

Privileges Committee

Citizen's Right of Reply

(Mr Cor Disselkoen)

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Terms of reference

The inquiry was conducted in accordance with standing orders 202 and 203.

Committee membership

The Hon Trevor Khan MLC	The Nationals	Chair
The Hon Amanda Fazio MLC	Australian Labor Party	Deputy Chair
The Hon John Ajaka MLC	Liberal Party	
The Hon Jenny Gardiner MLC	The Nationals	
The Hon Matthew Mason-Cox MLC	Liberal Party	
Revd the Hon Fred Nile MLC	Christian Democratic Party (Fred Nile Group)	
The Hon Peter Primrose MLC	Australian Labor Party	

Table of contents

Report	1
Appendix 1	3

Report

- 1.1 Standing orders 202 and 203 of the Legislative Council provide a mechanism for a person who has been adversely referred to by a member of the Legislative Council in proceedings of the House to seek a right of reply through the incorporation of a response in *Hansard* or in the *Minutes of Proceedings*.
- 1.2 On 13 September 2012, the President of the Legislative Council, the Hon Don Harwin MLC, received a submission from Mr Cor Disselkoen requesting the incorporation of a response under standing orders 202 and 203.
- 1.3 The submission referred to a speech made by the Hon Jeremy Buckingham MLC concerning Mr Disselkoen during debate in the Council on 14 August 2012.¹ The President, having considered the submission under standing order 202(2), referred it to the Privileges Committee on 14 September 2012.
- 1.4 The Committee met in private session on 23 October 2012, and decided, according to standing order 203, to consider the submission. The response, which the Committee now recommends for incorporation in *Hansard*, has been agreed to by Mr Disselkoen and the Committee in accordance with standing order 203(4)(b).
- 1.5 The Committee draws attention to standing order 203(3)(b) which requires that, in considering a submission seeking a citizen's right of reply, the Committee must not consider or judge the truth of any statements made in the House or in the submission.
- 1.6 The Committee recommends:

Recommendation 1

That a response by Mr Cor Disselkoen, in the terms specified at Appendix 1, as agreed to by Mr Disselkoen and the Committee, be incorporated in *Hansard*.

The Hon Trevor Khan MLC
Chair

¹ *LC Hansard* (14/08/2012) 13639-13640.

Appendix 1 Reply to comments by the Hon Jeremy Buckingham MLC in the Legislative Council on 14 August 2012

I, Cor Disselkoen, make this response to the severely damaging and unfounded remarks made by the Hon Jeremy Buckingham MLC in the Legislative Council on 14 August 2012 regarding the Fullerton Cove coal seam gas project, Maria's Farm Veggies and my own personal history and character.

The comments identified me personally by name, and included direct attacks on my character.

At no stage did Mr Buckingham attempt to contact me to verify the authenticity of his remarks. The statement contains multiple errors of fact and false assertions, and wild speculations made recklessly and without sufficient care being given to ascertain the truth of the claims.

Mr Buckingham stated that:

1. *'While I am not sure what happened to Mr Disselkoen or his hydroponic plans for Bomaderry, I know that a judge from his home country of Holland approved his extradition to Poland in 2010 to face fraud charges dating back to 1997. In 2011 Dutch media reported, "Mr Disselkoen, who then had a deep freeze plant in Poland, was jailed for refusing to pay a tax he claimed didn't exist." He was released on bail after two months but an arrest warrant was issued in relation to the same matter in 2010. These events raise serious questions about Dart Energy's credibility in trying to link its development to an agricultural project with a company with such a dubious background.'*

Mr Buckingham is attempting to draw conclusions from an incomplete set of facts which gives an overall impression of criminality and dishonesty which is unfounded. Importantly, he has not indicated that I was acquitted at first instance, with the criminal proceedings for all other charges discontinued.

The oddity of being extradited for 13 year old charges (which the acquittal proves were not warranted) does not raise any questions about Dart Energy's credibility. Rather it was an abuse of process for which, as the extensive coverage by the Dutch media details, I will be seeking compensation from the Republic of Poland.

Also of the view that these unfortunate events are not a reflection on my character or credibility was Mrs Judith Sargentini, a Greens/European Free Alliance member of the European Parliament, who accompanied me at the trials in Zlotow, Poland, on behalf of the European Parliament and Fair Trials International to ensure a fair trial.

