

Public Accounts and Audit

ANSWERS TO WRITTEN QUESTIONS ON NOTICE

Infrastructure, Transport, Regional Development and Communications

Division/Agency: Assurance Taskforce

Inquiry: Governance in the stewardship of public resources: Inquiry into Auditor-General's Reports 11, 31, 39 (2019-20) and 2 and 9 (2020-21)

Topic: Coffee shop meetings with landholders from Western Sydney

Proof Hansard Page: 53 (14 April 2021)

Departmental Question number: IQ21-000047

Senator Julian Hill asked:

Mr HILL: When did the department first become aware that officers were engaging in undocumented coffee shop meetings with landholders from Western Sydney? Was this as a result of the audit or had it come to the attention of senior managers before that?

Ms Spence: I think the concerns in relation to the way in which those meetings were being held were as a result of the report preparation papers that were provided to us by the ANAO.

Mr HILL: Can you take on notice how many such meetings you identified, involving how many officers and with which landholders? That's quite important.

Ms Spence: I think we have provided some advice to that end, but I'll double-check, and we'll obviously update it.

Answer:

The Department refers the Committee to Rural and Regional Affairs and Transport Legislation Committee Question on Notice number 96 from Budget Estimates 2020-2021, a copy of which is at [Attachment A](#).

Attachments

- Rural and Regional Affairs and Transport Legislation Committee Question on Notice number 96 from Budget Estimates 2020-2021 (Departmental Question Number SQ20-000483)

Rural & Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Budget Estimates 2020 - 2021

Infrastructure, Transport, Regional Development and Communications

Committee Question Number: 96

Departmental Question Number: SQ20-000483

Program: 2.3 Air Transport

Division/Agency: Major Transport & Infrastructure Projects

Topic: Meetings with landowners

Proof Hansard Page: Written (9 November 2020)

Senator Glenn Sterle asked:

Could the Department provide a list of all meetings (including by telephone or video conference) with landowners in the vicinity of Western Sydney Airport and/or projects being delivered under the Western Sydney Infrastructure Plan or their representatives including but not limited to:

- Leppington Pastoral Company, and/or the Perich family
- Marsdens Lawyers
- IPPA Trust and/or Chris Patterson
- Daryl Maguire
- Louise Waterhouse
- The Medich family
- The Ingham family
- Coombes Property Group
- Buoyan Holdings
- Small landowners in the vicinity of the Western Sydney Airport and the Aerotropolis

Information provided should include:

- Date of meeting
- Land holder and/or representative in attendance
- Purpose of meeting, including issues discussed and outcomes
- Department officials in attendance
- Location of meeting

Rural & Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Budget Estimates 2020 - 2021

Infrastructure, Transport, Regional Development and Communications

Answer:

The Department has undertaken an extensive IT search for records of meetings with landowners in the vicinity of Western Sydney Airport (WSA) and/or projects being delivered under the Western Sydney Infrastructure Plan or their representatives for the period 28 April 2014 (when the former Western Sydney Unit was established) to 3 December 2020. The Department's IT search did not include a search of phone records, as to do so would have been an unreasonable diversion of the Department's resources.

The response below includes meetings with private sector landowners (including universities) that the Department attended and where records of the Department show a meeting occurred. .

- In relation to Leppington Pastoral Company (LPC), the Perich family and Marsdens Lawyers, the Australian Federal Police (AFP) advised the Senate Legal and Constitutional Affairs Committee on 20 October 2020 that matters which were the subject of the ANAO report No. 9 2020-21 on the *Purchase of the 'Leppington Triangle' Land for the Future Development of Western Sydney Airport* are under active investigation. The public disclosure of meetings between the Department and LPC, the Perich family and/or their representatives may have the potential to prejudice the AFP's investigation.
- The Department found no evidence of meetings with IPPA Trust and/or Chris Patterson, Daryl Maguire or Coombes Property Group.
- Louise Waterhouse

