

Minutes no. 101

Wednesday 1 March 2023

Portfolio Committee No. 7 – Planning and Environment

Via Webex at 2.03 pm

1. Members present

Ms Higginson, *Chair*

Mr Barrett

Mr Graham (substituting for Ms Jackson for the remainder of the inquiry into allegations of impropriety against agents of the Hills Shire Council and property developers in the region)

Ms Jackson (participating until 3.35)

Ms Sharpe

2. Apologies

Mr Pearson

3. Draft minutes

Resolved, on the motion of Ms Sharpe: That draft minutes no. 99 and no. 100 be confirmed.

Resolved, on the motion of Ms Sharpe: That the committee authorise the publication of minutes no. 99 and no. 100.

4. Correspondence

The committee noted the following items of correspondence:

Received:

- 20 February 2023 – Letter from Tim Tierney & Associates to secretariat, attaching photos obtained during attempts to serve Christian Ellis and Virginia Ellis
- 20 February 2023 – Letter from Sharmans Investigations and Process Serving to secretariat, providing report on current contact details for Christian Ellis, Councillor Virginia Ellis and Jean-Claude Perrottet
- 21 February 2023 – Letter from Sharmans Investigations and Process Serving to secretariat, providing report on current contact details for Jeremy Greenwood
- 23 February 2023 – Letter from Mr Jeremy Greenwood to Chair, raising concerns about conduct of inquiry
- 23 February 2023 – Email from Mr Robert Assaf to secretariat, declining invitation to appear at hearing on 23 February
- 24 February 2023 – Letter from Mr Dylan Whitelaw to Chair, responding to potential adverse mention and raising concerns about conduct of inquiry
- 24 February 2023 – Letter from Mr Robert Assaf to Chair, responding to potential adverse mention and raising concerns about conduct of inquiry
- 24 February 2023 – Letter from anonymous to secretariat, regarding Mr Matthew Hana
- 27 February 2023 – Letter from Mr Jeremy Greenwood to Chair, reiterating concerns about conduct of inquiry
- 27 February 2023 – Email from Ms Cara Punch, Office of the Hon. Mark Buttigieg MLC to secretariat, advising that the Hon. John Graham will be substituting for the Hon. Rose Jackson

for remainder of the inquiry into The Hills Shire Council, and the Hon. Rose Jackson will be a participating member

- 27 February 2023 – Email from Sydney Process Servers to secretariat, attaching reports of attempts to serve summons on Jean-Claude Perrottet, Christian Ellis and Virginia Ellis
- 27 February 2023 – Email from Mr Jeremy Greenwood to Chair, raising concerns about conduct of inquiry and requesting confirmation that parliamentary privilege would apply to hearing on 2 March
- 27 February 2023 – Emails from Mr Jeremy Greenwood to secretariat, maintaining concerns about whether parliamentary privilege would apply to hearing on 3 March
- 27 February 2023 – Email from Mr Dylan Whitelaw to Chair, raising concerns about application of parliamentary privilege
- 28 February 2023 – Letter from Tim Tierney & Associates to secretariat, providing report on attempts to serve summonses on Christian Ellis and Councillor Virginia Ellis
- 28 February 2023 – Letter from Tim Tierney & Associates to secretariat, attaching photos obtained during attempts to serve Christian Ellis and Virginia Ellis
- 28 February 2023 – Letter from Mr Dylan Whitelaw to Chair, declining to attend public hearing on 2 March and raising concerns about publication of anonymously authored documents
- 28 February 2023 – Letter from Mr Robert Assaf to Chair, declining to attend public hearing on 2 March, raising questions about the application of parliamentary privilege, and raising concerns about publication of anonymously authored documents
- 28 February 2023 – Email from Mr Jeremy Greenwood to Chair, reiterating concerns about application of parliamentary privilege to hearing on 3 March and declining to cooperate with issuing of summons
- 28 February 2023 – Email from Mr Dylan Whitelaw to secretariat, raising concerns about application of parliamentary privilege to hearing on 2 March
- 28 February 2023 – Email from Mr Robert Assaf to secretariat, requesting information on attendance time at hearing and advising he is seeking legal advice
- 28 February 2023 – Email from Mr Robert Assaf to secretariat, advising he cannot attend hearing on 2 March and maintaining concerns about whether parliamentary privilege would apply
- 28 February 2023 – Letter from Mr Jean-Claude Perrottet to Chair, raising concerns about conduct of inquiry and declining to give evidence at public hearing
- 1 March 2023 – Letter from Mr Robert Assaf to Chair, providing evidence to the committee and responding to tabled documents
- 1 March 2023 – Letter from Mr Dylan Whitelaw to Chair, providing evidence to the committee and responding to tabled documents
- 1 March 2023 – Letter from Mr Jeremy Greenwood to Chair, providing evidence to the committee and responding to tabled documents
- 1 March 2023 – Letter from Sydney Process Servers to secretariat, attaching reports of attempts to serve summons on Dylan Whitelaw, Robert Assaf and Jeff Egan.

