



LEGISLATIVE COUNCIL

PORTFOLIO COMMITTEE NO. 7 – PLANNING AND ENVIRONMENT

15 February 2023

Our Ref: D23/09390

Mr Jean Nassif
Managing Director
Toplace

via

cc:

Dear Mr Nassif

Inquiry into allegations of impropriety against agents of The Hills Shire Council and property developers in the region.

I write in response to your letter dated 14 February 2023, in which you raise a number of questions related to the timeline, activities and purpose of this inquiry. I also note your questions in relation to the protection you will be provided if you agreed to appear at a hearing via videoconference.

In terms of publication of your previous correspondence, it is important to understand that it is the committee's decision as to whether or not to publish any material received during the course of an inquiry. In making decisions such as these, the committee carefully considers a range of factors, including the need for transparency of parliamentary proceedings as well as any sensitivity of information or request of the author. Importantly, the committee is not bound by the privacy legislation you refer to.

In the context of promoting transparency, especially in light of the nature of this inquiry, the committee has also resolved for your most recent letter to be published.

In terms of the participation of other stakeholders in this inquiry, I note that the committee has attempted to invite a number of witnesses to participate in hearings, including Mr Williams and Mr Elliott. You will see from recent minutes of the committee's meetings, now published on the webpage, that the committee has made a significant effort to date to secure the co-operation of many individuals who could provide valuable evidence to this inquiry.

In relation to whether you have the same protection as other witnesses if you attend a hearing by videoconference, please be advised that the *Parliamentary Evidence Act 1901* does not operate outside of New South Wales. As such, and with you being in Lebanon in particular, it is important to note that any evidence you agree to provide at a hearing, where you attend via videolink, will not be protected by parliamentary privilege. With this in mind, I encourage you to discuss your concerns further with your lawyer, as any risks you may have in relation to this may depend on the nature of your evidence.

Relevant to this, I draw to your attention a legal advice published in [Appendix 3](#) in one of our recent committee reports, concerning matters unrelated to our inquiry. This contains information

about the power of committees to summon witnesses outside of New South Wales, including the application of parliamentary privilege to those attending a hearing from outside the jurisdiction via electronic means. Also attached is a brochure with general information for witnesses.

Please note that the committee will likely have a further hearing on 23 February 2023, so we would appreciate a response as to whether or not you will be able to attend by videconference by **10 am Monday 20 February 2023.**

If you have any questions, please contact Ms Peta Leemen, Principal Council Officer, on or via email at portfoliocommittee7@parliament.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sue Higginson', with a long horizontal flourish extending to the right.

Sue Higginson MLC
Committee Chair