

CORRESPONDENCE between
MS KATHRYN RICHARDS on behalf of THE NEW CLUB ARMIDALE Pty Ltd and the
DEPARTMENT OF AGRICULTURE, WATER AND THE ENVIRONMENT
(formerly the DEPARTMENT OF AGRICULTURE)
in relation to
a COMPENSATION FOR DETRIMENT CAUSED BY DEFECTIVE ADMINISTRATION (CDDA)
SCHEME CLAIM

| | | |
|----|------------------|-------------------------------------|
| 1 | 14 November 2019 | CDDA claim |
| 2 | 20 November 2019 | Follow-up re submission of claim |
| 3 | 21 November 2019 | Acknowledgement of receipt of claim |
| 4 | 5 December 2019 | Inquiry as to progress |
| 5 | 9 December 2019 | Response to inquiry as to progress |
| 6 | 9 December 2019 | Acknowledgement of response |
| 7 | 16 January 2020 | Inquiry as to progress |
| 8 | 29 January 2020 | Further inquiry as to progress |
| 9 | 5 February 2020 | Response to inquiry as to progress |
| 10 | 28 February 2020 | Preliminary view on claim |

Grimm, Andrew

From: Kathryn Richards <kate@theclub.com.au>
Sent: Thursday, 14 November 2019 3:12 PM
To: Discretionary Compensation Claims
Subject: CDDA application [SEC=UNCLASSIFIED]
Attachments: Screen Shot 2019-07-29 at 10.17.30 AM (2) (1).png; Screen Shot 2019-11-08 at 11.35.13 AM (1).png; 44748883_1836164213173775_1440296602446069760_n (1).png; Screen Shot 2019-07-29 at 10.16.39 AM (2) (1).png; NEW CLUB ARMIDALE PTY LTD - Profit and Loss reports- NSW Police, Amatised 25 yr value.asd.pdf; Site Plan.pdf; Council DA Consent.pdf; fwdlicenseapplicationapp0001544158newclubarmidal.zip

Follow Up Flag: Follow up
Flag Status: Completed

I Kathryn Richards Of NEW CLUB ARMIDALE PTY LTD (NCA) make the following application under the CDDA Scheme " Compensation for Detriment caused by Defective and Maladministration.

The claim surrounds the reckless acquisition of the Property 91 Beardy St Armidale 2350, Lot 1 DP 1044207, for the Australian Pesticides and Veterinary Medicines Authority APVMA /Centrelink and the unreasonable failure by this agency to implement appropriate administrative procedures, to comply with existing administrative procedures, and to provide proper advice.

Direct consequences of these failures has lead to NCA becoming an unnotified and unwilling party to a Joint Venture with the Commonwealth Agency when failing to identify NCA as being an "Interested Party" to the site of 91 Beardy St, ARMIDALE NSW 2350, and furthermore denying NCA the ability to trade under its notifiable assets ie : General Hotel License - LIQH440018979 that is secured over the site footprint, whilst offering no remedy for NCA's pecuniary losses.

Determining Defective Administration - admissions made under oath by key departmental staff naming all partners including the Department of Agriculture and APVMA that had failed in there duty to perform Due Diligence in relation to the ROI, tender and contracting to this project.

Supporting Documentation -

An unreasonable failure to implement appropriate Due Diligence
Hansard.Senate Estimates RRAT Committee admissions under oath.
Penny Wong - Troy Cabinza - NO DUE DILIGENCE

An unreasonable failure to implement and mitigate risk
Hansard,Senate Estimates RRAT Committee
Senator Colbeck, Darrel Quinliven

An unreasonable failure to address the Interested Parties grievous concerns
Correspondence by NCA and Ms Richards
Chris Parker - Micheal McCormak, David Littleproud

An unreasonable failure to act fairly and ethically

An unreasonable failure to remedy
Correspondence and Advice by NCA and Ms Richards
Darrel Quinliven, Bridget McKenzie, David Littleproud

The Economic loss claimed: The single most important asset of a liquor and gaming organization is it License. In NCA's case a General Hotel License -LIQH440018979 The license affords the organization the

ability to trade, deemed by the State of NSW after rigorous and lengthy investigations of the applying organizations, including Community Impact Statements, Local Council DA's and is the subject of a panel vote by the IIGA board.

This critical valuable asset is a permanent feature/encumbrance of 91 Beardy St Armidale NSW 2350, Owned exclusively by NCA, and only NCA and its Director Kathryn Richards can extinguish or remove it. The previous building owner Burgess and Bayfolye approved the application waving their rights to any recourse over the asset.

With the full understanding the Hotel license is now covered and secured against the full footprint of Lot 1 DP 1044207.

PLEASE ATTACHED SEE CURRENT DA .

PLEASE SEE ATTACHED CURRENT HOTEL LICENSE.

Economic Loss

Due to the high level of investigation in the matter financials performed to date include two Independent forensic accounts engaged by the NSW Police, which provided analysis tendered to the court. And two Forensic Accountants applied by insurers, notwithstanding of course a full Office of Liquor and Gaming (OLGR) audit prior to the fire .

This should provide you with extreme comfort when analyzing the official and actual company trading position, and its subsequent opportunity loss.

SEE TABLE ATTACHED

Non-Economic loss

Aggravated pain and suffering

A psychological report made by Dr Silvana Savvy can be made available at the request of the decision maker the writer has chosen to leave the assessment of non-economic loss to the decision maker.

Compensation - Restore NCA the claimant to the position they would have been be in should the defective administration had not have occurred, to the full value of its remaining lease term over the 91 Beardy St, Armidale NSW 2350 site.

--
Kathryn Richards
kate@theclub.com.au
Mo [REDACTED]
PO BOX 3010
Blacksmiths NSW 2281

Due to number of attachments I have split them over emails.

Grimm, Andrew

From: Kathryn Richards <kate@theaclub.com.au>
Sent: Thursday, 14 November 2019 3:17 PM
To: Discretionary Compensation Claims
Subject: PART TWO of CDDA Application [SEC=UNCLASSIFIED]
Attachments: Urgent THE ARMIDALE CLUB (2) (1).eml; stat dec police final (1).pdf; Q0034
_RuralandRegionalAffairsandTransport_2019-20Budgetestimates_AgricultureandWaterResources.pdf; Response to Kathryn Richards (1).pdf; Q0019_RuralandRegionalAffairsandTransport_2019-20Budgetestimates_AgricultureandWaterResources.pdf; Q0033
_RuralandRegionalAffairsandTransport_2019-20Budgetestimates_AgricultureandWaterResources.pdf; Q0022
_RuralandRegionalAffairsandTransport_2019-20Budgetestimates_AgricultureandWaterResources.pdf; Q0008
_RuralandRegionalAffairsandTransport_2019-20Budgetestimates_AgricultureandWaterResources.pdf; OPD_MS19-000589
_Correspondence 91 Beardy St - Armidale (2) (1).pdf; Letter to Chris Parker APVMA, MP Joyce, MP Littleproud (1) (1) (1).pdf; NCA & The Armidale Club Vs Barnaby Joyce and The Ag Dept. (2) (1).eml; LEX-016 Decision_signed (2) (3) (1).pdf; 20180316 CEO Letter to New Club Armidale (4) (1).pdf; APVMA SUB (1).pdf; A0035
_RuralandRegionalAffairsandTransport_2019-20Budgetestimates_AgricultureandWaterResources (2).pdf

Follow Up Flag: Follow up
Flag Status: Completed

Supporting Docs
Part TWO.

--
Kathryn Richards
kate@theaclub.com.au
Mob: [REDACTED]

| Attachments to email of 14 November 2019 at 3:12 pm | | |
|--|--|--|
| 1 | Screen Shot 2019-07-29 at 10.17.30 (2) (1).png | |
| 2 | 4478883_183616421317373775_1440296602446069760_n (1).png | |
| 3 | NEW CLUB ARMIDALE PTY LTD – Profit and Loss reports – NSW Police, Amatised 25 year value.asd.pdf | |
| 4 | Council DA Conset.pdf | |
| 5 | Screen Shot 2019-11-08 at 11.35.13 AM (1).png | |
| 6 | Screen Shot 2019-07-29 at 10.16.39 AM (2).png | |
| 7 | Site Plan. Pdf | |
| 8 | fwdlicenseapplication app0001544158newclub armidale.zip | Category B – CIS Form.pdf |
| 9 | | Certification of Advertising.pdf |
| 10 | | Council DA Consent.pdf |
| 11 | | Form AM0200 – Appointment Manager Notice.pdf |
| 12 | | Form AM0925 – Change approved manager approval.pdf |
| 13 | | Site plan.pdf |
| Attachments to email of 14 November 2019 at 3:17 pm | | |
| | Urgent THE ARMIDALE CLUB (2) (1).eml OPENED AS BLANK EMAIL | |
| 14 | stat dec police final (1).pdf | |
| 15 | Q0034 RuralandRegionalAffairsandTransport 2019-20BudgetEstimates Agriculture and Water Resources.pdf | |
| 16 | Response to Kathryn Richards | |
| 17 | Q0019 RuralandRegionalAffairsandTransport 2019-20BudgetEstimates Agriculture and Water Resources.pdf | |
| 18 | Q0033 RuralandRegionalAffairsandTransport 2019-20BudgetEstimates Agriculture and Water Resources.pdf | |
| 19 | Q022 RuralandRegionalAffairsandTransport 2019-20BudgetEstimates Agriculture and Water Resources.pdf | |
| 20 | Q008 RuralandRegionalAffairsandTransport 2019-20BudgetEstimates Agriculture and Water Resources.pdf | |
| 21 | OP MS19-000589 Correspondence 91 Beardy St – Armidale (2) (1).pdf | |
| 22 | Letter to Chris Parker APVMA, MP Joyce, MP Littleproud (1) (1) (1).pdf | |
| | NCA & The Armidale Club Vs Barnaby Joyce and The Ag Dept. (2) (1).eml OPENED AS BLANK EMAIL | |
| 23 | LEX-016 Decision signed (2) (3) (1).pdf | |
| 24 | 20180316 CEO Letter to New Club Armidale (4) (1).pdf | |
| 25 | APVMA SUB (1).pdf | |
| 26 | A0035 RuralandRegionalAffairsandTransport 2019-20BudgetEstimates Agriculture and Water Resources (2).pdf | |

Senator WONG: And who's the owner?

Mr Czabania : Again, I probably just need to take—

Senator WONG: No, that is a perfectly reasonable thing to ask. At the time that an RFI process is finalised, the Senate—I'm asking you—

CHAIR: Mr Czabania, if we had two minutes to go down to my desktop and I punched in my company's reference point, I could do a historical search. It would be on the public record. I'm not certain how you're going to be able to mount a public interest immunity claim on the identity of the owner—the preceding owner of the land.

Ms Croft : Perhaps I could assist. Because Stirloch also was part of our process, we provided the owner of the building in a question on notice.

CHAIR: Let's just give it to Senator Wong, and we can move on.

Ms Croft : The option deed that we received as part of our process had the grantors as Greg Burgess and Maryn Burgess, signed as directors of Bayfoyle Pty Ltd.

Senator WONG: As what?

Ms Croft : Signed as directors of Bayfoyle—B-A-Y-F-O-Y-L-E. And Greg Burgess was exercising a power of attorney, also signed on behalf of his parents, Gary and Jill Burgess.

Senator WONG: They are the owners of 91 Beardy and 102 Taylor.

Ms Croft : Yes.

Senator WONG: You used the phrase 'option D'. Mr Czabania, you previously told us that there were four options put to the APVMA as part of the handover, post the RFI?

Mr Czabania : Yes, four.

Senator WONG: What are those options? What were they? Is this what this is? No, this is just the EOI original document. It's not the decision, is it—the one you've given me? It's not particularly helpful. It's just the EOI. Do you want to tell me what the four—

Mr Czabania : The details of the options put to APVMA are subject to the public interest immunity claim.

CHAIR: Well, I'm going to share my memory, and the minister can refresh his claim if he chooses to. My memory is that the basis of the public interest immunity claim related to commercial in confidence.

Senator WILLIAMS: Correct.

THE UNIVERSITY OF QUEENSLAND LIBRARY

Senator McCARTHY: I will just ask my next question then. Was Mr Burgess the person corresponding with the department on 30 September?

Senator STERLE: There were obviously conversations on 30 September. Please tell us who you were having them with.

Mr Quinlivan: We are just calling up the identity of—

Senator STERLE: Great.

Mr Sanson-Fisher: No, Senator.

Senator McCARTHY: That was not Mr Burgess who you were corresponding with on the 30th. Who in the department was in direct correspondence then with the third parties? Whose role was that?

Ms Gaglia: It was the property team within the department.

Senator McCARTHY: And did the former agriculture minister direct the department to correspond with the third parties?

Ms Gaglia: When you are talking about correspondence, can I just clarify: it is a tender received from the applicant. So it is not correspondence as such.

Senator McCARTHY: OK. So 'communicate', 'talk'?

Ms Gaglia: It was their submission of a tender. Yes.

NEW CLUB ARMIDALE PTY LTD

Gross Profit from year two Profit and Loss Statement, as audited by NSW Police - \$267,534.00 YTD (9 months).

Also referenced in Coronial Brief of evidence page: 169 and further statements from Insurance Inspector in same brief "Club worth approx. \$200,000 per year"

Using 5% annualised growth in gross profit based on original year (2), does not include any normal business growth or projections based on the venue licensing capacity being more than doubled as of August 2016.

*Deloitte reports suggest 7.9% growth for the Hotel industry per annum.

| Year | Gross Profit 5% | Gross Profit 7.9% |
|-------|------------------|-------------------|
| 1 | | |
| 2 | \$ 267,534.00 | \$ 267,534.00 |
| 3 | \$ 280,910.70 | \$ 288,669.19 |
| 4 | \$ 294,956.24 | \$ 311,474.05 |
| 5 | \$ 309,704.05 | \$ 336,080.50 |
| 6 | \$ 325,189.25 | \$ 362,630.86 |
| 7 | \$ 341,448.71 | \$ 391,278.70 |
| 8 | \$ 358,521.15 | \$ 422,189.72 |
| 9 | \$ 376,447.20 | \$ 455,542.70 |
| 10 | \$ 395,269.56 | \$ 491,530.58 |
| 11 | \$ 415,033.04 | \$ 530,361.49 |
| 12 | \$ 435,784.70 | \$ 572,260.05 |
| 13 | \$ 457,573.93 | \$ 617,468.60 |
| 14 | \$ 480,452.63 | \$ 666,248.61 |
| 15 | \$ 504,475.26 | \$ 718,882.26 |
| 16 | \$ 529,699.02 | \$ 775,673.95 |
| 17 | \$ 556,183.97 | \$ 836,952.20 |
| 18 | \$ 583,993.17 | \$ 903,071.42 |
| 19 | \$ 613,192.83 | \$ 974,414.06 |
| 20 | \$ 643,852.47 | \$ 1,051,392.77 |
| 21 | \$ 676,045.09 | \$ 1,134,452.80 |
| 22 | \$ 709,847.35 | \$ 1,224,074.57 |
| 23 | \$ 745,339.72 | \$ 1,320,776.46 |
| 24 | \$ 782,606.70 | \$ 1,425,117.80 |
| 25 | \$ 821,737.04 | \$ 1,537,702.11 |
| TOTAL | \$ 11,905,797.77 | \$ 17,615,779.47 |

Email to Detective Anthony Ridgeway – NSW POLICE – Re Audit of Trading figures and Bank accounts.

From: Anthony J Ridgeway <[REDACTED]>
Date: Thu, Sep 28, 2017 at 4:09 PM
Subject: Fw: Re: SF - Broadway [DLM=Sensitive:Law Enforcement (SLE)]
To: <kate@theclub.com.au>

(See attached file: *master file (v2).xism*)

Hi Tony

Sorry for getting back to you late.

Please see the attached analysis results (preliminary analysis only). As previously mentioned, reconciling bank records to profit & loss statements can rarely be successful. Bank records are cash basis including all payments, withdrawals and transfers. Their nature are yet to be determined (eg. payments to suppliers or to other parties) . P&L statements are prepared on accrual basis. This means revenue, sale and expenses are recorded when they incurred instead of when cash received or paid.

In the spreadsheet, I have compared the amount of transactions in the bank account to the monthly P&L statements. There are significant variances. Based on the existing documents it is difficult to tell if these variances are due to fraud/errors or due to the reason mentioned above.

This email and any attachments may be confidential and contain privileged information. It is intended for the addressee only. If you are not the intended recipient you must not use, disclose, copy or distribute this communication. Confidentiality or privilege are not waived or lost by reason of the mistaken delivery to you. If you have received this message in error, please delete and notify the sender.

SF Broadby

Documents received

New Club Armindale Pty Ltd - NAB (082-407-23493-8228), from 1/1/2015 to 30/09/2016;
 New Club Armindale Pty Ltd - NAB (082-407-24251-3351), from 5/12/2015 to 5/10/2016;
 Ms Kathryn James Richards - NAB (4338 8757 5578 3124), from 29/01/2016 to 28/09/2016.

Request received

To assess the bank statements above and compare to the projection report (Profit & Loss Statements) over the same time period.

Work performed

Processed all 3 bank statements

Classified transactions into different categories and reconciled to related account where possible.
 Summarised the key findings below.

Incoming Fund

| 2016 | Profit & Loss Statement | | Bank/State ments | | Variance | |
|-----------|-------------------------|------------------|------------------|-----|----------|-----|
| | Sales | Receipt of funds | \$ | % | \$ | % |
| January | 51,180 | 78,894 | 27,714 | 40% | 27,714 | 40% |
| February | 79,056 | 60,010 | 19,046 | 24% | 19,046 | 24% |
| March | 55,332 | 50,268 | 5,064 | 9% | 5,064 | 9% |
| April | 63,245 | 33,203 | 30,042 | 48% | 30,042 | 48% |
| May | 43,921 | 40,043 | 3,878 | 9% | 3,878 | 9% |
| June | 34,558 | 24,570 | 9,979 | 29% | 9,979 | 29% |
| July | 41,341 | 23,803 | 17,538 | 42% | 17,538 | 42% |
| August | 56,745 | 41,815 | 14,930 | 26% | 14,930 | 26% |
| September | 43,070 | 39,598 | 3,471 | 8% | 3,471 | 8% |
| | 468,445 | 342,213 | 126,232 | 27% | 126,232 | 27% |

Outgoing Fund

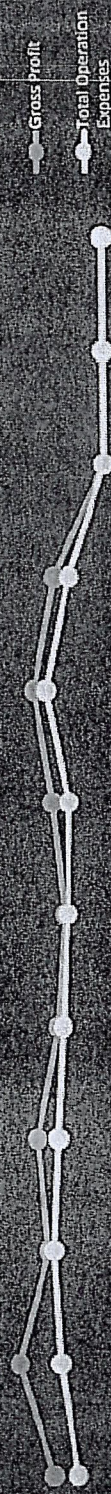
| 2016 | Profit & Loss Statement | | Bank/State ments | | Variance | |
|-----------|-------------------------|--------------------|------------------|----------|----------|-----|
| | Cost of good sold | Operation expenses | Total expenses | Payments | \$ | % |
| January | 27,800 | 17,170 | 44,970 | 28,800 | 16,170 | 28% |
| February | 34,686 | 24,099 | 58,785 | 50,434 | 8,351 | 15% |
| March | 25,202 | 27,555 | 52,757 | 42,800 | 9,957 | 19% |
| April | 26,413 | 25,001 | 51,414 | 58,167 | 6,753 | 29% |
| May | 19,570 | 22,185 | 41,755 | 32,798 | 8,957 | 21% |
| June | 13,825 | 19,430 | 33,255 | 27,176 | 6,079 | 18% |
| July | 15,204 | 18,378 | 33,582 | 23,093 | 10,489 | 31% |
| August | 22,336 | 28,656 | 50,992 | 41,398 | 9,594 | 19% |
| September | 18,875 | 17,315 | 36,190 | 26,461 | 9,730 | 27% |
| | 200,911 | 200,339 | 401,250 | 311,086 | 90,164 | 22% |

PROFIT and LOSS STATEMENT.

