

INQUIRY INTO PACIFIC HIGHWAY UPGRADES

Organisation: Geolyse Pty Ltd

Name: Dr Justin Meleo

Position: Project Director

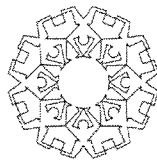
Telephone:

Date Received: 24/10/2005

Subject:

Summary

Rec 24/10/05

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Our Ref: 404071_LEO_039.d oc

ABN: 73 492 152 535

24 October 2005

Director
General Purpose Standing Committees
Parliament House
Macquarie St
Sydney NSW 2000



Attention: Tanya Bosch

Dear Tanya

**BLACKWALL HIGHWAY ACTION GROUP SUBMISSION # 27 TO THE PARLIAMENTARY
INQUIRY INTO PACIFIC HIGHWAY UPGRADES – GENERAL PURPOSE STANDING
COMMITTEE NO. 4**

We refer to the above and to our telephone conversation of 14/10/05 regarding provision of a response to the Blackwall Highway Action Group's submission in regard to the Woodburn to Ballina Pacific Highway Upgrade. Our response to the component of their submission regarding ecology (hereafter referred to as the submission), is provided below.

The submission was provided to members of members of the Woodburn to Ballina Pacific Highway Upgrade Ecological Focus Group on 19 July 2005. We note that this was prior to the submission being published by the General Purpose Standing Committee # 4. We question whether the Committee gave permission for the submission to be made public, as is required for all submissions to the inquiry. The submission has also been published on the Blackwall Highway Action Group's (BHAG) website. Again, we question whether permission was sought and granted for this. As the submission was made public prior to it being published by the Committee, given its content and based on verbal slander directed by the author of the document to our staff at a previous Ecological Focus Group meeting, we are currently seeking legal advice regarding defamation action.

Notwithstanding, we make the following points in response to the submission. Note that we will not address issues in detail, as there is enough in the BHAG submission to demonstrate vested interest and we do not believe that we need to justify our professional integrity and standards in response to an ill informed, potentially defamatory attack from the BHAG.

First, the comments regarding the flora and fauna assessment report are based on an early draft document, which was clearly stated on the document. This fact is not reflected in the submission by the BHAG. The purpose of disseminating this document was to provide the public (Ecology Focus Group members) with information at the earliest possible juncture and uphold transparency of the process. Further, the ecological investigations and studies conducted to date on the Woodburn to Ballina Pacific Highway Upgrade project are of the

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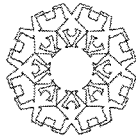
LOCATION SUITE 4, 11 MANNING STREET, TUNCURRY NSW 2428

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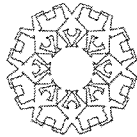
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highest intensity ever undertaken for Phase 2 of a Pacific Highway upgrade project. This high level of detail in field survey, investigations and reporting reflects our understanding of the high ecological significance of the area and the commitment of the consulting team to implementing ESD principles on this project.

Second, it is important to highlight that although Mr Graham (the author of the BHAG submission) is an ecologist, he has failed to acknowledge his conflict of interest, as he currently resides on the Blackwall Range extremely close to Route Option 2C. Upon review of his submission we are sure that the inquiry will be able to identify Mr Graham's theme of "not in my backyard". This is particularly evident from the numerous incorrect statements made in the submission, based on Mr Graham's own information provided to Geolyse Pty Ltd and Hyder Consulting (principal consultant on the project) throughout the project. By contrast, our company has no personal or vested interest in the project. We were engaged by the RTA and Hyder Consulting as an independent organisation to provide professional ecological services to the project. Unlike, Mr. Graham or any of the members of the BHAG, our team on the project are professional, practicing ecologists with extensive experience and a proven track record in EIA of major development projects.

Third, we believe that the BHAG submission constitutes an 'adverse reflection' on our company, as detailed in the *Legislative Council Procedural Briefing Note No. 32 – Adverse Reflections by Witnesses before Committees*. The BHAG submission refers to our business as "Geolies Consultants". Mr. Graham is well aware of the correct spelling of our business name, having been involved with us on the project since November 2004. By contrast, if Mr Graham is not aware of the correct way to spell and reference our company, it is not reasonable to treat any of the information provided in the BHAG submission as credible, given their failure to address this most simple of tasks. Of course, the implication in the reference to our organisation as "Geolies Consultants" is that we lie. This is further substantiated by the fact of Mr. Graham verbally stating in a meeting of the Ecological Focus Group that our senior ecologist was a 'liar'. To this end we are currently seeking legal advice regarding possible defamation action for verbal slander, in addition to defamation action arising from the publicly disseminated submission (in person and on the BHAG website), prior to the submission being published by the Committee.

Fourth, as indicated previously, the information contained in the BHAG submission is potentially libellous, despite the protection of Parliamentary Privilege afforded to it. Therefore, in accordance with the *Legislative Council Procedural Briefing Note No. 32 – Adverse Reflections by Witnesses before Committees*, we consider that there is sufficient evidence that the material in the BHAG submission is "reasonably serious, for example, of a kind that would, in other circumstances, usually be successfully pursued in an action for defamation". The evidence submitted by the BHAG, we believe, "reflects adversely 'on a person' (including an organisation) rather than on the merits or reliability of an argument or opinion". Further, the material in the submission, by way of the inference that our organisation 'tells lies', in addition to other comments made in the submission regarding the level of competence of our work, involves "allegations of incompetence, negligence, corruption, deception or prejudice, rather than lesser forms of oversight or inability which are the subject of criticism in general terms, are regarded as adverse reflections".

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Based on the above, we therefore request the following:

1. The Committee treat the BHAG submission, regarding ecology, as an 'adverse reflection';
2. The Committee deal with the submission in accordance with the guidelines stipulated in the *Legislative Council Procedural Briefing Note No. 32 – Adverse Reflections by Witnesses before Committees*;
3. The Committee accept this submission as a submission to the Parliamentary Inquiry into Pacific Highway Upgrades – General Purpose Standing Committee No. 4;
4. The Committee recognise that the information contained in the BHAG submission is based on vested personal interest and in no way reflects the reality of the high level of detail and accuracy of ecological investigations into the route options for the Woodburn to Ballina Pacific Highway Upgrade;
5. Any verbal submission to the Inquiry by Mr. Graham be considered in the context of this submission;
6. A transcript of Mr. Graham's verbal submission be made available to Geolyse Pty Ltd.

If you have any queries, please do not hesitate to contact the undersigned.

Yours faithfully
Geolyse Pty Ltd

DR JUSTIN MELEO
Project Director