2. *'My concern is that Dart Energy's plans have little to do with agriculture and more to do with trying to smooth the way for a coal seam gas field spread from Fullerton Cove to Nelson Bay. With such a shaky and possibly shonky partner in Mr Disselkoen, the likelihood of this supply arrangement ever coming to fruition is small. I am not aware of any project proposal to the local council or the Department of Planning for a greenhouse project. What seems to be going on is that the idea of a glasshouse is simply a ruse by Dart Energy – a public relations exercise to con this Government and the community into believing that its gas plans are about food production and local agricultural jobs to try to lessen the community backlash.'*

I completely deny these allegations. Mr Buckingham has based these theories on nothing more than speculation and propaganda.

Whilst such projects are not yet prominent in Australia, the Netherlands uses this arrangement extensively, and has for over 60 years with much success. The global expertise and technology in this area is in fact well established, and we strongly believe that applying this expertise in Australia will result in a highly efficient, sustainable and environmentally friendly (with Maria's Farm likely to be one of the few carbon positive companies in the country) source of food.

Creation of a clean and efficient food source, as well as at least 125 jobs, is certainly not merely a 'public relations exercise' designed to 'con' the community, but a highly desirable outcome which Mr Buckingham has apparently overlooked due to his preconceived and baseless interpretation of my character.

3. *'I refer to the language used by Dart Energy in the announcement including the lines, "coal seam gas development can co-exist with alternative productive land uses, including agricultural", and that it can, "facilitate sustainable food production and associated job creation in NSW." The likelihood of any of this being more than spin and misdirection is low, given the track record of the partner company involved. Cor Disselkoen is the chief executive of Maria's Farm Veggies and his company's vegetable plans have a bit of history. His Maria's Farm hydroponic project in the Shoalhaven was announced back in 2008. This project was supposed to be twice the size of the Fullerton project at \$125 million, and was announced by planning Minister Tony Kelly as Australia's biggest greenhouse ... But the project application was revoked with almost no coverage and little reason offered. Locals in the Shoalhaven believe that the operator went broke.'*

This is a baseless remark by Mr Buckingham which is contrary to the facts. The Shoalhaven project was not aborted due to anybody going broke. Rather, the landowner was unfortunately unwilling to execute the sale at the last minute, preventing the developments at the Bomaderry site from progressing.

These events alone certainly do not result in the company's reputation being as low as Mr Buckingham contends. In fact, over the course of nearly 45 years in the business, I have run some of the largest importers and exporters of fruit, vegetables, flowers and pot plants in the Netherlands with a combined yearly turnover of over \$1 billion. I also own and operate seven different greenhouse complexes. Mr Buckingham's derogation of my track record is unfair and unsubstantiated.

4. *'The recent sign-off of coal seam gas pilot production at Fullerton Cove near Newcastle has shone a spotlight on the desperation of the coal seam gas industry to win a social licence. It is trying all angles to change community perception and a growing reality that coal seam gas and agriculture cannot coexist. But at Fullerton Cove and for Dart Energy these efforts look like being a complete failure with their plans to link gas production to a greenhouse project only further alarming the community and demonstrating the underhanded tactics of gas companies.'*

These allegations are entirely baseless. The co-existence of coal seam gas and agriculture is not only possible, but also presents a significant improvement in energy efficiency.

In the Netherlands, the home of approximately 13,000 hectares of greenhouses (compared to only 80 hectares in Australia), approximately 15 per cent of all electricity is sourced from providers combining their electricity production with horticulture. Over the past 15 years, their use of gas energy to generate

hot water both for heating greenhouses and supplying electricity to the grid (a method called 'CHP', or Combined Heat and Power) has resulted in a proven energy efficiency of 92-94 per cent. Comparatively, the average energy efficiency of Australian producers supplying only to the grid is only 42-45 per cent.

In the case of horticulture, in combination with a flue gas cleaner, some of the emissions from this process can also be used as a CO₂ fertiliser. Comparatively, attempting to extract CO₂ from oil and/or coal boilers would be toxic and hence incapable of being used for this purpose.

Mr Buckingham's remarks that the agricultural link is merely an 'underhanded tactic' and a publicity ploy are entirely false. Not only does CHP provide a 20 per cent price saving on electricity compared to other methods, but this link of gas-produced electricity and agriculture also serves to boost vegetable production by 7-15 per cent. Contrary to Mr Buckingham's statement, this project offers real benefits both to the participants and the community.