Sent:

- 23 February 2023 – Letter from Chair to Mr Charles Perrottet, providing opportunity to respond to potential adverse mention
- 23 February 2023 – Letter from Chair to Mr Jean-Claude Perrottet, providing opportunity to respond to potential adverse mention

- 23 February 2023 – Letter from Chair to Mr Christian Ellis, providing opportunity to respond to potential adverse mention
- 23 February 2023 – Letter from Chair to Mr Dylan Whitelaw, re-issuing invitation to appear at hearing and providing opportunity to respond to potential adverse mention
- 23 February 2023 – Letter from Chair to Mr Robert Assaf, re-issuing invitation to appear at hearing and providing opportunity to respond to potential adverse mention
- 24 February – Letter from Chair to Mr Jeremy Greenwood, responding to concerns about conduct of inquiry
- 24 February 2023 – Letter from Chair to Mr Dylan Whitelaw, re-issuing invitation to appear at hearing and responding to concerns about conduct of inquiry
- 24 February 2023 – Letter from Chair to Mr Robert Assaf, re-issuing invitation to appear at hearing and responding to concerns about conduct of inquiry
- 27 February 2023 – Email from secretariat to Mr Jeff Egan, advising committee has resolved to summon him and requesting an address to receive the summons
- 27 February 2023 – Email from secretariat to Mr Robert Assaf, advising committee has agreed to grant him an extension to provide a response to the invitation to appear at the hearing
- 27 February 2023 – Email from secretariat to Mr Jeremy Greenwood, advising committee is holding a hearing on 2 March and requesting to arrange time to serve summons
- 27 February 2023 – Email from secretariat to Mr Jeremy Greenwood, advising parliamentary privilege would apply to hearing on 2 March
- 28 February 2023 – Emails from secretariat to Mr Dylan Whitelaw, advising committee has resolved to summon him and requesting a time and address to receive the summons
- 28 February 2023 – Email from secretariat to Mr Jeremy Greenwood, advising parliamentary privilege would apply to hearing on 2 March and re-confirming that summons is to be issued to him
- 28 February 2023 – Email from secretariat on behalf of Chair to Mr Robert Assaf, responding to concerns regarding participating in public hearing
- 28 February 2023 – Emails from secretariat on behalf of Chair to Mr Robert Assaf, requesting he propose a suitable time to give evidence to committee and responding to concerns regarding parliamentary privilege
- 28 February 2023 – Email from secretariat to Mr Dylan Whitelaw, confirming parliamentary privilege would apply to hearing on 2 March
- 28 February 2023 – Letter from Chair to Mr Charles Perrottet, providing opportunity to respond to tabled documents
- 28 February 2023 – Letter from Chair to Mr Christian Ellis, providing opportunity to respond to tabled documents
- 28 February 2023 – Letter from Chair to Mr Dallas McNerney, providing opportunity to respond to tabled documents
- 28 February 2023 – Letter from Chair to Ms Cecile Piat, providing opportunity to respond to tabled documents
- 28 February 2023 – Letter from Chair to Mr Rob Macaulay, Chief Executive Officer, Greyhound Racing NSW, providing opportunity to respond to tabled documents
- 28 February 2023 – Letter from Chair to Cr Verity Greenwood, providing opportunity to respond to tabled documents
- 28 February 2023 – Letter from Chair to Twin Creeks Golf & Country Club, providing opportunity to respond to tabled documents

- 28 February 2023 – Letter from Chair to Ms Anita Perrottet, providing opportunity to respond to tabled documents.

Resolved, on the motion of Ms Sharpe: That the committee authorise the publication of the following correspondence, with the exception of identifying and/or sensitive information, which is to remain confidential, as per the request of the author:

- 23 February 2023 – Letter from Mr Jeremy Greenwood to Chair, raising concerns about conduct of inquiry
- 24 February – Letter from Chair to Mr Jeremy Greenwood, responding to concerns about conduct of inquiry
- 27 February 2023 – Letter from Mr Jeremy Greenwood to Chair, reiterating concerns about conduct of inquiry
- 27 February 2023 – Email from secretariat to Mr Jeremy Greenwood, advising committee is holding a hearing on 2 March and requesting to arrange time to serve summons
- 27 February 2023 – Email from Mr Jeremy Greenwood to Chair, raising concerns about conduct of inquiry and requesting confirmation that parliamentary privilege would apply to hearing on 2 March
- 27 February 2023 – Email from secretariat to Mr Jeremy Greenwood, advising parliamentary privilege would apply to hearing on 2 March
- 27 February 2023 – Emails from Mr Jeremy Greenwood to secretariat, maintaining concerns about whether parliamentary privilege would apply to hearing on 3 March
- 28 February 2023 – Email from secretariat to Mr Jeremy Greenwood, advising parliamentary privilege would apply to hearing on 2 March and re-confirming that summons is to be issued to him
- 28 February 2023 – Email from Mr Jeremy Greenwood to Chair, reiterating concerns about application of parliamentary privilege to hearing on 3 March and declining to cooperate with issuing of summons
- 1 March 2023 – Letter from Mr Jeremy Greenwood to Chair, providing evidence to the committee and responding to tabled documents.

