



LEGISLATIVE COUNCIL

PORTFOLIO COMMITTEE NO. 7 – PLANNING AND ENVIRONMENT

23 February 2023

Our Ref: D23/15472

Mr Dylan Whitelaw

Dear Mr Whitelaw

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

As you are aware, Portfolio Committee No. 7 – Planning and Environment is conducting an inquiry into allegations of impropriety against agents of The Hills Shire Council and property developers in the region.

The committee has considered your non-response to its invitation to appear at a public hearing on 23 February 2023, and agreed that I write to invite you to a future hearing, noting that if you decline or do not respond to this letter, the committee has resolved to issue a summons for your attendance under the *Parliamentary Evidence Act 1901*.

Please provide a response to this invitation by **10 am, Friday 24 February 2023**.

Further, on 23 February 2023, a document was tabled by Mr John Graham MLC titled 'The Men who Stole the Hills: Chapter One: The Reformers'. Parts of this document refer to the role and activities of various individuals in the NSW Liberal Party.

The committee is mindful that this document has been published on the committee's website and wishes to provide the individuals named with an opportunity to respond, in accordance with the Legislative Council's Procedural Fairness Resolution. If you wish to respond in writing, I invite you to do so by **4.00 pm Tuesday 28 February 2023**.

Please note that if you provide a response, the committee will review it with a view to publishing it on the inquiry webpage. If you have any concerns about this please let the secretariat know.



If you have any questions, please contact Ms Peta Leemen, Principal Council Officer, on 9230 2354 or via email at [portfoliocommittee7@parliament.nsw.gov.au](mailto:portfoliocommittee7@parliament.nsw.gov.au).

Yours sincerely

Sue Higginson MLC  
**Committee Chair**

24 February 2023  
Your Ref: D23/15472

The Hon Sue Higginson MLC  
Chair  
Portfolio Committee No 7 – Planning and Environment  
(Via email [PortfolioCommittee7@parliament.nsw.gov.au](mailto:PortfolioCommittee7@parliament.nsw.gov.au))

Dear Ms Higginson,

**RE: INVITATION TO ATTEND INQUIRY INTO ALLEGATIONS OF  
IMPROPRIETY AGAINST AGENTS OF THE HILLS SHIRE COUNCIL AND  
PROPERTY DEVELOPERS IN THE REGION**

Thank you for your correspondence to me dated 22 February and 23 February 2023 respectively.

I note that your invitation for me to attend your Greens/Labor led partisan and politically motivated inquiry was received yesterday (22 Feb 2023) at 1.07pm requesting my attendance on the following day at 2.45pm. As I am sure you can appreciate, this time frame was unfeasible and impractical, for several reasons.

I am currently on leave from work and outside of Sydney, and as such was not monitoring emails and was unable to attend the hearing yesterday. I state at the outset that I do not decline to accept any future invitations to attend a public hearing, but note that my attendance will be based on the appropriate date/time being proposed and receiving relevant advice from my legal representatives.

I would like to express my concern that the Committee has published an unsourced document that fails to provide any substantiated evidence, entitled 'The Men Who Stole the Hills: Chapter One: The Reformers'. I state that any allegations of impropriety made against me in this unsourced document are false and no evidence has been produced to attest to the factual accuracy of anything contained within this document.

As such, I forthwith require the following from the committee:

- i. Any relevant information regarding the unsourced document, including any email addresses that was used to provide this to the committee.
- ii. An explanation as to why the committee thought it was appropriate to publish a document that was unverifiable and had no original source.

As the committee has chosen to publish all correspondence on their website, I ask that my personal information including phone number and email address is redacted prior to this document being published.

I reserve my rights to procedural fairness and the presumption of innocence in their entirety.

Yours Faithfully

**Dylan J. Whitelaw**



LEGISLATIVE COUNCIL

PORTFOLIO COMMITTEE NO. 7 – PLANNING AND ENVIRONMENT

24 February 2023

Our Ref: D23/15697

Mr Dylan Whitelaw  
[Dylanwhitelaw00@gmail.com](mailto:Dylanwhitelaw00@gmail.com)

Dear Mr Whitelaw

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

Thank you for your correspondence dated 24 February 2023. I note that you are currently on leave from work and outside of Sydney but may be willing to assist the committee, subject to your availability and legal advice.

If you are able to attend a public hearing on **Thursday 2 March 2023**, either in person or by videoconference, it would be appreciated if you could indicate this as soon as possible.

In relation to your concern about the publication of a recent document in which your name appears, I note that is a matter for the committee to decide whether or not to publish documents it receives during the course of an inquiry.