Date	Land holder/representative in attendance	Purpose of meeting	Issues discussed	Outcomes	DITRDC officials in attendance	Location of Meeting
30-Sep-16	Louise Waterhouse (SmartWest.Sydney)	To provide the Department's Western Sydney Unit with an understanding of SmartWest.Sydney landholdings.	Update from the Department on the status of the Environmental Impact Statement for WSA, the draft Airport Plan, the Joint Scoping Study on The Northern Road alignment.	Ms Waterhouse was provided with a hard copy of the draft Airport Plan. Links to the rail study discussion paper, NSW Roads and Maritime Services (RMS) website and WSA noise modelling were emailed after the meeting.	General Manager; EL2; EL1; APS6	Department
17-Oct-16	Louise Waterhouse (SmartWest.Sydney)	To discuss the SmartWest.Sydney development.	IT search did not identify issues discussed	IT search did not identify outcomes	General Manager	Canberra Civic
04-Nov-16	Louise Waterhouse (SmartWest.Sydney)	To discuss the SmartWest.Sydney development.	IT search did not identify issues discussed	IT search did not identify outcomes	General Manager	Bligh St, Sydney

Rural & Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Budget Estimates 2020 - 2021

Infrastructure, Transport, Regional Development and Communications

Date	Land holder/representative in attendance	Purpose of meeting	Issues discussed	Outcomes	DITRDC officials in attendance	Location of Meeting
25-Oct-17	Louise Waterhouse (SmartWest.Sydney)	Presentation by SmartWest.Sydney including access to The Northern Road intersection adjacent to the western entrance to WSA.	The Department explained that The Northern Road design and land acquisition process was well-advanced and any additional proposals could impact the timing of the airport delivery. The Department explained the role of the RMS and WSA Co in considering the proposal.	The Department undertook to consider the proposal in consultation with RMS, as the decision-maker and delivery authority for The Northern Road, and WSA Co as the airport operator and main user of the intersection to access the airport. The Department wrote to Ms Louise Waterhouse on 22 December 2017, noting the issues and advising that future development to the west of The Northern Road should be raised directly with RMS, as the authority responsible for the delivery and operation of The Northern Road.	General Managers	Department

- The Medich family

Date	Land holder/representative in attendance	Purpose of meeting	Issues discussed	Outcomes	DITRDC officials in attendance	Location of Meeting
Jun-15	Gordon Kirkby (JBA Urban - on behalf of Robert Medich Pty Ltd)	To provide an update on the WSA project and the Environmental Impact Statement process.	The Department noted the WSA project is in the planning phase and that the New South Wales government is responsible for offsite strategic planning and development matters.	IT search did not identify outcomes	General Manager	JBA Urban Office, Berry Street, North Sydney

Rural & Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Budget Estimates 2020 - 2021

Infrastructure, Transport, Regional Development and Communications

Date	Land holder/representative in attendance	Purpose of meeting	Issues discussed	Outcomes	DITRDC officials in attendance	Location of Meeting
18-May-16	Roy Medich and Gordon Kirkby (JBA Urban - on behalf of Robert Medich Pty Ltd)	To provide an update on the WSA project including the status of the Airport Plan and environmental assessment processes, anticipated land use and announcements in the 2016 Federal Budget	The Right of First Refusal for WSA; WSA site management; land use planning; Obstacle Limitation Surface implications; the environmental assessment processes.	IT search did not identify outcomes	General Manager; EL2	The Terraces, George St Sydney

- The Ingham family

Date	Land holder/representative in attendance	Purpose of meeting	Issues discussed	Outcomes	DITRDC officials in attendance	Location of Meeting
1-May-18	Ingham Property Group	North South Rail Link (NSRL) Market Sounding	Overview of the NSRL, the process and objectives of market sounding; current plans for land holding and timeframes for development; influence of NSRL on future plans; and views on value sharing arrangements and station locations	The meeting provided input to the NSRL - Market Sounding Report.	A/g General Manager	Ernst & Young office, George St, Sydney

Rural & Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Budget Estimates 2020 - 2021