Resolved, on the motion of Ms Sharpe: That the committee authorise the publication of the following correspondence:

- 23 February 2023 – Letter from Chair to Mr Dylan Whitelaw, re-issuing invitation to appear at hearing and providing opportunity to respond to potential adverse mention (attached)
- 24 February 2023 – Letter from Mr Dylan Whitelaw to Chair, responding to potential adverse mention and raising concerns about conduct of inquiry
- 24 February 2023 – Letter from Chair to Mr Dylan Whitelaw, re-issuing invitation to appear at hearing and responding to concerns about conduct of inquiry
- 27 February 2023 – Email from Mr Dylan Whitelaw to Chair, raising concerns about application of parliamentary privilege
- 28 February 2023 – Emails from secretariat to Mr Dylan Whitelaw, advising committee has resolved to summon him and requesting a time and address to receive the summons
- 28 February 2023 – Letter from Mr Dylan Whitelaw to Chair, declining to attend public hearing on 2 March and raising concerns about publication of anonymously authored documents
- 28 February 2023 – Email from Mr Dylan Whitelaw to secretariat, raising concerns about application of parliamentary privilege to hearing on 2 March

- 28 February 2023 – Email from secretariat to Mr Dylan Whitelaw, confirming parliamentary privilege would apply to hearing on 2 March
- 1 March 2023 – Letter from Mr Dylan Whitelaw to Chair, providing evidence to the committee and responding to tabled documents.

Resolved, on the motion of Ms Sharpe: That the committee authorise the publication of the following correspondence, with the exception of identifying and/or sensitive information, which is to remain confidential, as per the request of the author:

- 23 February 2023 – Email from Mr Robert Assaf to secretariat, declining invitation to appear at hearing on 23 February
- 23 February 2023 – Letter from Chair to Mr Robert Assaf, re-issuing invitation to appear at hearing and providing opportunity to respond to potential adverse mention
- 24 February 2023 – Letter from Mr Robert Assaf to Chair, responding to potential adverse mention and raising concerns about conduct of inquiry
- 24 February 2023 – Letter from Chair to Mr Robert Assaf, re-issuing invitation to appear at hearing and responding to concerns about conduct of inquiry
- 27 February 2023 – Email from secretariat to Mr Robert Assaf, advising committee has agreed to grant him an extension to provide a response to the invitation to appear at the hearing
- 28 February 2023 – Letter from Mr Robert Assaf to Chair, declining to attend public hearing on 2 March, raising questions about the application of parliamentary privilege, and raising concerns about publication of anonymously authored documents
- 28 February 2023 – Email from secretariat on behalf of Chair to Mr Robert Assaf, responding to concerns regarding participating in public hearing
- 28 February 2023 – Email from Mr Robert Assaf to secretariat, requesting information on attendance time at hearing and advising he is seeking legal advice
- 28 February 2023 – Emails from secretariat on behalf of Chair to Mr Robert Assaf, requesting he propose a suitable time to give evidence to committee and responding to concerns regarding parliamentary privilege
- 28 February 2023 – Email from Mr Robert Assaf to secretariat, advising he cannot attend hearing on 2 March and maintaining concerns about whether parliamentary privilege would apply
- 1 March 2023 – Letter from Mr Robert Assaf to Chair, providing evidence to the committee and responding to tabled documents.

Resolved, on the motion of Ms Sharpe: That:

- the committee write to Mr Jean-Claude Perrottet and seek confirmation that the correspondence from him to the Chair, regarding concerns about conduct of inquiry and declining to give evidence at public hearing, dated 28 February 2023, was written by him, seeking a response by 10.00 am, Thursday 2 March
- that if Mr Perrottet does not provide confirmation by this time, the committee publish this correspondence and a photograph of the envelope it was contained in, with a note stating 'this document is unsigned and the committee is unable to verify that it is from Jean-Claude Perrottet'.

Resolved, on the motion of Ms Sharpe: That the committee authorise the publication of the following correspondence, with the exception of identifying and/or sensitive information, which is to remain confidential, as per the recommendation of the secretariat:

- Correspondence from Sydney Process Servers, regarding attempts to serve summons on Jean-Claude Perrottet, Christian Ellis and Virginia Ellis, dated 27 February 2023
- Correspondence from Tim Tierney & Associates to secretariat, regarding attempts to serve summons on Christian Ellis and Councillor Virginia Ellis, dated 28 February 2023
- Correspondence from Sydney Process Servers regarding attempts to serve summons on Dylan Whitelaw, Robert Assaf and Jeff Egan, dated 1 March 2023.

