
From: Robert Assaf
Sent: Thursday, 23 February 2023 11:45 AM
To: Portfolio Committee 7
Subject: Re: URGENT Inquiry into Hills Shire Council – Witness invitation

Hi Arizona,

Thanks for your email and invitation to attend.

I am currently on leave from work and don't monitor this email during such a time.

As mentioned my family and I are on leave and not in Sydney at the moment.

Unfortunately I won't be able to make today.

Kind Regards,
Robert Assaf
Head of Public Policy

W: jolt.com.au

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LEGISLATIVE COUNCIL

PORTFOLIO COMMITTEE NO. 7 – PLANNING AND ENVIRONMENT

23 February 2023

Our Ref: D23/15474

Mr Robert Assaf
10 Gregory St
Strathfield South NSW 2016

Dear Mr Assaf

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 reasons for declining its invitation to appear at a hearing on 23 February 2023, and agreed that I write to you to issue an invitation 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.

Yours sincerely

Sue Higginson MLC
Committee Chair

24/02/2023

The Hon Sue Higginson MLC
Chair
Portfolio Committee No 7 – Planning and Environment
NSW Parliament
6 Macquarie Street
SYDNEY NSW 2000

Dear Ms Higginson,

I refer to the Committee's invitation for me to attend its hearing on 23 February 2023 and subsequent correspondence inviting me to participate in a future hearing.

Barring the letter sent to me yesterday, the committee's only communication with me was on 22 February 2023.

On 19 February 2023 an individual attended a premises in [redacted] owned by [redacted]. My [redacted] answered the door and the individual who did not identify himself only asked if he could ask questions about the owners of the neighbouring property. He then asked if the names Mr Jean-Claude Perrottet, Mr Christian Ellis and Clr Virginia Ellis lived there. When he was advised that they weren't the owners of the property and do not reside there he continued to question my [redacted] if they were known to her or if she had seen the news. She answered his questions and then asked for his details at which point he only provided his name (not his occupation or purpose of the visit) and then claimed he had "nothing to hide" and left the premises.

On a separate occasion on 21 February 2023 the private investigator again attended the property. He queried whether the property was owned by me and questioned me on the whereabouts of the above-named people.

I regard both attempts to be harassment with the second attempt being particularly egregious – considering that no reasonable person would conclude that the above-named people were at the address. These incidents have been reported to the NSW Police.

There is no public search (that is, property search or electoral search) that would indicate that I reside at the address in [redacted]. I do not reside there and do not own the property. That means that the investigator would have acted on information provided to him by his client. I understand that the Secretariat of the Committee is his client.

The investigator's photo identification indicated his name is [redacted]. My search of the database maintained by the NSW Police indicates there is no security operator licence by that name in the state of NSW. This is particularly concerning as it appears that the secretariat has commissioned unlicensed individuals to conduct this campaign.

9 NEWS on 21 February 2023 televised a broadcast regarding the inquiry. In that broadcast the Gladesville property was featured. It is highly concerning that not only is the committee engaging unlicensed security personnel to act on faulty information, but that the details of that search (including images) are being unlawfully provided to the media. At least one member of the committee provided media comment in that news feature.

Unlike the allegations against me which are being circulated, I have video evidence of the attendance and a contemporaneous search on the NSW Police database to support my statement.

24/02/2023

On 22 February 2023, a committee member opted to table an anonymous document which makes a range of allegations. It does not appear that any effort has been made to verify the contents of that document. I understand that committee members have also distributed two other parts of that document outside of the committee.

I summarise the committee's position as this:

1. The committee has failed to provide itself sufficient time to conduct a proper inquiry due to its own delay in constituting itself.
2. The committee believes that it has the power to hire unlicensed individuals to enter onto the private homes of family members of citizens to harass the people there.
3. The committee believes that it is appropriate to table and publish anonymous documents which make slanderous claims, without evidence, about private citizens.

As you can appreciate, I have significant hesitancy to co-operate with such a flawed, partisan process. It is clear that the tabling of the document, as well as the harassment of family members, is designed to coerce people to attend the committee at its convenience, despite the committee's failure to properly constitute itself in a timely manner.