Infrastructure, Transport, Regional Development and Communications

- Buoyan Holdings

Date	Land holder/representative in attendance	Purpose of meeting	Issues discussed	Outcomes	DITRDC officials in attendance	Location of Meeting
2-May-18	Jonathan Pan, Joseph Nguyen (Boyuan Holdings Limited)	NSRL Market Sounding	Overview of the NSRL, the process and objectives of market sounding; current plans for land holding and timeframes for development; influence of NSRL on future plans; and views on value sharing arrangements and station locations	The meeting provided input to the NSRL - Market Sounding Report.	A/g General Manager	Ernst & Young office, George St, Sydney

- Small landowners in the vicinity of the Western Sydney Airport and the Aerotropolis

Date	Land holder/representative in attendance	Purpose of meeting	Issues discussed	Outcomes	DITRDC officials in attendance	Location of Meeting
1-May-18	University of Sydney	NSRL Market Sounding	Overview of the NSRL, the process and objectives of market sounding; current plans for land holding and timeframes for development; influence of NSRL on future plans; and views on value sharing arrangements and station locations	The meeting provided input to the NSRL - Market Sounding Report.	A/g General Manager	Ernst & Young office, George St, Sydney
1-May-18	Stockland	NSRL Market Sounding	Overview of the NSRL, the process and objectives of market sounding; current plans for land holding and timeframes for development; influence of NSRL on future	The meeting provided input to the NSRL - Market Sounding Report.	A/g General Manager	Ernst & Young office, George St, Sydney

Rural & Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Budget Estimates 2020 - 2021

Infrastructure, Transport, Regional Development and Communications

Date	Land holder/representative in attendance	Purpose of meeting	Issues discussed	Outcomes	DITRDC officials in attendance	Location of Meeting
			plans; and views on value sharing arrangements and station locations			
2-May-18	Western Sydney University	NSRL Market Sounding	Overview of the NSRL, the process and objectives of market sounding; current plans for land holding and timeframes for development; influence of NSRL on future plans; and views on value sharing arrangements and station locations	The meeting provided input to the NSRL - Market Sounding Report.	A/g General Manager	Ernst & Young office, George St, Sydney
2-May-18	Lendlease	NSRL Market Sounding	Overview of the NSRL, the process and objectives of market sounding; current plans for land holding and timeframes for development; influence of NSRL on future plans; and views on value sharing arrangements and station locations	The meeting provided input to the NSRL - Market Sounding Report.	A/g General Manager	Ernst & Young office, George St, Sydney
11-May-18	Boral/CSR	NSRL Market Sounding	Overview of the NSRL, the process and objectives of market sounding; current plans for land holding and timeframes for development; influence of NSRL on future plans; and views on value sharing arrangements and station locations	The meeting provided input to the NSRL - Market Sounding Report.	A/g General Manager	Ernst & Young office, George St, Sydney

Rural & Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Budget Estimates 2020 - 2021

Infrastructure, Transport, Regional Development and Communications

Date	Land holder/representative in attendance	Purpose of meeting	Issues discussed	Outcomes	DITRDC officials in attendance	Location of Meeting
11-May-18	Mirvac	NSRL Market Sounding	Overview of the NSRL, the process and objectives of market sounding; current plans for land holding and timeframes for development; influence of NSRL on future plans; and views on value sharing arrangements and station locations	The meeting provided input to the NSRL - Market Sounding Report.	A/g General Manager	Ernst & Young office, George St, Sydney
11-May-18	Celestino	NSRL Market Sounding	Overview of the NSRL, the process and objectives of market sounding; current plans for land holding and timeframes for development; influence of NSRL on future plans; and views on value sharing arrangements and station locations	The meeting provided input to the NSRL - Market Sounding Report.	A/g General Manager	Ernst & Young office, George St, Sydney
29-Oct-19	Western Sydney University	Meeting with Minister Tudge - to hear Western Sydney University's plans for its land	Western Sydney University's plans for land it owns in Western Sydney over the coming years.	IT search did not identify outcomes	EL2	Commonwealth Parliamentary Offices, Bligh Street, Sydney

Public Accounts and Audit

ANSWERS TO WRITTEN QUESTIONS ON NOTICE

Infrastructure, Transport, Regional Development and Communications

Division/Agency: Assurance Taskforce

Inquiry: Governance in the stewardship of public resources: Inquiry into Auditor-General's Reports 11, 31, 39 (2019-20) and 2 and 9 (2020-21)