Resolved, on the motion of Ms Graham: That the committee keep the following correspondence confidential, as per the recommendation of the secretariat, as they contain identifying and/or sensitive information:

- Correspondence from Sharman's Investigations and Process Serving, regarding current contact details for Christian Ellis, Councillor Virginia Ellis and Jean-Claude Perrottet, dated 20 February 2023
- Correspondence from Sharman's Investigations and Process Serving, regarding current contact details for Jeremy Greenwood, dated 21 February 2023
- Correspondence from Tim Tierney & Associates, regarding photos obtained during attempts to serve Christian Ellis and Virginia Ellis, dated 20 February 2023
- Correspondence from Tim Tierney & Associates, regarding photos obtained during attempts to serve Christian Ellis and Virginia Ellis, dated 28 February 2023.

The committee noted the anonymous correspondence regarding Mr Matthew Hana, dated 24 February 2023, and that due to there being insufficient time to provide Mr Hana with a right of reply, this information would not be published on the committee's webpage.

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

5.1 Tabled documents

Resolved, on the motion of Mr Barrett: That the personal addresses of individuals named in company extracts within the document tabled by Mr Graham on 27 February 2023 titled 'The Men Who Stole the Hills: Chapter Three: The Lobbyists' be redacted and kept confidential.

5.2 Consideration of Chair's draft report

The Chair submitted her draft report entitled *Allegations of impropriety against agents of the Hills Shire Council and property developers in the region* which, having been previously circulated, was taken as being read.

Resolved, on the motion of Ms Sharpe: That page ix be amended by omitting 'two anonymous documents' and inserting instead 'several anonymous documents'.

Resolved, on the motion of Ms Sharpe: That the following new paragraphs be inserted on page ix:

'Some of these witnesses raised concerns about the committee continuing to operate during prorogation and the application of parliamentary privilege. In this regard, the committee notes that the position of the Legislative Council is that prorogation does not affect the operation of committees. Committees are only unable to operate following the expiration or dissolution of the Legislative Assembly. This was affirmed in a legal opinion provided by Mr Bret Walker SC in 2011, and has been demonstrated by the fact that committees have continued to operate during prorogation over the last decade. Indeed, from 2011 until the present, a number of committee reports were tabled after prorogation and the government has routinely responded to these reports in subsequent Parliaments.'

Therefore, as long as a committee is properly constituted (ie a quorum of members are in attendance), witnesses are protected by parliamentary privilege, and the committee reject any view otherwise.'

Resolved, on the motion of Ms Sharpe: That page x be amended by omitting 'recused themselves from hearings' and inserting instead 'recused themselves from meetings, including hearings'.

Resolved, on the motion of Mr Graham: That the following new paragraph be inserted after 'Another issue that arose in this inquiry related to the obligations of Legislative Council members in relation to conflicts of interest' on page x:

'The committee received a letter from Lou Amato MLC who had served on the inquiry in its early meetings. He had written to the Premier indicating his concerns about being removed from the committee and relating to conflicts of interests in the committee. The letter is attached as an appendix to the report.'

Resolved, on the motion of Mr Graham: That paragraph 1.11 be amended by inserting at the end:

'Jean-Claude Perrottet also advised the committee by an unsigned letter that he was overseas and would not assist the committee with its inquiry. The committee was unable to verify if he was the author of this document.'

Resolved, on the motion of Mr Graham, that the following new sentence and paragraph be inserted after paragraph 1.15:

'In December 2022, NSW Fair Trading moved to suspend Jean Nassif's building licence for 10 years and permanently revoke Toplace's licence over improper conduct.

Nassif and the company successfully argued for a stay on the bans before the NSW Civil and Administrative Tribunal, which heard the suspensions exposed the parties to breaching contracts worth tens of millions of dollars. Legal action is ongoing.

On 28 February 2023, a police operation was conducted in four locations including the headquarters of Toplace following allegations about the falsification of a \$10.5 million pre-sale contract relating to the Skyview Apartments development in Castle Hill.'

Resolved, on the motion of Ms Sharpe: That the secretariat draft an amendment to paragraph 1.17 and circulate the paragraph to members for agreement over email.

Resolved, on the motion of Ms Sharpe: That paragraph 1.18 be amended by omitting 'later summoned, Mr Jeff Egan,' and inserting instead 'attempted to summons, Mr Jeff Egan'.

Resolved, on the motion of Mr Barrett: That the following new paragraph be inserted after paragraph 2.16:

'Dr Byrne, however, reiterated on a number of occasions she had no evidence of such allegations including stating; "I don't have any evidence. I don't want to speculate that certain people did X, Y and Z without any evidence."

