

Damming evidence

WHO would have thought it?

Labor and a couple of Shooters have a falling out in the NSW Upper House this week, and in the wash-up we might answer the question, why Tillegra Dam?

And all because a naughty pollie saw a chance to poke a stick.

Confused? Come with me.

For a while now the NSW Government has relied on NSW Shooters' Party members Robert Brown and Roy Smith, along with Christian Democrat Fred Nile, to pass Upper House legislation where the Government is a few votes short.

Getting in bed together has had its ups and downs, but by and large everyone has felt respected in the morning.

As Robert Brown said, Shooters "allow the government of the day to govern . . . except where the government's agenda clearly is not in the best interests of our broad constituency", that is, shooters.

They scratched backs until this week when the Government tried to pass legislation through the Upper House to flog NSW Lotteries, and the Shooters expected Government support to allow hunting in national parks.

It all ended in tears. Premier Nathan Rees threw himself on the line for little koalas, wallabies and bilbies everywhere, and said there'd be hunting in national parks over his dead body, and the Shooters took aim at the lotteries legislation and told the Government exactly where to go.

Cut to Wednesday, the second-last day of this parliamentary session. The Shooters felt used and abused, and with the help of Fred Nile, the Coalition and the Greens, they clobbered Government motions and legislative amendments.

Government Upper House leader Tony Kelly did what any senior pollie would do under the circumstances – took his bat and ball and went home at 1am on Thursday, so that an expected final day of Upper House play couldn't happen, and everything's on hold until September.

But Kelly didn't leave the building until

NSW Greens Upper House MP John Kaye – the naughty pollie of this story – had poked his stick about Tillegra.

Since December Kaye has been trying to get the numbers to have a claim of privilege made by Hunter Water removed from a document called "memo number nine", so the document can be made public.

The memo written by Hunter Water chief executive officer Kevin Young on September 29, 2006 – six weeks before the Government announced Tillegra Dam would be built – is headed "Memo – Major water resources projects", and is addressed to senior staff in the office of the then minister for water utilities David Campbell



DAM CRACK: The shenanigans in the NSW Upper House have created fissures in the secrecy surrounding the Tillegra project.

– *Digital mischief* by Chris Totterman

and a senior officer in the Department of Energy, Utilities and Sustainability.

Kaye went so far as to formally dispute the claim for privilege with the clerk of the Upper House, which led to a formal and independent consideration of the issues by Sir Laurence Street in January.

The former NSW Supreme Court judge decided in Kaye's favour, finding there were "legitimate calls for accountability and transparency in the processes of policy deliberations concerning a topic of such importance as the future water needs of this part of the state".

Not that it helped in NSW, the state of secrecy.

When NSW Parliament resumed in early March the Government, the Shooters' Party and Fred Nile blocked a Greens motion to table Sir Laurence Street's finding. So politicians knew Sir Laurence felt we had a right to know what Hunter Water was telling the Government about Tillegra Dam six weeks before it was formally announced, but the public was kept in the dark.

Kaye tried again, but the timing wasn't right until Wednesday. And there's nothing like a Shooter scorned.

"The Shooters were only too happy to oblige," said Kaye about his approach to them for support, which ended with the release of the Street decision.

It tells us there was a meeting between Hunter Water and ministerial and departmental staff on September 27, 2006, at which Young was asked to provide "notes/information on major water resource/recycling projects which are under consideration in the Hunter".

Hunter Water responded two days later with four major projects, one being "a major new dam at Tillegra with a size of 450 megalitres and a cost of around \$250 million". (For the record, now \$477 million.)

Of course what we don't and won't know until the Upper House formally releases memo number nine in September, is how Tillegra ranked against the three other projects.

What we do know is that from 2003 to 2006 Kevin Young repeatedly stated Tillegra was the second-worst water supply option for the Hunter, a point he repeated three weeks before then-premier Morris Iemma, on November 13, 2006, said a dam would be built.

So what changed in those final few weeks, and will memo number nine confirm Tillegra's low ranking?

As Kaye said: "It's open for people to see the whole Tillegra thing as a political decision."

And for the Hunter, left holding the \$477 million bill, it's a very expensive one at that.