All allegations of unethical conduct, impropriety or anything similar made in the dossier pertaining to me are false and no evidence whatsoever has been offered to substantiate the allegations made against me. I also note that I have not been a member of the Liberal Party of Australia (NSW Division) in any way since 2022, after voluntarily resigning due to my employment policies.

I ask that the committee please clarify:

- a) why it instructed a person to attend the residential address in Gladesville in search of me,
- b) clarify whether the committee has hired an unlicensed investigator to enter onto people's land,
- c) whether the committee was aware that its investigator attended the Gladesville address and that the investigator was informed at that time that the aforementioned names did not reside there, and why the investigator re-attended the address despite that,
- d) whether the committee or its members provided footage or details of the attendance to the media, and
- e) that the committee provide any relevant information regarding the source of the anonymous document (including the email address the document was sent from)

I do not decline to attend further hearings should they occur. I welcome the nomination of dates proposed by the committee for future hearings. The ability for me to attend the inquiry is dependent upon the date chosen by the committee for its next hearing as well as any further legal advice I may obtain given the publishing of anonymous documents and possible adverse media attention. I welcome the nomination of a date to consider my ability to attend. My family and I are not in Sydney due to a pre-planned trip prior to first contact from the committee staff. Additionally,

24/02/2023

My rights are reserved and I have instructed my legal representatives to prepare legal proceedings against _____ for the purpose of obtaining the precise details of his instruction such that a court order can be made restraining the conduct of his instructor.

My legal representative and I are also considering legal options regarding any adverse media events which may occur as a result of this committee's actions of publishing an anonymous document which contains completely unsubstantiated claims against me.

I note that the committee have previously published correspondence to it, and as such I respectfully request that any personal details of mine and my family including _____ are redacted to ensure our privacy is maintained.

Kind regards,

Robert Assaf



LEGISLATIVE COUNCIL

PORTFOLIO COMMITTEE NO. 7 – PLANNING AND ENVIRONMENT

24 February 2023

Our Ref: D23/15696

Mr Robert Assaf

Dear Mr Assaf

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 have indicated you may be willing to assist the committee with its inquiry, subject to your availability, your personal circumstances and any legal advice you receive.

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 by **2.00 pm Monday 27 February 2023**.

In response to your other concerns I note the following:

- The address the process server attended to serve a document on another individual was provided confidentially to the committee. It would be remiss of the committee to not act upon this information given the role the committee has in examining very serious allegations.
- The process servers engaged by the committee are a licensed and professional business who routinely serve legal documents on individuals. We have been advised that the agents are regulated with the Office of Fair Trading.
- Although there has been considerable media interest in this inquiry, the committee is not responsible for the content of any media reports.
- It 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 we recently published, and thank you for responding and putting your views forward. The committee will consider publishing your correspondence, subject to the redaction of personal details and sensitive information

To assist us further, we would appreciate if you could please advise your availability to attend a hearing as soon as possible. You can contact Ms Peta Leemen, Principal Council Officer, on 9230 2354 or via email at portfoliocommittee7@parliament.nsw.gov.au.

Yours sincerely

Sue Higginson MLC
Committee Chair

From: Portfolio Committee 7
Sent: Monday, 27 February 2023 5:42 PM
To: 'Robert Assaf'; Portfolio Committee 7
Cc: Tina Higgins
Subject: RE: PC7 - Inquiry into allegations of impropriety against agents of the Hills Shire Council and property developers in the region

Dear Mr Assaf

Thank you for your email. I can confirm the committee has agreed to grant you an extension of time until 10:00am tomorrow to provide a reply.

