges Committee. I feel that it has no regard for my reputation as an honourable public servant.

I have prepared this not in my role as Deputy Secretary responsible for the Office of Local Government, but as a private citizen.

Appendix 2 Minutes

Draft minutes no. 25

6 August 2025

Privileges Committee

Room 813, NSW Parliament House, 12.45 pm

1. Members present

Mr Lawrence (*Chair*)

Mrs Maclaren-Jones (*Deputy Chair*)

Mr Donnelly (substituting for Mr Nanva)

Mr Fang

Ms Higginson

Mr Roberts

Ms Suvaal (substituting for Mr Primrose)

In attendance: Stephen Frappell, Rhia Victorino, Peta Leemen, Robin Howlett.

2. Previous minutes

Resolved, on the motion of Mr Donnelly: That draft minutes no. 24 be confirmed.

3. Correspondence

The committee noted the following items of correspondence:

Received

- 25 June 2025 – Letter from the President to the Chair referring a request for a Citizen's Right of Reply from Mr Brett Whitworth
- 4 July 2025 – Report of the Independent Complaints Officer for the period March 2025 to June 2025.

Sent

- ***.

4. Receipt of Quarterly Report from the Independent Complaints Officer

The committee noted receipt of the Independent Complaints Officer Quarterly Report for the period March 2025 to 28 June 2025. The report was tabled in the House on 5 August 2025.

5. Request for a citizen's right of reply

The committee considered the request for a citizen's right of reply forwarded by the President from Mr Brett Whitworth.

Resolved, on the motion of Mr Roberts:

- (a) That the Chair prepare and submit a draft report on the request for a citizen's right of reply by Mr Brett Whitworth, recommending that a response by Mr Whitworth in a form of words agreed to by Mr Whitworth and the Committee be incorporated in Hansard.
- (b) That the report be adopted.

- (c) That the report be signed by the Chair and presented to the House or, if out of session, to the Clerk.
- (d) That the Clerk advise the Hon Chris Rath MLC, the Hon Mark Latham MLC and Mr Whitworth of the proposed tabling of the report.

6. ***

7. ***

8. **Adjournment**

The Committee adjourned at 1.20 pm *sine die*.

Stephen Frappell
Committee Clerk

