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Question 1

The Hon. GREG PEARCE: Who were the members of the selection committee? The other applicant was Cassandra Wilkinson, I understand.

Mr DUNN: The selection committee comprised Chris Oxenbould, the chief executive; Steven Montgomery, who was the then general manager of the Maritime property division; and I cannot remember the name of the independent but she was head of the independent transport sector regulatory.

The Hon. GREG PEARCE: Would you take on notice to provide the Committee with that name?

Mr DUNN: Yes.

Question 2

The Hon. GREG PEARCE: What was the salary package for the general manager, policy position?

Mr DUNN: I am sorry; I do not have that to hand.

The Hon. GREG PEARCE: Will you take that on notice as well?

Mr DUNN: Yes.

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Question 3

The Hon. MATTHEW MASON-COX: How many people applied for that position?

Mr DUNN: I do not know.

The Hon. MATTHEW MASON-COX: Would you please confirm that and the names of those people if it is possible to the Committee?

Mr DUNN: Yes.

ANSWER:

I am advised a new position of General Manager Policy was created in July 2006. The position was evaluated as a Senior Executive Service (SES) 3. I am further advised twelve applications were received, three were internal and nine were external. Ms Wilkinson was not an applicant. The Selection Committee consisted of: Chris Oxenbould, Chief Executive, Stephen Montgomery General Manager, Maritime Property Division and Carolyn Walsh CEO, Independent Transport Safety and Reliability Regulator.

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Question 4

The Hon. TREVOR KHAN: Mr Dunn, you were uncooperative with me last year and you were shown to be wrong. Let me invite you this time to cooperate and answer the question. When did you make your reports to the ICAC pursuant to section 11 of the Act, starting with the first one?

The Hon. ERIC ROOZENDAAL: He has referred you to the ICAC report, which deals with all of those issues, and it is publicly available.

The Hon. TREVOR KHAN: Minister, if you read it, you will find that the date is not there.

Mr DUNN: I refer you to my answer, which I just gave you, which is that those referrals were made in October 2009.

The Hon. TREVOR KHAN: What was the date of those referrals?

Mr DUNN: They were made in October 2009.

The Hon. TREVOR KHAN: Can you take it away and get me the precise dates of the referrals, Mr Dunn?

Mr DUNN: I will take the question on notice.

ANSWER:

I am advised the dates were 2, 9 and 16 October 2009.

Question 5

The Hon. TREVOR KHAN: Thank you. At the time of your last attendance, is it the case that you had referred for investigation the actions of some of the employees who had apparently leaked to the Sydney Morning Herald?

Mr DUNN: I will take that on notice.

Question 6

The Hon. TREVOR KHAN: You know you instructed IAB Services, did you not, to undertake an investigation?

Mr DUNN: I will take that on notice.

Question 7

The Hon. TREVOR KHAN: Do you not remember or do you just not want to answer here?

Mr DUNN: I will take it on notice.

Question 8

The Hon. TREVOR KHAN: Do you have a recollection at all of instructing any investigator to look at the actions of employees in or about August or September 2009?

Mr DUNN: It is a long time ago and, rather than have a stab at giving you an answer, I would rather give you the correct information. I will take it on notice.

The Hon. TREVOR KHAN: Why not just have a bit of a stab, Mr Dunn?

Mr DUNN: No, I am not going to speculate, I will take it on notice.

Question 9

The Hon. TREVOR KHAN: Do you have a briefing note on that?

Mr DUNN: I will take it on notice—I have told you that.

ANSWER:

I am advised that during 2009, NSW Maritime conducted investigations into potential breaches of the Code of Conduct and Ethics.

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Question 10

The Hon. TREVOR KHAN: What actions are being taken to recover the moneys that she inappropriately obtained from NSW Maritime?

Mr DUNN: I will take that on notice. It is probably not appropriate I comment on the investigation at this stage.

ANSWER:

I am advised this is the subject of ongoing investigation.

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Question 11

Mr DAVID SHOEBRIDGE: Mr Dunn, as both a dollar figure and a proportion of NSW Maritime's annual operating budget, what was the total expenditure by NSW Maritime on legal expenses in the last financial year?

Mr DUNN: I would have to take that on notice.

ANSWER:

I am advised Legal fees are detailed in NSW Maritime Annual Reports.

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Question 12

Mr DAVID SHOEBRIDGE: Minister, what, if any, meetings did either you or your office have with the local community prior to the announcement that the Meridien Marinas project was the successful tenderer for the Berrys Bay project in North Sydney?

The Hon. ERIC ROOZENDAAL: I am advised that was before my time as Minister.

Mr DAVID SHOEBRIDGE: Could you take the question on notice in relation to your predecessor and make some inquiries?

The Hon. ERIC ROOZENDAAL: Sure, I am happy to take that on notice.

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Question 13

Mr DAVID SHOEBRIDGE: Is it true that of the four tenderers the Meridien project was the least compliant with the local planning controls and the memorandum of understanding between the New South Wales Government and North Sydney Council?

Mr DUNN: My recollection is there were seven, not four, proponents. I cannot recall the exact criteria but I will be more than happy to take that on notice.

Question 14

Mr DAVID SHOEBRIDGE: When you do that could you please provide an answer for what the weighting criteria were in the tender assessment process?

Mr DUNN: Yes.