Topic: Contract values for Department sponsored reviews of the Leppington Triangle purchase

Proof Hansard Page: 51 (14 April 2021)

Departmental Question number: IQ21-000043

Senator Julian Hill asked:

Mr HILL: I might just put a couple of quick things on notice for the department, because you've well covered the update on the reviews. Could you also take on notice how much each of those reviews has cost or is expected to cost when they're finished? And you may need to take this on notice as well: in preparing the secretary's six-paragraph submission to the committee last time, was there any discussion with the minister's office? The minister now is Mr Fletcher, who I think is the same minister—he has been reappointed—that presided over this case in the first place.

Ms Spence: I can provide you the update on what we've spent so far, if that would assist, or I can provide that on notice.

Mr HILL: Just do it on notice; that's fine. I'm mindful of the time, so I'm just trying to save airtime.

Answer:

As at 23 April 2021, the value of all reviews being undertaken by the Department in response to the ANAO's finding is \$532,418 (GST incl.). The individual breakdown is:

Process	Service Provider	AusTender ID	Contract value (GST incl.)
Code of Conduct Review 1 (land acquisition)	CPM Reviews (Dr Vivienne Thom)	CN3728456	\$80,493
Code of Conduct Review 1 (decision-maker)	Stephen Sedgwick PSM	CN3750727	\$77,000
Code of Conduct Review 2 (declarations of interest)	Ashurst Australia (Ms Barbara Deegan)	CN3728690	\$30,000
Independent Audit	Sententia Consulting Pty Ltd	CN3714509	\$265,915
Culture and Capability Review	KPMG	CN3751269	\$79,010

Public Accounts and Audit

ANSWERS TO WRITTEN QUESTIONS ON NOTICE

Infrastructure, Transport, Regional Development and Communications

Division/Agency: Assurance Taskforce

Inquiry: Governance in the stewardship of public resources: Inquiry into Auditor-General's Reports 11, 31, 39 (2019-20) and 2 and 9 (2020-21)

Topic: Australian Federal Police advice

Proof Hansard Page: 50 Written (14 April 2021)

Departmental Question number: IQ21-000042

Senator Julian Hill asked:

Mr HILL: You said in your opening statement:

... the AFP has advised the department that any material that may prejudice this investigation should not be released while the investigation is underway.

That was in your submission. On what date was that advice received?

Ms Spence: The last date was in March. If you'll just bear with me, I can give you a specific date. It was 17 March.

Mr HILL: Can you provide a copy of that advice from the AFP?

Ms Spence: It was verbal advice.

Mr HILL: So there are no parameters for that advice?

Ms Spence: I think we've tabled the written advice that we received from them in response in the Western Sydney airport inquiry, so I'm happy to table those documents.

Answer:

The Department refers the Committee to the Question on Notice from the Finance and Public Administration References Committee hearing of 10 March 2021 at [Attachment A](#).

Attachments

- Question on Notice from the Finance and Public Administration References Committee hearing of 10 March 2021

Finance and Public Administration References Committee

ANSWERS TO WRITTEN QUESTIONS ON NOTICE

Infrastructure, Transport, Regional Development and Communications

Division/Agency: Major Transport & Infrastructure Projects

Inquiry: The planning, construction and management of the Western Sydney Airport project

Topic: Advice on AFP investigation

Proof Hansard Page: Spoken (10 March 2021)

Senator Tim Ayres asked:

CHAIR: Is the department still assisting the AFP with its inquiries?

Ms Spence: Any time they ask us for anything, we're supporting them. They obviously run that independently of us. They do their own interviews, but if they need anything we're very happy to provide any support they need from us.

CHAIR: When was the department's last interaction with the AFP?

Ms Spence: I think the last one would have been 11 February, where we discussed with them where we were up to in terms of our making sure that they had visibility of where we were up to with our draft independent audit report to make sure that they were aware of how our processes were progressing.

CHAIR: Has Mr Fletcher or any members of his former or current office been interviewed by the AFP?

Ms Spence: No.

