



Australian Government

**Department of Infrastructure, Transport,
Regional Development and Communications**

**Chief Operational Officer
Pip Spence PSM**

EC20-000558

Senator Susan McDonald
Chair
Rural and Regional Affairs and Transport Legislation Committee
Parliament House
Canberra ACT 2600

Dear Chair

**Rural and Regional Affairs and Transport Legislation Committee - 19 October 2020,
20 October 2020 and 10 November 2020**

I refer to the appearance of the Department of Infrastructure, Transport, Regional Development and Communications (the Department) at the above hearings. The Department would like to provide the corrections and clarifications outlined at **Attachment A** to this letter.

If any further corrections or clarifications are identified I will write again at the earliest opportunity.

I would appreciate if you could note this letter for the Committee.

Yours sincerely

Pip Spence

11 December 2020

Encl.

After reviewing the Hansard from the Rural and Regional Affairs and Transport Legislation Committee hearings as a whole, to support further clarity on the events leading up to the ANAO's tabling of the report titled *Purchase of the 'Leppington Triangle' Land for the Future Development of Western Sydney Airport*, the Department confirms that the Report Preparation Papers were received on 23 June 2020 by email to the Secretary and this is when he first became aware of it. The Department also notes the following key dates for the Committee:

- On 14 July 2020, the Department:
 - o responded to the ANAO Report Preparation Papers, and
 - o participated in an exit meeting with the ANAO.
- On 4 August 2020, the Department received the ANAO's 's19 Report'.
- On 1 September 2020, the Department responded to the ANAO's 's19 Report'.
- On 17 September 2020, the Department received an embargoed copy of the final Report.
- On 21 September 2020, the ANAO tabled the final Report.

In relation to the Department's statements to the Committee on 10 November 2020, the Department would like to make the following corrections and clarifications:

- a. *Ms Spence: I think the best way of describing it is that relevant material has been provided to the respondent but they don't have access to our email system. I'm not sure, on the phone front; I think they've still got a departmental phone.*

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Correction: The respondent in question has access to their phone and email. They also have restricted 'read only' access to the Department's record management system. This enables the respondent to provide any supporting evidence that may assist in determining the facts during the investigation, and supports procedural fairness principles of the Code of Conduct process.

- b. *Senator WONG: The contract was varied on 3 November. Could somebody tell me why?*
Ms Spence: I think it was to extend the scope of the audit.

...

Senator WONG: Thank you. You tabled the terms of reference for Mr Harrison's review on the last occasion. Have they been changed?

Ms Spence: Yes – that's the change in scope we just referred to.

Pages 13-14

Clarification: The contract end date was extended on 30 September 2020 and the contract scope of works varied on 12 October 2020. These changes published on AusTender on 3 November 2020. The terms of reference tabled on 19 October 2020 are current.

- c. *Ms Spence: Before passing to Mr Medland, I can give you advice on the remuneration, which is actually set out in our annual report: Geoff Knuckey \$11,340; Gayle Ginnane, \$6,180 and Susan Page \$7,189. That's total annual remuneration.*

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Correction: The figures quoted by the Department are from table B.3 (pages 242-244) of the Department's 2019-20 Annual Report and relate to the period 1 February 2020 to 30 June 2020 only. Table B.1 (pages 239-240) provides remuneration for 1 July 2019 to 31 January 2020. As a result, total remuneration paid to those members of the Audit and Risk Committee members in 2019-20 (GST exclusive) is:

- Geoff Knuckey \$21,600
- Susan Page \$15,673
- Gayle Ginnane \$13,267.

- d. *Ms Vine-Camp: A decision had been taken by an officer in the unit to lock down what we call an RMS box, where we keep information that's accessible to staff. It was a file that had personal information, probity information, in it. An officer made a decision to lock that file down, which meant that, when the audit committee came looking and pressed on that button to access the link, it was showing as not accessible. As soon as I became aware of that, I had that box opened up and the information that people were concerned about removed from the file.*

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Clarification: This statement relates to the ANAO, not the audit committee.

- e. *Senator RICE: Can you tell me the exact date of that approval?*
Mr Hallinan: I think it was 15 March 2018.

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Clarification: The delegate approved expenditure for the overall purchase of the Leppington Triangle under s23 of the *Public Governance and Public Accountability Act 1993* on 14 March 2018.

- f. *Mr Whalen: Roads and Maritime Services put out an options report in July 2015 after consulting and taking submissions from the community. They then published their final preferred alignment, which was the eastern alignment, on 9 November 2015.*
Senator WONG: So 9 November 2015. What was the name of the document?
Mr Whalen: The final document was called The Northern Road stage 4 options identification report.

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Correction: The report name is *The Northern Road Upgrade Stage 4 Preferred Route Option Report*, announced on 12 November 2015.

In relation to the Department's statements to the Committee on 20 October 2020, the Department would like to make the following corrections and clarifications:

- g. *Mr Southwell: I joined the Western Sydney Unit in April 2016 as a director.*
...
Mr Southwell: Correct. I worked as a ministerial adviser on policy matters between October 2015 and April 2016, and then again in February 2018 to April 2018.

Pages 74 and 75

Correction: Mr Southwell worked in the Western Sydney Unit from 24 March 2016 to 11 February 2018 and from 12 May 2018 to 3 July 2019. Mr Southwell worked as a ministerial policy adviser in different portfolio areas, from 8 October 2015 to 23 March 2016, and then again in a relief capacity from 12 February 2018 to 11 May 2018.

h. Mr Atkinson: As I understand, CASA was quite involved and consulted on it, and it was found to be fine.

Senator WATT: So CASA was involved in what exactly?

Mr Atkinson: In the discussions around the Northern Road in 2015.

Page 79

Clarification: CASA was not specifically consulted on The Northern Road alignment. However, through regular consultation on the development of the Western Sydney Airport Plan, CASA provided general advice about obstacle limitation surface modelling and HIAL requirements that was used by the Department to assess the impact of the Northern Road alignment on the operations of the airport.