

60 Martin Place
Sydney NSW 2000

URGENT – BY HAND DELIVERY

Parliamentary Committee No. 7 – Planning and Environment
The Hon Sue Higginson MLC (Chair)

Dear Ms Higginson,

I write to you in your capacity as Chair of the Parliamentary Committee Portfolio No 7.

In your media release of 22 February 2023 you have stated that many other witnesses to this inquiry have not been co-operative with the inquiry. You then proceed to name four individuals including myself.

I cannot speak to the conduct of the other named people. However in your press release you have neglected to say:

- the first I heard that your committee wished to invite me to the committee was on Saturday 18 February 2023 by telephone in which I informed the secretariat of my unavailability due to my wife's pregnancy, and
- that within your self-imposed deadline, I responded to the committee and explained the reason for my unavailability and offered to provide medical evidence in support.

There is a clear imputation in your media release that I have acted in an un-cooperative manner. That imputation is defamatory and slander.

The committee has had since 23 June 2022 to look into these 'allegations' (none of which pertain to me) and has deliberately delayed in doing so for purely political ends. The behaviour of the committee has been appalling.

I have been informed that one of your "private investigators" attended the home of a family member of a person not even called to this inquiry the investigator attended the property twice (despite being asked to leave on the first occasion) at least one of your investigators was challenged to provide his licence to operate. The investigator would have had no reason to believe the person was a resident or owner of that property. Subsequent public searches of the database operated by the NSW Police indicate that person is not licenced in the state of New South Wales.

It appears that the committee has engaged an unlicensed person to harass the family members of people marginally connected to the inquiry. I welcome an explanation.

Photographs and details of the completely unrelated property of a family member were published in a 9 News broadcast on 21 February 2023 relating to the inquiry. In that media piece, two members of the committee provided comment. I welcome an explanation on how the photographs and details of the home of a person unrelated to the inquiry were provided to the media.

The secretariat has my contact detail and I informed you of the best means to communicate with me. Despite this, since your last correspondence, your hired thug attended my home.

On 21 February 2023, the “investigator” accosted my wife. She politely asked him to leave the property and informed him he was trespassing. He then shone a bright light into her eyes leaving her distressed. She subsequently asked him to leave the property twice and on the third time, threatened to call the NSW Police to have him removed.

This detail has been omitted from your “investigator reports” released publicly and your press release.

My wife has subsequently gone into labour and we have celebrated the birth of our child.

The distress and harm you have caused her during this sensitive time is unforgivable.

The committee has done this despite me expressly providing you with a means to contact me and alerting you to my

I welcome an explanation but I cannot think of any satisfactory explanation you could possibly provide.

I ask that you bring this letter to the attention to the President of the Legislative Council as well as the Privileges Committee.

I caution you regarding any future defamatory media statements.

Regards

Jeremy Greenwood



LEGISLATIVE COUNCIL

PORTFOLIO COMMITTEE NO. 7 – PLANNING AND ENVIRONMENT

24 February 2023

Our Ref: D23/15601

Mr Jeremy Greenwood

Dear Mr Greenwood

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

I write in relation to your correspondence, received by secretariat staff on 23 February 2023. While I acknowledge that you have been engaging with the committee recently by telephone and though written correspondence, I note that, to date, you have not agreed to give evidence at a public hearing. The committee took the significant step of issuing you with a summons to attend and give evidence after it received no response to two written invitations posted to your registered business address. When you declined to attend and give evidence based on the

we provided you with an opportunity to appear by videoconference but you declined. If you are indeed willing to co-operate with the inquiry and give evidence at a public hearing, I encourage you to make this clear and we will make the necessary arrangements.

In response to your other concerns I note the following:

- The process servers engaged by the committee are a professional and licenced 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.

Obviously the birth of a child is a significant event in a person's life. I take this opportunity to wish you all the best during this special time and assure you that we have never intended to cause distress or harm. The committee has an important role to undertake in examining very serious allegations and has given great consideration to every step it has taken.

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 _____ or via email at portfoliocommittee7@parliament.nsw.gov.au.

Yours sincerely

Sue Higginson MLC
Committee Chair

60 Martin Place
Sydney NSW 2000

27 February 2023

URGENT – BY EMAIL

Parliamentary Committee No. 7 – Planning and Environment
The Hon Sue Higginson MLC (Chair)

Dear Ms Higginson,

Response to your letter of 24 February 2023

In your letter you state that the committee issued two invitations to my business address. I have not received either correspondence you have referred to. On first receipt of any communication that the committee sought my attendance (that is, on 19 February 2023 I have actively communicated with the committee).

The allegation that I have failed to co-operate with the committee is simply not true. I find it extraordinary that the committee would issue public statements to this effect. The committee has imposed on itself unreasonable deadlines which, not just me, but many people, have been unable to comply with.