CHAIR: Your submission says, at page 4, that the AFP:

...has advised the Department that any material that may prejudice this investigation should not be released while the investigation is underway.

Was that advice solicited by the department or the minister's office?

Ms Spence: The department.

CHAIR: When was that advice received?

Ms Spence: It was provided to us quite early on, probably around October. But we recently reaffirmed it on 1 February.

CHAIR: So October last year and February this year?

Ms Spence: Yes. It was first issued on 15 October and it's been reconfirmed in discussions with the AFP on 7 January, 15 January and 1 February.

CHAIR: Can those two advices be provided?

Ms Spence: Do you mind if I take that on notice just to make sure? As I said, we've provided information to the Senate estimates committee which explained the AFP position. But if I can take that on notice; I want to make sure that the AFP are comfortable with us providing that material.

Answer:

The Australian Federal Police (AFP) has agreed to the Department tabling written advice from 15 October 2020 and 1 February 2021, outlining its position on the release of material relating to the Leppington Triangle purchase.

In seeking the AFP's clearance to table these documents, the AFP reaffirmed that information, material or evidence relating to the procurement of the Leppington Triangle should not be released until the investigation is finalised. The AFP also confirmed that it:

- would like to review Mark Harrison's independent audit of the Leppington transaction, prior to any public release of this document, and the investigation being undertaken by Dr Vivienne Thom into staff conduct related to the Leppington transaction, and
- does not need to review the culture and capability review of the former Western Sydney Unit being undertaken by KPMG or the investigation being undertaken by Barbara Deegan into staff conduct related to the management of a declared conflict of interest.

Attachment:

- A – Emails dated 15 October 2020 and 1 February 2021 (redacted as appropriate)

SPENCE Pip

From: [REDACTED]@afp.gov.au
Sent: Thursday, 15 October 2020 4:59 PM
To: SPENCE Pip
Subject: FW: ANAO advice - AFP [SEC=OFFICIAL:Sensitive]

OFFICIAL:Sensitive

I'll try the right spelling this time.

Regards

[REDACTED]

COORDINATOR CRIME A
EASTERN COMMAND

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The Australian Federal Police acknowledges the traditional owners and custodians of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to the people, the cultures and the elders past, present and emerging.



From: [REDACTED]
Sent: Thursday, 15 October 2020 4:57 PM
To: 'pip.spence@infrastructure.gov.au' <pip.spence@infrastructure.gov.au>; 'david.hallinan@infrastructure.gov.au'

Subject: ANAO advice - AFP [SEC=OFFICIAL:Sensitive]

OFFICIAL:Sensitive

Good Afternoon David and Pip,

I refer to our conversation yesterday and provide the following advice;

1. The Journalist FIO requests should be rejected based on the status of an active investigation by the AFP and the potential compromise of witnesses and the potential destruction of evidence.

2. For Senate Estimates you can reference that this is an active investigation being undertaken by the AFP and if pushed can state that advice from the AFP is that it is too early to speculate on any criminality. The decision to reference any internal code of conduct enquiry is an internal decision for your department.
3. There is no need to stop any internal code of conduct enquiry while AFP reviews documents and identifies persons they wish to interview.

It is my understanding that this advice is also likely to be referred to your department by AFP Canberra. This is the advice I provided to them today and they have prepared a back pocket brief for AFP Senate Estimates.

For background only;

The referral from ANAO became an active investigation on 4 August 2020 and AFP received the documents in question on 28 August 2020. We are likely to be in a position to start interviewing after Wednesday 28 October 2020. We will be in touch closer to the time to start arrangements. I realise that this is not an easy situation to be in and has been stressful for you both. If you have any further concerns feel free to contact me directly or to continue your engagement at a higher level through DCI McCartney.

AC-EC

Ma'am – FYI.