Resolved, on the motion of Mr Graham: That the following new headings and text be inserted after paragraph 2.35.

Key witnesses who did not assist the Inquiry

Christian Ellis

It appears that Christian Ellis is a central figure in, and a founder of, the group "The Reformers". The committee has had no correspondence from Mr Ellis throughout this inquiry, despite

extensive efforts to reach him. Christian Ellis's evidence would be central to an account of the known meetings that have occurred in this matter.

The information obtained in the process of attempting to serve a summons on Christian Ellis suggest that he has taken strong measures to avoid being served.

Christian Ellis was first asked to make a submission to the inquiry on the 14th December 2022.

The following is a summary of key attempts to contact key witness Christian Ellis:

- 14 December 2022, emailed invitation to make submission
- 14 December 2022, message left on mobile phone
- 14 December 2022, verbal contact by phone confirming email address was correct
- 30 January 2023, email and verbal contact by phone in which Mr Ellis said he would get back to the secretariat
- 3 February 2023, letter from Chair via email
- 6 February 2023, phone call, left message
- 8 February 2023, summons sent via email. Phone call, left message requesting response. No response received.
- 10 February 2023, two attempts to serve a summons at a residential address in regional New South Wales
- 13 February 2023, one attempt to serve a summons at a Sydney residence.
- 16 February 2023, process server attempt to serve at residential address
- 19 February 2023, process sever attempts to serve at residential addresses
- 21 February 2023, process server attempt to serve at residential addresses
- 24 February 2023, process server attempt to serve at residential address
- 25 February 2023, process server attempt to serve at residential address.

Virginia Ellis

The committee has had no correspondence from Councillor Ellis throughout this inquiry, despite extensive efforts to reach her.

Councillor Ellis is a public official in the Hills Shire Council and also a full-time employee as an electorate officer for the member for Hawkesbury, Ms Robyn Preston MP.

Councillor Ellis did not attend the council meeting on the 21st of February.

Council staff reported they had not had contact or responses from Councillor Ellis since the 10th of February.

Councillor Ellis was first asked to make a submission to the inquiry on the 13th December 2022.

Following is a summary of key attempts to contact key witness Councillor Ellis:

- 13 December 2022, emailed invitation to make submission to council address.
- 30 January 2023, email to council address.
- 1 February 2023, phone call to council mobile, message left.
- 3 February 2023, letter from chair via email.
- 6 February 2023, phone call, left message.
- 7 February 2023, email invitation re-sent to Clr Ellis's NSW Parliament address (delivery receipt received but no response). 7 February, Clr Ellis present at ordinary Council meeting.

- 8 February 2023, email summons sent to council and parliament addresses. Phone call to council mobile, left message requests a response.
- 10 February 2023, “read receipt” from email sent to council address received.
- 10 February 2023, 2 service attempts at place of work, 1 attempt at residential address.
- 13 February 2023, 1 service attempt at place of work, 1 attempt at residential address.
- 16 February 2023, process server attempt to serve at place of work
- 16 February 2023, process server attempt to serve at residential address
- 17 February 2023, letter from chair to Ms Robyn Preston MP, Member for Hawkesbury requesting assistance as Clr Ellis’s employer.
- 19 February 2023, process server attempts to serve at residential addresses.
- 21 February 2023, process server attempt to serve at residential address.
- 21 February 2023, attempt to serve at Hills Shire Council ordinary meeting, Clr Ellis was not in attendance (no apology received, as per Council minutes of meeting)
- 24 February 2023, process server attempt to serve at residential address.

Charles Perrottet

The committee received a letter from Charles Perrottet indicating that he no longer lived in New South Wales and that he was not required to give evidence. The committee reiterated its request but Mr Perrottet was not willing to assist.

Charles Perrottet has played a central role in the preselection matters canvassed in this inquiry due to his role as the Deputy Chair of the Local Government Oversight Committee, alongside Chair Peter Poulos.

Charles Perrottet’s evidence would be central to an account of a known meeting that has occurred in this matter.

Charles Perrottet was first called to give evidence to the inquiry on the 30th January 2023.

Following is a summary of key attempts to contact key witness Charles Perrottet:

- 30 January 2023, verbal contact with receptionist at place of work, request for call back.
- 30 January 2023, email invitation sent.
- 1 February 2023, mobile called, message left.
- 3 February 2023, letter from chair via email.
- 6 February 2023, phone call, left message.
- 8 February 2023, email notification of summons. (‘out of office’ automatic reply received)
- 8 February 2023, phone called, message left.
- 10 February 2023, 1 service attempt at residential address in Sydney
- 15 February 2023, Invitation from chair sent by email and express post to Victorian address.
- 16 February 2023, mobile called, message left.

Jean-Claude Perrottet

Attempts to serve a summons at Jean-Claude Perrottet’s work led to indications that he had taken “long leave”.