I acknowledge that you are refuting the claims suggested within the document, and thank you for responding and putting your views forward. The committee will consider publishing your correspondence, to ensure this information is also publicly available and if it does it will follow usual practice and redact personal details such as email addresses.

To assist us further, we would appreciate if you could please advise your availability to attend a hearing by **2.00 pm Monday 27 February 2023**. You can contact Ms Peta Leemen, Principal Council Officer, on 9230 2354 or via email at [portfoliocommittee7@parliament.nsw.gov.au](mailto:portfoliocommittee7@parliament.nsw.gov.au).

Yours sincerely

Sue Higginson MLC  
**Committee Chair**

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**From:** Dylan Whitelaw  
**Sent:** Monday, 27 February 2023 8:29 PM  
**To:** Portfolio Committee 7; Office of Sue Higginson  
**Subject:** Correspondence to Portfolio Committee No 7 - Mr Dylan J Whitelaw

Dear Mrs Higginson,

I write to you to confirm a few questions I have regarding the Parliamentary Inquiry currently being undertaken into the Hills Shire Council.

Can the committee provide me written advice from the Parliamentary Counsel Office that privilege will extend to me if I appear before your inquiry, either under summons or by my own free will.

I cannot entertain any further invitations or correspondence from the committee until i have this provided to me, in writing.

Yours Faithfully,

Dylan J. Whitelaw Esq. JP.



27 February 2023  
Your Ref: D23/15697

The Hon Sue Higginson MLC  
Chairman  
Portfolio Committee No 7 – Planning and Environment  
(Via email: [portfoliocommittee7@parliament.nsw.gov.au](mailto:portfoliocommittee7@parliament.nsw.gov.au))

### URGENT

Dear Mrs Higginson,

#### **RE: PC7 - INQUIRY INTO ALLEGATIONS OF IMPROPRIETY AGAINST AGENTS OF THE HILLS SHIRE COUNCIL AND PROPERTY DEVELOPERS IN THE REGION**

Thank you for your correspondence dated 24 February 2023, in which you provide me less than a week to attend your inquiry.

At this stage I decline to attend this circus of a hearing on the 2<sup>nd</sup> of March 2023. I believe it to be entirely politically motivated. The Committee has had since the 23<sup>rd</sup> of June 2022, when these baseless allegations were first raised under the leafy protections of parliamentary privilege, to further probe these accusations, but the Committee chose to investigate it on the eve of the NSW State Election.

My unwillingness to attend is due to a number of reasons that have been brought to my attention.

Firstly, I have it on as verifiable of a word as your now tabled anonymously sourced document that it may have been produced by foreign agents, with the sole aim of undermining the NSW State Election. At a time of conflict in Ukraine I would be shocked if the Chair, whose lifetime of legal experience as the CEO and Chief Solicitor of the Environmental Defenders Office, had not performed the appropriate due diligence to ensure this was not an attempt at election interference. I raise these concerns not for my benefit, but to ensure the integrity of the NSW Parliament and that of the electoral process in New South Wales is upheld. I ask that the committee urgently investigate the source of this document.

I would like to also reiterate the short notice I was given to attend both the hearing on the 23<sup>rd</sup> of February 2023 (24hours provided) and the upcoming hearing on the 2<sup>nd</sup> of March 2023 (less than a week's notice). I am seeking legal advice and the minimal time provided has made appropriate advice difficult. It is not reasonable to ambush someone with 4 business days' notice to appear and respond to unsubstantiated gossip.

Secondly, I still have serious concerns about the dangerous and un-democratic precedent which has been set by the committee, in which an unsourced, and unverifiable document has been tabled under the protections of parliamentary privilege. Does this mean that

**Dylan J. Whitelaw**



anybody is able to submit documents that fail to provide substantiated evidence, that are highly defamatory? Would the committee table slanderous and anonymously sourced documents accusing members of the committee of misconduct pertaining to the Hills Shire Council? Why should private citizens endure such baseless and defamatory accusations if the same standard does not apply?

I once again request that the Committee remove all personal information from this letter prior to it being published on the NSW Parliament Website.

I reserve my rights to procedural fairness and the presumption of innocence in their entirety.

Yours Faithfully,

**Dylan J. Whitelaw**

**Dylan J. Whitelaw**



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**From:** Dylan J. Whitelaw  
**Sent:** Tuesday, 28 February 2023 12:23 PM  
**To:** Portfolio Committee 7  
**Subject:** Fwd: Correspondance from Mr Dylan J Whitelaw - not received yesterday - witness summons - for urqent response

Dear Peta

Just forwarding the below as it seems you are not receiving my correspondence from my other email account.