Regards



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AFP Web site: <http://www.afp.gov.au>

WALL Ruth

From: [REDACTED]@afp.gov.au
Sent: Monday, 1 February 2021 6:51 AM
To: [REDACTED]
Cc: WALL Ruth; [REDACTED]
Subject: RE: FOR INFORMATION: Department of Infrastructure submission to JCPAA ANAO Leppington Triangle Report [SEC=OFFICIAL]

OFFICIAL

Good morning [REDACTED] and Ruth,

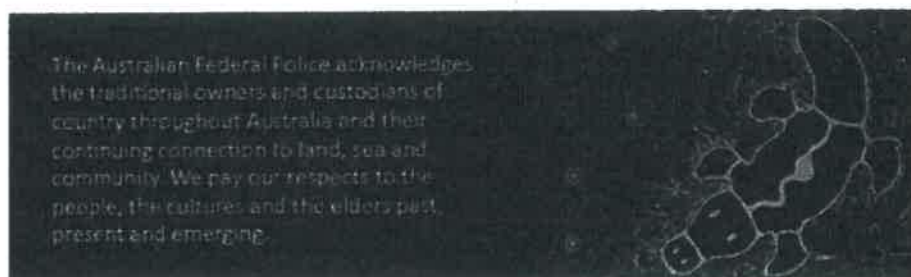
The AFP supports the statement. However, the AFP would also support informing the Committee that once the investigation is finalised, the AFP would not have an objection to providing the material sought.

Regards

[REDACTED]
INVESTIGATIONS MANAGER - CRIME
EASTERN COMMAND
Tel: [REDACTED] Ext: [REDACTED] Mob: [REDACTED]
www.afp.gov.au



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From: [REDACTED]
Sent: Friday, 29 January 2021 11:02 AM
To: [REDACTED]@afp.gov.au
Cc: WALL Ruth <Ruth.Wall@infrastructure.gov.au>
Subject: FOR INFORMATION: Department of Infrastructure submission to JCPAA re: ANAO Leppington Triangle Report

Hi [REDACTED]

As discussed with Ruth Wall, please find attached the Department's submission to the Joint Committee on Public Accounts and Audit (JCPAA) in relation to the ANAO Leppington Triangle Report. This has now been signed by the Secretary and we intend to lodge with the JCPAA Secretariat this afternoon (submissions are due today). Grateful your confirmation that the AFP is comfortable with the Department's proposed approach, noting that no date has been set for Committee hearings.

Kind regards,
[REDACTED]

Assurance Taskforce
Department of
Infrastructure, Transport,
Regional Development and
Communications

t: [redacted] m: [redacted]

w:
www.infrastructure.gov.au
GPO Box 594, Canberra
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Australian Government
**Department of Infrastructure, Transport,
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AFP Web site: <http://www.afp.gov.au>

WALL Ruth

From: [REDACTED]@afp.gov.au
Sent: Monday, 1 February 2021 6:54 AM
To: WALL Ruth, [REDACTED]
Cc: SPENCE Pip; [REDACTED]
Subject: RE: Department of Infrastructure Senate Estimate QoN ANAO Leppington Triangle Report [SEC=OFFICIAL]

OFFICIAL

Good morning Ruth,

The AFP requests the Department of Infrastructure not provide information to the Question on Notice on the following entities on the basis it could prejudice an active investigation:

- Leppington Pastoral Company
- The Perich family
- Marsden Lawyers (who represent the Perich family)

The AFP notes that once the investigation is finalised it has no objection to the release of information in response to the Question on Notice. The AFP has no interest in the other entities.

Regards

[REDACTED]
INVESTIGATIONS MANAGER - CRIME
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From: WALL Ruth <Ruth.Wall@infrastructure.gov.au>
Sent: Thursday, 28 January 2021 5:42 PM
To: [REDACTED]
Cc: SPENCE Pip <Pip.Spence@infrastructure.gov.au>; [REDACTED]
Subject: Department of Infrastructure Senate Estimate QoN re: ANAO Leppington Triangle Report [SEC=OFFICIAL]

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Ruth Wall
First Assistant Secretary, Assurance Taskforce

Department of Infrastructure, Transport,
Regional Development and Communications
GPO Box 594, Canberra ACT 2601


ruth.wall@infrastructure.gov.au

*The Department proudly acknowledges the
Traditional Owners and Custodians of
Australia, and their continuing connections to
the land, waters and communities. We pay our
respects to them and to their Elders past,
present and emerging.*

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