NET INCOME

\$47,036

2016 PROFIT AND LOSS STATEMENT
The Armidale Club



| | JAN | FEB | MAR | APR | MAY | JUN | JUL | AUG | SEP | OCT | NOV | DEC | YTD |
|--------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----|-----|-----|------------|
| Revenue | 51,180.00 | 79,055.50 | 55,331.60 | 63,245.00 | 43,921.00 | 34,557.50 | 41,340.50 | 56,744.50 | 49,069.50 | | | | 468,445.10 |
| Sales | | | | | | | | | | | | | |
| Other Revenue | 51,180.00 | 79,055.50 | 55,331.60 | 63,245.00 | 43,921.00 | 34,557.50 | 41,340.50 | 56,744.50 | 49,069.50 | | | | 468,445.10 |
| Net Sales | 22,800.43 | 34,686.47 | 25,201.64 | 28,413.23 | 19,569.57 | 13,825.11 | 15,203.60 | 22,335.53 | 18,875.19 | | | | 200,910.77 |
| Cost of Goods Sold | \$28,380 | \$44,369 | \$30,130 | \$34,832 | \$24,351 | \$20,732 | \$26,137 | \$34,409 | \$24,194 | | | | \$267,534 |
| Gross Profit | | | | | | | | | | | | | |

| | JAN | FEB | MAR | APR | MAY | JUN | JUL | AUG | SEP | OCT | NOV | DEC | YTD |
|-------------------------------|----------|-----------|-----------|-----------|----------|----------|----------|----------|----------|-----|-----|-----|-----------|
| Operation Expenses | 4,895.00 | 6,585.00 | 5,420.00 | 6,825.00 | 4,200.00 | 2,800.00 | 3,800.00 | 4,000.00 | 2,700.00 | | | | 41,275.00 |
| Salaries & Wages | 5,800.00 | 11,800.00 | 14,106.98 | 10,332.99 | 8,095.99 | 5,495.99 | 6,895.99 | 7,395.99 | 6,742.78 | | | | 76,666.71 |
| Security Expenses | 361.49 | 711.46 | 1,718.09 | 321.00 | 4,043.65 | 518.00 | 1,000.00 | 1,726.52 | 216.67 | | | | 11,526.99 |
| Rent and Outgoings | 1,836.14 | 1,676.47 | 1,947.70 | 1,352.15 | 1,832.15 | 1,971.71 | 1,413.47 | 2,730.83 | 898.68 | | | | 6,356.56 |
| Utilities | | | 311.20 | 440.00 | | 3,565.62 | 100.40 | | 4,417.22 | | | | 4,417.22 |
| Accounts and Legal | | | | | | | | | | | | | 15,659.30 |
| Leases and Rentals | 2,148.80 | 1,459.04 | 629.72 | | 900.00 | 46.10 | 238.80 | 176.81 | 1,082.22 | | | | 2,443.93 |
| Property, Plant and Equipment | 1,925.00 | 2,013.75 | 2,950.59 | 3,826.75 | 2,299.97 | 3,400.00 | 3,554.99 | 3,314.99 | 2,134.29 | | | | 8,868.01 |
| Insurance | | 100.00 | | 747.34 | | | | 734.68 | 403.80 | | | | 25,400.33 |
| Entertainment and Royalties | | | | | | 196.90 | 102.00 | | 92.55 | | | | 1,985.82 |
| Repairs and Maintenance | | 332.90 | 96.00 | 485.85 | | 631.02 | 263.24 | 533.50 | 448.80 | | | | 391.45 |
| Office Equipment and Printing | | | | | | | | 95.30 | | | | | 2,791.31 |
| IT/ Communications | | | | | | | | 20.95 | | | | | 400.30 |
| Travel | 153.72 | 20.64 | 394.84 | 314.43 | 183.78 | 175.17 | 379.63 | | 486.83 | | | | 2,129.99 |
| Fees and Charges | | | | | | | | | 27.27 | | | | 27.27 |
| Miscellaneous | | | | | | | | | | | | | |
| Total Operation Expenses | \$17,120 | \$24,699 | \$27,555 | \$25,001 | \$22,185 | \$19,480 | \$18,378 | \$28,656 | \$17,315 | | | | \$200,340 |
| Income From Operations | 11,259 | 19,670 | 2,575 | 9,831 | 2,166 | 1,302 | 7,759 | 5,753 | 6,879 | | | | 67,194 |
| Interest Income (Expense) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | | 0 |
| Income Before Income Taxes | 11,259 | 19,670 | 2,575 | 9,831 | 2,166 | 1,302 | 7,759 | 5,753 | 6,879 | | | | 67,194 |
| Income Tax Expense | 3,378 | 5,901 | 772 | 2,949 | 650 | 381 | 2,328 | 1,726 | 2,064 | | | | 20,158 |
| Net Income | \$7,882 | \$13,769 | \$1,802 | \$6,882 | \$1,516 | \$912 | \$5,431 | \$4,027 | \$4,815 | | | | \$47,036 |

**NOTICE OF DETERMINATION OF A
DEVELOPMENT APPLICATION**

issued under the *Environmental Planning and Assessment Act 1979* Section 96(1)(a)

DEVELOPMENT APPLICATION NO: DA-228-2015/A

LAND TO BE DEVELOPED

PROPERTY ADDRESS: 91 Beardy Street ARMIDALE NSW 2350

LEGAL DESCRIPTION: Lot 1 in DP1044207

PROPOSED DEVELOPMENT

(This consent is issued in respect of the following matters)

DEVELOPMENT DESCRIPTION: Change of Use – From Registered Club to Pub

BUILDING CLASSIFICATION: Class 6 (part Class 9b)

DETERMINATION: Approved with conditions

MADE ON: 9 March 2016 (modified 10 March 2016)

CONSENT TO OPERATE FROM: 9 March 2016

CONSENT TO LAPSE ON: 9 March 2021

(If development is not physically commenced
by this date)

CONDITIONS ATTACHED TO DEVELOPMENT CONSENT NO. DA-228-2015/A

Please read all conditions carefully. The applicant/developer may arrange to meet with Council to review and clarify, if necessary, the precise requirements of the conditions of this consent.

Note: A copy of all conditions contained in this consent are to be provided to contractors and subcontractors working on the site, to ensure all work is carried out in accordance with this consent.

PRESCRIBED CONDITIONS

For the purposes of section 80A (11) of the Act, the following conditions are prescribed condition of development consent:

Condition relating to maximum capacity signage

(1) For the purposes of section 80A (11) of the Act, the requirement set out in subclause (2) is prescribed as a condition of development consent (including an existing development consent) for the following uses of a building, if the development consent for the use contains a condition specifying the maximum number of persons permitted in the building:

- (a) entertainment venue,
- (b) function centre,
- (c) pub,
- (d) registered club,
- (e) restaurant.

(2) From 26 January 2010, a sign must be displayed in a prominent position in the building stating the maximum number of persons, as specified in the development consent, that are permitted in the building.

(3) Words and expressions used in this clause have the same meanings as they have in the standard instrument set out in the Standard Instrument (Local Environmental Plans) Order 2006.

Conditions relating to entertainment venues

For the purposes of section 80A (11) of the Act, the requirements set out in Schedule 3A are prescribed as conditions of development consent for the use of a building as an entertainment venue.

1 Nitrate film

An entertainment venue must not screen a nitrate film.

2 Stage management

During a stage performance, there must be at least one suitably trained person in attendance in the stage area at all times for the purpose of operating, whenever necessary, any proscenium safety curtain, drencher system and smoke exhaust system.

3 Proscenium safety curtains

If a proscenium safety curtain is installed at an entertainment venue:

- (a) there must be no obstruction to the opening or closing of the safety curtain, and
- (b) the safety curtain must be operable at all times.

4 Projection suites

(1) (Repealed)

(2) When a film is being screened at an entertainment venue, at least one person trained in the operation of the projectors being used and in the use of the fire fighting equipment provided in the room where the projectors are installed (the projection room) must be in attendance at the entertainment venue.

(3) If the projection room is not fitted with automatic fire suppression equipment and a smoke detection system, in accordance with the Building Code of Australia, the person required by subclause (2) to be in attendance must be in the projection suite in which the projection room is located during the screening of a film.

(4) No member of the public is to be present in the projection suite during the screening of a film.
5-10 (Repealed)

11 Emergency evacuation plans

An emergency evacuation plan must be prepared, maintained and implemented for any building (other than a temporary structure) used as an entertainment venue.

(2) An emergency evacuation plan is a plan that specifies the following:

- (a) the location of all exits, and fire protection and safety equipment, for any part of the building used as an entertainment venue,
- (b) the number of any fire safety officers that are to be present during performances,
- (c) how the audience are to be evacuated from the building in the event of a fire or other emergency.

(3) Any fire safety officers appointed to be present during performances must have appropriate training in evacuating persons from the building in the event of a fire or other emergency.

12, 13 (Repealed)

GENERAL CONDITIONS

1. To ensure this development is consistent with Council's consent, the development must take place in accordance with the approved plans (bearing the Council approval stamp); and all other documents submitted with the application, subject to the consent conditions in this notice. In the event of any inconsistency between the approved plans and the conditions of this consent, the conditions shall prevail.

The approved plans are attached to this consent notice and are listed below:

| Plan Drawer | Plan Numbers / Revision | | Date |
|--------------|-------------------------|------------------------------|--------------|
| | Floor plan | Security and Management Plan | |
| Not provided | | | Not provided |
| Not provided | | | Not provided |

ADVISING: Further consent may be required for any change, enlargement or intensification of the premises or land use, including the display / erection of any new structure such as signage, partition walls or building fit-out (unless the proposed work is exempt from the need for consent). Please check with Council before commencement.

BEFORE USE COMMENCES

2. Prior to the commencement of the use, the operators of the approved pub must ensure that the existing kitchen complies with AS 4674 – 2004 (Design and construction of food premises). A suitable trade waste system (i.e. grease arrester) must be installed in relation to the existing kitchen (if not already in place). Any required application for a trade waste system must be approved and installed prior to the commencement of the use.

3. Within 6 months of the use commencing, a minimum of 30 off-street parking spaces to serve the approved pub must be provided in the parking area to the rear of the site (i.e. within the boundaries of 91 Beardy Street, Armidale known as Lot 1 in DP1044207). A car parking layout plan must be submitted to Council within the 6 month period which shows the location of parking spaces in a manner compliant with AS 2890 – Part 1: Off-Street Car Parking. The layout of the car parking area must facilitate the entry and exit of vehicles via Beardy Street. The provision of the car parking will necessitate the undertaking of line marking or an alternative form of demarcation. It will also necessitate repairing and extending the existing bitumen seal. All required works must be satisfactorily completed within the 6 month period following the commencement of the use.

ADVISING: Provision of parking spaces and dimensions of spaces to be in accordance with Council's Development Control Plan 2012, Chapter 2.9. Spaces adjacent to walls (or other obstructions which may affect the opening of a car door or vehicle manoeuvring) are to be widened by 300mm on the side of the obstruction(s), to facilitate safe use of these spaces.

4. Prior to the new use commencing, the operators of the approved pub must demonstrate to the satisfaction of Council that the fire protection measures for the building are appropriate to the building's proposed new use. If fire protection upgrades are required, a Construction Certificate may need to be issued prior to those works being undertaken. If a Construction Certificate is required to be issued, the proponent must undertake an assessment against the Access to Premises Standard and details of any installations and/or alterations included with the application for a Construction Certificate.

ADVISING: The applicants/property owner should note that the Commonwealth Disability Discrimination Act 1992 provides opportunity for public complaint potentially leading to legal action if access to premises by people with disabilities or their carers is precluded. The Australian Human Rights Commission has released Advisory Notes on current Premises Standards which are available from Council on request. The Commission can also provide further information on this issue (1300 369 711). In addition to human rights considerations, as a substantial proportion of the community suffer from mobility handicaps, provision of good access to premises is also good business practice.

5. A Fire Safety Certificate covering each of the essential fire and other safety measures must be provided to the Certifying Authority prior to the occupation of the building, to ensure the safety of the occupants in the case of an emergency. A copy of the certificate is to be given to the NSW Fire Brigades by e-mail to afss@fire.nsw.gov.au and an additional copy to be displayed in a prominent location within the building, all in accordance with clause 172 of the Environmental Planning and Assessment Regulation 2000.
6. Prior to the commencement of the use, a sign worded "Parking At Rear" adjacent to the vehicular entry is to be kept clearly visible to users of the site, to ensure awareness and use of parking facilities. The sign is to be 0.6 x 0.6m (maximum).

OPERATIONAL MATTERS

7. The hours of operation are limited to between:
 - 10:00am to 12:00 midnight Monday to Wednesday.
 - 10:00am to 3:00am Thursday to Saturday.
 - 10:00am to 10:00pm Sunday.
8. A maximum of 300 persons may be permitted inside the licensed premises at any one time.
9. Compliance with the endorsed Security and Management Plan at all times.
10. In order to maintain the amenity of the locality, noise levels generated by the land use must be restricted to a maximum of 5dB(A)dBC, measured at the boundaries of the site.
11. All vehicles are to enter and leave the site in a forward direction, to ensure traffic/pedestrian safety.
12. An annual fire safety statement shall be provided to Council at least once every 12 months as required under clause 177 of the Environmental Planning and Assessment Regulation 2000, to ensure that the required fire safety measures for the building are being properly maintained. A

copy of the statement is to be given to the NSW Fire Brigades by e-mail to afss@fire.nsw.gov.au and an additional copy to be displayed in a prominent location within the building.

13. Any lighting used on site in connection with the development is to comply with AS 4282 (current edition) – Control of the Obtrusive Effects of Outdoor Lighting, to protect the amenity of the locality.
14. Storage facilities for waste and recyclables sufficient for the maximum accumulation between collections shall be provided in a secure location screened from public view, to protect the amenity of the locality.
15. All required fire exits must be protected in accordance with the Building Code of Australia.
16. The amenity of the area must not be detrimentally affected by the use of land, through:
 - a) Transportation of materials, goods or commodities to or from the land;
 - b) Appearance of any building, works or materials;
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot ash, dust, waste water, waste produces, grit or oil;
 - d) Presence of vermin; or
 - e) or in any other wayto the satisfaction of Council.

CONDITIONS FROM THE POLICE

17. That a requirement for CCTV in accordance with the attached "Licensed Premise CCTV Minimum Standards" guidelines consisting of five pages and produced by ALEC Alcohol and Licensing Enforcement Command and labelled "Attachment 09/12/2015".
18. Trading times as follows:
 - 10:00am to 12:00 midnight Monday to Wednesday.
 - 10:00am to 3:00am Thursday to Saturday.
 - 10:00am to 10:00pm Sunday
19. The main entrance doors of the licensed premises to close at 12:30am and no person will be permitted entry after that time.
20. The LA10 noise level being emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz to 8kHz inclusive) by more than 5dB between 07:00am and 12:00 midnight at the boundary of any affected residence. The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) between 12:00 midnight and 7:00 am at the boundary of any affected residence. Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 7:00am.

21. That the licensee becomes an active and financial member of the Armidale Local Liquor Accord. The Armidale Licensed Premises "Code of Conduct" also known as the "Terms" to be constantly

maintained and enforced.

22. The licensee will ensure that immediately after the licensee or a staff member becomes aware of an incident involving an act of violence causing an injury to a person on the premises, the person must:

- a) Take all practical steps to preserve and keep intact the area where the act of violence occurred, retain all material and implements associated with the act of violence in accordance with the Crime Scene Preservation Guidelines issued by the NSW Police.
- b) Make direct contact with the Local Area Commander or his/her delegate and advise the Commander or delegate of the incident.
- c) Comply with any directions given by the Commander or delegate to preserve or keep intact the area where the violence occurred.

In this condition:

"staff member", in relation to subject premises, means any person employed by or acting on behalf of the licensee of the premises, and includes any person who is employed to carry on activities as a crowd controller or bouncer on or about the premises.

23. When the premises trades after midnight, suitably licensed and uniformed security staff are to be employed in the following manner: Two security staff to be employed from 10.00pm for the first 100 patrons or part thereof and one additional security staff member for each additional 100 patrons or part thereof.

24. No person is to be permitted to take glasses or open containers of liquor off the premises where leaving.

25. The licensee shall not permit any patron to remain on the licensed premises who is wearing any form of clothing, jewellery or other accessory that displays or infers by form of word, colours, logo, symbol or otherwise that they are a member of a prescribed group.

Prescribed Groups are: Bandidos, Black Uhlans, Coffin Cheaters, Comanchero, Finks, Fourth Reich, Gladiators, Gypsy Jokers, Hells Angels, Highway 61, Life & Death, Lone Wolf, Mobshitters, Nomads, Odins Warriors, Outcasts, Phoenix rebels, Scorpions, Notorious and any similar group.

26. Intoxication:

1. The licensee must develop and maintain a plan of management.
2. The plan of management must address:
 - a) Compliance with licence conditions and liquor laws;
 - b) The responsible service of alcohol;
 - c) Minimising disturbance to the neighbourhood particularly addressing the effective management of patrons;
 - i) Who are intoxicated, violent and or quarrelsome or disorderly;
 - ii) Queuing to gain entry to the premises; and
 - iii) Within and departing the premises.
 - d) Effective management and deployment of venue staff particularly addressing:
 - i) Security and patron security; and
 - ii) Induction and training.
 - e) Appropriate responses to concerns as they arise from the Local Area Commander or residents affected by the operation of the licensed premises.
3. A copy or extract of the plan of management relating to RSA principles and responsibilities must be placed within the licensed premises so that it is visible to staff.

4. All staff must be provided with a copy of the developed plan of management.

5. A copy of the current plan of management must be maintained at the licensed premises and made available for immediate inspection by members of the NSW Policy Force or inspectors from the Office of Liquor, Gaming and Racing.

27. At any time that the licensed premises is trading and the licensee is not present on the premises the licensee will ensure that the premises are under the supervision of a person (supervisor) whom:

- The licensee has verified and shall maintain documentary evidence on the premises that the Supervisor has at least one year of experience working as a supervisor or manager of a licensed premises.

For the purpose of this condition "Supervisor" means a person who is appointed by the licensee, either verbally or in writing, to have the responsibility and authority to manage the premises, its staff and contractors in the absence of the licensee and who shall supervise the activities of the licensed premises to ensure that the premises, its staff and contractors comply with all liquor and gaming legislation.

OTHER APPROVALS/CONSENTS

Local Government Act 1993 - approvals granted under Section 78A(3) and (5) of the Environmental Planning and Assessment Act 1979: N/A

General terms of other approvals integrated as part of this consent: N/A

REASONS FOR THE ABOVE CONDITIONS

Given Council's duty to consider the matters set out in Section 79C(1) of the Environmental Planning and Assessment Act 1979 (as amended), the above conditions have been placed on the consent in accordance with Section 80A of the Environmental Planning and Assessment Act 1979 (as amended).

RIGHT OF APPEAL

If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice. *Note: Section 97 of the Environmental Planning and Assessment Act 1979 does not apply to a Development Application for designated development determined by the consent authority after a public hearing held by the Planning Assessment Commission.*

Section 82A of the Environmental Planning and Assessment Act 1979 gives you the right to request a Review of Determination. Upon payment of the prescribed fees Council will review the determination under the provisions of Section 82A. *Note: Section 82A of the Environmental Planning and Assessment Act 1979 does not apply to the determination of a Designated Development, Integrated Development or Crown Applications.*

John Goodall
Manager Development Assessment

Per: *S. Graham* Date: 10 March 2016

Senator WATT: Is the department aware that Ms Kathryn Richards, who I think might be the person who had the licence over the nightclub that burnt down, has written directly to Minister McKenzie about this matter in June this year? Is the department aware of that? It was essentially a request for Minister McKenzie to meet with Ms Richards. Has that been passed on to the department?

Mr Quinlivan: We would have to check that.

Senator WATT: Are you aware of that? It's an email, Minister. Are you aware of that?

Senator McKenzie: I'll have to check my records.

Senator WATT: Do we know whether the department has provided any advice to the minister in response to this request?

Mr Quinlivan: I would be surprised if the letter had arrived in the department and not been brought to my attention and I'd be even more surprised if we provided advice that I was unaware of. I think Mr Brown, our chief finance officer, feels similarly.

Mr Brown: I'm certainly not aware of that letter, but we will double-check to see if it is in the department. But I'm certainly not aware of it.

Mr Quinlivan: Do you have a date?

Senator WATT: It is 16 June. All I was going to ask—and again I don't want to know the content of any legal advice—is has legal advice been provided to the minister in response to this request?

Ms Linaere: No.

Senator WATT: Thank you, Minister, I'm not having a go at you here. It doesn't sound like you're aware of this email?

Senator McKenzie: I'm not personally, but if it's arrived in my office I will have to check my records.

Senator WATT: You don't remember having responded to Ms Richards?

Senator McKenzie: No, I don't, but I will take that on notice.

Senator WATT: Basically she's pleading with you to meet with you. What she says in this email may or may not be true. She says that 'in the last few weeks'—so May-June—Barnaby Joyce has made several alarming comments on an active New South Wales police investigation on a firebombing case, one which now involves his tender process. The mind boggles as to how an ex-Deputy PM thinks that it's appropriate to comment. Then she says, 'Bridget, could we meet?' Could you take on notice that request?

Senator McKenzie: Yes, I will definitely take that on notice.

Senator WONG: Who did that?

Mr Czabania : That was the next natural step.

Senator WONG: Who did that? Was that done internally or did you give that to—

Mr Czabania : One of the proponents put forward a letter as part of their submission, which provided evidence that they had control of the property at 91 Beardy Street.

Senator WONG: And who was that?

Mr Czabania : That was Stirloch.

Senator WONG: Can I have copy of that letter?

Mr Czabania : I'd probably just need to take that on notice, if that's okay, Senator.

Senator WONG: No, it's not okay, but why?

Mr Czabania : Just to determine whether or not it falls under the—

Senator WONG: And the due diligence was run by the department?

Mr Czabania : The due diligence would have been run by the department had the process—

Senator WONG: Mr Czabania, can I just interrupt you. I always get nervous when people say 'would have' because it's not evidence about anything actually happening. Was the due diligence run by the department or not?

Mr Czabania : No.

Senator WONG: Who ran the due diligence?

Mr Czabania : JLL did a desktop—I guess—exercise and put those results into the report that was given to APVMA on 21 December.

Senator WONG: Was the letter from Stirloch provided as a consequence of the desktop due diligence?

Mr Czabania : The letter was provided as part of the submission from Stirloch to JLL in a response to the RFI process. As well as their submission around 91 Beardy Street, they also produced a letter to say they had control of that property.