In my conversation with the secretariat and in subsequent email correspondence I informed the committee of my unavailability to attend the committee due to the imminent birth of my child. You state in your letter that an opportunity was made to appear by video-conference last Thursday. I am sure you can appreciate why I declined that invitation considering that date is now my child's birthday.

I appreciate your best wishes regarding my child. Regrettably, those wishes are diluted by the fear that your agents will unreasonably and unnecessarily attend our home and conduct more violence.

I also cannot agree that great consideration has been given to every step the committee has taken. Having been informed of the medical situation in my household and having been given a means by which to communicate with me, the secretariat could have simply called me and organised a time and place on which to serve its documents.

Instead, it opted to send a private investigator to my house and in doing so caused severe stress to my wife.

I am sure that is related to the incident which occurred only some hours beforehand.

You have not substantively dealt with what I have informed you of. That is, your agent trespassing onto a private residence, refusing to leave when asked, and shining a light into the eyes of a heavily pregnant woman. I would expect that you would have confirmed whether the conduct occurred and offered an apology, or at the very least, undertaken to look into the conduct.

I am led to believe that since the issuing of your correspondence that the NSW Parliament has been dissolved and there is some question on whether the committee will continue to sit. I understand from public comment by one committee member that it is unclear on whether the committee will continue to sit and conduct business.

I ask that the committee please clarify its position as a matter of urgency.

I understand that the question of whether a committee may validly sit while Parliament was prorogued has previously dealt with when the Keneally Government prorogued Parliament three months early.

At the time the NSW Crown Solicitor issued the following advice, *“should the committee and sit and purport to exercise powers...it will not be doing so legally. The committee will not lawfully be able to exercise power to summon persons (other than Members) to attend and give evidence or examine any witnesses under oath”*.

My understanding is that this issue has never been considered and decided by a Court and therefore it is legally ambiguous. However, subsequent to 2011 it became practice to expressly authorise, in the resolution appointing committees, to permit that committee to conduct business while Parliament is prorogued. There is differing legal opinions (including from the Crown Solicitor, pre-eminent academics and lawyers, and the Clerk of the House), on whether such a resolution is valid. It is unclear whether this practice was implemented in the constitution of committee no. 7.

It is unclear to me whether the committee is sitting validly. I am not concerned about the validity of the committee's power to issue summons. I have previously offered to voluntarily appear. However, I am concerned about the protection from defamation (and other legal proceedings) that would otherwise be afforded to witnesses.

I seek the committee's urgent clarification of this issue. As legal opinions have significantly different over the past decade on this question, I would seek an indemnity from a person or organisation of substance before agreeing to appear and

give evidence in these unique circumstances. I believe this is a very reasonable request.

Regards

Jeremy Greenwood

From: Portfolio Committee 7 <PortfolioCommittee7@parliament.nsw.gov.au>
Sent: Monday, 27 February 2023 6:00 PM
To: 'Jeremy Greenwood'
Cc: Portfolio Committee 7
Subject: RE: Re: PC7 - Inquiry into allegations of impropriety against agents of the Hills Shire Council and property developers in the region

Dear Jeremy

I have just tried to call your mobile, but it was diverted and I was unable to leave a message.

Further to your correspondence to the Chair, which was received today, the committee has asked the secretariat to contact you to advise that it has resolved to hold a further public hearing on **2 March 2023**, commencing at **11 am**, and that it wishes you to appear at that hearing to give evidence under summons. Noting your concerns about process servers attending your house, I invite you to nominate a time and place that it would be convenient for you to be present tomorrow afternoon to receive the summons in person. With your cooperation, we can make an arrangement that does not inconvenience you.

I understand that you have a new baby, and so that I don't disturb you at an inconvenient time, please contact me tomorrow morning by noon to make an arrangement to be served the summons.

My phone number is below, or if you want to nominate a location where you can be served tomorrow afternoon by return email, please do so.

Best regards

Peta

Peta Leemen

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

T (02) 9230 2354

E peta.leemen@parliament.nsw.gov.au

Parliament House, Macquarie Street Sydney NSW, 2000 Australia

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From: Jeremy Greenwood
Sent: Monday, 27 February 2023 8:05 PM
To: Portfolio Committee 7
Subject: Re: Re: PC7 - Inquiry into allegations of impropriety against agents of the Hills Shire Council and property developers in the region

Dear Peta

Please take the below as correspondence to the committee through you.

It does not appear that the committee has considered or dealt with my honest and serious concern regarding whether the privilege against defamation continues to apply. Either that, or it has not deemed it necessary to respond to me.

I regard this to be extremely disrespectful in circumstances where I have done my best to comply with this committee in a trying situation (caused, in no small part by the committee's own actions).

I will not entertain any future communication with the committee until my reasonable query regarding parliamentary privilege is addressed in writing, preferably containing advice from parliamentary counsel.