Kind regards
Arizona

Arizona Hart

Principal Council Officer | Upper House Committees | Legislative Council
Parliament of New South Wales
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From: Robert Assaf <robassaf@hotmail.com>
Sent: Monday, 27 February 2023 1:17 PM
To: Portfolio Committee 7 <PortfolioCommittee7@parliament.nsw.gov.au>
Subject: Re: PC7 - Inquiry into allegations of impropriety against agents of the Hills Shire Council and property developers in the region

Dear Tina,

Thank you for passing on the correspondence from the Chair. I kindly request an extension of time to consider my reply of until 10:00AM tomorrow. I need more time to consider with my legal representative whether I could be available to attend the Thursday meeting either in person or via audio/visual means.

Regards,
Robert Assaf

28/02/2023

The Hon Sue Higginson MLC
Chair
Portfolio Committee No 7 – Planning and Environment
NSW Parliament
6 Macquarie Street
SYDNEY NSW 2000

Dear Ms Higginson,

Thank you for your correspondence dated 24 February 2023.

I also thank the committee for providing a date for me to appear at a public hearing on Thursday 2 March 2023 either in person or via audio visual means. I note that the committee has given me more than 24 hours to consider my ability to attend the next public hearing, which is greatly appreciated.

Unfortunately, I am unable to attend the nominated date on the 2nd of March.

Should the committee nominate another date, I would be more than willing to consider whether I could attend.

I thank the committee for providing me the option to attend via audio/visual means. This greatly assists my ability to cooperate given my current circumstances. Regarding this audio/visual option I ask the following questions to assist in my deliberations of my ability to attend on an alternative date:

- Does parliamentary privilege apply to attendance via audio/visual means?
- Does parliamentary privilege apply to those outside of New South Wales?
- Does Parliamentary privilege apply even though Parliament has been prorogued? If it does would I be able to have this confirmed in writing via the Committee from the Parliamentary Counsel? This would alleviate concerns raised with me by multiple individuals.
- What internet speeds would be required to ensure a sound level of connectivity whilst I give evidence? I have concerns that the internet where we currently are located can be absent, intermittent, and can be slow at times.
- Given my personal circumstances, would the committee be comfortable with children being present during my testimony?
- What privacy protection provisions are in place to protect the identity of my children should they appear on camera whilst I am giving evidence? If easier, would there be an option for in-camera testimony to ensure the identity of my children are protected?

28/02/2023

Regarding the committee's response to the other concerns I raised, in particular the tabling of an anonymously sourced document, I note the Clerk's comments on advice given to the committee regarding this matter:

'Unusual for this to occur but it has happened on the rare occasion. Up to the committee to weigh up a range of factors, which could include transparency and public interest, the credibility of the information, any sensitivity/confidentiality of the content and the reputation of the committee and Parliament in accepting/using unsourced evidence.'

Given the accusations against me in this anonymously sourced document provide:

1. No evidence whatsoever to substantiate any claims made against me,
2. Where evidence is provided to establish broader (uncontroversial claims) such as the fact a business or entity exists – That this information is already publicly available

I challenge the committee's decision to publish unredacted claims against me contained in the anonymously sourced document. With this in mind, I ask the committee to please consider redacting any unsubstantiated claim against me (from my legal representative's reading this should be all claims made against me) from the anonymously sourced document.

I kindly request that all private information contained within this letter be redacted should the committee decide to table this correspondence.

I look forward to receiving your response.

Kind regards,
Robert Assaf

From: Portfolio Committee 7 <PortfolioCommittee7@parliament.nsw.gov.au>
Sent: Tuesday, 28 February 2023 11:14 AM
To: 'Robert Assaf'; Portfolio Committee 7
Subject: RE: PC7 - Inquiry into allegations of impropriety against agents of the Hills Shire Council and property developers in the region

Dear Mr Assaf

On behalf of the Chair, thank you for your letter dated 28 February 2023.

The committee is willing to accommodate _____ and is requesting you nominate a suitable time in the afternoon of 2 March 2023 that would allow you to attend the hearing, either in person or via videoconference.

The committee notes your objection to the publication of anonymous documents, and encourages you to attend the hearing to respond to the matters raised. This will provide you with the opportunity to put your views forward.