Senator WONG: How did they have control of it? They're the landlord?

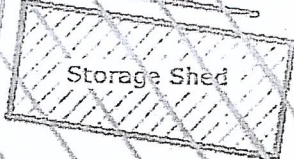
Mr Czabania : They had a letter from the owner to say they could represent the interests of the—

Senator WONG: And who's the owner?

Bowling Club Boundary

Brick Wall

Licensed area to be appropriately fully fenced.

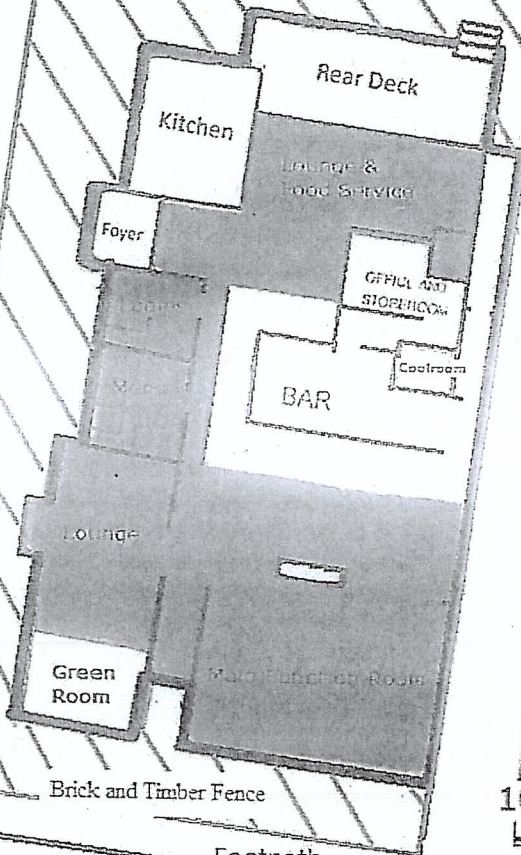


CAR PARK

Bowling Club Boundary

Beer garden & food service / entertainment.

Colorbond Fence



New Club Armidale
91 Beardy St
Armidale NSW 2350

LEGEND:

Licensed Premises Boundary

Non - Restricted Area
Inside Building

Non - Restricted Area
Outside Building

Brick and Timber Fence

10

0

10

Footpath

Beardy Street

Category B Community Impact Statement Form

for NSW liquor laws

Where a Category B CIS is required this CIS form must be prepared and lodged with the Authority when a liquor licence or licence-related authorisation application is made.

PART 1 Application details

1.1 Applicant's name: **New Club Armidale Pty Ltd**

1.2 Application for: (tick all that apply)

- Hotel licence New licence Removal of existing licence Extended trading authorisation
- Club licence New licence Removal of existing licence Extended trading authorisation
- Small bar licence¹ New licence Removal of existing licence Extended trading authorisation
- Packaged liquor licence New licence Removal of existing licence Extended trading authorisation
- On-premises licence for a public entertainment venue other than a cinema or a theatre New licence Removal of existing licence Extended trading authorisation
- Extended trading authorisation for a purveyor/wholesaler licence if the authorisation will allow the sale of alcohol by retail between midnight and 5am (not including sales to the residents of the licensed premises and their guests)
- Other

1.3 Name and address of (proposed) licensed premises
91 Beardy St, ARMIDALE NSW 2350. **New Club Armidale Pty Ltd**

1.4 Name and address of existing licensed premises (if applicable) **The Armidale Club Limited**
91 Beardy St, ARMIDALE NSW 2350.

1. Note: A small bar application is not required to be accompanied by a CIS if development consent has been sought from the local council to use the premises as a small bar or to sell liquor during the times sought in the application, and police and the Director General, NSW Trade & Investment have been provided with notification of the development application within two working days of it and any amendments to it being lodged with the local council.

What does your local community look like?

To get a better understanding of the local community and whether special interest groups should be notified consider whether community buildings, facilities or places are located near the proposed licensed premises.

PART 2 Nearby community buildings, facilities & places

2.1 Are any of the following community buildings, facilities or areas located near the proposed licensed premises? (tick all boxes that apply)

- Hospitals or other health facilities (such as surgeries, health clinics, medical centres) – name and describe them (including their address):
National Aboriginal Community Controlled Health Organisation Armidale & Districts Inc. & Armidale Aboriginal Medical Services, 100 Taylor St, Armidale NSW 2350.

Nursing homes – name and describe them (including their address):
No

Places of worship (of any faith) – name and describe them (including their address):
No

Schools, universities, TAFE colleges, other educational facilities – name and describe them (including their address):
No

Facilities for people who are homeless – name and describe them (including their address):
No

Detoxification facilities for people with alcohol related problems – name and describe them (including their address):
No



Public parks and sporting grounds and other public facilities – name and describe them (including their address):

No

Alcohol free zones (describe the location):

Marsh St - between Barney and Kirkwood St - is an alcohol free zone, as is Rusden St between Niagra and Taylor Streets.

Any area that has been identified by the police as being a problem area in relation to public drinking (location):

No

Other:

Arm Dale and District Services Inc
100 Taylor St, ARMIDALE NSW 2350.

PART 3 Who did you consult with and how?

3.1 Identify the stakeholders who received the consultation notice (tick all boxes that apply)

Local council and/or other consent authority – write the name of the council and/or authority below:
Arm Dale Dumaresq Council

Local police – write the name of the police station below:
Arm Dale Police Station

Other stakeholders as determined by the Authority (applicant will be notified by the Authority if this is required):
N/A

Department of Health local office – write the address below:

NSW Regional Office
GPO Box 988, SYDNEY NSW 2001.

Department of Community Services – write the address below:

Locked bag 4028, ASHFIELD NSW 2131.

Roads and Maritime Services – write the address below:

76 Victoria St, GRAFTON NSW 2460.

Recognised leaders or representatives of the local Aboriginal community (if any) in the area – write the name of the community group below (do not include any person's name):

NSW Aboriginal Land Council - PO Box 1125, Parramatta NSW 2150
Northern Region Aboriginal Land Council - 172b Marsh St, ARMIDALE NSW 2350

There were no other recognised leaders or representatives found within the area to notify.

The occupier of any neighbouring premises – attach a map showing the location of neighbouring premises in relation to the (proposed) licensed premises:

A neighbouring premise is:

- any building situated on land that is within 150 metres of the boundary of the premises to which the proposed notice or
- any building situated on land adjoining the boundary of the land on which the premises are situated or on land that is within 150 metres of that boundary or on land adjoining that boundary if it is used for or is intended for use as a drop and personal delivery.

- the Owners Corporation
- subject to the consent of the Owners Corporation a copy of the notice is to be placed in the foyer for the purpose of notifying persons who occupy the building
- individual occupiers of the premises, other than the building where those premises immediately adjoin the proposed premises

All premises within a 100m area of the location were provided with the CIS notice by letterbox drop and personal delivery. See attached map.

Special interest groups or individuals – write the name of the group below (do not include any person's name, but include a general description):

There were no special interest groups located within the area to be affected by this application.

Any organisation providing gambling-related counselling or treatment services - write the name of the group below (do not include any person's name, instead use a general description) (only applies in the case of an application for an extended trading authorisation in relation to a hotel licence):
N/A. The premises will not be providing gambling facilities.

3.2 Were follow up discussions held? (for e.g. telephone or email) Yes No

If Yes, describe who discussions were held with (do not include any persons name, instead use a general description) (if insufficient space, please attach additional details):

With Armidale Dumaresq Council - In relation to a "Change of Use" Development Application from that of a "Registered Club" to a "Pub" as defined by the local L.E.P.

3.3 Were face to face and/or small group meetings held? Yes No

If Yes, describe who meetings were held with and the date and type of venue where each meeting was held (do not include any person's name, instead use a general description, do not include private residential addresses) (if insufficient space, please attach additional details):

3.4 Were public meetings held? Yes No

If Yes, describe who meetings were held with and the date and type of venue where each meeting was held (do not include any person's name, instead use a general description, do not include private residential addresses) (if insufficient space, please attach additional details):

3.5 Were other consultation techniques used? Yes No

If Yes, describe who was consulted and how (if insufficient space, please attach additional details):

What issues were raised by stakeholders during consultation?

If you have received written comments from stakeholders, you can attach a copy of these comments to this statement, provided consent is obtained before identifying individual written comments.

Alternatively, you can use the space given to describe issues raised in written advice you have received.

Please note that there may be circumstances where no issues are raised by stakeholders. If so, make sure you tick the "No" boxes.

PART 4 Stakeholder issues

4.1 Were any issues raised by local councils or other consent authorities? Yes No

If Yes, describe those issues below (if insufficient space, please attach additional details):

That a Development Application would be required to "Change the use" of the site from that of a "Registered Club" to that of a "Pub" under the definitions as per the current L.E.P.

4.2 Were any issues raised by local police? Yes No

If Yes, describe those issues below (if insufficient space, please attach additional details):

4.3 Were any issues raised by other stakeholders as are determined by the Authority? Yes No

(Applicants will be notified by the Authority if this is required)

If Yes, describe those issues below (if insufficient space, please attach additional details):



4.4 Were any issues raised by the Department of Health?

If Yes, describe those issues below (If insufficient space, please attach additional details):

Yes No



4.8 Were any issues raised by the occupier of any neighbouring premises?

If Yes, describe those issues below (If insufficient space, please attach additional details):

Please see attached document - " CIS Application - Point 4.8"

Yes No

4.5 Were any issues raised by the Department of Community Services?

If Yes, describe those issues below (If insufficient space, please attach additional details):

Yes No

4.9 Were any issues raised by any special interest groups or individuals?

If Yes, describe those issues below (If insufficient space, please attach additional details):

Yes No

4.6 Were any issues raised by the Roads and Maritime Services?

If Yes, describe those issues below (If insufficient space, please attach additional details):

See attached document - "CIS Application Point 4.6 - Roads and Maritime Services"

Yes No

4.7 Were any issues raised by recognised leaders or representatives of the local Aboriginal community (if any) in the area?

If Yes, describe those issues below (If insufficient space, please attach additional details):

Yes No

PART 5 Outcome of consultation

5.1 Were you able to resolve issues, concerns or objections that were raised during consultation?

If **Yes**, describe how resolution was reached, including any modifications to your proposed application as a result of consultation. If you have given undertakings, describe them, including the persons or organisations to whom they were given (where not include any person's name, attach use a general description) (If insufficient space, please attach additional details):

Yes No

One response from a neighbour was received via email and is attached.

The person was responded to by email, also attached, to discuss her concerns and measures that were being taken to minimise any issues that she had and to be available to her in the future should she need to speak to us further.

This response was as of March 11, 2015. The Venue has been trading in its current capacity to what the new protocols will be since this time with no further response subsequently being received.

If **No**, describe why you were not able to resolve issues, concerns and objections raised by stakeholders. Describe any undertakings, concessions or modifications to your proposed application that you offered to stakeholders that were not accepted (If insufficient space, please attach additional details):

PART 6 Future consultation

6.1 Do you propose to consult with stakeholders in the future to ensure any concerns they have raised during the preparation of this CIS have been satisfactorily addressed?

Yes No Not applicable as no issues were raised

If **Yes**, describe the steps you will take in the future (If insufficient space, please attach additional details):

As a responsible venue and operation, the company, management and staff will maintain an ongoing and open dialogue with patrons, neighbours, local council, local police and any other relevant parties should any issues be raised in the future.

If **No**, describe why you do not believe ongoing consultation is necessary (If insufficient space, please attach additional details):

6.2 Do you propose to consult with stakeholders in the future to address any future concerns that may arise?

Yes No

If **Yes**, describe the steps you will take in the future (If insufficient space, please attach additional details):

As a responsible venue and operation, the company, management and staff will maintain an ongoing and open dialogue with patrons, neighbours, local council, local police and other relevant parties should any issues be raised in the future.

PART 7 Your view

7.1 Tell us about the impact you think your proposed liquor licence or a licence-related authorisation will have on the local community. Include any potential negative impacts as well as benefits for stakeholders. If you think your application will have no impact, include a statement with reasons why you think your application will have no impact. In the case of an application for an extended trading authorisation in relation to a hotel licence, matters relating to gambling activities during the period that the authorisation is proposed to be in force should be addressed.
(If insufficient space, please attach additional details.)

It is not expected that the granting of this license application will have any impacts on the local community.

As the location has been and is currently in use as a Registered Club that has a 24hr license, Gaming certification and also allows for Take away alcohol sales.

Under this license application, should it be granted, the Venue will continue to operate effectively the same and drawing on the same patrons; however we are seeking to have licensed hours reduced, No gaming provisions and No Take away alcohol sales. Thus reducing the impact that the venue has on the community to what is current.

* The proposed hours of operation to be endorsed on the license will be less than the current standard hours of operation that the current license allows for.

* No Take away alcohol sales - All alcohol sales will be consumed on premises; all patrons will be under the supervision of the licensee, appropriate management and staff where Responsible Service of Alcohol principles will be enforced.

PART 8 Additional information

8.1 If you do not have enough space to give the necessary information, attach a separate statement to this form with further details.


Policies will be in place, including a detailed house policy, in respect of the Responsible Service of Alcohol and all staff involved in the sale and supply of alcohol will have the appropriate "RSA" certification.

Measures will also be in place to ensure that minors do not gain access to alcohol, as well as security measures such as CCTV surveillance of the venue and venue security staff employed to monitor the venue and patrons during late night operational hours also overseeing that patrons leave the premises and area in an orderly, quiet fashion to minimise any disturbance that may affect the neighbourhood.

It is submitted that based on the material in this application that the Authority can be satisfied that the overall social impact in granting this application will not be detrimental to the well being of the community and in fact is likely to be less impactful than the current license conditions to the venue allow for.

PART 9 Declaration

- I declare that the contents of this CIS including attachments are true, correct and complete and that I have made all reasonable inquiries to obtain the information required to complete the application.
- I acknowledge that under section 36 of the *Gaming and Liquor Administration Act 2007* and section 307A of the *Criminal Act 1900* it is an offence to provide false, misleading or incomplete information in this document

Signature of applicant 

Date

22/05/2016

CIS APPLICATION – POINT 4.6 – Roads and Maritime Services

A letter was received from The Roads and Maritime Services providing data of alcohol – related casualty crashes in the LGA. This data demonstrates that the percentage of casualty crashes that were alcohol-related in 2013 was on par with the NSW average, at 4.7% compared to 4.6%, and lower than the Northern Regions RMS figure of 7.2%.

During the period 2004 – 2013, the percentage of casualty crashes that were alcohol – related in the Armidale LGA of 6.3% was slightly higher than the NSW state average of 5.2% however was lower than the northern NSW figure of 9.3%.

TRMS requests that various initiatives be considered if this application is granted. As the applicant we agree to implement those measures where relevant. The licensee will join and through its staff be an active participant in the Local Liquor Accord.

CIS APPLICATION – POINT 4.8

One response and issue was raised by the occupier of a neighbouring premises which was received by email on the 11th March 2015.

Whilst there does appear to be some confusion in the operational hours, it appears she believed the premises would be operating 24 hours in the future under this application, which is not the case, as opposed to that the venue under its current license has a 24 hour licence approval.

Her concern was in regard to possible noise concerns late at night.

A response email was sent to the lady on the 12th March 2015, highlighting her concerns and the planned operational venue hours and changes to the type of music that will be offered under this license change and highlighting some new acoustic measures that were being put in place at the venue.

She was also invited to personally visit the venue to discuss these matters, and highlighted to contact the venue in the future should these incidents occur.

To date the venue has been operating to the protocol we propose under this license application with no issues being reported by any neighbouring property occupier.

No further response has subsequently been received from this person.



Opening of club at 91 Beardy Street

2 messages

Wed, Mar 11, 2015 at 12:00 PM

To: "newclubarmidale@gmail.com" <newclubarmidale@gmail.com>

In reference to a letter I received for a notice of intention to apply for a liquor licence at 91 Beardy Street I noticed operating hours are a 24 hour licence. Though I am not against the re-opening of the club, the opening until early hours of the morning is raising some concern, especially for those who have work commitments the next day. I live half a block from the club & the noise from the music is very loud & keeps us awake till early hours of the morning. I think something should be done about the noise of loud music coming from the club. Just a thought, I am sure there are other residents who have the same problem.

Thu, Mar 12, 2015 at 8:24 AM

New Club Armidale <newclubarmidale@gmail.com>

To: [Redacted]
Cc: newclubarmidale@gmail.com

Hi [Redacted]

Thanks for your reply and we appreciate your concern as valued neighbour of the club.

We are intending to change the format of the club to more of a lounge bar style venue as well as significantly reducing the trading days and hours of the operation which I believe should address the majority of your concerns. In addition to this we are currently doing some quiet serious internal renovations which includes a lot more sound proofing and control.

I would like to invite you to come down and see first hand exactly what we are proposing and ensure that it addresses any concerns you may have.

Please contact to me arrange this at any time which suits you, however ideally we will be on site all this week and weekend through till Tuesday.

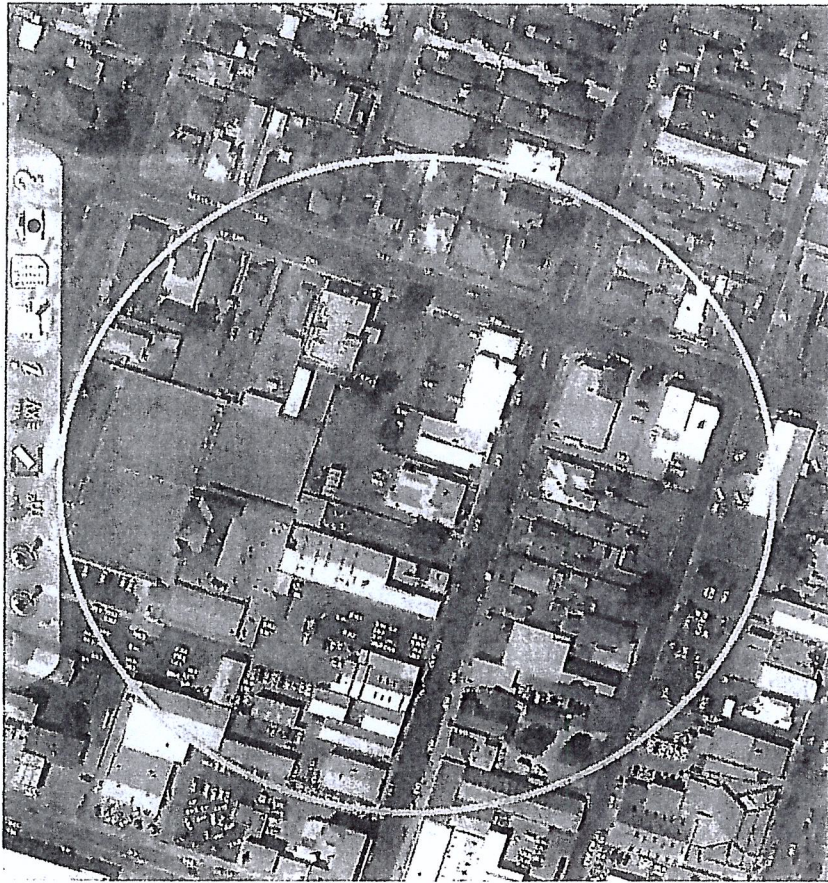
Looking forward to hearing from you and thanks again.

[Redacted]
The Armidale Club
91 Beardy Street
Armidale NSW 2350
M: 0408 269 877

On 11 Mar 2015, at 12:00 pm, [Redacted]

In reference to a letter I received for a notice of intention to apply for a liquor licence at 91 Beardy Street I noticed operating hours are a 24 hour licence. Though I am not against the re-opening of the club, the opening until early hours of the morning is raising some concern, especially for those who have work commitments the next day. I live half a block from the club & the noise from the music is very loud & keeps us awake till early hours of the morning. I think something should be done about the noise of loud music coming from the club. Just a thought, I am sure there are other residents who have the same problem.

Neighbouring Premises Map - New Club Armidale



CERTIFICATION OF ADVERTISING APPLICATION

| | |
|------------------------------|---|
| To: | Independent Liquor and Gaming Authority |
| Application number | APP-0001544158 |
| Proposed licence name | New Club Armidale |

I hereby certify that within two working days of lodging my application for general bar licence, I advertised the application in accordance with the requirements of the *Liquor Regulation 2007*.

I certify that I fulfilled the requirements by:

- (a) in respect of neighbouring premises, within two working days of lodging the application, providing a copy of the completed relevant notice from the application form to the occupiers of:
- any building situated on land that is within 50 metres of the boundary of the premises to which the application relates
 - if a category B CIS is required, any building situated on land that is within 100 metres of the boundary of the premises to which the application relates (*strike out if this does not apply*)
 - any building situated on land adjoining the boundary of the land on which the premises to which the application relates are or will be situated (or that would be land adjoining that boundary if it were not for a road separating the land).
- (b) providing, within two working days of lodging the application, a copy of the completed relevant notice from the application form to:
- the local police
 - the local consent authority
 - if the premises are or will be situated within 500 metres of the boundary of another local government area – the local consent authority for that other area (*strike out if this does not apply*)
 - if the premises are or will be situated on Crown land within the meaning of the *Crown Lands Act 1989* – the Minister administering that Act (*strike out if this does not apply*)
 - if the application was required to be accompanied by a Community Impact Statement, each of the other relevant stakeholders referred to in clause 11(2) or (3) (as the case requires) of the *Liquor Regulation 2007* (*strike out if this does not apply*)
 - any other person or body (including any class of person or body) that the Authority has advised the applicant must be notified (*strike out if this does not apply*).
- (c) affixing, within two working days of lodging the application, a copy of the completed relevant notice from the application form to the premises in such a position that it is legible to members of the public passing the premises, and I will ensure that that it remains in place until such time as the application is determined by the Authority.