Question 15

Mr DAVID SHOEBRIDGE: Including the percentage for the weighting for compliance with those local controls.

Mr DUNN: Yes.

Question 16

Mr DAVID SHOEBRIDGE: Were the proponents advised of the relative weightings prior to the tender process or as part of the tender process?

Mr DUNN: I believe they were, but I will check.

Question 17

Mr DAVID SHOEBRIDGE: And the date at which the tenders were advised of that?

Mr DUNN: Yes.

ANSWER:

I am advised there were ten respondents to the Registration of Interest and four of these were chosen to submit proposals. Meridien did not score the lowest with respect to compliance with the master plan. The weightings for the selection of the preferred developer were as follows:

- Planned uses for the site- 5%
- Details of concept development- 20%
- Maintenance, remnant containment removal and management plans - 5%
- Background and experience details including level of performance in developing, managing and operating a maritime precinct or elements therein- 10%
- Demonstration of financial and managerial soundness- 20%
- Indicative financial offer, rental and capital investment- 20%
- Value for money- 5%
- Proposed lease and water licence periods, commensurate with proposed capital investment- 5%.

Proponents were advised of the above selection criteria but not the weightings.

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Question 18

Mr DAVID SHOEBRIDGE: According to the most recently available public report, the Port Botany rail task force met nine times in the 2008-09 financial year. Are the minutes of those meetings available to the public?

The Hon. ERIC ROOZENDAAL: I will have to take that on notice.

Question 19

Mr DAVID SHOEBRIDGE: Is the Port Botany rail task force still in operation?

The Hon. ERIC ROOZENDAAL: My advice is that it is.

Mr DAVID SHOEBRIDGE: Can you advise of the meetings held by the task force in the last 12 months?

The Hon. ERIC ROOZENDAAL: I would have to take that on notice.

Question 20

Mr DAVID SHOEBRIDGE: Again, are those minutes publicly available and, if so, how can they be obtained?

The Hon. ERIC ROOZENDAAL: I will take that on notice.

ANSWER:

I am advised Minutes from the 2008-09 Port Botany Rail Task Force meetings can be found on the Sydney Ports website. During 2009-10 financial year there were 16 meetings of the Port Botany Rail Team and the minutes of the last three meetings are yet to be placed online.

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Question 21

CHAIR: Many of the vehicles that carry containers have self-loading facilities to load and unload their containers. Has that become a widespread phenomenon, or does it apply only to a small percentage of vehicles? Obviously it would speed up the whole process if they could unload the containers themselves.

Mr MIDDLETON: If they do not do that at the container terminals, the stevedores load and unload the vehicles themselves. Some trucks have that equipment because sometimes they load or unload containers at empty container parks or at other sites, and sometimes they use facilities that do not have stevedore container loading and unloading equipment.

CHAIR: Would it not speed up the process if trucks had approval to unload containers and to put them in an approved location?

Mr MIDDLETON: I am not an expert in how stevedores run their sites. I think that the stevedores make those decisions themselves and control exactly who does what within their terminal operations.

CHAIR: Could it delay the whole process if trucks were sitting at the port with containers on them when they could be unloaded?

Mr MIDDLETON: I do not know. I would have to take that question on notice and obtain information from someone who is more familiar with the issue.

Question 22

CHAIR: Could you establish whether those trucks could be unloaded by the driver in an approved location?

Mr MIDDLETON: I would have to take that question on notice.

ANSWER:

I am advised stevedores have the proper equipment to unload full containers as well as the equipment to keep track of containers. Further, stevedores have the capacity to stack containers up to four high using rubber tyred gantries or three high using straddle cranes.

Trucks fitted with side loaders are only able to load/unload containers on/off the ground. The efficiency of the whole supply chain would be unproductive, impractical and costly if truck drivers

were unloading their containers rather than waiting for stevedores to carry this out. An additional receival/discharge area would be required, which would need to be larger than what is currently required by stevedores. Also, containers would be double handled to move them on/off the stacks, extra lifts and additional labour would be required as well as tracking and inventory controls as stevedores would have to locate and pick up containers from an allocated unloading area then moved within their site.

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Question 23

The Hon. TREVOR KHAN: Mr Dunn, on 18 August last year approval was given by the Attorney General's Department for ex gratia legal assistance to Ms Kelly in respect of certain criminal charges. Who made an application for ex gratia assistance?

Mr DUNN: NSW Maritime.

The Hon. TREVOR KHAN: As that is a corporate body, somebody had to physically sign a document or the like. Was that you?

Mr DUNN: Yes, it was.

The Hon. TREVOR KHAN: Are you able to tell me when you sought that ex gratia legal assistance?

Mr DUNN: No, I am not.

The Hon. TREVOR KHAN: Can you take that question on notice?

Mr DUNN: I will be happy to take it on notice.

ANSWER:

I am advised 12 August 2009.

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Question 24

The Hon. TREVOR KHAN: Can you tell me how much has been incurred in respect of Ms Kelly's legal fees to date?

Mr DUNN: No, I cannot.

The Hon. TREVOR KHAN: Are you able to take that on notice and advise us?

Mr DUNN: Yes, I can.

ANSWER:

I am advised the Department of Justice and Attorney General has withdrawn approval for ex-gratia financial assistance and directed NSW Maritime to recover expenses incurred to date.