



RGSLAW

14 February 2022

Our Ref: JBR/JBR/220024

BY EMAIL: State.Development@parliament.nsw.gov.au

Standing Committee on State Development
Parliament House
Macquarie Street
Sydney NSW 2000

SYDNEY NSW 2000

ATTENTION: Standing Committee on State Development

Dear Madam Chair

CANTERBURY BANKSTOWN PUBLIC INQUIRY RE MAYOR ASFOUR

We refer to our letter of 6 February 2023.

Attached to this letter are the final answers to questions taken on notice on 21 December 2022.

The transcript of evidence was provided to our client on 16 January 2023. The earliest date that Mayor Asfour was required by the Standing Committee to provide the answers to the questions on notice was 30 January 2023.

On 27 January 2023 we wrote asking for more time for the Mayor to answer the questions because he had only returned from leave on 25 January 2023 and was then isolating after his wife had tested Covid positive. Further, we explained that information required to answer the questions which our client had requested from Council, was still outstanding. The Standing Committee responded by allowing until 3 February 2023 to answer questions on notice and brought forward the time that the Mayor was requested to appear before the Committee, for the second time.

Mayor Asfour had earlier appeared voluntarily before the Standing Committee on 21 December 2022.

PRINCIPAL – JAMES RILEY

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Mayor Asfour again appeared voluntarily before the Standing Committee on 6 February 2023.

On 6 February 2023, such answers to questions on notice that could be provided were provided. It is regrettable that some Committee members made references to the 46 days since the evidence given on 21 December 2022, in circumstances where the earliest date required for the provision of answers was 30 January 2023.

The answers that are now provided rely heavily on information that was provided by Council. That information was provided late last week.

At all times Mayor Asfour, through his lawyers, has kept the Committee advised of the progress with these answers.

It is regrettable that the Committee considered it necessary to allege that a failure to answer by our client might be a contempt under s 11 of the *Parliamentary Evidence Act 1901*. That is an allegation which was unnecessary and baseless. It should not have been made and it ought to be formally withdrawn, when one considers.

- 1 Mayor Asfour appeared twice before the Standing Committee as a volunteer.
- 2 Section 11 applies to a witness who **refuses** to give an answer in evidence.
- 3 At no time has Mayor Asfour refused to answer any questions or refused to provide an answer to a question on Notice. These answers are being provided within 10 working days of the original time required. Our client only sought further time to collate information, required from as early as 2004. On no basis could this be considered a refusal.
- 4 In any event, the allegation proceeds on the frankly dubious assumption that a person who has appeared voluntarily may be in contempt of parliament for an alleged failure to answer a question.

In all the circumstances for the Standing Committee to threaten a witness who volunteers to appear and who continues to assist with contempt is inappropriate. We are instructed to request that the threat made in the third paragraph of the letter of 6 February 2023 be withdrawn.

We look forward to hearing from you.

Yours faithfully
RGSLAW

James Riley