Jean-Claude Perrottet’s evidence would be central to an account of a known meeting that has occurred in this matter.

The committee received an unsigned and hand delivered letter from Jean-Claude Perrottet on the 28th of February indicating that he was overseas and could not assist the inquiry.

Jean-Claude Perrottet was first called to give evidence to the inquiry on the 30th January 2023.

Following is a summary of key attempts to contact key witness Jean-Claude Perrottet:

- 30 January 2023, verbal contact via phone at place of work during which a personal email address was supplied.
- 30 January 2023, email invitation sent.
- 1 February 2023, mobile called, message left.
- 3 February 2023, letter from chair via email.
- 6 February 2023, phone call, message left.
- 8 February 2023, notification of summons sent via email.
- 8 February 2023, phone called, message left.
- 10 February 2023, 1 service attempt at place of work, 1 attempt at residential address.
- 13 February 2023, 1 service attempt at residential address.
- 16 February 2023, process server attempt to serve at residential address.
- 17 February 2023, process server attempt to serve at work address.
- 19 February 2023, process server attempt to serve at residential address.
- 20 February 2023, process server attempt to serve at residential address.
- 21 February 2023, process server attempt to serve at work address.
- 21 February 2023, process server attempt to serve at residential address.
- 23 February 2023, process server attempt to serve at residential address.
- 24 February 2023, process server attempt to serve at residential address.'

Resolved, on the motion of Mr Graham: 'That paragraph 2.38 be amended by adding the following sentence: 'The committee found him a credible witness'.

Resolved, on the motion of Mr Graham: 'That paragraph 2.41 be amended by omitting 'unceremoniously dumped' and inserting instead 'removed'.

Resolved, on the motion of Mr Graham: 'That the following new paragraphs be inserted after the evidence of Mr Haselden or Mr Edgar:

Preselection matters

The committee received evidence that the selection of candidates for the Hills Shire Council exhibited a number of irregularities.

The Hon. JOHN GRAHAM: I'm looking at the electronic ballot form, which was issued on 15 October 2021.

...

The Hon. JOHN GRAHAM: One of the things that this indicates is that it should be noted that—I'll quote from the document: "It should also be noted that other candidates listed above, who did not originally nominate for these positions, will need to confirm in writing with the State Director, that they are happy for their nominations to be amended to include the ward and/or position listed above."

Are you aware that some of these candidates who were selected, including in place of you, had not even nominated?

ALAN HASELDEN: No.

The Hon. JOHN GRAHAM: That's the first you've heard that—

ALAN HASELDEN: Yes. That's the first I've heard of that.

The Hon. JOHN GRAHAM: —as seven councillors were swept aside, some of the councillors who replaced you hadn't nominated for The Hills Shire Council.

ALAN HASELDEN: That's news to me.

The Hon. JOHN GRAHAM: This was the position put in the electronic ballot to those who voted to replace you. Up till now, no-one has put that to you.

ALAN HASELDEN: I'm bewildered.

The Hon. JOHN GRAHAM: Thank you.

ALAN HASELDEN: I would have just assumed that everybody went through a normal nomination process that I went through.

The Hon. JOHN GRAHAM: Were you aware that the candidates who replaced you had not been vetted by the party?

ALAN HASELDEN: No. Again, that's news to me today. No, I didn't know that. I mean, we were advised that our nominations would be scrutinised by an independent organisation. I think, from memory, it may have even been an American domiciled organisation that would vet the veracity of our nominations.

...

The Hon. JOHN GRAHAM: But, in summary, you lived here.

ALAN HASELDEN: Yes.

The Hon. JOHN GRAHAM: You nominated. You were vetted.

ALAN HASELDEN: Yes.

The Hon. JOHN GRAHAM: But other candidates didn't live there, didn't nominate, weren't vetted, but they were selected.

ALAN HASELDEN: Yes.

Resolved, on the motion of Mr Graham: That the following new committee comment be added at an appropriate location to be determined by the secretariat: 'The committee found evidence that some of the successful candidates who were imposed in the Hills Shire council had not nominated for the relevant position or ward, and that some candidates were not vetted.'

Resolved, on the motion of Ms Sharpe: That paragraph 2.36 be amended by omitting 'All came at the committee's second invitation' and inserting instead 'All but one came at the committee's second invitation'.

Resolved, on the motion of Ms Sharpe: That paragraph 2.47 be amended by omitting 'All of these men have' and inserting instead 'Many of these men have'.

Resolved, on the motion of Ms Sharpe: That the following new paragraph be inserted after paragraph 2.47:

'The committee sought the assistance of Jeremy Greenwood, Dylan Whitelaw and Robert Assaf, who were alleged to be part of the NSW Reformers group within the Liberal Party. These three

individuals would have likely had information relevant to the alleged activities of the 'NSW Reformers, but all could not be brought before this committee for a hearing due to a variety of reasons. While the committee acknowledges that these individuals refute all claims of their involvement in these matters, it is disappointed they did not cooperate to a greater extent and attend a hearing to be questioned more openly'.