In relation to your questions, we note the following:

- The Legislative Council's position is that committees can continue with business after prorogation until 3 March 2023. The committee does not need to get legal advice to confirm this position.
- Any evidence you give will be protected by parliamentary privilege.
- Witnesses giving evidence from another state or territory in Australia are still protected from defamation due to the uniform laws
- If you are attending by videoconference, there are no additional measures that can be implemented to protect the identify of your children being seen on the screen if they are with you during the session.
- If you are concerned about participating via videoconference due to internet speed/connectivity, you could also dial in via telephone. This may also assist if you have children with you.

Noting the hearing is Thursday, the Chair kindly requests a response to this email by **2pm today**, including your preference as to the time to attend Thursday to accommodate _____ and advice as to whether you intend on appearing in person or via videoconference.

Kind regards

Tina Higgins

Director | Upper House Committees | Legislative Council

Parliament of New South Wales

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From: Robert Assaf
Sent: Tuesday, 28 February 2023 2:00 PM
To: Portfolio Committee 7
Subject: Re: PC7 - Inquiry into allegations of impropriety against agents of the Hills Shire Council and property developers in the region

Hi Tina,

Thanks for your correspondence and clarification re time and earlier correspondence on behalf of the Chair. The phone call option seems to alleviate a lot of the privacy concerns. Will just be dependent on phone reception (which I can endeavour to ensure is sound for the period of the hearing).

Sorry to be a pain but it seems like there is crossed communications regarding the Thursday hearing. As per my previous correspondence I won't be able to make the Thursday 2 March date.

I'll only really know if I can attend on the actual day. I understand this is unhelpful to the committee's ability to confirm things which is why my previous correspondence stated that I am unable to attend the date.

My first correspondence from the committee was on Thursday 22 February. This was only 5 days ago and it was requesting I appear to a public hearing within 24hrs. I understand the time sensitivities surrounding the committee but I hope the committee can equally appreciate that I have been trying with best endeavours to accommodate both my personal circumstances and the Committee's requests.

Regarding the other answers to questions I raised, I'll need more time than by 2pm today to have my legal representative review. I am receiving conflicting advice re potential lack of parliamentary privilege protections as of 9AM yesterday. In the interest of time I thought it best to get a more fullsome reply (out of respect to the committee) to part of your email through. Please do not regard this as a complete reply regarding the other matters raised in our correspondence.

Thanks for your assistance with this so far and for your understanding.

I ask that should the committee publish/table this correspondence; any information relating to our medical appointment and any other private details be redacted.

Kind regards,
Robert Assaf

From: Portfolio Committee 7 <PortfolioCommittee7@parliament.nsw.gov.au>
Sent: Tuesday, 28 February 2023 1:28 PM
To: 'Robert Assaf'; Portfolio Committee 7
Subject: RE: PC7 - Inquiry into allegations of impropriety against agents of the Hills Shire Council and property developers in the region

Dear Mr Assaf

We would prefer a time before 4.30pm on Thursday, but please advise when we may be able to come to an arrangement on the time.

Kind regards

Tina Higgins

Director | Upper House Committees | Legislative Council
Parliament of New South Wales

T (02) 9230 2739

E Tina.Higgins@parliament.nsw.gov.au

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From: Robert Assaf
Sent: Tuesday, 28 February 2023 1:02 PM
To: Portfolio Committee 7
Subject: Re: PC7 - Inquiry into allegations of impropriety against agents of the Hills Shire Council and property developers in the region

Hi Tina,

Thanks very much for your correspondence on behalf of the Chair.

Just wanted to be as transparent and responsive as possible with the committee.

Please do not take this email as a complete response. But given the tight (less than 3 hours) turnaround time I wanted to expedite the most time sensitive component of your correspondence.

So I can explore all options to attend on Thursday I just wanted to understand what the latest time possible was for me to attend on Thursday 2 March 2023?

Answering this will assist in my deliberations and ability to attend and my overall response.

I'm currently seeking legal advice in relation to the balance of your most recent correspondence and waiting on their reply to come back which may not arrive before the Chair's 2pm deadline.

Kind regards,
Robert Assaf