

**LEGISLATIVE COUNCIL SELECT COMMITTEE ON THE RELATIONSHIP BETWEEN THE DURAL CARAVAN INCIDENT AND THE PASSAGE OF RELEVANT BILLS THROUGH THE LEGISLATIVE**

Answers to Supplementary Questions from the Select Committee to Ross Neilson

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*Who assisted you in preparing your answers to the questions put to you in the Committee hearing you attended on 27 June 2025?*

*(a) In what manner did they provide assistance?*

**I received legal advice referred to in evidence.**

*(2) Who assisted you in preparing your answers to the Supplementary Questions arising from the Committee hearing you attended on 27 June 2025?*

*(a) In what manner did they provide assistance?*

**I conferred with my colleagues on the Supplementary Questions we received.**

*(3) I refer you to page 6 of the uncorrected transcript of the hearing held on Friday 27 June 2025 to which you were present.*

*ROSS NEILSON: I made some notes on the draft, and we discussed those with the lawyers. All of our input was sought and folded into the final draft that went.*

*(a) What notes did you make?*

*(b) Can you provide the Committee with a copy of those notes?*

**The confidential communications between a legal advisor and client for the dominant purpose of giving or receiving legal advice are privileged. Communications that contain information for the purpose of enabling the advice to be given are also subject to legal professional privilege.**

*(4) I refer you to page 42 of the uncorrected transcript of the hearing held on Friday 27 June 2025 to which you were present.*

*ROSS NEILSON: I've often observed about this whole episode that anyone in the Parliament who feels they were misled when the legislation passed on the 21st wasn't paying attention very closely for the previous three or four weeks, because on 29 January, in the press conference, and the next morning on 2GB, Mr Hudson could not have been more explicit. He said, "There are many lines of inquiry", and he made direct allusions—I can read them for you if you want; we've all got them—to the potential that it was some kind of criminal enterprise or what have you.*

*The Hon. BOB NANVA: But there was nothing further that you or your officers were aware of that could have shed any more light, other than what was publicly disclosed?*

*ROSS NEILSON: No, we only knew that—he had told us the same things that he told Ben Fordham.*

*You stated under oath, “He [Deputy Commissioner Dave HUDSON APM] said, ‘There are many lines of inquiry’, and he made direct allusions—I can read them for you if you want; we’ve all got them—to the potential that it was some kind of criminal enterprise or what have you.”*

*Can you provide the Committee with the “many lines of inquiry” document that you had with you in the hearing?*

- (a) Who generated this document?*
- (b) When was it generated?*
- (c) What were the “many lines of inquiry” that you referenced?*
- (d) On what date was each line of inquiry added to the document?*
- (e) On whose authority was this document not previously provided to the Committee?*
- (f) Was it your decision?*
- (g) What discussions did you hold with any other persons regarding the release of this document to the Committee or the public ahead of your attendance on the 27 June 2025?*
- (h) What was said in those discussions?*

**This is from the media conference the Premier and Deputy Commissioner Hudson gave on 29 January.**

*(5) I again refer you to page 42 of the uncorrected transcript of the hearing held on Friday 27 June 2025 to which you were present.*

- (a) Were you told by Deputy Commissioner DAVE HUDSON APM prior to 30 January 2025 “that it was some kind of criminal enterprise or what have you.”?*
- (b) On what date/s did Deputy Commissioner DAVE HUDSON APM tell “us the same things that he told Ben Fordham [during the radio interview on the 30 January 2025].”?*
  - i. Who is the “us” you refer to? Please list their names.*
- (c) What was it that Deputy Commissioner DAVE HUDSON APM told?*
- (d) Was the Minister for Police & Counter-terrorism present when you were informed “that it was some kind of criminal enterprise or what have you.”?*
  - i. What briefings did you or your staff provide the Minister regarding this line of inquiry?*
  - ii. How were these briefings prepared and delivered?*
- (e) Did you or your staff provide any briefings, or material for briefings, regarding the detection, and subsequent investigation into, the Dural caravan for any other person, body, office, or department?*
  - i. Who was briefed?*
  - ii. What material did you provide?*
  - iii. How were these briefings prepared and delivered?*

**In regular briefings from the week beginning 20 January Mr Hudson advised that a ‘criminal enterprise’ was one of the lines of inquiry police were pursuing. The briefings were delivered verbally.**

(6) Page 43 of transcript:

*The Hon. Susan Carter: Mr Neilson, did you have conversations with Minister Catley about whether you should or should not attend these hearings?*

*Ross Neilson: Yes, she agreed with me that we shouldn't.*

*The Hon. Susan Carter: Did you lead that conversation or did she lead that conversation?*