Applicant's signature



Print full name

Ms Kathryn James Richards on behalf of New Club Armidale Pty. Ltd.

Date

22/03/2016

CERTIFICATION OF ADVERTISING APPLICATION

| | |
|-----------------------|---|
| To: | Independent Liquor and Gaming Authority |
| Application number | APP-0001544158 |
| Proposed licence name | New Club Armidale |

I hereby certify that within two working days of lodging my application for general bar licence, I advertised the application in accordance with the requirements of the *Liquor Regulation 2007*.

I certify that I fulfilled the requirements by:

- (a) in respect of neighbouring premises, within two working days of lodging the application, providing a copy of the completed relevant notice from the application form to the occupiers of:
- any building situated on land that is within 50 metres of the boundary of the premises to which the application relates
 - if a category B CIS is required, any building situated on land that is within 100 metres of the boundary of the premises to which the application relates (*strike out if this does not apply*)
 - any building situated on land adjoining the boundary of the land on which the premises to which the application relates are or will be situated (or that would be land adjoining that boundary if it were not for a road separating the land).
- (b) providing, within two working days of lodging the application, a copy of the completed relevant notice from the application form to:
- the local police
 - the local consent authority
 - if the premises are or will be situated within 500 metres of the boundary of another local government area – the local consent authority for that other area (*strike out if this does not apply*)
 - if the premises are or will be situated on Crown land within the meaning of the *Crown Lands Act 1989* – the Minister administering that Act (*strike out if this does not apply*)
 - if the application was required to be accompanied by a Community Impact Statement, each of the other relevant stakeholders referred to in clause 11(2) or (3) (as the case requires) of the *Liquor Regulation 2007* (*strike out if this does not apply*)
 - any other person or body (including any class of person or body) that the Authority has advised the applicant must be notified (*strike out if this does not apply*).
- (c) affixing, within two working days of lodging the application, a copy of the completed relevant notice from the application form to the premises in such a position that it is legible to members of the public passing the premises, and I will ensure that that it remains in place until such time as the application is determined by the Authority.

Applicant's signature



Print full name

Ms Kathryn James Richards on behalf of New Club Armidale Pty. Ltd.

Date

22/03/2016

**NOTICE OF DETERMINATION OF A
DEVELOPMENT APPLICATION**

issued under the *Environmental Planning and Assessment Act 1979* Section 96(1)(a)

DEVELOPMENT APPLICATION NO: DA-228-2015/A

LAND TO BE DEVELOPED

PROPERTY ADDRESS: 91 Beardy Street ARMIDALE NSW 2350

LEGAL DESCRIPTION: Lot 1 in DP1044207

PROPOSED DEVELOPMENT

(This consent is issued in respect of the following matters)

DEVELOPMENT DESCRIPTION: Change of Use – From Registered Club to Pub

BUILDING CLASSIFICATION: Class 6 (part Class 9b)

DETERMINATION: Approved with conditions

MADE ON: 9 March 2016 (modified 10 March 2016)

CONSENT TO OPERATE FROM: 9 March 2016

CONSENT TO LAPSE ON: 9 March 2021

(If development is not physically commenced
by this date)

CONDITIONS ATTACHED TO DEVELOPMENT CONSENT NO. DA-228-2015/A

Please read all conditions carefully. The applicant/developer may arrange to meet with Council to review and clarify, if necessary, the precise requirements of the conditions of this consent.

Note: A copy of all conditions contained in this consent are to be provided to contractors and subcontractors working on the site, to ensure all work is carried out in accordance with this consent.

PRESCRIBED CONDITIONS

For the purposes of section 80A (11) of the Act, the following conditions are prescribed condition of development consent:

Condition relating to maximum capacity signage

- (1) For the purposes of section 80A (11) of the Act, the requirement set out in subclause (2) is prescribed as a condition of development consent (including an existing development consent) for the following uses of a building, if the development consent for the use contains a condition specifying the maximum number of persons permitted in the building:
 - (a) entertainment venue,
 - (b) function centre,
 - (c) pub,
 - (d) registered club,
 - (e) restaurant.
- (2) From 26 January 2010, a sign must be displayed in a prominent position in the building stating the maximum number of persons, as specified in the development consent, that are permitted in the building.
- (3) Words and expressions used in this clause have the same meanings as they have in the standard instrument set out in the Standard Instrument (Local Environmental Plans) Order 2006.

Conditions relating to entertainment venues

For the purposes of section 80A (11) of the Act, the requirements set out in Schedule 3A are prescribed as conditions of development consent for the use of a building as an entertainment venue.

1 Nitrate film

An entertainment venue must not screen a nitrate film.

2 Stage management

During a stage performance, there must be at least one suitably trained person in attendance in the stage area at all times for the purpose of operating, whenever necessary, any proscenium safety curtain, drencher system and smoke exhaust system.

3 Proscenium safety curtains

If a proscenium safety curtain is installed at an entertainment venue:

- (a) there must be no obstruction to the opening or closing of the safety curtain, and
- (b) the safety curtain must be operable at all times.

4 Projection suites

- (1) (Repealed)
- (2) When a film is being screened at an entertainment venue, at least one person trained in the operation of the projectors being used and in the use of the fire fighting equipment provided in the room where the projectors are installed (the *projection room*) must be in attendance at the entertainment venue.
- (3) If the projection room is not fitted with automatic fire suppression equipment and a smoke detection system, in accordance with the *Building Code of Australia*, the person required by subclause (2) to be in attendance must be in the projection suite in which the projection room is located during the screening of a film.

(4) No member of the public is to be present in the projection suite during the screening of a film.

5-10 (Repealed)

11 Emergency evacuation plans

(1) An emergency evacuation plan must be prepared, maintained and implemented for any building (other than a temporary structure) used as an entertainment venue.

(2) An emergency evacuation plan is a plan that specifies the following:

(a) the location of all exits, and fire protection and safety equipment, for any part of the building used as an entertainment venue,

(b) the number of any fire safety officers that are to be present during performances,

(c) how the audience are to be evacuated from the building in the event of a fire or other emergency.

(3) Any fire safety officers appointed to be present during performances must have appropriate training in evacuating persons from the building in the event of a fire or other emergency.

12, 13 (Repealed)

GENERAL CONDITIONS

1. To ensure this development is consistent with Council's consent, the development must take place in accordance with the approved plans (bearing the Council approval stamp); and all other documents submitted with the application, subject to the consent conditions in this notice. In the event of any inconsistency between the approved plans and the conditions of this consent, the conditions shall prevail.

The approved plans are attached to this consent notice and are listed below:

| Plan Drawer | Plan Numbers / Revision | Date |
|--------------|------------------------------|--------------|
| Not provided | Floor plan | Not provided |
| Not provided | Security and Management Plan | Not provided |

ADVISING: Further consent may be required for any change, enlargement or intensification of the premises or land use, including the display / erection of any new structure such as signage, partition walls or building fit-out (unless the proposed work is exempt from the need for consent). Please check with Council before commencement.

BEFORE USE COMMENCES

2. Prior to the commencement of the use, the operators of the approved pub must ensure that the existing kitchen complies with AS 4674 – 2004 (Design and construction of food premises). A suitable trade waste system (i.e. grease arrester) must be installed in relation to the existing kitchen (if not already in place). Any required application for a trade waste system must be approved and installed prior to the commencement of the use.

3. Within 6 months of the use commencing, a minimum of 30 off-street parking spaces to serve the approved pub must be provided in the parking area to the rear of the site (i.e. within the boundaries of 91 Beardy Street, Armidale known as Lot 1 in DP1044207). A car parking layout plan must be submitted to Council within the 6 month period which shows the location of parking spaces in a manner compliant with AS 2890 – Part 1: Off-Street Car Parking. The layout of the car parking area must facilitate the entry and exit of vehicles via Beardy Street. The provision of the car parking will necessitate the undertaking of line marking or an alternative form of demarcation. It will also necessitate repairing and extending the existing bitumen seal. All required works must be satisfactorily completed within the 6 month period following the commencement of the use.

ADVISING: Provision of parking spaces and dimensions of spaces to be in accordance with Council's Development Control Plan 2012, Chapter 2.9. Spaces adjacent to walls (or other obstructions which may affect the opening of a car door or vehicle manoeuvring) are to be widened by 300mm on the side of the obstruction(s), to facilitate safe use of these spaces.

4. Prior to the new use commencing, the operators of the approved pub must demonstrate to the satisfaction of Council that the fire protection measures for the building are appropriate to the building's proposed new use. If fire protection upgrades are required, a Construction Certificate may need to be issued prior to those works being undertaken. If a Construction Certificate is required to be issued, the proponent must undertake an assessment against the Access to Premises Standard and details of any installations and/or alterations included with the application for a Construction Certificate.

ADVISING: The applicants/property owner should note that the Commonwealth Disability Discrimination Act 1992 provides opportunity for public complaint potentially leading to legal action if access to premises by people with disabilities or their carers is precluded. The Australian Human Rights Commission has released Advisory Notes on current Premises Standards which are available from Council on request. The Commission can also provide further information on this issue (1300 369 711). In addition to human rights considerations, as a substantial proportion of the community suffer from mobility handicaps, provision of good access to premises is also good business practice.

5. A Fire Safety Certificate covering each of the essential fire and other safety measures must be provided to the Certifying Authority prior to the occupation of the building, to ensure the safety of the occupants in the case of an emergency. A copy of the certificate is to be given to the NSW Fire Brigades by e-mail to afss@fire.nsw.gov.au and an additional copy to be displayed in a prominent location within the building, all in accordance with clause 172 of the Environmental Planning and Assessment Regulation 2000.
6. Prior to the commencement of the use, a sign worded "Parking At Rear" adjacent to the vehicular entry is to be kept clearly visible to users of the site, to ensure awareness and use of parking facilities. The sign is to be 0.6 x 0.6m (maximum).

OPERATIONAL MATTERS

7. The hours of operation are limited to between:
 - 10:00am to 12:00 midnight Monday to Wednesday.
 - 10:00am to 3:00am Thursday to Saturday.
 - 10:00am to 10:00pm Sunday.
8. A maximum of 300 persons may be permitted inside the licensed premises at any one time.
9. Compliance with the endorsed Security and Management Plan at all times.
10. In order to maintain the amenity of the locality, noise levels generated by the land use must be restricted to a maximum of 5dBA/dBC, measured at the boundaries of the site.
11. All vehicles are to enter and leave the site in a forward direction, to ensure traffic/pedestrian safety.
12. An annual fire safety statement shall be provided to Council at least once every 12 months as required under clause 177 of the Environmental Planning and Assessment Regulation 2000, to ensure that the required fire safety measures for the building are being properly maintained. A

copy of the statement is to be given to the NSW Fire Brigades by e-mail to afss@fire.nsw.gov.au and an additional copy to be displayed in a prominent location within the building.

13. Any lighting used on site in connection with the development is to comply with AS 4282 (current edition) – Control of the Obtrusive Effects of Outdoor Lighting, to protect the amenity of the locality.
14. Storage facilities for waste and recyclables sufficient for the maximum accumulation between collections shall be provided in a secure location screened from public view, to protect the amenity of the locality.
15. All required fire exits must be protected in accordance with the Building Code of Australia.
16. The amenity of the area must not be detrimentally affected by the use of land, through:
 - a) Transportation of materials, goods or commodities to or from the land;
 - b) Appearance of any building, works or materials;
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot ash, dust, waste water, waste produces, grit or oil;
 - d) Presence of vermin; or
 - e) or in any other way

to the satisfaction of Council.

CONDITIONS FROM THE POLICE

17. That a requirement for CCTV in accordance with the attached "Licensed Premise CCTV Minimum Standards" guidelines consisting of five pages and produced by ALEC Alcohol and Licensing Enforcement Command and labelled "Attachment 09/12/2015".
18. Trading times as follows:
 - o 10:00am to 12:00 midnight Monday to Wednesday.
 - o 10:00am to 3:00am Thursday to Saturday.
 - o 10:00am to 10:00pm Sunday
19. The main entrance doors of the licensed premises to close at 12.30am and no person will be permitted entry after that time.
20. The LA10 noise level being emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz to 8kHz inclusive) by more than 5dB between 07:00am and 12:00 midnight at the boundary of any affected residence. The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) between 12:00 midnight and 7:00 am at the boundary of any affected residence. Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 7:00am.
21. That the licensee becomes an active and financial member of the Armidale Local Liquor Accord. The Armidale Licensed Premises "Code of Conduct" also known as the "Terms" to be constantly

maintained and enforced.

22. The licensee will ensure that immediately after the licensee or a staff member becomes aware of an incident involving an act of violence causing an injury to a person on the premises, the person must:
- a) Take all practical steps to preserve and keep intact the area where the act of violence occurred, retain all material and implements associated with the act of violence in accordance with the Crime Scene Preservation Guidelines issued by the NSW Police.
 - b) Make direct contact with the Local Area Commander or his/her delegate and advise the Commander or delegate of the incident.
 - c) Comply with any directions given by the Commander or delegate to preserve or keep intact the area where the violence occurred.

In this condition:

"staff member", in relation to subject premises, means any person employed by or acting on behalf of the licensee of the premises, and includes any person who is employed to carry on activities as a crowd controller or bouncer on or about the premises.

23. When the premises trades after midnight, suitably licensed and uniformed security staff are to be employed in the following manner: Two security staff to be employed from 10.00pm for the first 100 patrons or part there of and one additional security staff member for each additional 100 patrons or part there of.
24. No person is to be permitted to take glasses or open containers of liquor off the premises where leaving.
25. The licensee shall not permit any patron to remain on the licensed premises who is wearing any form of clothing, jewellery or other accessory that displays or infers by form of word, colours, logo, symbol or otherwise that they are a member of a prescribed group.

Prescribed Groups are: Bandidos, Black Uhians, Coffin Cheaters, Comanchero, Finks, Fourth Reich, Gladiators, Gypsy Jokers, Hells Angels, Highway 61, Life & Death, Lone Wolf, Mobshitters, Nomads, Odins Warriors, Outcasts, Phoenix rebels, Scorpions, Notorious and any similar group.

26. Intoxication:
1. The licensee must develop and maintain a plan of management.
 2. The plan of management must address:
 - a) Compliance with licence conditions and liquor laws;
 - b) The responsible service of alcohol;
 - c) Minimising disturbance to the neighbourhood particularly addressing the effective management of patrons;
 - i) Who are intoxicated, violent and or quarrelsome or disorderly;
 - ii) Queuing to gain entry to the premises; and
 - iii) Within and departing the premises.
 - d) Effective management and deployment of venue staff particularly addressing:
 - i) Security and patron security; and
 - ii) Induction and training.
 - e) Appropriate responses to concerns as they arise from the Local Area Commander or residents affected by the operation of the licensed premises.
 3. A copy or extract of the plan of management relating to RSA principles and responsibilities must be placed within the licensed premises so that it is visible to staff.

4. All staff must be provided with a copy of the developed plan of management.
 5. A copy of the current plan of management must be maintained at the licensed premises and made available for immediate inspection by members of the NSW Policy Force or Inspectors from the Office of Liquor, Gaming and Racing.
27. At any time that the licensed premises is trading and the licensee is not present on the premises, the licensee will ensure that the premises are under the supervision of a person (supervisor) whom:
- The licensee has verified and shall maintain documentary evidence on the premises that the Supervisor has at least one year of experience working as a supervisor or manager of a licensed premises.

For the purpose of this condition "Supervisor" means a person who is appointed by the licensee, either verbally or in writing, to have the responsibility and authority to manage the premises, its staff and contractors in the absence of the licensee and who shall supervise the activities of the licensed premises to ensure that the premises, its staff and contractors comply with all liquor and gaming legislation.

OTHER APPROVALS/CONSENTS

Local Government Act 1993 - approvals granted under Section 78A(3) and (5) of the Environmental Planning and Assessment Act 1979: N/A

General terms of other approvals integrated as part of this consent: N/A

REASONS FOR THE ABOVE CONDITIONS

Given Council's duty to consider the matters set out in Section 79C(1) of the Environmental Planning and Assessment Act 1979 (as amended), the above conditions have been placed on the consent in accordance with Section 80A of the Environmental Planning and Assessment Act 1979 (as amended).

RIGHT OF APPEAL

If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice. *Note: Section 97 of the Environmental Planning and Assessment Act 1979 does not apply to a Development Application for designated development determined by the consent authority after a public hearing held by the Planning Assessment Commission.*

Section 82A of the Environmental Planning and Assessment Act 1979 gives you the right to request a Review of Determination. Upon payment of the prescribed fees Council will review the determination under the provisions of Section 82A. *Note: Section 82A of the Environmental Planning and Assessment Act 1979 does not apply to the determination of a Designated Development, Integrated Development or Crown Applications.*

John Goodall
Manager Development Assessment

Per: A. Graham

Date: 10 March 2016

Appointment of manager - notice

Information

- This form is for a corporate licensee to notify the Authority when the licensee has appointed an approved person as the manager of the licensed premises. Any previous appointment as the manager of a licence ceases when this notice takes effect.
- A registered club with a single premises does not need to appoint a manager and lodge this notice, because the secretary of the club is taken to be the manager. A registered club with multiple premises must appoint a manager and lodge this notice for each premises other than the main premises.
- No payment is required.**
- Complete all applicable questions. If information is missing, we can ask you to supply the required information and/or documents. Failure to supply information can delay the effect of this notice. If the appointed manager does not have applicable approved manager approval, this notice will not take effect.
- For more information, visit www.liga.nsw.gov.au or www.olgr.nsw.gov.au
- For assistance, call (02) 9995 0894 or email info@olgr.nsw.gov.au
- Lodge this application form with supporting documents by one of the following methods:

Post

Office of Liquor
Gaming & Racing
GPO Box 7060
Sydney NSW 2001

Email

liquorapplications@olgr.nsw.gov.au

PART 1 About the liquor licence

Tell us the:

Liquor licence number L10
 Licence name NEW CLUB ARMIDALE
 Name of licensee NEW CLUB ARMIDALE Pty LTD
 ABN 31604 441 787 ACN 604 441 787
 Phone (daytime) [REDACTED]

PART 2 About the appointed manager (this person will also become the contact person for the corporate licensee for this licence)

Title MS Gender FEMALE
 First name KATHRYN Middle name JAMES
 Surname RICHARDS Date of birth (dd mm yyyy) [REDACTED]
 Place of birth e.g. Camperdown [REDACTED] Phone (home) [REDACTED]
 Phone (mobile) [REDACTED] Phone (daytime) [REDACTED]
 Fax [REDACTED] Driver's licence [REDACTED] State NSW
 Email address [REDACTED]

Residential address (always a 'physical' street address)

Street no. [REDACTED] Street name [REDACTED]
 Town/city ARMIDALE State NSW Postcode 2350
 Country (if not Australia)

Postal address (if different from residential address) a PO Box if one exists; otherwise a 'physical' street address. We will use this mailing address when we contact this person about this licence.

PO Box or street no. _____ Street name _____
 Town/city _____ State _____ Postcode _____
 Country (if not Australia) _____

PART 3 About the appointment

Tell us the approved manager approval number

L10XA91 1016710 or 09

When will the appointment take effect?

(must not be backdated)

PART 4 Declaration by incoming appointed manager

- I consent to appointment as manager of the liquor licence in Part 1 of this notice.
- I certify that I am not appointed as the manager of other licensed premises at this time.
- I declare that I am not suspended or disqualified from appointment as a manager.
- I certify that I will implement practices at the licensed premises to ensure the responsible sale, supply and service of alcohol and the prevention of intoxication.
- I certify that I have not been charged with or convicted of any offence since approval by the Licensing Court or the Authority to be a manager of licensed premises.
- I acknowledge that under section 36 of the *Gaming and Liquor Administration Act 2007* and section 307A of the *Crimes Act 1900* it is an offence to provide false, misleading or incomplete information in this notice.