Thanks  
Dylan

----- Forwarded message -----

**From:** **Dylan Whitelaw**  
**Date:** Tue, 28 Feb 2023, 12:15  
**Subject:** Re: Correspondance from Mr Dylan J Whitelaw - not received yesterday - witness summons - for urgent response  
**To:** Portfolio Committee 7 <[PortfolioCommittee7@parliament.nsw.gov.au](mailto:PortfolioCommittee7@parliament.nsw.gov.au)>  
**Cc:** Dylan J. Whitelaw

Dear Peta,

Please accept the below as correspondence to the committee through yourself.

I write to you to confirm a few questions I have regarding the Parliamentary Inquiry.

Can the committee provide me written advice from the Parliamentary Counsel Office that privilege will extend to me if I appear before your inquiry, either under summons or by my own free will.

I am concerned that the protections of parliamentary privilege are no longer afforded due to the prorouging of the Parliament.

I cannot entertain any further invitations or correspondence from the committee until i have this provided to me, in writing.

Yours Faithfully,

Dylan J. Whitelaw Esq. JP.

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**From:** Portfolio Committee 7 <PortfolioCommittee7@parliament.nsw.gov.au>  
**Sent:** Tuesday, 28 February 2023 8:04 AM  
**To:** 'Dylan J. Whitelaw'  
**Cc:** Portfolio Committee 7  
**Subject:** Hills Shire Council inquiry - witness summons - for urgent response

Dear Mr Whitelaw

Further to correspondence last week, I write to advise that the committee has resolved to hold a further public hearing on **Thursday 2 March** commencing at **11 am** in **the Gallery Room, State Library of NSW**.

The committee has issued a summons for you to attend and give evidence at that hearing, and engaged a process server to effect service.

Could you please contact me to arrange a time and location this afternoon where you would be available to receive the summons? Subject to our process server's capacity, we will try to work with what is convenient for you.

I can be contacted on (02) 9230 2354, or on this email address. Please let me know if you have any questions.

Best regards

Peta

**Peta Leemen**

Principal Council Officer | Upper House Committees | Legislative Council  
Parliament of New South Wales

**T** (02) 9230 2354

Parliament House, Macquarie Street Sydney NSW, 2000 Australia

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**From:** Portfolio Committee 7 <PortfolioCommittee7@parliament.nsw.gov.au>  
**Sent:** Tuesday, 28 February 2023 9:52 AM  
**To:** 'Dylan J. Whitelaw'; Portfolio Committee 7  
**Cc:**  
**Subject:** RE: Correspondance from Mr Dylan J Whitelaw - not received yesterday - witness summons - for urgent response

Dear Dylan

Your letter dated 27 February 2023 was not received by us yesterday. We will forward to the chair now.

I sent you an email this morning at your gmail address (we did not receive the request to use the other address until just now) advising that the committee has decided to proceed to summons you to its hearing on **2 March, commencing 11 am**, at the **Gallery Room, State Library of NSW**.

Could you please provide an address where you will be present this afternoon to receive the summons? We will endeavour to send the process server at a time and place that suits you, if you could please let us know.

I can be contacted on (02) 9230 2354. Please let me know if you have questions.

Best regards

Peta

**Peta Leemen**

Principal Council Officer | Upper House Committees | Legislative Council  
Parliament of New South Wales

**T** (02) 9230 2354

Parliament House, Macquarie Street Sydney NSW, 2000 Australia

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**From:** Portfolio Committee 7  
**Sent:** Tuesday, 28 February 2023 1:33 PM  
**To:** 'Dylan Whitelaw'; Portfolio Committee 7  
**Cc:** Dylan J. Whitelaw  
**Subject:** RE: Correspondance from Mr Dylan J Whitelaw - not received yesterday - witness summons - for urgent response

Dear Mr Whitelaw

Thank you for your email, which we will provide to the committee.

The position of the Legislative Council is that committees can continue to operate after prorogation, up until 3 March 2023. On this basis, I can assure you that any evidence you give will be protected by parliamentary privilege.

I draw to your attention the [Legislative Council in Practice](#), p 792, which outlines this position, as confirmed by Mr Bet Walker SC in a legal opinion in 2011. Over the past decade committees have operated on this basis during prorogation.

Kind regards

**Tina Higgins**

Director | Upper House Committees | Legislative Council  
Parliament of New South Wales  
T (02) 9230 2739

**A** Parliament House, Macquarie Street, Sydney NSW 2000

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