

The Hon. Susan Higginson MLC
Member of the Legislative Council

14 February 2023

Response to your letter of 10 February 2023 regarding Inquiry into allegations of impropriety relating to the Hills Shire Council

After receiving your letter I took the opportunity to better understand the committee. I needed to understand, particularly, how this committee that supposedly deals with planning has justified not looking into:

1. The 15.1% reduction in planning approvals from December 2021 to December 2022;
2. Sydney's housing market being ranked the second least affordable housing market in the world (Demographia International Housing Affordability 2022 report); and
3. NSW having the slowest planning system in the country (NSW Government Productivity review 2021).

The committee has found time over the past 4 years to inquiry into Aboriginal cultural heritage, the health and well-being of kangaroos, puppy farms, Koala populations and habitat but has not once held an inquiry into housing supply, rental affordability, or why the NSW planning system is so broken.

Maybe the sight of young people queuing around city blocks looking for rental properties does not worry the committee. Where is the urgency behind inquiring into that imminent social catastrophe.

The NSW Labor policy for housing is laughable. Policy 1 - "Refocus UrbanGrowth NSW". UrbanGrowth NSW has not existed for 3 years. Policy 2 & 3 – increase affordable housing/social housing mandates. Council ordinarily imposes these targets already and while these targets decrease rental costs they also increase apartment prices, most Australians want to own their own home, not rent for the rest of their lives. Policy 4 – look for Government land to build houses on (i.e. what Landcom already does).

In practice, Greens policy is to oppose all new development – leading to Greens controlled areas having impossible house and rental prices. I do not think its any great coincidence that all Greens campaigns (i.e. opposing any development higher than a man can jump) have the effect of shutting low-income people out of cloistered wealthy communities. The proposed "extreme wealth" tax is certainly interesting. Developers will simply pass this expense onto consumers. In the last financial year companies associated with me paid more tax than Afterpay, Amazon, Facebook, Atlassian, Google and Uber did in Australia combined.

The Liberal policy – whatever it is – has resulted in the worst housing situation in the developed world.

I do receive the Sydney Morning Herald in this remote part of Lebanon. It is carted up with other highly-essential items. When the mule is tired, we must decide between having a third meal or Herald exclusives. It is a difficult decision to make every time.

The Hon. Penny Sharpe MLC stated in the Herald that the allegations were very serious and that the matter needed to be dealt with before the NSW election. The allegations are not serious because it is not credible. The allegations were dealt with already by the ICAC and the person making the allegations has not offered a shred of evidence. He has also refused to appear before the inquiry.

As mentioned in my letter, I am presently in a remote part of Lebanon and am recuperating from a medical procedure before travelling further to manage my overseas business interests. While it was necessary to disclose these matters to the committee, these are matters which I would have wished to keep confidential for my own safety.

That information is now widely circulated due to your decision to “make public” my previous letter. Ordinarily any public body would seek consultation with an affected person before releasing information. In fact, it appears to be a requirement at law (I refer to the obligations under the *Privacy and Personal Information Protection Act 1998* and the *Government Information (Public Access) Act 2009*). If I had been asked, I would have asked that you please redact my current whereabouts as it is inherently dangerous due to my particular circumstances.

Recent media coverage has insinuated that I have left the country to avoid the inquiry. See, for example - “Jean Nassif leaves Australia for Lebanon just before parliamentary enquiry (sic) into Hills Shire Council” – Daily Mail, “Colourful Sydney developer heads to Lebanon and avoids inquiry” – Sydney Morning Herald. It appears that I will need to issue some summons of my own. I left Australia on a pre-planned trip before the inquiry was even called, let alone when the hearing dates were set. The suggestion that I have left to avoid the inquiry is as ridiculous and counter-factual as Mr Williams’ allegations.

On 11 February 2023 the Committee published a list of four people that it says have failed to respond to the inquiry.

Why has the committee not published its invitation to Mr Williams and Mr Elliott to appear? Why has the committee not published the response from Mr Williams and Mr Elliott declining to attend?

Why have committee members made public comment on the failure of some witnesses to appear – but failed to make any public remark on the refusal of the key witness, Mr Williams, failing to appear?

If Mr Williams will not attend to explain the basis of the allegations that he has made, why is the committee persisting in giving the allegations oxygen.

If you can identify a single strategic plan which provides for residential redevelopment on Mirvac’s IBM site (which unlike my Cherrybrook development) has no access to public transport, replaces protected employment lands, and was approved without question – then I will immediately fly to Australia to appear before you in person. You cannot, and you cannot explain why you are inquiring into this planning process but not that one except purely political reasons.

I stress again, all progress on the Cherrybrook structure plan has been state-led as the precinct forms part of the North West Rail Link Corridor Strategy.

You are participating in political kabuki and I am happy to participate, but you (the committee) only provided notice of your hearing dates at 5pm on 3 February 2023, that is, six working days ago.

If you can provide with me any logical explanation for why you waited six months to call this inquiry then I will make special efforts to fly immediately to Australia and be before you in person. However, I am sure you cannot.

I do thank you for your response to my letter and your kind invitation for me to attend on video-link. I will reply to you on that in due course. However, I have taken legal advice and have been advised that evidence provided by video-link may not comply with the requirement of s 10 of the *Parliamentary Evidence Act 1901* (which requires that oaths be administered at the bar of the House). This means I would not be afforded the same protections as other witnesses.

Any guidance (particularly, legal advice your office has received) that your office can provide in that respect would be greatly appreciated.

Kind regards,

Jean Nassif

Director – Toplace