Name of incoming appointed manager KATHRYN RICHARDS

Signature [REDACTED]

Date

03/2016

Change approved manager approval

Information for applicants

- This application form is for an individual applying to change the type of licensed premises able to be managed by an approved manager, who is already approved as an approved manager, to a different or additional type of licensed premises.
- Use application form APP900 if you are an individual applying to be an approved manager for the first time.
- The fee payable for this application is \$100, as at 1 September 2014.** A surcharge is applicable if paying by credit card. Fees are subject to change without notice. More details are available on page 3.
- Complete all applicable questions. If information is missing, we can ask you to supply the required information and/or documents to support the application. Failure to supply information can delay a decision on the application.
- For more information, visit www.ilga.nsw.gov.au or www.olgr.nsw.gov.au
- For assistance, call (02) 9995 0894 or email info@olgr.nsw.gov.au
- Lodge this application form with payment and supporting documents by one of the following methods:

Post

Office of Liquor Gaming & Racing
GPO Box 7060
Sydney NSW 2001

Deliver to

Office of Liquor Gaming & Racing
Level 16, 323 Castlereagh St
Haymarket NSW 2001

Email

liquorapplications@olgr.nsw.gov.au

PART 1 About the applicant

Tell us the approved manager approval number LIOXA 911016710 or 09

Does this application request approval for: (tick one or more)

- Club licences
 On-premises licences
 Small bar licences
 Hotel licences / Gen Bar.
 Limited licence—special event
 Producer/wholesaler licences

PART 2 About the applicant (the applicant must be an individual)

Title Ms Gender FEMALE
 First name KATHLEEN Middle name JAMES
 Surname RICHARDS. Date of birth (dd mm yyyy) [REDACTED]
 Place of birth (e.g. Camperdown) [REDACTED] Phone (home) [REDACTED]
 Phone (mobile) [REDACTED] Phone (paytime) [REDACTED]
 Fax [REDACTED] Driver's licence [REDACTED] State NSW
 Email address [REDACTED]

Residential address (always a 'physical' street address)

Street no. [REDACTED] Street name [REDACTED]
 Town/City ARMIDALE State NSW Postcode 2350
 Country (if not Australia)

Postal address (if different from residential address) a PO Box if one exists; otherwise a 'physical' street address. We will use this mailing address when we contact this person about the licence.

PO Box or street no. _____ Street name _____
 Street no. _____
 Town/City _____ State _____ Postcode _____
 Country (if not Australia) _____

PART 3 More information about the applicant

Has the applicant ever been appointed as a manager of licensed premises in NSW?

If Yes, supply licence name, licence number and start/end dates:

Yes No

THE ARMIDALE CLUB LIMITED.

Has the applicant been refused or disqualified from holding a liquor or gaming licence in Australia?

If Yes, supply details:

Yes No

If this application requests approval to manage club licences and/or hotel licences, does the applicant have responsible conduct of gambling (RCG) qualifications?

Yes No

Using the profile calculator at www.olgr.nsw.gov.au tell us the applicant's industry experience and profile

Print A, B or C here B



PART 4 Other information we need

- Attach:
 - a copy of the applicant's RCG certificate or Photo Competency Card if applying for approval to manage club licences and/or hotel licences.

PART 5 Payment for this application

The fee for this application is \$100. This is a processing fee, and is non-refundable, in the event that the application is withdrawn or not granted. This fee is correct as at 1 September 2014, and is subject to change without notice. The fee does not incur GST.

Pay a \$100 fee[†] by:

Cheque (payable to 'Office of Liquor, Gaming & Racing') Cash Money order Credit card[†]

Cheque drawer's name

MasterCard[†] VISA[†]

Card no

Expiry date

CVV[†]

[†]These are the last 3 digits printed on the signature panel on the back of your credit card

Cardholder's name

KATHRYN RICHARDS

Cardholder's signature

[†] Under NSW Government policy, a surcharge of 0.4% is added to the payment amount if paid by credit card. Please visit www.olgr.nsw.gov.au/surcharge.asp for more information.



PART 6 Declaration

- I declare that I am 18 years or older and I am authorised to lodge this application.
- I declare that the contents of this application including attachments are true, correct and complete and that I have made all reasonable inquiries to obtain the information required to complete the application.
- I undertake to immediately notify the Authority of any change to the information in this application, if the information changes before the application is determined.
- I declare that immediately before or within two working days of lodging this application I will provide the required documents to the local police station.
- I declare that I am not suspended or disqualified from holding a liquor licence.
- I acknowledge that under section 36 of the *Gaming and Liquor Administration Act 2007* and section 307A of the *Crimin Act 1900* it is an offence to provide false, misleading or incomplete information in this application.
- I acknowledge that failure to provide all required information may result in delay or refusal of the application.
- I understand that specific details I have supplied in this application may be 'personal information' under the *Privacy and Personal Information Protection Act 1998*. Personal information is any information or opinion that identifies an individual, or enables someone to identify an individual.
- I acknowledge that the Independent Liquor & Gaming Authority is collecting information to enable processing of the application. I also understand that the Authority will use the information for its intended purpose only, store the information securely, and allow the applicant or licensee to access and update the information. When processing this application, the Authority may need to disclose information to other Government agencies
- I acknowledge that the Authority will publish information about the application, if granted, on a public register.

PART 6A Applicant (must be an individual)

Name KATHRYN RICHARDS Position DIRECTOR
 Signature [Signature] Date 22/03/2016

If the application is lodged by a legal or other representative, tell us:

Name of representative
 Representative's business name
 Phone (daytime)
 Address for correspondence
 Email address
 Fax

Reminder

- Before sending your application to us, check:
1. You have answered all questions in Parts 1 to 3
 2. You have attached the documents listed in Part 4
 3. Payment is enclosed, or the credit card details are completed, in Part 5
 4. You have read and signed Part 6
 5. You have completed the notice.



LIQUOR LICENCE-RELATED APPLICATION – NOTICE TO POLICE

When lodging this application with the Independent Liquor & Gaming Authority, the applicant must immediately before or within two working days lodge a copy of this application with the local police station.

Complete all details below – then copy all pages of this application and lodge the copy with the local police station.

NOTE – This original notice must be lodged with the application.

Applicant's name KATHRYN RICHARDS
Applicant's address 2/2 URRAWA RD, ARMIDALE NSW 2350
has applied to the Independent Liquor & Gaming Authority for approval to change the class of licensed premises able to be managed by an approved manager

Submissions about this application can be made to the Independent Liquor & Gaming Authority within 14 days.

Signature [Handwritten Signature] Date 22/03/2016

POLICE USE ONLY

I, (insert name, position and organisation) DAVID MURKIE
Certify that this notice was received on: 22/03/2016

Send this notice to GPO Box 7060, Sydney, NSW, 2001. Email liquorapplications@olgr.nsw.gov.au

AUTHORITY USE ONLY

Application number _____ Lodged date _____

Submissions close _____

Bowling Club Boundary

Brick Wall

Licensed area to be appropriately fully fenced.

Storage Shed

CAR PARK

Bowling Club Boundary

Colorbond Fence

Beer garden & food service / entertainment.

Rear Deck

Kitchen

Letting & Food Service

Foyer

OFFICE AND STORAGE

Control Room

BAR

Lounge

Green Room



New Club Armidale
91 Beardy St
Armidale NSW 2350

LEGEND:

Licensed Premises Boundary

Non - Restricted Area Inside Building

Non - Restricted Area Outside Building

Brick and Timber Fence

Footpath

10

0

10

Beardy Street

STATUTORY DECLARATION

State of South Australia - Oaths Act 1936

I / Kathryn James Richards

[full name]

of 109 waymouth st Adelaide 5000 South Australia

[address]

do solemnly and sincerely declare that

On Tuesday 29th January 2019 at 11:05am SA Local time.

I received a phone call from Det. Mathew Robinson of Armidale Police, NSW.

During that conversation Officer Robinson informed me that:

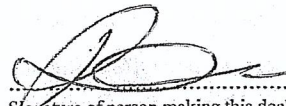
1. Police have spoken to Dr Chris Parker from the APVMA and Mr Troy Czabania in the recent weeks. (Email confirming the same attached).
2. Dr Chris Parker had indicated initially that he would cooperate with NSW Police requests for documents and information.
3. Officer Robinson was then later informed that they will be responded to by the Departments legal representatives.
4. Representatives for the Departments suggested to Office Robinson that: NSW Police lacked the jurisdiction necessary in relation to the criminal investigation of arson at The Armidale Club.
5. Representives for the Department further noted to Officer Robinson that the Coroner had not formally referred the Arson investigation back to the Director of Public Prosecutions (DPP).
6. Representatives for the department informed Officer Robinson that: The Department of Agriculture would only comply with a Warrant issued by Coroner Holmes in relation to requests for documents.
7. Representatives for the Department further adviser him that if NSW Police were not successful in obtaining a Warrant from Coroner Homes that the could apply through The Freedom of Information process.
8. He (Officer Robinson) went immediatelly to the Armidale Court to urgently speak with Crn Holmes in relation to the challenges he had received from The Department of Agricultures Representatives.
9. The court Registra, Rhonda Breneger advised Officer Robinson that Crn Holmes is on holidays until the 27th of February 2019.
10. He (Robinson) asked the registra to make contact with Crn Holmes so he could resolve the jurisdiction issue and to seek further advice on the matter.

**And I / We make this solemn declaration conscientiously believing the same to be true,
and by virtue of the provisions of the *Oaths Act 1936*.**

Declared at Adelaide

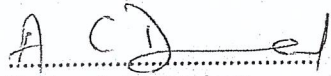
in the State of South Australia, this 7th day of

February 20 19



Signature of person making this declaration
[to be signed in front of an authorised witness]

Before me,



Signature of authorised witness

Alice Coriddwyn Durrant JP # 31703
A Justice of the Peace for
South Australia

Question on notice no. 34

Portfolio question number: 34

2019-20 Budget estimates

Rural and Regional Affairs and Transport Committee, Agriculture and Water Resources Portfolio

Senator the Hon. Penny Wong: asked the Department of Agriculture and Water Resources on 9 April 2019—

Senator WONG: Okay, it's on the public record—a newspaper article—but, at any point, is Mr Littleproud or his office told: 'The police are asking us to provide documents relating to the tender process'? Mr Quinlivan: I'm sure the answer to that is yes, but—
Senator WONG: Thank you, but I want to know when. Mr Quinlivan: we don't know.
Senator WONG: I assume there's someone in the department watching this. Can they please provide the date here so we can get it later in the day? Mr Quinlivan: We'll endeavour to do that.

Answer —

The answer to the question is no.



THE SENATE

STANDING COMMITTEE ON RURAL AND REGIONAL AFFAIRS AND TRANSPORT
REFERENCES COMMITTEE

Ms Kathryn Richards
New Club Armidale Pty Ltd
Email: newclubarmidale@gmail.com

Dear Ms Richards,

*Inquiry into the independence of regulatory decisions made by the Australian Pesticides
and Veterinary Medicines Authority (APVMA)*

On behalf of the Senate Rural and Regional Affairs and Transport References Committee (the committee), I acknowledge receipt of your correspondence dated 13 November 2018.

The committee considered the issues you raised in your correspondence at its regular private meeting on Wednesday, 28 November 2018.

While the events you describe in your correspondence have obviously been personally distressing, the situation you describe is beyond the scope of the committee's current inquiry in relation to the APVMA. The committee is, therefore, unable to accept your correspondence as a submission to its inquiry.

The committee notes that given the seriousness of the issues you raise in your correspondence, it may be appropriate to report them to either the NSW Police Force or the Australian Federal Police (AFP).

Yours sincerely,

Jane Thomson
Committee Secretary

29 November 2018

Question on notice no. 19

Portfolio question number: 19

2019-20 Budget estimates

Rural and Regional Affairs and Transport Committee, Agriculture and Water Resources Portfolio

Senator the Hon. Penny Wong: asked the Australian Pesticides and Veterinary Medicines Authority on 9 April 2019—

Senator WONG: Was there a changing of the scale for this project prior to or in the brief of 21 December? Mr Czabania: No. Senator WONG: So at this stage it was still 2,000 to 2,500 office space, no later than quarter 4, 2018, was it? Mr Czabania: Yes. Senator WONG: Ten years with option for renewal, an A-grade commercial building, end-of-trip facilities et cetera, and that's the scope of it. Mr Czabania: Yes. Senator WONG: The report is then handed to the APVMA on 21 December 2016—is that right, Dr Parker? Senator STERLE: Different CEO. Senator WONG: I understand that, but there must be someone there who was working there at the time. Is there someone in this room who was working at APVMA at the time who can tell me about these— Dr Parker: It would have been provided to the APVMA. Senator WONG: No, no; I don't like 'would be'. There must be someone in this room, surely, who was working at the APVMA—we're talking two-and-a-bit years ago—who can give evidence about what then occurred, from the APVMA's perspective, as between then and when you took over. Dr Parker: There is no-one in this room. Senator WONG: Okay. CHAIR: Hold on. There are two different questions. There will be people in this room who can give that evidence. The first question was: was the brief handed over on 21 December, as is the evidence by the other witness? If you don't know that, just take it on notice. Dr Parker: I believe it was, but I'll take it on notice to confirm.

Answer —

Yes.

Question on notice no. 33

Portfolio question number: 33

2019-20 Budget estimates

Rural and Regional Affairs and Transport Committee, Agriculture and Water Resources Portfolio

Senator the Hon. Penny Wong: asked the Department of Agriculture and Water Resources on 9 April 2019—

Senator WONG: At which point in these first four days was the minister's office advised about what was occurring? Nothing? There are a lot of people at the table and nobody is saying anything. That's a legitimate question. Can someone please answer it? Senator Colbeck: If no-one has the answer, I'll have to take it on notice. Senator WONG: They didn't say that. They just sat there silent. Senator Colbeck: Well, no-one's volunteering. Senator WONG: Mr Quinlivan, did any officer from the department at any point over this period, where a statutory entity and the department were being contacted by the New South Wales police in relation to your—that is, the Commonwealth's-tender process, advise the minister or his office? Mr Quinlivan: I've got no direct knowledge of advice to the minister on that, and I'm taking it from the reaction at the table that others here also don't have any knowledge. So there's a fair chance, I would say, that in this time period there was no advice to the minister.

Senator WONG: I don't want to play word games. I don't mean 'advice, written brief'. You understood what I meant? Mr Quinlivan: Yes, exactly.

Answer —

The answer to the question is no.

Question on notice no. 22

Portfolio question number: 22

2019-20 Budget estimates

Rural and Regional Affairs and Transport Committee, Agriculture and Water Resources Portfolio

Senator the Hon. Penny Wong: asked the Australian Pesticides and Veterinary Medicines Authority on 9 April 2019—

Senator WONG: There were options A to D. Which one did you pick? Dr Parker: We didn't pick any. We ran our own process. I terminated that process, I think in June. I'd have to double-check the date for you.

Answer —

The process was terminated on 6 July 2017.

Question on notice no. 8

Portfolio question number: 8

2019-20 Budget estimates

Rural and Regional Affairs and Transport Committee, Agriculture and Water Resources Portfolio

Senator the Hon. Penny Wong: asked the Australian Pesticides and Veterinary Medicines Authority on 9 April 2019—

Senator WONG: Was he briefed about the fact that the RFI would only be the first phase? Mr Quinlivan: I would have to check that. Clearly, the fact that it was an RFI and not a tender process would have led anybody to conclude that.

Answer —

On 13 September 2016 the department provided a brief to update the Hon Barnaby Joyce MP, the then Minister for Agriculture and Water Resources, for a meeting with the then CEO of the APVMA on 14 September 2016. The brief indicated that we would run a public request for information process from 15 September 2016 to identify options for the APVMA's long-term office accommodation in Armidale.



COPY

Senator the Hon Matthew Canavan
Minister for Resources and Northern Australia

Senator the Hon Scott Ryan
President of the Senate
Parliament House
CANBERRA ACT 2600

MS19-000589

04 APR 2019

Dear President

Scott Ryan

I refer to Senate Motion 1413 of 2 April 2019 moved by Senator Carol Brown for the tabling of:

- (a) All internal departmental documents held by the Department of Agriculture and Water Resources and its agencies about the New South Wales Police investigation into arson at 91 Beardy Street in Armidale; and
(b) any correspondence between the Department of Agriculture and Water Resources and the Minister for Agriculture and Water Resources or his office about the New South Wales Police arson investigation.

The Minister has considered the terms of the order and responds pursuant to standing order 164.

Some documents are being withheld on the basis that their release may impede or prejudice an ongoing investigation by a law enforcement agency.

I have copied the letter to the Minister for Agriculture and Water Resources, the Hon David Littleproud MP and the Leader of the Government in the Senate, Senator the Hon Mathias Cormann.

Yours sincerely

Matthew Canavan.

cc Hon David Littleproud MP, Minister for Agriculture and Water Resources
Senator the Hon Mathias Cormann, Leader of the Government in the Senate

Attachment E: Document Schedule in relation to Senate Order 1413

| No. | Date | Title | Recommendation |
|------------|----------------------------|---|---|
| 1 | 15 January 2019 4:09pm | RE: Police enquiry in regard to tender process and Armidale building | Produce email |
| 2 | 15 January 2019 9:19pm | RE: Record of conversation – Snr Det Constable Robertson – Armidale CID | Produce email |
| 3 | 15 January 2019 5:04pm | Record of conversation – Snr Det Constable Robertson – Armidale CID | Produce email Withhold attachment |
| 4 | 18 January 2019 10:48am | Inquiry | Produce email |
| 5 | 2 April 2019 11:29am | RE: APVMA | Produce email |
| 6 | 1 April 2019 3:00pm | RE: APVMA | Produce email |
| 7 | 2 April 2019 1:28pm | RE: APVMA | Produce email Withhold attachment |
| 8 | 22 March 2019 8:48am | RE: JLL address | Produce email |
| 9 | 16 January 2019 9:04am | RE: Police enquiry in regard to tender process and Armidale building | Produce email |
| 10 | 16 January 2019 9:29am | RE: Police enquiry in regard to tender process and Armidale building | Produce email |
| 11 | 21 March 2019 12:26pm | FW: JLL address | Produce email |
| 12 | 1 April 2019 10:06am | RE: Request for information | Produce email |
| 13 | 18 January 2019 10:46am | RE: Request for information | Produce email |
| 14 | 18 January 2019 10:44am | RE: Request for information | Produce email |
| 15 | 15 January 2019 3:57pm | Police enquiry in regard to tender process and Armidale building | Produce email |
| 16 | 15 January 2019 3:50pm | FW: APVMA ATM Timeline | Produce email |
| 17 | 18 January 2019 11:59am | FW: Police enquiry in regard to tender process and Armidale building | Withhold |
| 18 | 18 January 2019 12:16pm | RE: Police enquiry in regard to tender process and Armidale building | Withhold |
| 19 | 1 April 2019 10:58am | RE: Request for information: APVMA FRI Process | Withhold |
| 20 | 1 April 2019 10:24am | Request for assistance: APVMA FRI Process | Withhold |
| 21 | 22 January 2019 5:30pm | Request for information | Withhold |
| 22 | 1 April 2019 12:44pm | RE: Request for information: APVMA FRI Process | Withhold |

Grutt, Paul

From: Gaglia, Julie
Sent: Tuesday, 15 January 2019 4:09 PM
To: PARKER, Chris
Cc: CURRIE, Dwayne; Briscoe, Cindy
Subject: Re: Police enquiry in regard to tender process and Armidale building
[SEC=UNCLASSIFIED]

Thanks Chris, I will pass onto the appropriate people here.

Cheers

Julie

Sent from my iPhone

On 15 Jan 2019, at 3:57 pm, PARKER, Chris <Chris.Parker@apvma.gov.au> wrote:

UNCLASSIFIED

Hi Julie

Today we were contacted by a Detective Senior Constable Mat Robertson.

He is doing further enquiry into the Armidale Club fire from 2016.

I spoke to him and indicated what our tender process was. He was after background and getting an understanding of the processes involved. He had no specific questions of me. I have agreed to meet him in Armidale next week face to face but indicated that any formal questions he has of either me or the APVMA will need to be in writing so we can consider them appropriately.

He was keen to speak with someone from the DAWR.

I indicated that I would pass on his contact details and that someone would likely contact him.

You can make your own judgements as to who.

His phone contacts are

02 6771 0638

0416 115 792

Cheers

cp

Dr Chris Parker

CEO

Australian Pesticides and Veterinary Medicines Authority

18 Wormald Street, Symonston ACT 2609

Ph: +61 2 6210 4879

UNCLASSIFIED

IMPORTANT:

This email message and any attached files may be subject to restrictions on use and disclosure under the *Agricultural and Veterinary Chemicals Code Act 1994* and may also contain information that is confidential, and/or subject to legal professional privilege.

If you are not the intended recipient, you must not use, copy, disseminate, forward, retain or reproduce this email. If you received this email in error, please immediately notify the sender by return email or contact the APVMA on +61-2-6210 4701 (9 am-5 pm AEST/AEDT) and please delete all copies of this email and any attachments.

----- IMPORTANT - This email and any attachments have been issued by the Australian Government Department of Agriculture and Water Resources. The material transmitted is for the use of the intended

recipient only and may contain confidential, legally privileged, copyright or personal information. You should not copy, use or disclose it without authorisation from the Department. It is your responsibility to check any attachments for viruses and defects before opening or forwarding them. If you are not an intended recipient, please contact the sender of this email at once by return email and then delete both messages. Unintended recipients must not copy, use, disclose, rely on or publish this email or attachments. The Department of Agriculture and Water Resources is not liable for any loss or damage resulting from unauthorised use or dissemination of, or any reliance on, this email or attachments. If you have received this e-mail as part of a valid mailing list and no longer want to receive a message such as this one, advise the sender by return e-mail accordingly. This notice should not be deleted or altered -----

Grutt, Paul

From: SMITH, Bob <Bob.Smith@apvma.gov.au>
Sent: Tuesday, 15 January 2019 9:19 PM
To: SLOCOMBE, Kevin
Cc: CURRIE, Dwayne
Subject: RE: Record of Conversation - Snr Det Constable Robertson - Armidale CID [DLM=Sensitive:Legal]

Sensitive:Legal

Thanks Kevin

BobS

Bob Smith
Executive Director Corporate Services

Tel: 02 6210 4804
Mob: 0436 320 081

Sensitive:Legal

From: SLOCOMBE, Kevin
Sent: Tuesday, 15 January 2019 5:04 PM
To: SMITH, Bob
Cc: CURRIE, Dwayne
Subject: Record of Conversation - Snr Det Constable Robertson - Armidale CID [DLM=Sensitive:Legal]

Sensitive:Legal

Good afternoon Bob,

As discussed, attached please find a Record of Conversation between myself and a person identifying himself as Senior Detective Constable Matt Robertson of the Armidale CID.