*Ross Neilson: We talk every day – many times, every day.*

*(a) Why did Minister Catley agree/think you shouldn't attend?*

*(b) Who initiated that conversation?*

**It is widely agreed that staff should not be called before Parliamentary committees as proxies for Ministers who decline to attend.**

*(7) Did you assist Minister Moriarty in matters to do with the Police portfolio while Minister Catley was on leave?*

*(a) If not, was anyone from Minister Catley's office providing support to Minister Moriarty while Minister Catley was on leave?*

**It is normal practice for Ministerial office staff to assist another Minister who is acting for their Minister during periods of leave.**

*(8) Did you attend the briefings held on:*

*(a) 21 January 2025*

*(b) 3 February 2025*

*(c) 19 February 2025*

*(d) 7 March 2025*

**To the best of my recollection:**

*(a) 21 January 2025*

**No**

*(b) 3 February 2025*

**Yes**

*(c) 19 February 2025*

**Yes**

*(d) 7 March 2025*

**Yes**

*(9) Did you assist Minister Catley to prepare for any of the briefings listed above?*

**These briefings were regular updates by police on a live investigation; preparation was not required.**

*(10) Did you discuss the outcome of any of the briefings listed above with Minister Catley?*

**I have frequent conversations with the Minister on range of issues.**

*(11) On what occasions between January 19 and March 10 did you attend meetings with Minister Catley to discuss matters arising out of the discovery of the caravan at Dural?*

**I have frequent conversations with the Minister on range of issues.**

*(12) On what occasions between January 19 and March 10 did you attend meetings with staff of Minister Catley to discuss matters arising out of the discovery of the caravan at Dural?*

**I regularly have conversations with staff about a range of issues.**

*(13) When was the suggestion about obtaining legal advice in relation to the summons to appear first made?*

*(a) Who made this suggestion?*

*(b) How was this suggestion made?*

**Premier's Memorandum M2022-10 Guidelines for the Provision of Ex-Gratia Legal Assistance for Ministers, Public Officials and Crown Employees provides that an application for ex gratia legal assistance may be made by a Minister or public official where legal proceedings have commenced against them or are known to be imminent.**

**It is open to witnesses to obtain legal assistance in relation to summonses.**

*(14) How many meetings did you have with Ms Plowman of Minter Ellison?*

*(a) Please provide the dates of these meetings.*

*(b) How many of these meetings were in person and how many via Teams or other electronic means?*

*(c) What other methods of communication were used between you and Ms Plowman?*

*(d) What other staff from Minter Ellison did you have contact with?*

*(e) What contact (if any) had you had with Ms Plowman or other professional staff from Minter Ellison prior to 15 June 2025?*

**The confidential communications between a legal advisor and client for the dominant purpose of giving or receiving legal advice are privileged. Communications that contain information for the purpose of enabling the advice to be given are also subject to legal professional privilege.**

*(15) How did you become aware of the possibility of receiving an ex gratia payment to cover legal expenses in connection with advice about the summons?*

Premier's Memorandum M2022-10 Guidelines for the Provision of Ex-Gratia Legal Assistance for Ministers, Public Officials and Crown Employees provides that an application for ex gratia legal assistance may be made by a Minister or public official where legal proceedings have commenced against them or are known to be imminent.

It is open to witnesses to obtain legal assistance in relation to summonses.

The Department of Communities and Justice website (<https://dcj.nsw.gov.au/legal-and-justice/laws-and-legislation/legal-assistance-and-applications/legal-assistance/ex-gratia-legal-assistance.html>) provides information relating to ex gratia legal assistance.

*(16) Did you choose Ms Plowman or was it suggested to you that she provide the advice you sought?*

**The Cabinet Office provided options that included MinterEllison. We engaged MinterEllison to provide legal advice.**

*(17) Did you personally consider obtaining separate advice?*

**No.**

Premier's Memorandum M2022-10 Guidelines for the Provision of Ex-Gratia Legal Assistance for Ministers, Public Officials and Crown Employees provides that an application for ex gratia legal assistance may be made by a Minister or public official where legal proceedings have commenced against them or are known to be imminent.

*(18) Were you advised that funding was contingent upon using Ms Plowman for advice?*

**No.**

Premier's Memorandum M2022-10 Guidelines for the Provision of Ex-Gratia Legal Assistance for Ministers, Public Officials and Crown Employees provides that an application for ex gratia legal assistance may be made by a Minister or public official where legal proceedings have commenced against them or are known to be imminent.