I would also like to take this opportunity to inform the secretariat and the committee members that I reserve my legal rights moving forward.

Yours Sincerely,

Jeremy Greenwood

From: Portfolio Committee 7 <PortfolioCommittee7@parliament.nsw.gov.au>
Sent: Monday, 27 February 2023 8:33 PM
To: 'Jeremy Greenwood'; Portfolio Committee 7
Subject: RE: Re: PC7 - Inquiry into allegations of impropriety against agents of the Hills Shire Council and property developers in the region

Dear Mr Greenwood

I note your reply below, which we will forward to the committee.

Peta was hoping to speak to you to potentially arrange a time/location that suits you for service of the summons. We were hoping to make telephone contact with you to advise that committees can still undertake activity during prorogation, up until 3 March 2023. This was confirmed by the government (and indeed the Premier) in recent media releases. As such, any evidence you give to the committee will be protected by parliamentary privilege.

Peta will try you again in the morning.

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

A Parliament House, Macquarie Street, Sydney NSW 2000

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From: Jeremy Greenwood
Sent: Monday, 27 February 2023 10:26 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

Tina

That is not my understanding.

I'm sure you can understand that if I was to give commentary that others may disagree with they may challenge whether this inquiry is covered by privilege. The premiers media releases are not legal advice, and the legal advice I have personally received has informed me that privilege ended upon proroguing of parliament.

I would like parliamentary counsels advice, or whomever the committee uses for legal advice

Jeremy

Sent from my iPhone

From: Portfolio Committee 7 <PortfolioCommittee7@parliament.nsw.gov.au>
Sent: Tuesday, 28 February 2023 9:57 AM
To: 'Jeremy Greenwood'; 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 Jeremy

I just tried calling, but it rang out.

The committee is proceeding with its hearing on 2 March 2023. As my colleague advised, the Legislative Council's position is that committees are lawfully able to conduct business after prorogation up until parliament is dissolved (3 March 2023). As such, parliamentary privilege would apply to all participants in committee proceedings. We give you as much surety in this regard as we can give all our witnesses. In this regard, I note that we do not need to give an indemnity to you or obtain further legal advice.

As the Council's position is clear, the Chair is encouraging you to attend and give evidence.

As a matter of courtesy, we are letting you know that the committee is proceeding with its summons for you to attend the hearing.

Best regards

Peta

Peta Leemen

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

T (02) 9230 2354

E peta.leemen@parliament.nsw.gov.au

Parliament House, Macquarie Street Sydney NSW, 2000 Australia

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From: Jeremy Greenwood
Sent: Tuesday, 28 February 2023 11:06 AM
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

Peta

I don't know what's happening re your calls I haven't had it ring but I've had others call, it may be at the same time.

I need to press this point as I don't feel it is being taken seriously enough.

Members of this committee have publicly stated their concerns re prorogation of parliaments impact on this inquiry. I have received legal advice stating that yes the committee may continue its operations until 3 March 2023 however parliamentary privilege will not be available. I am not raising this point to be difficult but you must understand it is of the utmost importance and seriousness to myself.

At this moment in time I cannot in good conscience present myself to the committee as you have not been able to provide adequate advice regarding privilege. If I was to present to the committee and a private citizen felt defamed by me then there is a situation where they could challenge the issue of prorogation in court (I note it has not been tested yet) and I would be at risk of legal proceedings myself.

The committee needs to provide advice affirming that privilege will be provided and I require it in writing not a phone call. A statement from the Premier (I cannot locate one regarding parliamentary privilege) is not legal advice and will not protect me from legal proceedings, nor is an email from a committee secretariat. The fact is if this committee defamed me at any point after 9am 27th February I would have the right to sue the committee, therefore I would be placing myself at this serious risk as well.

The Premiers statement was "*Labor's Kristina Keneally prorogued the Parliament on 22 December 2010, more than three months before the election in 2011. **Upper House committees continued to sit after this date.** Upper House Committees will continue to conduct their business up until the constitutionally mandated dissolution of the Legislative Assembly on 3 March 2023.*"

The Crown Solicitors advice in 2011 was "*should the committee and sit and purport to exercise powers...it will not be doing so legally. The committee will not lawfully be able to exercise power to summon persons (other than Members) to attend and give evidence or examine any witnesses under oath.*"

Yes the committee can continue its business however this is clear advice from the NSW Crown Solicitors office that I would not be able to give evidence under oath. Furthermore your summons is invalid and if someone was to trespass on my property when your server has already been formally advised to not attend my property as it would be trespassing then I would deem it a criminal trespass and use all legal rights available to me to prevent it. If the committee is saying it has advice that the Crown Solicitors office is incorrect then I challenge it to produce it to me in writing.

Regards,

Jeremy Greenwood