Further to this conversation, I understand that the CEO has contacted Senior Detective Constable Robertson.

Regards,

Kevin

Kevin Slocombe | Assistant Director Procurement
Procurement and Partnership Management
Australian Pesticides and Veterinary Medicines Authority
PO Box 6182 Kingston ACT 2604
P: +61 2 6210 4916 M: +61 408 559 538
kevin.slocombe@apvma.gov.au | www.apvma.gov.au

Sensitive:Legal

Grutt, Paul

From: SLOCOMBE, Kevin <Kevin.Slocombe@apvma.gov.au>
Sent: Tuesday, 15 January 2019 5:04 PM
To: SMITH, Bob
Cc: CURRIE, Dwayne
Subject: Record of Conversation - Snr Det Constable Robertson - Armidale CID
[DLM=Sensitive:Legal]
Attachments: Record of Conversation - Armidale CID - 15JAN2019.pdf

Sensitive:Legal

Good afternoon Bob,

As discussed, attached please find a Record of Conversation between myself and a person identifying himself as Senior Detective Constable Matt Robertson of the Armidale CID.

Further to this conversation, I understand that the CEO has contacted Senior Detective Constable Robertson.

Regards,

Kevin

Kevin Slocombe | Assistant Director Procurement
Procurement and Partnership Management
Australian Pesticides and Veterinary Medicines Authority
PO Box 6182 Kingston ACT 2604
P: +61 2 6210 4916 M: +61 408 559 538
kevin.slocombe@apvma.gov.au | www.apvma.gov.au

Sensitive:Legal

Grutt, Paul

From: Czabania, Troy
Sent: Friday, 18 January 2019 10:48 AM
To: Matthew Robertson
Cc: Moore, Peter
Subject: Inquiry [SEC=UNCLASSIFIED]

Hi Matt – I'm just having an issue responding to your email due to classification. However, I will get that information together for you and send.

Regards

Troy

Troy Czabania
Assistant Secretary, Commercial Business Branch
Finance and Business Support Division
M7.54
Phone [\(02\) 6272 4411](tel:0262724411) | Mobile [0401 146 525](tel:0401146525)



The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.

Please consider the environment before printing this email

Grutt, Paul

From: Cullen, Matthew <Matthew.Cullen@ap.jll.com>
Sent: Tuesday, 2 April 2019 11:29 AM
To: Czabania, Troy; Moore, Peter
Cc: Chan, Geraldine
Subject: RE: APVMA [SEC=UNCLASSIFIED]
Attachments: 2961_001.pdf

Troy & Peter

Please see attached the warrant that was served on JLL today... we have handed over the documents.

Happy to discuss.

Regards,

Matthew Cullen
T +61 2 9220 8559
M +61 402 246 924

From: Czabania, Troy <Troy.Czabania@agriculture.gov.au>
Sent: Monday, April 1, 2019 3:00 PM
To: Cullen, Matthew <Matthew.Cullen@ap.jll.com>; Moore, Peter <Peter.Moore@agriculture.gov.au>
Cc: Chan, Geraldine <Geraldine.Chan@ap.jll.com>
Subject: [EXTERNAL] RE: APVMA [SEC=UNCLASSIFIED]

Thanks Matt.

Troy Czabania
Assistant Secretary, Commercial Business Branch
Finance and Business Support Division
M7.54
Phone [\(02\) 6272 4411](tel:0262724411) | Mobile [0401 146 525](tel:0401146525)



The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.

Please consider the environment before printing this email

From: Cullen, Matthew [mailto:Matthew.Cullen@ap.jll.com]
Sent: Monday, 1 April 2019 2:54 PM
To: Czabania, Troy <Troy.Czabania@agriculture.gov.au>; Moore, Peter <Peter.Moore@agriculture.gov.au>
Cc: Chan, Geraldine <Geraldine.Chan@ap.jll.com>
Subject: APVMA [SEC=UNCLASSIFIED]

Just letting you both know, we will be meeting with the detectives at 10am tomorrow morning to hand-over the documentation.

Cheers,

Matthew Cullen
Director
Tenant Representation - Australia

JLL
Level 25 420 George Street Sydney NSW 2000
T +61 2 9220 8559
M +61 402 246 924

jll.com.au



One of the 2019 World's Most Ethical Companies®

For more information about how JLL processes your personal data, please click [here](#).

This email is for the use of the intended recipient(s) only. If you have received this email in error, please notify the sender immediately and then delete it. If you are not the intended recipient, you must not keep, use, disclose, copy or distribute this email without the author's prior permission. We have taken precautions to minimize the risk of transmitting software viruses, but we advise you to carry out your own virus checks on any attachment to this message. We cannot accept liability for any loss or damage caused by software viruses. The information contained in this communication may be confidential and may be subject to the attorney-client privilege. If you are the intended recipient and you do not wish to receive similar electronic messages from us in the future then please respond to the sender to this effect.

----- **IMPORTANT** - This email and any attachments have been issued by the Australian Government Department of Agriculture and Water Resources. The material transmitted is for the use of the intended recipient only and may contain confidential, legally privileged, copyright or personal information. You should not copy, use or disclose it without authorisation from the Department. It is your responsibility to check any attachments for viruses and defects before opening or forwarding them. If you are not an intended recipient, please contact the sender of this email at once by return email and then delete both messages. Unintended recipients must not copy, use, disclose, rely on or publish this email or attachments. The Department of Agriculture and Water Resources is not liable for any loss or damage resulting from unauthorised use or dissemination of, or any reliance on, this email or attachments. If you have received this e-mail as part of a valid mailing list and no longer want to receive a message such as this one, advise the sender by return e-mail accordingly. This notice should not be deleted or altered -----

Grutt, Paul

From: Czabania, Troy
Sent: Monday, 1 April 2019 3:00 PM
To: Cullen, Matthew; Moore, Peter
Cc: Chan, Geraldine
Subject: RE: APVMA [SEC=UNCLASSIFIED]

Thanks Matt.

Troy Czabania
Assistant Secretary, Commercial Business Branch
Finance and Business Support Division
M7.54
Phone [\(02\) 6272 4411](tel:0262724411) | Mobile [0401 146 525](tel:0401146525)



The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.

Please consider the environment before printing this email

From: Cullen, Matthew [mailto:Matthew.Cullen@ap.jll.com]
Sent: Monday, 1 April 2019 2:54 PM
To: Czabania, Troy <Troy.Czabania@agriculture.gov.au>; Moore, Peter <Peter.Moore@agriculture.gov.au>
Cc: Chan, Geraldine <Geraldine.Chan@ap.jll.com>
Subject: APVMA [SEC=UNCLASSIFIED]

Just letting you both know, we will be meeting with the detectives at 10am tomorrow morning to hand-over the documentation.

Cheers,

Matthew Cullen
Director
Tenant Representation - Australia
JLL
Level 25 420 George Street Sydney NSW 2000
T +61 2 9220 8559
M +61 402 246 924

jll.com.au



One of the 2019 World's Most Ethical Companies®

For more information about how JLL processes your personal data, please click [here](#).

This email is for the use of the intended recipient(s) only. If you have received this email in error, please notify the sender immediately and then delete it. If you are not the intended recipient, you must not keep, use, disclose, copy or distribute this email without the author's prior permission. We have taken precautions to minimize the risk of transmitting software viruses, but we advise you to carry out your own virus checks on any attachment to this message. We cannot accept liability for any loss or damage caused by software viruses. The information contained in this communication may be confidential and may be subject to the attorney-client privilege. If you are the intended recipient and you do not wish to receive similar electronic messages from us in the future then please respond to the sender to this effect.

Grutt, Paul


From: Ireland, Cassandra
Sent: Tuesday, 2 April 2019 1:28 PM
To: Czabania, Troy; Grutt, Paul
Subject: RE: APVMA [SEC=UNCLASSIFIED]

Thanks Troy, noted.
Regards
Cass

From: Czabania, Troy
Sent: Tuesday, 2 April 2019 12:30 PM
To: Ireland, Cassandra <Cassandra.Ireland@agriculture.gov.au>; Grutt, Paul <Paul.Grutt@agriculture.gov.au>
Subject: FW: APVMA [SEC=UNCLASSIFIED]

FYI. Documents have now been provided to NSW Police this morning, as per the attached search warrant.

Troy Czabania
Assistant Secretary, Commercial Business Branch
Finance and Business Support Division
M7.54
Phone (02) 6272 4411 | Mobile 0401 146 525

The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.

Please consider the environment before printing this email

From: Cullen, Matthew [mailto:Matthew.Cullen@ap.ill.com]
Sent: Tuesday, 2 April 2019 11:29 AM
To: Czabania, Troy <Troy.Czabania@agriculture.gov.au>; Moore, Peter <Peter.Moore@agriculture.gov.au>
Cc: Chan, Geraldine <Geraldine.Chan@ap.ill.com>
Subject: RE: APVMA [SEC=UNCLASSIFIED]

Troy & Peter

Please see attached the warrant that was served on JLL today... we have handed over the documents.

Happy to discuss.

Regards,

Matthew Cullen
T +61 2 9220 8559
M +61 402 246 924

From: Czabania, Troy <Troy.Czabania@agriculture.gov.au>
Sent: Monday, April 1, 2019 3:00 PM
To: Cullen, Matthew <Matthew.Cullen@ap.ill.com>; Moore, Peter <Peter.Moore@agriculture.gov.au>
Cc: Chan, Geraldine <Geraldine.Chan@ap.ill.com>
Subject: [EXTERNAL] RE: APVMA [SEC=UNCLASSIFIED]

Thanks Matt.

Troy Czabania
Assistant Secretary, Commercial Business Branch
Finance and Business Support Division
M7.54
Phone (02) 6272 4411 | Mobile 0401 146 525



The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.

Please consider the environment before printing this email

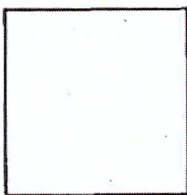
From: Cullen, Matthew [<mailto:Matthew.Cullen@ap.ill.com>]
Sent: Monday, 1 April 2019 2:54 PM
To: Czabania, Troy <Troy.Czabania@agriculture.gov.au>; Moore, Peter <Peter.Moore@agriculture.gov.au>
Cc: Chan, Geraldine <Geraldine.Chan@ap.ill.com>
Subject: APVMA [SEC=UNCLASSIFIED]

Just letting you both know, we will be meeting with the detectives at 10am tomorrow morning to hand-over the documentation.

Cheers,

Matthew Cullen
Director
Tenant Representation - Australia
JLL
Level 25 420 George Street Sydney NSW 2000
T +61 2 9220 8559
M +61 402 246 924

ill.com.au



One of the 2019 World's Most Ethical Companies®

For more information about how JLL processes your personal data, please click [here](#).

This email is for the use of the intended recipient(s) only. If you have received this email in error, please notify the sender immediately and then delete it. If you are not the intended recipient, you must not keep, use, disclose, copy or distribute this email without the author's prior permission. We have taken precautions to minimize the risk of transmitting software viruses, but we advise you to carry out your own virus checks on any attachment to this message. We cannot accept liability for any loss or damage caused by software viruses. The information contained in this communication may be confidential and may be subject to the attorney-client privilege. If you are the intended recipient and you do not wish to receive similar electronic messages from us in the future then please respond to the sender to this effect.

----- **IMPORTANT** - This email and any attachments have been issued by the Australian Government Department of Agriculture and Water Resources. The material transmitted is for the use of the intended recipient only and may contain confidential, legally privileged, copyright or personal information. You should not copy, use or disclose it without authorisation from the Department. It is your responsibility to check any attachments for viruses and defects before opening or forwarding them. If you are not an intended


recipient, please contact the sender of this email at once by return email and then delete both messages. Unintended recipients must not copy, use, disclose, rely on or publish this email or attachments. The Department of Agriculture and Water Resources is not liable for any loss or damage resulting from unauthorised use or dissemination of, or any reliance on, this email or attachments. If you have received this e-mail as part of a valid mailing list and no longer want to receive a message such as this one, advise the sender by return e-mail accordingly. This notice should not be deleted or altered -----

Grutt, Paul

From: Czabania, Troy
Sent: Friday, 22 March 2019 8:48 AM
To: Moore, Peter
Subject: RE: JLL address [DLM=For-Official-Use-Only]

Have you got a contact name or two? Matt will be in Sydney in a couple of weeks, or will ask one of his colleagues to pick up. Can you ask them to have it all ready in an envelope to make it easier for the officer picking it up? Thanks.

Troy Czabania
Assistant Secretary, Commercial Business Branch
Finance and Business Support Division
M7.54
Phone [\(02\) 6272 4411](tel:0262724411) | Mobile [0401 146 525](tel:0401146525)

 The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.

Please consider the environment before printing this email

From: Moore, Peter
Sent: Monday, 18 March 2019 1:15 PM
To: Czabania, Troy <Troy.Czabania@agriculture.gov.au>
Subject: JLL address [DLM=For-Official-Use-Only]

I have spoken with JLL commercial services contacts in Sydney to alert them to the likely issuance of a subpoena for information in respect of the APVMA EOI conducted in 2016.

The address for the document to be served is Level 25, 420 George St, Sydney. They will prepare documents to be provided based on the advice to date to include RFI responses, assessment report to the APVMA and the letter of authority to act (nominating Stirloch on behalf of 91 Beardy St owners).

The director will be out of the office on Thursday/Friday this week but documents will be available for others to provide them.

Peter

Peter Moore

Telephone: 02 6272 5723
Mobile: 0408 269 947
Email: peter.moore@agriculture.gov.au
Email: peter.moore@protected.agriculture.gov.au

Department of Agriculture and Water Resources
18 Marcus Clarke Street, Canberra ACT 2601
GPO Box 858 Canberra ACT 2601
agriculture.gov.au

Grutt, Paul

From: Brown, Scott
Sent: Wednesday, 16 January 2019 9:04 AM
To: Gaglia, Julie
Cc: Sanson -Fisher, Jadd; Canning, Emily; Hug, Beau; Czabania, Troy; Briscoe, Cindy
Subject: RE: Police enquiry in regard to tender process and Armidale building [SEC=UNCLASSIFIED]

Troy will call the police once we get clearance from OGC as to what we are allowed to say. I'm assuming we can provide full disclosure on all details and the PII will not apply?
But we will check with OGC

Scott

From: Gaglia, Julie
Sent: Tuesday, 15 January 2019 4:10 PM
To: Brown, Scott
Cc: Sanson-Fisher, Jadd ; Canning, Emily ; Hug, Beau
Subject: Fwd: Police enquiry in regard to tender process and Armidale building [SEC=UNCLASSIFIED]

Scott,
This would be one for you I think.
Cheers
Julie

Sent from my iPhone

Begin forwarded message:

From: "PARKER, Chris" <Chris.Parker@apvma.gov.au>
Date: 15 January 2019 at 3:57:23 pm AEDT
To: "Gaglia, Julie" <Julie.Gaglia@agriculture.gov.au>
Cc: "CURRIE, Dwayne" <Dwayne.Currie@apvma.gov.au>, "Briscoe, Cindy" <Cindy.Briscoe@agriculture.gov.au>
Subject: Police enquiry in regard to tender process and Armidale building [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi Julie
Today we were contacted by a Detective Senior Constable Mat Robertson.
He is doing further enquiry into the Armidale Club fire from 2016.
I spoke to him and indicated what our tender process was. He was after background and getting an understanding of the processes involved. He had no specific questions of me. I have agreed to meet him in Armidale next week face to face but indicated that any formal questions he has of either me or the APVMA will need to be in writing so we can consider them appropriately.
He was keen to speak with someone from the DAWR.
I indicated that I would pass on his contact details and that someone would likely contact him.
You can make your own judgements as to who.
His phone contacts are
02 6771 0638
0416 115 792
Cheers
cp

Dr Chris Parker
CEO
Australian Pesticides and Veterinary Medicines Authority
18 Wormald Street, Symonston ACT 2609
Ph: +61 2 6210 4879

UNCLASSIFIED

IMPORTANT:

This email message and any attached files may be subject to restrictions on use and disclosure under the *Agricultural and Veterinary Chemicals Code Act 1994* and may also contain information that is confidential, and/or subject to legal professional privilege.

If you are not the intended recipient, you must not use, copy, disseminate, forward, retain or reproduce this email. If you received this email in error, please immediately notify the sender by return email or contact the APVMA on +61-2-6210 4701 (9 am-5 pm AEST/AEDT) and please delete all copies of this email and any attachments.

Grutt, Paul

From: Czabania, Troy
Sent: Wednesday, 16 January 2019 9:29 AM
To: Brown, Scott
Cc: Gaglia, Julie; Ireland, Cassandra; Moore, Peter
Subject: RE: Police enquiry in regard to tender process and Armidale building
[SEC=UNCLASSIFIED]

I just called Mat. He doesn't work until Friday, so I left a message for him to call me in the morning on Friday.

Troy Czabania
Assistant Secretary, Commercial Business Branch
Finance and Business Support Division
M7.54
Phone [\(02\) 6272 4411](tel:0262724411) | Mobile [0401 146 525](tel:0401146525)



The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.

Please consider the environment before printing this email

From: Brown, Scott
Sent: Tuesday, 15 January 2019 4:16 PM
To: Czabania, Troy
Subject: Fwd: Police enquiry in regard to tender process and Armidale building [SEC=UNCLASSIFIED]

Troy
Can you call him and maybe we can then meet up with him or get his questions as Chris has suggested
Scott

Sent from my iPhone

Begin forwarded message:

From: "Gaglia, Julie" <Julie.Gaglia@agriculture.gov.au>
Date: 15 January 2019 at 4:10:28 pm AEDT
To: "Brown, Scott" <Scott.Brown@agriculture.gov.au>
Cc: "Sanson-Fisher, Jadd" <Jadd.Sanson-Fisher@agriculture.gov.au>, "Canning, Emily" <Emily.Canning@agriculture.gov.au>, "Hug, Beau" <Beau.Hug@agriculture.gov.au>
Subject: Fwd: Police enquiry in regard to tender process and Armidale building
[SEC=UNCLASSIFIED]

Scott,
This would be one for you I think.
Cheers
Julie

Sent from my iPhone

Begin forwarded message:

From: "PARKER, Chris" <Chris.Parker@apvma.gov.au>
Date: 15 January 2019 at 3:57:23 pm AEDT
To: "Gaglia, Julie" <Julie.Gaglia@agriculture.gov.au>
Cc: "CURRIE, Dwayne" <Dwayne.Currie@apvma.gov.au>, "Briscoe, Cindy" <Cindy.Briscoe@agriculture.gov.au>
Subject: Police enquiry in regard to tender process and Armidale building
[SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi Julie

Today we were contacted by a Detective Senior Constable Mat Robertson.

He is doing further enquiry into the Armidale Club fire from 2016.

I spoke to him and indicated what our tender process was. He was after background and getting an understanding of the processes involved. He had no specific questions of me. I have agreed to meet him in Armidale next week face to face but indicated that any formal questions he has of either me or the APVMA will need to be in writing so we can consider them appropriately.

He was keen to speak with someone from the DAWR.

I indicated that I would pass on his contact details and that someone would likely contact him.

You can make your own judgements as to who.

His phone contacts are

02 6771 0638

0416 115 792

Cheers

cp

Dr Chris Parker

CEO

Australian Pesticides and Veterinary Medicines Authority

18 Wormald Street, Symonston ACT 2609

Ph: +61 2 6210 4879

UNCLASSIFIED

IMPORTANT:

This email message and any attached files may be subject to restrictions on use and disclosure under the *Agricultural and Veterinary Chemicals Code Act 1994* and may also contain information that is confidential, and/or subject to legal professional privilege.

If you are not the intended recipient, you must not use, copy, disseminate, forward, retain or reproduce this email. If you received this email in error, please immediately notify the sender by return email or contact the APVMA on +61-2-6210 4701 (9 am-5 pm AEST/AEDT) and please delete all copies of this email and any attachments.

Grutt, Paul

From: Czabania, Troy
Sent: Thursday, 21 March 2019 12:26 PM
To: Matthew Robertson
Cc: Moore, Peter
Subject: FW: JLL address [DLM=For-Official-Use-Only]

Hi Matt – Here is the detail you requested.

Troy Czabania
Assistant Secretary, Commercial Business Branch
Finance and Business Support Division
M7.54
Phone (02) 6272 4411 | Mobile 0401 146 525



The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.

Please consider the environment before printing this email

From: Moore, Peter
Sent: Monday, 18 March 2019 1:15 PM
To: Czabania, Troy <Troy.Czabania@agriculture.gov.au>
Subject: JLL address [DLM=For-Official-Use-Only]

I have spoken with JLL commercial services contacts in Sydney to alert them to the likely issuance of a subpoena for information in respect of the APVMA EOI conducted in 2016.