Mr Barrett moved: That Recommendation 1 be omitted: 'That the Legislative Council establish a new inquiry into allegations of impropriety against agents of The Hills Shire Council and property developers in the region in the 58th Parliament, referring all evidence from this inquiry to the relevant committee.'

Question put.

The committee divided.

Ayes: Mr Barrett.

Noes: Mr Graham, Mr Higginson, Ms Sharpe.

Question resolved in the negative.

Resolved, on the motion of Mr Graham: That paragraph 2.45 be amended by omitting 'On the face of it'.

Resolved, on the motion of Mr Graham: That paragraph 2.48 be amended by inserting a full stop after 'employee'.

Resolved, on the motion of Mr Graham: that the following new committee comment and recommendation be inserted after 2.49:

'Taking into account the evidence of Mr Mare, and the fact that the committee is unclear to what extent the matters before it have already been investigated by the Independent Commission Against Corruption, the committee is also recommending that the influence of property developers and others in legal, political and democratic processes in The Hills Shire region be referred to the Independent Commission Against Corruption, along with this report and committee transcripts of evidence.

Recommendation x

That Portfolio Committee no. 7 – Planning and Environment refer the influence of property developers and others in legal, political and democratic processes in The Hills Shire region to the Independent Commission Against Corruption, along with this report and committee transcripts of evidence.'

Resolved, on the motion of Ms Sharpe: That paragraph 2.50 be amended by inserting at the end:

'The committee does not accept that Jean-Claude Perrottet was not aware of this inquiry or the attempts the committee made to contact or summons him, despite the claims he made in his correspondence to the committee, received at the secretariat's office two days before tabling. We note that this correspondence was in hard copy, and that Mr Perrottet must have been in contact with another potential witness to even know the office address. Indeed, it is clear to the committee that many witnesses involved in this inquiry – including Mr Perrottet - were taking active steps to frustrate the committee's processes and avoid scrutiny. If they did not have anything to hide, and were rejecting any allegations of impropriety, one must question why they would just not come forward and answer the committee's questions'.

Mr Graham moved: That the following finding and recommendation be inserted after paragraph 2.49:

Finding x

Based on evidence to the committee, a meeting took place at which Christian Ellis and Jean-Claude Perrottet asked a businessman to contribute \$50,000 to an operation to unseat Alex Hawke, federal member for Mitchell

Recommendation x

That any future inquiry, as referred to in Recommendation 1, should call Christian Ellis and Jean-Claude Perrottet to give evidence as to these matters.

Question put.

The committee divided.

Ayes: Mr Graham, Ms Higginson, Ms Sharpe.

Noes: Mr Barrett.

Question resolved in the affirmative.

Mr Graham moved: That the following finding and recommendation be inserted after paragraph 2.49:

Finding x

The finding of this committee about a request for \$50,000 combined with the behaviour of witnesses called to this inquiry add weight to the allegations by Government MP Ray Williams in the parliament that “Jean Nassif of Toplace met with Christian Ellis and other senior members of the Liberal Party, who were paid significant funds in order to arrange to put new councillors on The Hills Shire Council who would be supportive of future Toplace development applications.”

Recommendation x

That any future inquiry should call Christian Ellis, Charles Perrottet and Jean Nassif to give evidence as to these matters.'

Question put.

The committee divided.

Ayes: Mr Graham, Ms Higginson, Ms Sharpe.

Noes: Mr Barrett.

Question resolved in the affirmative.

Resolved, on the motion of Mr Graham: That the following new finding be inserted after paragraph 2.50:

'Finding x

The committee finds the following witnesses for whom summons were issued to assist the inquiry engaged in serious and deliberate attempts to evade services: Christian Ellis, Virginia Ellis and Jean-Claude Perrottet'.

Resolved, on the motion of Mr Graham: That the following new finding be inserted after paragraph 2.50:

'Finding x

The committee finds the following witnesses for whom summons were issued to assist the inquiry engaged in serious and deliberate attempts to avoid giving evidence to the inquiry, noting they were out of the jurisdiction: Charles Perrottet and Jean Nassif.'

Resolved, on the motion of Mr Graham: That the following new finding be inserted after paragraph 2.50:

'Finding x

The committee finds the following witnesses for whom summons were issued to assist the inquiry engaged in deliberate attempts to avoid giving evidence to the inquiry: Jeff Egan, Jeremy Greenwood and Dylan Whitelaw.'

Resolved, on the motion of Mr Graham, that paragraph 2.54 be amended by:

- omitting 'serious and deliberate' and inserting instead 'serious, deliberate and co-ordinated' before 'attempts to evade service'
- inserting at the end: 'These serious, deliberate and coordinated attempts raise concerns about the obstructing or impeding of the work of the committee in its inquiry. This matter deserves further examination. The committee was not able to answer the question – who was responsible for co-ordinating such activity?'