*(19) When you were served with the summons was it your understanding that, if you did not attend:*

*(a) This was unlawful?*

*(b) You faced arrest?*

*(c) You would be engaged in legal proceedings?*

**I attended the hearing on 27 June.**

*(20) Who initiated the request for an ex gratia payment for legal services?*

*(a) To whom was the request made?*

*(b) What date was the request made?*

*(c) Please provide a copy of the request.*

*(d) When was a decision received?*

*(e) Please provide a copy of the decision*

Premier's Memorandum M2022-10 Guidelines for the Provision of Ex-Gratia Legal Assistance for Ministers, Public Officials and Crown Employees - issued under the previous Government - provides that an application for ex gratia legal assistance may be made by a Minister or public official where legal proceedings have commenced against them or are known to be imminent.

It is open to witnesses to obtain legal assistance in relation to summonses.

The confidential communications between a legal advisor and client for the dominant purpose of giving or receiving legal advice are privileged. Communications that contain information for the purpose of enabling the advice to be given are also subject to legal professional privilege.

I am advised that the Department of Communities and Justice (DCJ) confirmed the application for ex gratia assistance was approved on 20 June.

*(21) Do you have more than one telephone? If yes,*

*(a) Are both used to communicate with Minister Catley?*

*(b) Are both used to communicate with other Ministerial staff?*

*(c) Are both used to communicate with departmental staff?*

*(d) What communication apps are installed on any phone you use to communicate with any of the nominated groups or persons listed above?*

*(e) Do you have disappearing messages enabled?*

Like the former Coalition Government, the NSW Government uses a range of digital systems and communications that have been approved for use and may be utilised where there is a valid business requirement. This has been established practice under successive governments.

The Government complies with its obligations for orders for the production of documents under Standing Order 52 and also Government Information Public Access (GIPA) requests.

State records are a vital public asset, and access to Government information is essential to maintaining public trust in government. I comply with my obligations under the State Records Act 1998.

The Ministers' Staff Acceptable Use of Network Services Policy (available online in the Ministers' Office Handbook) confirms that computers, Ministers' Network, mobile devices, internet, remote access, email and any other type of service used for official communications must be used in a lawful, appropriate and ethical way.

Minister's staff may use mobile telephones for business and (reasonable use) private purposes. I comply with the Ministers' Staff Acceptable Use of Network Services Policy.

*(22) When was the decision made to appear on 27 June?*

*(a) Was this a collective or an individual decision?*

*(b) What meetings were held to discuss this decision – please provide dates, means of meeting, and persons present.*

To the best of my recollection the decision resulted from a conversation with my colleagues on 24 June.

*(23) Who was the principal author of the letter dated 19th June?*

*(a) How was this letter circulated among all the signatories?*

*(b) Please provide a copy of drafts showing markups or changes you made.*

**Each of us signed the letter. Assistance was sought on behalf of myself and my colleagues under the ex gratia legal assistance scheme and legal assistance was engaged to provide legal advice in connection with the summons.**

**It is open to witnesses to obtain legal assistance in relation to summonses.**

**The confidential communications between a legal advisor and client for the dominant purpose of giving or receiving legal advice are privileged. Communications that contain information for the purpose of enabling the advice to be given are also subject to legal professional privilege.**

*(24) Did you or anyone in your office assist Mr Nanva with the preparation of his questions for the hearing on 27th June?*

**I assume Mr Nanva asked questions that he felt would assist the Committee according to the terms of reference.**

*(25) Did Mr Nanva provide you with a copy of his questions prior to the hearing on 27th June?*

**No.**

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**Annexure**

**Questions taken on notice**

From page 7 of the uncorrected transcript:

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UNCORRECTED Page 7

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**The Hon. SUSAN CARTER:** On how many occasions did you meet with the lawyers at MinterEllison, Mr Neilson?

**ROSS NEILSON:** A number. I couldn't tell you off the top of my head, but several.

**The Hon. SUSAN CARTER:** Could you take that on notice and provide those details?

**ROSS NEILSON:** Yes. I'm sure they know.

**The Hon. SUSAN CARTER:** Mr Cullen, same questions for you.

**JAMES CULLEN:** I concur with that. It was a number of times over the last few weeks, and I'm happy to take that on notice and come back to you with an accurate number.

**The Hon. SUSAN CARTER:** Ms Michael, how did you decide to engage Kate Plowman at MinterEllison for legal services?

**SARAH MICHAEL:** As the others have said, through the assistance program that was offered to us, but

**Answer:**

**The confidential communications between a legal advisor and client for the dominant purpose of giving or receiving legal advice are privileged. Communications that contain information for the purpose of enabling the advice to be given are also subject to legal professional privilege.**