The address for the document to be served is Level 25, 420 George St, Sydney. They will prepare documents to be provided based on the advice to date to include RFI responses, assessment report to the APVMA and the letter of authority to act (nominating Stirloch on behalf of 91 Beardy St owners).

The director will be out of the office on Thursday/Friday this week but documents will be available for others to provide them.

Peter

Peter Moore

Telephone: 02 6272 5723
Mobile: 0408 269 947
Email: peter.moore@agriculture.gov.au
Email: peter.moore@protected.agriculture.gov.au

Department of Agriculture and Water Resources
18 Marcus Clarke Street, Canberra ACT 2601
GPO Box 858 Canberra ACT 2601
agriculture.gov.au

Grutt, Paul

From: Matthew Robertson <robe2mat@police.nsw.gov.au>
Sent: Monday, 1 April 2019 10:06 AM
To: Czabania, Troy
Subject: Fw: Request for assistance [DLM=For-Official-Use-Only]

Troy,

Can you give me a call ASAP, two detectives from this office will be in Sydney this week and they are able to collect those EOI documents from JLL tomorrow. I still need a contact at JLL for them to speak to and serve the search warrant on.

Regards


| | |
|--|--|
|  NSW Police Force | <p>Matthew Robertson Detective Senior Constable</p> <p>Armidale Criminal Investigation Armidale Police Station, 96-98 Faulkner Street, Armidale, NSW, 2350 E: robe2mat@police.nsw.gov.au P: 02 6771 0638 E: 66638 M: 0416 115 792</p> |
|--|--|

----- Forwarded by Matthew Robertson/38937/Staff/NSWPolice on 01/04/2019 10:02 -----

From: Matthew Robertson/38937/Staff/NSWPolice
To: troy.czabania@agriculture.gov.au
Date: 21/03/2019 12:10
Subject: Fw: Request for assistance [DLM=For-Official-Use-Only]

Troy,

Can you give me a call when you get the chance.

| | |
|--|--|
|  NSW Police Force | <p>Matthew Robertson Detective Senior Constable</p> <p>Armidale Criminal Investigation Armidale Police Station, 96-98 Faulkner Street, Armidale, NSW, 2350 E: robe2mat@police.nsw.gov.au P: 02 6771 0638 E: 66638 M: 0416 115 792</p> |
|--|--|

----- Forwarded by Matthew Robertson/38937/Staff/NSWPolice on 21/03/2019 12:10 -----

From: Matthew Robertson/38937/Staff/NSWPolice
To: troy.czabania@agriculture.gov.au
Date: 13/03/2019 13:54
Subject: Request for assistance [DLM=For-Official-Use-Only]

Good afternoon Troy,

Just a quick request for assistance re have you had a chance to speak to JLL re the documents they hold for the APVMA site in Armidale. I would like to travel to Sydney next week and get the search warrant completed, but I want to do it with their knowledge and co-operation if possible.



NSW Police Force

Matthew Robertson

Detective Senior Constable

Armidale Criminal Investigation

Armidale Police Station, 96-98 Faulkner Street, Armidale, NSW, 2350

E: robe2mat@police.nsw.gov.au P: 02 6771 0638 E: 66638 M: 0416 115 792

This email and any attachments may be confidential and contain privileged information. It is intended for the addressee only. If you are not the intended recipient you must not use, disclose, copy or distribute this communication. Confidentiality or privilege are not waived or lost by reason of the mistaken delivery to you. If you have received this message in error, please delete and notify the sender.

Grutt, Paul

From: Czabania, Troy
Sent: Friday, 18 January 2019 10:46 AM
To: Matthew Robertson
Cc: Moore, Peter
Subject: RE: Request for information [DLM=Sensitive:Law Enforcement (SLE)]
[SEC=UNCLASSIFIED]

Thanks Matt. I will get that information together for you.

Regards

Troy

Troy Czabania
Assistant Secretary, Commercial Business Branch
Finance and Business Support Division
M7.54
Phone [\(02\) 6272 4411](tel:0262724411) | Mobile [0401 146 525](tel:0401146525)



The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.

Please consider the environment before printing this email

From: Matthew Robertson [mailto:robe2mat@police.nsw.gov.au]
Sent: Friday, 18 January 2019 9:47 AM
To: Czabania, Troy
Subject: Request for information [DLM=Sensitive:Law Enforcement (SLE)]

Troy,

Thank you for your assistance this morning, it has helped explain a number of questions I have. As discussed, can you provide any information in relation to the tender process that was initiated on 15 September 2016. Please contact me at any time if you need to clarify something, otherwise, I will let you know if the matter has progressed to a criminal investigation. At this time, there is **NO** criminal investigation in relation to any elements involved in the tender process.

Regards
Matt Robertson
Armidale C.I.
Mob: 0416 115 792
Ph: 02 6771 0638
E/N 66638

This email and any attachments may be confidential and contain privileged information. It is intended for the addressee only. If you are not the intended recipient you must not use, disclose, copy or distribute this communication. Confidentiality or privilege are not waived or lost by reason of the mistaken delivery to you. If you have received this message in error, please delete and notify the sender.

Grutt, Paul

From: Czabania, Troy
Sent: Friday, 18 January 2019 10:44 AM
To: Matthew Robertson
Cc: Moore, Peter
Subject: RE: Request for Information [DLM=Sensitive:Legal]

Thanks Matt. I will get that information together for you.

Regards

Troy

Troy Czabania
Assistant Secretary, Commercial Business Branch
Finance and Business Support Division
M7.54
Phone [\(02\) 6272 4411](tel:0262724411) | Mobile [0401 146 525](tel:0401146525)



The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.

Please consider the environment before printing this email

From: Matthew Robertson [mailto:robe2mat@police.nsw.gov.au]
Sent: Friday, 18 January 2019 9:47 AM
To: Czabania, Troy
Subject: Request for information [DLM=Sensitive:Law Enforcement (SLE)]

Troy,

Thank you for your assistance this morning, it has helped explain a number of questions I have. As discussed, can you provide any information in relation to the tender process that was initiated on 15 September 2016. Please contact me at any time if you need to clarify something, otherwise, I will let you know if the matter has progressed to a criminal investigation. At this time, there is **NO** criminal investigation in relation to any elements involved in the tender process.

Regards
Matt Robertson
Armidale C.I.
Mob: 0416 115 792
Ph: 02 6771 0638
E/N 66638

This email and any attachments may be confidential and contain privileged information. It is intended for the addressee only. If you are not the intended recipient you must not use, disclose, copy or distribute this communication. Confidentiality or privilege are not waived or lost by reason of the mistaken delivery to you. If you have received this message in error, please delete and notify the sender.

Grutt, Paul

From: PARKER, Chris <Chris.Parker@apvma.gov.au>
Sent: Tuesday, 15 January 2019 3:57 PM
To: Gaglia, Julie
Cc: CURRIE, Dwayne; Briscoe, Cindy
Subject: Police enquiry in regard to tender process and Armidale building
[SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi Julie

Today we were contacted by a Detective Senior Constable Mat Robertson.

He is doing further enquiry into the Armidale Club fire from 2016.

I spoke to him and indicated what our tender process was. He was after background and getting an understanding of the processes involved. He had no specific questions of me. I have agreed to meet him in Armidale next week face to face but indicated that any formal questions he has of either me or the APVMA will need to be in writing so we can consider them appropriately.

He was keen to speak with someone from the DAWR.

I indicated that I would pass on his contact details and that someone would likely contact him.

You can make your own judgements as to who.

His phone contacts are

02 6771 0638

0416 115 792

Cheers

cp

Dr Chris Parker

CEO

Australian Pesticides and Veterinary Medicines Authority

18 Wormald Street, Symonston ACT 2609

Ph: +61 2 6210 4879

UNCLASSIFIED

Grutt, Paul

From: PARKER, Chris <Chris.Parker@apvma.gov.au>
Sent: Tuesday, 15 January 2019 3:50 PM
To: robe2mat@police.nsw.gov.au
Cc: CURRIE, Dwayne; SMITH, Bob
Subject: FW: APVMA ATM Timeline [SEC=UNCLASSIFIED]

UNCLASSIFIED

Dear Detective Senior Constable Robertson

Thank you for your enquiry to the APVMA.

As discussed, below is the time line of the APVMA's tender process for office accommodation in Armidale. I trust this is of assistance.

I am happy to meet face to face next week to provide any assistance we can to your investigation.

However, if you have any formal questions for the APVMA then I will require those in writing so they can receive appropriate consideration.

As discussed, I have also forwarded your details to the Department of Agriculture and Water Resources whose tender process more closely aligns with the timeframes you are interested in.

Thanks again for the call and I look forward to meeting you next week in Armidale.

Regards

cp

Dr Chris Parker

CEO

Australian Pesticides and Veterinary Medicines Authority

18 Wormald Street, Symonston ACT 2609

Ph: +61 2 6210 4879

Timeline – ATM for New Building

| | |
|-------------------|--|
| 7 July 2017 | APVMA commenced an Approach to Market (ATM) Via a two-stage procurement process to secure suitable long term accommodation via AusTender. Expression of Interest (EOI) released on AusTender |
| 28 July 2017 | EOI closed |
| 26 September 2017 | EOI Evaluation and Probity Report approved (APVMA) |
| 29 September 2017 | EOI Evaluation and Probity Report approved (DHS) |
| 12 October 2017 | Letters to Respondents on the EOI outcome. |
| 20 October 2017 | Request For Proposal (RFP) released to shortlisted Respondents |
| 16 November 2017 | RFP closed |
| 19 December 2017 | RFP Evaluation and Probity Report approved (APVMA) |
| 5 January 2018 | RFP Evaluation and Probity Report approved (DHS) Evaluation process concluded |

| | |
|-----------------|---|
| 12 January 2018 | Letters to Respondents on the outcome of the RFP |
| 17 January 2018 | Lease negotiations commenced |
| 8 February 2018 | Parliamentary Standing Committee on Public Works approved the proposed works. |
| 12 March 2018 | Successful tenderer announced |
| 29 March 2018 | Stirloch Development Pty Ltd received Development Application approval |
| 10 April 2018 | Stirloch Development Pty Ltd commenced demolition works |
| 17 April 2018 | Stirloch Development Pty Ltd commenced onsite works |
| 30 April 2018 | APVMA provide to Stirloch Development Pty Ltd fit-out concept design |
| 9 May 2018 | Stirloch Development Pty Ltd commenced construction of the base building |

UNCLASSIFIED

UNCLASSIFIED

Dr Chris Parker

APVMA Chief Executive

inquiries@apvma.gov.au

media@apvma.gov.au

David Littleproud MP

Federal Minister Agriculture and Water resources

David.littleproud.mp@aph.gov.au

Barnaby Joyce MP

Federal Member for New England

Barnaby.joyce.mp@aph.gov.au

Date: 13 March 2018.

RE: APVMA announced site 91 Beardy St, ARMIDALE NSW 2350 – Lease dispute.

Dear Sirs,

In light of Mondays (12/03/2018) formal announcement of the winning AVPMA site in Armidale NSW.

This correspondence is to officially inform that New Club Armidale Pty Ltd has a lease over these premises that has been in dispute since November of 2016 following the suspicious fire that devastated the premises on 16th September 2016.

Since the Coroners findings in relation to the fire have been determined as of 1st Feb 2018, New Club Armidale Pty Ltd has been proceeding to take legal and recovery action from the land owners of 91 Beardy St ARMIDALE NSW 2350. And will be pursuing compensatory damages for such.

To this time the landlords; Gary Reginald Burgess and Jill Alison Burgess and Bayfoyle Pty Ltd have made NO effort to deal with, remunerate or otherwise communicate with New Club Armidale Pty Ltd what so ever.

As you are aware this situation was reported on by The Canberra Times, Sydney Morning Herald and The Age on 14th Feb 2018 and again after the announcement on Monday.

Be further informed that; If necessary injunctions may be sought against any further development of the site until this matter has been dealt with and extinguished appropriately.

Sincerely,

Kathryn Richards

New Club Armidale Pty Ltd

[REDACTED]

Em: [REDACTED]



Australian Government
Department of Agriculture
and Water Resources

Ref: LEX-016

Kathryn J Richards
109 Waymouth Sreet
Adelaide SA 5000

Via email: kate@theclub.com.au

Dear Ms Richards

Decision on your Freedom of Information request

I refer to your request dated 25 May 2018 and received by the Department of Agriculture and Water Resources (**department**) on 29 May 2018 for access under the *Freedom of Information Act 1982 (FOI Act)* to the following documents:

1. When the agency first became aware and/or was advised of the possibility of 91 Beardy St and/or adjoining lots and/or properties being available for use by the Commonwealth Government (including APVMA) including copies of information showing when and/or how such availability became known to the Commonwealth Government and the Commonwealth Government's response to such information. This aspect of my request includes representations made by intermediaries and/or agents.
2. The outcomes and information supplied from JLL Corporate Solutions to the department as per HANDSARD report : Rural and Regional Affairs and Transport Legislation Committee **ANSWERS TO QUESTIONS ON NOTICE** Supplementary Budget Estimates October 2016 Agriculture and Water Resources **QUESTION 193 QUESTIONS ON NOTICE** The department has engaged JLL Corporate Solutions to administer a nonbinding expression of interest process to explore long-term accommodation options for the APVMA in Armidale, and associated costs. This work is still underway. As at 9 November 2016, JLL had carried out work for the department at a cost of \$13 607.20 (including GST).
3. Any representations made by 3rd parties, including politicians, in relation to the site and/or adjoining sites and possible use by the Commonwealth and any response by the Commonwealth.
4. Any assessment and/or appraisal and/or evaluation and/or advice in relation to the suitability of the site and/or adjoining sites for use by the Commonwealth Government including any issues and/or advice about possible legal issues relating to leases and/or ownership of the site and/or adjoining sites.

On 7 June 2018, the Australian Pesticides and Veterinary Medicines Authority (**APVMA**) accepted transfer of points three and four of your request in accordance with section 16 of the FOI Act. As such, this decision relates only to points one and two of your request.

T +61 2 6272 3933
F +61 2 6272 5161

18 Marcus Clarke Street
Canberra City ACT 2601

GPO Box 858
Canberra ACT 2601

agriculture.gov.au
ABN 24 113 085 695

My decision

The department holds 12 documents (totalling 174 pages) that relate to your request.

I have decided to **refuse access** to these documents.

I have decided that the documents that you have requested are exempt in full under the FOI Act, because they contain:

- deliberative matter, the disclosure of which would be contrary to the public interest (section 47C(1) conditional exemption);
- information in relation to the property or financial interests of the Commonwealth, the disclosure of which would have a substantial adverse effect and be contrary to the public interest (section 47D conditional exemption);
- personal information of a third party, the disclosure of which would be unreasonable and contrary to the public interest (section 47F(1) conditional exemption); and
- business information, the disclosure of which would, or could reasonably be expected to, unreasonably affect a person adversely and contrary to the public interest (section 47G conditional exemption).

Please see the schedule at **Attachment A** to this letter for a detailed list of the documents and the reasons for my decision, including the relevant sections of the FOI Act.

Charges

On 26 June 2018, the department made a preliminary estimate of the charges applicable to your request in the amount of \$520.60. On 25 July 2018, the department received a deposit of \$130.15.

I have assessed the charge under Regulation 10 of the *Freedom of Information (Charges) Regulations 1982* and the cost of processing your request exceeded the amount estimated. Accordingly, I have fixed the charge under this provision.

As all documents in your request are exempt in full, there are no documents to release to you on payment of the balance of the charge.

You can ask for a review of our decision

If you wish to seek an internal review, you must apply to the department within **30 days** after the day you are notified of this decision. An application for internal review must be made in writing by post to the FOI Officer or email to foi@agriculture.gov.au.

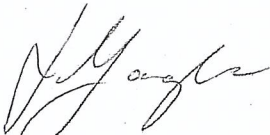
Alternatively, you may apply directly to the Office of the Australian Information Commissioner (**OAIC**) to review my decision. An application for review by the Information Commissioner must be made in writing within **60 days** after the day you are notified of this decision. You can also make a complaint to the Information Commissioner if you have concerns about how the department handled your request.

You can find information about requesting a review, making a complaint, and other information about FOI on the OAIC website www.oaic.gov.au or phone the OAIC on 1300 363 992.

Contact details

Should you wish to discuss any issues arising from this letter, please email foi@agriculture.gov.au.

Yours sincerely



Julie Gaglia
Assistant Secretary
AgVet Chemicals Branch
24 August 2018



LIST OF DOCUMENTS
LEX-016

| Doc No. | Pages | Date | Description | Decision | Exemption | Comments |
|---------|--------|---------|--|----------------|--|--|
| 1. | 1 - 3 | Undated | Project Option Master List | Exempt in full | S 47C(1) S 47D S 47F(1) S 47G | Pages 1 - 3: deliberative material exempt under s 47C(1) Pages 1 - 3: information in relation to the property or financial interest of the Commonwealth exempt under s 47D Pages 1 - 3: personal information exempt under s 47F(1) Pages 1 - 3: business information exempt under s 47G |
| 2. | 4 - 21 | 7/10/16 | Correspondence from a third party to the department and attachment | Exempt in full | S 47D S 47F(1) S 47G | Pages 4 - 21: information in relation to the property or financial interest of the Commonwealth exempt under s 47D Pages 4 and 15 - 18: personal information exempt under s 47F(1) Pages 4 - 21: business information exempt under s 47G |

| Doc No. | Pages | Date | Description | Decision | Exemption | Comments |
|---------|----------|----------|---|----------------|----------------------------|---|
| 3. | 22 - 37 | 30/09/16 | Correspondence from a third party to the department and attachments | Exempt in full | S 47D S 47F(1) S 47G | Pages 22 - 37: information in relation to the property or financial interest of the Commonwealth exempt under s 47D Pages 22 and 30: personal information exempt under s 47F(1) Pages 22 - 37: business information exempt under s 47G |
| 4. | 38 - 50 | 7/10/16 | Correspondence from a third party to the department and attachments | Exempt in full | S 47D S 47F(1) S 47G | Pages 38 - 50: information in relation to the property or financial interest of the Commonwealth exempt under s 47D Pages 38, 39 and 50: personal information exempt under s 47F(1) Pages 38 - 50: business information exempt under s 47G |
| 5. | 51 - 106 | 7/10/16 | Correspondence from a third party to the department and attachments | Exempt in full | S 47D S 47F(1) S 47G | Pages 51 - 106: information in relation to the property or financial interest of the Commonwealth exempt under s 47D Pages 51, 52, 72, 102, 103 and 105: personal information exempt under s 47F(1) Pages 51 - 106: business information exempt under s 47G |

| Doc No. | Pages | Date | Description | Decision | Exemption | Comments |
|---------|-----------|---------|---|----------------|----------------------------|--|
| 6. | 107 - 117 | 7/10/16 | Correspondence from a third party to the department and attachments | Exempt in full | S 47D S 47F(1) S 47G | Pages 107 - 117: information in relation to the property or financial interest of the Commonwealth exempt under s 47D Pages 107, 112, 116 and 117: personal information exempt under s 47F(1) Pages 107 - 117: business information exempt under s 47G |
| 7. | 118 - 121 | 6/10/16 | Correspondence from a third party to the department and attachments | Exempt in full | S 47D S 47F(1) S 47G | Pages 118 - 121: information in relation to the property or financial interest of the Commonwealth exempt under s 47D Pages 118 - 120: personal information exempt under s 47F(1) Pages 118 - 121: business information exempt under s 47G |
| 8. | 122 - 132 | 7/10/16 | Correspondence from a third party to the department and attachments | Exempt in full | S 47D S 47F(1) S 47G | Pages 122 - 132: information in relation to the property or financial interest of the Commonwealth exempt under s 47D Pages 122, 123 and 127: personal information exempt under s 47F(1) Pages 122 - 132: business information exempt under s 47G |
| 9. | 133 - 136 | 7/10/16 | Correspondence from third parties to the department | Exempt in full | S 47D S 47F(1) S 47G | Pages 133 - 136: information in relation to the property or financial interest of the Commonwealth exempt under s 47D Pages 133 and 136: personal information exempt under s 47F(1) Pages 133 - 136: business information exempt under s 47G |

| Doc No. | Pages | Date | Description | Decision | Exemption | Comments |
|---------|-----------|----------|---|----------------|----------------------------|--|
| 10. | 137 - 164 | 7/10/16 | Correspondence from a third party to the department and attachments | Exempt in full | S 47D S 47F(1) S 47G | Pages 137 - 164: information in relation to the property or financial interest of the Commonwealth exempt under s 47D Pages 137 and 151: personal information exempt under s 47F(1) Pages 137 - 164: business information exempt under s 47G |
| 11. | 165 - 172 | 17/10/16 | Correspondence from a third party to the department and attachments | Exempt in full | S 47D S 47F(1) S 47G | Pages 165 - 172: information in relation to the property or financial interest of the Commonwealth exempt under s 47D Pages 165 and 167 - 172: personal information exempt under s 47F(1) Pages 165 - 172: business information exempt under s 47G |
| 12. | 173 - 174 | Undated | Map detailing options near Armidale CBD | Exempt in full | S 47G | Pages 173 - 174: business information exempt under s 47G |



Australian Government

Department of Agriculture
and Water Resources

REASONS FOR DECISION

What you requested

1. When the agency first became aware and/or was advised of the possibility of 91 Beardy St and/or adjoining lots and/or properties being available for use by the Commonwealth Government (including APVMA) including copies of information showing when and/or how such availability became known to the Commonwealth Government and the Commonwealth Government's response to such information. This aspect of my request includes representations made by intermediaries and/or agents.
2. The outcomes and information supplied from JLL Corporate Solutions to the department as per HANDSARD report : Rural and Regional Affairs and Transport Legislation Committee ANSWERS TO QUESTIONS ON NOTICE Supplementary Budget Estimates October 2016 Agriculture and Water Resources QUESTION 193 QUESTIONS ON NOTICE The department has engaged JLL Corporate Solutions to administer a nonbinding expression of interest process to explore long-term accommodation options for the APVMA in Armidale, and associated costs. This work is still underway. As at 9 November 2016, JLL had carried out work for the department at a cost of \$13 607.20 (including GST).
3. Any representations made by 3rd parties, including politicians, in relation to the site and/or adjoining sites and possible use by the Commonwealth and any response by the Commonwealth.
4. Any assessment and/or appraisal and/or evaluation and/or advice in relation to the suitability of the site and/or adjoining sites for use by the Commonwealth Government including any issues and/or advice about possible legal issues relating to leases and/or ownership of the site and/or adjoining sites.'

