

Connell Wagner Pty Ltd
ABN 54 005 139 873
116 Military Road
(PO Box 538)
Neutral Bay
NSW 2089 Australia

Telephone: +61 2 9465 5599
Facsimile: +61 2 9465 5598
Email: cwsyd@conwag.com
www.conwag.com

23 January 2006

Hon Jenny Gardiner MLC
Committee Chair
General Purpose Standing Committee No 4
Parliament House, Macquarie Street
SYDNEY NSW 2000

Dear Madam

Inquiry into Pacific Highway Upgrades

I refer to your letter of 14 December 2005 inviting a response to adverse comments made at the Inquiry relating to my role as the consultant team leader on the Coffs Harbour – Woolgoolga project.

From the unedited extract of the transcript that was provided, there are several allegations made by Mr Bruce Scanlon that concern me, including:

- on 17 October 2001, that I (along with Ken Oldfield, the then RTA project manager), had a conversation on how we would manipulate the public consultation process to achieve our preconceived objectives / ideas
- that he raised this matter at a public meeting that night and that I did not deny the allegations
- that I have never denied these allegations
- that the project team had no intention of following the required public consultation process

Over four years have passed since the events the subject of Mr Scanlon's allegations. While my memory of fundamental matters concerning those events is still clear, it will not surprise that my recollection of the full detail of individual conversations is based on my best recollection after the period of time that has elapsed.

My comments on the allegations are as follows.

Firstly, I can confirm that Ken Oldfield and I travelled by plane from Sydney to Coffs Harbour on 17 October 2001 and that Bruce Scanlon was seated near us. I can only assume that his at best, partial overhearing of a private conversation, gave rise to the interpretation that he has presented to your Inquiry. As a general response, I can say that his comments amount to a very inaccurate interpretation of our conversation. Ken and I were obviously quite comfortable in that public travel situation talking about aspects of the project that we did not regard as especially confidential nor overly sensitive. In short, Bruce Scanlon badly misinterpreted what he may have heard. I will not speculate on his motivations.

As to the claim by Bruce Scanlon that he raised this matter at a public meeting that night and that I did not deny the allegations, I have no recollection of such matter being raised and this would explain why

there would not have been a denial. I note that the minutes of the meeting (which were distributed to all in attendance) make no reference to such matter being raised.

You may be aware that similar allegations seeking to achieve predetermined project outcomes was previously raised in mid 2003. This included published correspondence in *The Advocate* newspaper (our names were not included) and a speech in Parliament by local member Andrew Fraser (our names were included). Although personally offended by the comments made, at the time I believed the allegations were so spurious as to not deserve a response and indeed that this stance was also in the best interests of the project. However, the matter has now been elevated to the Inquiry and I now also learn it was previously referred to ICAC (I had no knowledge of this until reading the supplied transcript of your proceedings on 21 November 2005). In the circumstances, it is obviously necessary to respond to the allegations. I do so by way of total rejection of the allegations made by Mr Scanlon.

It might be noted that by late 2001, several highway route options had been identified by the project team. The subject conversation certainly covered some of the relative merits of the options as we understood them at that time. I consider such discussion entirely routine and usual business for project team members. Many similar ad hoc discussions had and continued to occur among project team members in the course of the investigation and consultation processes. In no way could this imply that any option or outcome had been preselected or favoured. Conversely, to my knowledge, no option or idea presented by community interests was discarded by the project team without thorough consideration.

By October 2001, the project had attracted a high level of community interest. The subject conversation certainly included discussion of the need for the project team to carefully consider and manage the community involvement process in the interests of all stakeholders. In this context, I do recall discussing our experiences on several other highway planning projects (including the Ulmarra Deviation that we had worked on together). Again, I consider such discussions to be entirely routine and necessary for project team members.

My personal role in the many community involvement activities on the project since 2001 has been primarily to advise on diverse technical issues and the project planning process, necessarily commenting on the 'pros & cons' of project options. While I am well aware my advice was not always well received (eg. when it contradicted another view about the merits of an option), I believe my contribution was independent and without favour. If individuals chose to interpret my advice as being motivated by some preconceived outcome, then that would be unfortunate and an inaccurate interpretation.

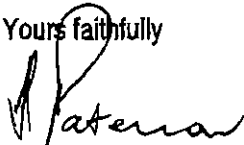
The consultation process has been conducted in good faith from the outset and has been a vital part of the highway planning process. While such processes can always be improved, it is simply incorrect for Bruce Scanlon to suggest that my contribution was just "going through the motions" to justify some preconceived ideas. The many published project documents very clearly show a comprehensive and open book approach to progressively identifying, discussing and assessing options from mid 2001 until announcement of the preferred route in late 2004. Indeed, the records show that some new options (and changes to other options) were directly generated as a consequence of the diverse consultation processes. Notably, the eventually adopted route for the Woolgoolga bypass did not emerge until mid 2004 (almost three years after the subject conversation!) and it was largely due to active involvement in the process by staff from Coffs Harbour City Council. It might be noted that the option was thoroughly evaluated and eventually recommended by the project team, but the decision to adopt the option was not a project team responsibility.

While I acknowledge some people including Bruce Scanlon were and remain strongly opposed to certain route options, this does not mean the process failed. In my opinion, the selected route outcome is actually a measure of the preparedness of the project team to examine all new ideas put forward during the consultation process.

In conclusion I therefore reject totally any claims that I sought to manipulate the consultation or investigation processes to achieve some predetermined outcome on this project. Indeed, I am at a loss as to what the supposed preconceived idea might have been. I have been a consultant adviser to government on major infrastructure projects for almost 20 years and pride myself on a consistent professional commitment to both developing and implementing consultation and assessment methods that are open, integrated, systematic and as far as possible, objective.

Thank you for the chance to respond to what I believe are totally unfounded allegations.

Yours faithfully



Tim Paterson
Principal