

*Michael Chapman*

Review of Rental for Domestic Waterfront Tenancies in NSW

**PART**

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Dear Sir

**RE Natural Justice and Conflict of Interest**

I wish to have the opportunity to put oral evidence before the hearing and if necessary, to question the relevant Waterways officer on



1. Confirmation that a review and public consultation process (including mail-out to 2,500 tenants and advertisements and 3 public meetings) was undertaken by Waterways into wetland rentals in November and December 1992 and the outcomes from it led to Minister Bruce Baird ordering that the proposed policy to link wetland rentals to adjoining freehold values, be scrapped
2. Files relating to the 1992 review, the outcome and decision not to proceed, have since been destroyed (according to Mr Michniewicz, General Manager, Waterways) and the reason why
3. Natural Justice -- Why reference to (1) above was omitted from the Background Paper
4. Waterways (and Lands) having a conflict of interest in this matter --- both departments wrote or had input into the Proposal and Background Paper and it is in the interest of each department to increase rental income; both departments have *a duty to put both sides of the argument* ie. equal space for and against case (**a principle upheld by the Supreme Court of NSW in the case re NRMA prospectus for privatization**); page 3 and 4 outlines the case for the formula that "the Department of Lands and the Waterways Authority wish to utilize".

There is no mention of a case against the formula.

Please let me have PART'S decision on the above request in writing.

It is essential that the public has confidence in the process.

Yours

*Michael Chapman*

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1 December 2003