Resolved, on the motion of Mr Graham: That the following new finding be inserted after paragraph 2.54:

'Finding x

That never has a New South Wales parliamentary committee been faced with such serious, deliberate and co-ordinated attempts to evade service of a summons.'

Resolved, on the motion of Mr Graham: That recommendation 3 be amended by:

- inserting 'in extraordinary circumstances' after 'where'.
- omitting the second dot point: 'there are certain time and/or resource constraints which affect the ability of parliamentary staff to take on the role of serving a summons.'
- inserting: 'This matter should be considered by any future inquiry by the Privileges Committee into the operation of the *Parliamentary Evidence Act 1901*.'

Mr Barrett moved: That the following new recommendation be inserted after paragraph 2.57:

'Recommendation x

That the Legislative Council refer the matter of the anonymously authored documents being tabled under Parliamentary Privilege to the Privileges Committee for inquiry and report.'

Mr Graham moved: That the motion of Mr Barrett be amended by omitting 'the' before 'anonymously authorised documents'.

Amendment of Mr Graham put and passed.

Original question of Mr Barrett, as amended, put and passed.

Ms Sharpe moved: That the following new comment and recommendation be inserted in an appropriate location in the report, as to be determined by the secretariat:

'Given the evidence the committee has received, the Minister for Local Government should undertake an investigation into the Hills Shire Council and consider what steps should be taken, including whether the Council should be put into administration'.

'Recommendation x

That the Minister for Local Government should undertake an investigation into the Hills Shire Council and consider what steps should be taken, including whether the Council should be put into administration'.

Question put.

The committee divided.

Ayes: Mr Graham, Mr Higginson, Ms Sharpe.

Noes: Mr Barrett.

Question resolved in the affirmative.

Resolved, on the motion of Mr Graham: That the following paragraph be inserted after paragraph 2.57:

'The committee thanks the parliamentary committee staff for their efforts during this inquiry. The unprecedented procedural issues that were raised by the inquiry were dealt with at all times in a professional and diligent manner.'

Mr Graham moved: That the following documents be attached as appendices to the report:

- The Hansard of Ray Williams speech to the Parliament
- The transcript of the 4 Corners episode
- The correspondence in both directions relating to the seven witnesses who were summonsed to appear at the inquiry, as well as correspondence relating to Jean Nassif and Charles Perrottet
- The reports relating to efforts to serve these witnesses, both from the parliament staff and the private process servers
- The letter from Lou Amato MLC relating to conflicts of interest
- The Hansard from the final public hearing of the inquiry on Thursday 2nd March
- The three chapters of 'The Men who Stole the Hills'
- Text from Frits Mare
- Correspondence from Dylan Whitelaw, Jeremy Greenwood and Robert Assaf to the Chair received 1 March 2023.

Mr Barrett moved: That the motion of Mr Graham be amended by omitting 'The three chapters of "The Men who Stole the Hills"'.

Amendment of Mr Barrett put.

The committee divided.

Ayes: Mr Barrett.

Noes: Mr Graham, Ms Higginson, Ms Sharpe.

Amendment of Mr Barrett resolved in the negative.

Original question of Mr Graham put and passed.

Ms Sharpe moved: That:

: -

- The draft report as amended be the report of the committee and that the committee present the report to the House;
- The transcripts of evidence, submissions, tabled documents, answers to questions on notice, and correspondence relating to the inquiry be tabled in the House with the report;
- Upon tabling, all unpublished attachments to submissions be kept confidential by the committee;
- Upon tabling, all unpublished transcripts of evidence, submissions, tabled documents, and answers to questions on notice relating to the inquiry, be published by the committee, except for those documents kept confidential by resolution of the committee;
- Upon tabling, all unpublished correspondence relating to the inquiry, be published by the committee, except for those documents kept confidential by resolution of the committee and subject to the redaction of identifying and/or sensitive information;
- The committee secretariat correct any typographical, grammatical and formatting errors prior to tabling;
- The committee secretariat be authorised to update any committee comments where necessary to reflect changes to recommendations or new recommendations resolved by the committee;
- Dissenting statements be provided to the secretariat by 10.00 am, Thursday 2 March;
- The secretariat is tabling the report at 4.00 pm, Thursday 2 March;
- The Chair to advise the secretariat and members if they intend to hold a press conference, and if so, the date and time.

Question put.

The committee divided.

Ayes: Mr Graham, Mr Higginson, Ms Sharpe.

Noes: Mr Barrett.

Question resolved in the affirmative.

6. Adjournment

The committee adjourned at 3.58 pm until 10.45 am Thursday 2 March 2023 (public hearing).

Peta Leemen and Arizona Hart

Committee Clerk