What I took into account

In reaching my decision I took into account:

- your original request dated 25 May 2018;
- other correspondence with you;
- the documents that fall within the scope of your request;
- consultation with third parties about documents which contain information concerning them;
- whether the release of material is in the public interest;
- consultations with departmental officers about the nature of the documents and the department's operating environment and functions;
- guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (**Guidelines**);
- the FOI Act.

Reasons for my decisions

I am authorised to make decisions under section 23(1) of the FOI Act.

I have decided that all documents in scope of your request are exempt under the FOI Act. My findings of fact and reasons for this decision are discussed below.

Section 47C(1) of the FOI Act – deliberative matter

I have applied the exemption in section 47C(1) of the FOI Act to all of document one.

Section 47C of the FOI Act relevant provides:

'(1) A document is conditionally exempt if its disclosure under this Act would disclose matter (**deliberative matter**) in the nature of, or relating to, opinion, advice or recommendation obtained, prepared or recorded, or consultation or deliberation that has taken place, in the course of, or for the purposes of, the deliberative processes involved in the functions of:

- (a) an agency; or
- (b) a Minister; or
- (c) the Government of the Commonwealth.'

Paragraph 6.58 of the Guidelines relevantly provides:

A deliberative process involves the exercise of judgement in developing and making a selection from different options:

The action of deliberating, in common understanding, involves the weighing up or evaluation of the competing arguments or considerations that may have bearing upon one's course of action. In short, deliberative processes involved in the functions of an agency are thinking processes – the processes of reflection, for example, upon the wisdom and expediency of a proposal, a particular decision or a course of action.

Document one is a project option master list created for the purpose of assisting the department in making a selection from different options for the site of the APVMA office in Armidale, New South Wales. The document contains the specifications of each of the sites proposed by relevant providers, as well as a draft assessment of the tender requirements against the information submitted by the relevant providers. On this basis, I am satisfied that document one contains deliberative matter for the purposes of section 47C(1) of the FOI Act. I am further satisfied that document one is conditionally exempt under section 47C(1) of the FOI Act.

Public interest considerations

Section 11A(5) of the FOI Act provides:

'The agency or Minister must give the person access to the document if it is conditionally exempt at a particular time unless (in the circumstances) access to the document at that time would, on balance, be contrary to the public interest.'

When weighing up the public interest for and against disclosure under section 11A(5) of the FOI Act, I have taken into account relevant factors in favour of disclosure. In particular, I have considered the extent to which disclosure would:

- promote the objects of the FOI Act;
- inform debate on a matter of public importance, being the relocation of the APVMA; and
- promote effective oversight of public expenditure in relation to the APVMA office in Armidale.

I have also considered the relevant factors weighing against disclosure, indicating that access would be contrary to the public interest. In particular, I have considered the extent to which disclosure could reasonably be expected to prejudice the department's thinking processes in relation to future proposals or decisions if the documents resulting from such deliberations were available through the FOI process.

Based on these factors, I have decided that in this instance, the public interest in disclosing the information in the above-mentioned documents is outweighed by the public interest against disclosure.

I have not taken into account any of the irrelevant factors set out in section 11B(4) of the FOI Act in making this decision.

Conclusion

In summary, I am satisfied that document one, as set out in the Schedule, is conditionally exempt in full under section 47C(1) of the FOI Act. Furthermore I have decided that on balance it would be contrary to the public interest to release this information. Accordingly I have decided not to release the document to you.

Section 47D of the FOI Act – property or financial interests of the Commonwealth

I have applied the exemption in section 47D of the FOI Act to the entirety of documents one to eleven.

Section 47D of the FOI Act provides:

'A document is conditionally exempt if its disclosure under this Act would have a substantial adverse effect on the financial or property interests of the Commonwealth or of an agency.'

Paragraph 6.90 and 6.92 of the Guidelines provides:

'The financial and property interest of the Commonwealth or an agency may relate to assets, expenditure or revenue-generating activities

...

A substantial adverse effect may be indirect. For example, where disclosure of documents would provide the criteria by which an agency is to assess tenders, the agency's financial interest in seeking to obtain the best value for money through a competitive tendering process may be compromised.'

As set out above, document one is a project option master list containing a draft assessment of the tender requirements against the information submitted by the relevant providers. Documents two to twelve are submissions received from various providers in response to the Expression of Interest for office accommodation for the APVMA in Armidale which set out the details of the provider's proposal against the tender requirements.

I am satisfied that the material set out in documents one to eleven relates to the financial and property interests of the Commonwealth, specifically the proposed expenditure of public monies in relation to the relocation of the APVMA to Armidale. I am further satisfied that the disclosure of these documents would have a substantial adverse effect on this proposed expenditure as it may prejudice the department's ability to obtain best value for money through competitive tendering processes in future. As such, I am satisfied that the disclosure of documents one to eleven would have a substantial adverse effect on the financial and property interests of the Commonwealth.

Public interest considerations

When weighing up the public interest for and against disclosure under section 11A(5) of the FOI Act, I have taken into account relevant factors in favour of disclosure. In particular, I have considered the extent to which disclosure would:

- promote the objects of the FOI Act;
- inform debate on a matter of public importance, being the relocation of the APVMA; and
- promote effective oversight of public expenditure in relation to the APVMA office in Armidale.

I have also considered the relevant factors weighing against disclosure, indicating that access would be contrary to the public interest. In particular, I have considered the extent to which the disclosure of the document could reasonably be expected to prejudice the Commonwealth's ability to obtain best value for money in relation to future tender processes.

Based on these factors, I have decided that in this instance, the public interest in disclosing the information in the document is outweighed by the public interest against disclosure.

I have not taken into account any of the irrelevant factors set out in section 11B(4) of the FOI Act in making this decision.

Conclusion

In summary, I am satisfied that documents one to eleven, as set out in the Schedule, are conditionally exempt in full under section 47D of the FOI Act. Furthermore I have decided that on balance it would be contrary to the public interest to release this information. Accordingly I have decided not to release these documents to you.

Section 47F of the FOI Act – personal information

I have applied the conditional exemption in section 47F(1) to documents one to eleven.

Section 47F of the FOI Act relevantly provides:

- (1) A document is conditionally exempt if its disclosure under this Act would involve the unreasonable disclosure of personal information about any person (including a deceased person).
- (2) In determining whether the disclosure of the document would involve the unreasonable disclosure of personal information, an agency or Minister must have regard to the following matters:
- (a) the extent to which the information is well known;
 - (b) whether the person to whom the information relates is known to be (or to have been) associated with the matters dealt with in the document;
 - (c) the availability of the information from publicly accessible sources;
 - (d) any other matters that the agency or Minister considers relevant.

Personal Information

The term 'personal information' is defined as follows:

'...information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- (a) whether the information or opinion is true or not; and
- (b) whether the information or opinion is recorded in a material form or not.'

Paragraph 6.117 of the Guidelines provides:

'Personal information can include a person's name, address, telephone number, date of birth, medical records, bank account details, taxation information and signature.'

I find that documents one to eleven contain personal information of other people. This includes their names, contact details and signatures.

Whether disclosure is 'unreasonable'

In addition to the factors specified in section 47F(2) of the FOI Act, paragraph 6.127 of the Guidelines provides:

'The personal privacy exemption is designed to prevent the unreasonable invasion of third parties' privacy. The test of 'unreasonableness' implies a need to balance the public interest in disclosure of government-held information and the private interest in the privacy of individuals.'

I am satisfied that the disclosure of the third party personal information would be unreasonable for the following reasons:

- it relates to aspects of an individual's personal affairs;
- you do not have the consent from this individual for the release of their personal information;
- the information is private and not available in full or in part from publicly-accessible sources; and
- the identity of the individual concerned is readily apparent or could be easily ascertained.

On this basis, I have decided that the personal information included in documents referred to in the Schedule is conditionally exempt under section 47F(1) of the FOI Act.

Public interest considerations

When weighing up the public interest for and against disclosure under section 11A(5) of the FOI Act, I have taken into account relevant factors in favour of disclosure. In particular, I have considered the extent to which disclosure would promote the objects of the FOI Act.

I have also considered the relevant factors weighing against disclosure, indicating that access would be contrary to the public interest. In particular, I have considered the extent to which disclosure could reasonably be expected to prejudice an individual's right to privacy.

Based on these factors, I have decided that in this instance, the public interest in disclosing the information in the above-mentioned documents is outweighed by the public interest against disclosure.

I have not taken into account any of the irrelevant factors set out in section 11B(4) of the FOI Act in making this decision.

Conclusion

In summary, I am satisfied that parts of documents, as set out in the Schedule, are conditionally exempt under section 47F(1) of the FOI Act. Furthermore I have decided that on balance it would be contrary to the public interest to release this information. Accordingly I have decided not to release the documents in full to you.

Section 47G of the FOI Act – business information

I have applied the exemption in section 47G of the FOI Act to documents one to twelve in their entirety.

Section 47G of the FOI Act provides:

'A document is conditionally exempt if its disclosure under this Act would disclose information concerning a person in respect of his or her business or professional affairs or concerning the business, commercial or financial affairs of an organisation or undertaking, in a case in which the disclosure of the information:

(a) would, or could reasonably be expected to, unreasonably affect that person adversely in respect of his or her lawful business or professional affairs or that organisation or undertaking in respect of its lawful business, commercial or financial affairs; or

(b) could reasonably be expected to prejudice the future supply of information to the Commonwealth or an agency for the purpose of the administration of a law of the Commonwealth or of a Territory or the administration of matters administered by an agency.'

Paragraph 6.189 and 6.190 of the Guidelines provide:

The [Administrative Appeals Tribunal] has said, for example, that there is a strong public interest in knowing whether public money was accounted for at the appropriate time' and in the manner required; and in ensuring that public programmes are properly administered.

The AAT has distinguished between 'truly government documents' and other business information collected under statutory authority. The first category includes documents that have been created by government or that form part of a flow of correspondence and other documents between the government and business. The AAT concluded that such documents inclined more to arguments favouring scrutiny of government activities when considering whether disclosure would be unreasonable. By implication, the exemption is more likely to protect documents obtained from third party businesses.

As set out above, document one is a project option master list and documents two to twelve are submissions received from various providers in response to the Expression of Interest. Document three is a map of Armidale detailing the precise addresses and locations of the proposed options for the APVMA office.

I am satisfied that the documents contain the information in relation to the relevant providers concerning their business, commercial or financial affairs. Specifically, the documents include detailed information about each of the sites proposed by the providers, as well as the terms of proposed commercial leases. These documents and information contained in the document were obtained from third party businesses for the purposes of selecting the site of the APVMA office in Armadale. Following consultations with the relevant providers, I am further satisfied that the disclosure of the material in these documents would, or could reasonably be expected to unreasonably affect the provider adversely in respect of their business, commercial or financial affairs. As such, I am satisfied that documents one to twelve are conditionally exempt in full under section 47G of the FOI Act.

Public interest considerations

When weighing up the public interest for and against disclosure under section 11A(5) of the FOI Act, I have taken into account relevant factors in favour of disclosure. In particular, I have considered the extent to which disclosure would:

- promote the objects of the FOI Act;
- inform debate on a matter of public importance, being the relocation of the APVMA; and
- promote effective oversight of public expenditure in relation to the APVMA office in Armidale.

I have also considered the relevant factors weighing against disclosure, indicating that access would be contrary to the public interest. In particular, I have considered the extent to which disclosure could reasonably be expected to adversely affect a number of provider's lawful businesses.

Based on these factors, I have decided that in this instance, the public interest in disclosing the information in the above-mentioned documents is outweighed by the public interest against disclosure.

I have not taken into account any of the irrelevant factors set out in section 11B(4) of the FOI Act in making this decision.

Conclusion

In summary, I am satisfied that the documents as set out in the Schedule, are conditionally exempt in full under section 47G of the FOI Act. Furthermore I have decided that on balance it would be contrary to the public interest to release this information. Accordingly I have decided not to release the documents to you.

Summary of my decision

In conclusion, I have decided to refuse access to documents one to twelve.

I have decided that:

- document one is conditionally exempt, in full, under section 47C(1) of the FOI Act, and disclosure would be contrary to the public interest for the purposes of section 11A(5);
- documents one to eleven are conditionally exempt, in full, under section 47D of the FOI Act, and disclosure would be contrary to the public interest for the purposes of section 11A(5);
- documents one to eleven are conditionally exempt, in part, under section 47F(1) of the FOI Act, and disclosure would be contrary to the public interest for the purposes of section 11A(5); and
- documents one to twelve are conditionally exempt, in full, under section 47G of the FOI Act, and disclosure would be contrary to the public interest for the purposes of section 11A(5).



Australian Government
**Australian Pesticides and
Veterinary Medicines Authority**

By email

16 March 2018

Ms Kathryn Richards
New Club Armidale Pty Ltd
E: newclubarmidale@gmail.com

Dear Ms Richards

91 Beardy Street Armidale NSW (Premises)

I refer to your letter of 13 March 2018 to the Australian Pesticides Veterinary Medicines Authority (APVMA).

While I understand that New Club Armidale Pty Ltd (Tenant) had a lease for the Premises (Lease) and that the Premises were destroyed by fire on 16 September 2016, I have been informed that the Lease had been lawfully terminated.

Given that the Tenant does not hold a legal interest in the Premises, the APVMA cannot see on what basis a Court would consider granting an injunction to the Tenant.

In any event, the APVMA would not be a proper party to any dispute in relation to the Lease.

Yours sincerely

Dr Chris Parker
CEO
Australian Pesticides and Veterinary Medicines Authority

The independence of regulatory decisions made by the Australian Pesticides and Veterinary Medicines Authority (APVMA), with particular reference to:

A. the responsiveness and effectiveness of the APVMA's process for reviewing and reassessing the safety of agricultural chemicals in Australia, including glyphosate, and how this compares with equivalent international regulators;

B. the funding arrangements of the APVMA, comparisons with equivalent agricultural chemical regulators internationally and any impact these arrangements have on independent evidence-based decision making;

C. the roles and responsibilities of relevant departments and agencies of Commonwealth, state and territory governments in relation to the regulation of pesticides and veterinary chemicals;

D. the need to ensure Australia's farmers have timely access to safe, environmentally sustainable and productivity enhancing products;

E. the impact of the APVMA's relocation on its capability to undertake chemical reviews in a timely manner; and

F. any other related matters.

I Kathryn Richards of New Club Armidale PTY LTD (NCA), seek to make The following submission on into the independence of regulatory decisions made by the Australian pesticides and veterinary medicines authority enquiry and all relating matters.

The nature of my submission is on how the relocation of the APVMA and the decision-making process has affected both myself personally and my company NCA

In August 2016, representatives of the agricultural department property team took steps with the then Minister, to accelerate the development and infrastructure to facilitate the relocation of the APVMA, The department engaged a property advisor in late August 2016 to conduct a request for information process.

The process was advertised on AusTender from 15 September 2016 to the 7th of October it was also advertised in the number of newspapers from 15 September through to 28 September.

On 16th of September my successful business NCA T/A The Armidale Club was deliberately firebombed, my world was turned completely upside down this was the first of a series of horrific acts of violence directed towards my company and myself, for over two years now I have lived in a state of sustained fear and intimidation.

I have personally suffered great anguish and heartache, and my company continues to suffer losses, now totaling into the millions, I still struggle every day to pay debts directly attributed to the fire,

I was forced to leave my home, family and my community in an effort to try and feel safe after these prolonged attacks from apparent faceless men.

In February 2018 I learned for the first time via a journalist That the hotel site 91 Beardy Street Armidale 2350, had been tendered to the Commonwealth for the purposes of relocating the AVPMA. I was

dumbfounded and in complete shock. I told her that was impossible because the Coroner only ruled on On 2nd of February 2018 as part of the inquest process. And that I just spent six months in court where all the evidence tended said that; there was no development planned for the site, the owners had never been approached about a development for the site. The owners also stated on the police statement tended to the court and they had no future plans to develop the site. And have nothing to gain by lighting the fire because they were uninsured and had no plans to develop or sell the site.

Once learning this information I made steps to contact the Department of Agriculture and the APVMA directly

I highlighted the ongoing lease dispute that NCA has against Burgess and Bayfolye that had commenced in November 2016,

I also informed them that NCA owns the current general hotel license over the full footprint of this site,

Chris Parker responded for APVMA. please see attached

Since that time I have made numerous FOI requests to the Department of agriculture the AVPMA,

The Department of human services Centrelink, to access documents about the timeline of which the Commonwealth was first notified about the possibility of 91 Beardy Street Armidale being tended.

All to no avail ,

It's important to note the Legal interest implications in relation to the due diligence performed here.

As of May 2017 NCA was Listed as an Interested Party into 91 beardy St. armidale and Inquest Inquiry please see coronal orders. Attached

And some 16 days before the fire, on 31 August, NCA had become the owner of a general hotel license encompassing the full footprint of 91 Beardy Street Armidale New South Wales,

Whilst Burgess and Bayfoyle may have owned the property title, NCA owned and still owns the General hotel license. The new Hotel License was applied at considerable expense to NCA, with the full permission of the title owner. Development Applications we're sort and approved by Armidale Council and a "change of use "from a registered Club to a General Hotel was applied.

At no time was NCA contacted or consulted with In relation to the asset they own over the site at 91 Beardy St, Armidale. At no stage was it disclosed through the Coronal process that the site was being tended for a development or one that would be ultimately underpinned by the Commonwealth.

On the 23rd of October 2018 during senate estimates, FOI document: LEX 016 was discussed at length. This was my request for information from the Agricultural department,

The government departments chose yet again to deny access to information that could solve the crimes committed against me and end my suffering, denying my rightful access to those documents delays and impedes future court proceedings against those responsible. The government is therefore protecting these criminals and crimes, whilst denying NCA ability to trade with the license afforded to them by the office of liquor gaming and racing NSW.

This Situation has become so serious that it appears to now implicate Ministers, Departments, Developers, and their agents. I must therefore ask members of the committee to refer this matter to the Auditor General for an immediate investigation in an effort come to an adequate and equitable solution for NCA and myself.

Yours sincerely,

Kathryn Richards



Question on notice no. 35

Portfolio question number: 35

2019-20 Budget estimates

Rural and Regional Affairs and Transport Committee, Agriculture and Water Resources Portfolio

Senator the Hon. Penny Wong: asked the Department of Agriculture and Water Resources on 9 April 2019—

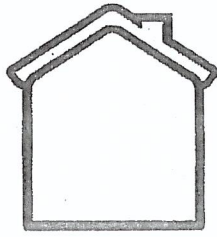
Mr Czabania: One of the proponents put forward a letter as part of their submission, which provided evidence that they had control of the property at 91 Beardy Street.

Senator WONG: And who was that? **Mr Czabania:** That was Stirloch. **Senator**

WONG: Can I have copy of that letter? **Mr Czabania:** I'd probably just need to take that on notice, if that's okay, Senator.

Answer —

A copy of the letter is attached.



GR & JA Burgess & Bayfoyle Pty Ltd

ABN 96 458 203 783

P.O Box 207
GLEN INNES NSW 2370

Ph: 02 6732 6777
Fax: 02 6732 6999

17 October 2016

Wayne Loechel
Stirloch Developments Pty Ltd
69 Head Street
Traralgon Vic 3844

Dear Wayne,

This letter will serve to confirm that G R & J A Burgess and Bayfoyle Pty Ltd, as owners of 91 Beardy Street Armidale, grant Stirloch Pty Ltd exclusive rights, for one month, to submit a bid for the construction of a building on 91 Beardy Street Armidale for the Commonwealth Government and should the bid be successful we are willing to proceed to sell the property to Stirloch Pty Ltd under the terms agreed with Stirloch Pty Ltd today by our Agent John Sewell.

We wish you well with your bid.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Greg Burgess', written over a light blue horizontal line.

Greg Burgess (Director)
GR & JA Burgess & Bayfoyle Pty Ltd

Grimm, Andrew

From: Kathryn Richards <kate@theaclub.com.au>
Sent: Wednesday, 20 November 2019 12:20 PM
To: Discretionary Compensation Claims
Subject: Receipt of Application CDDA [SEC=UNCLASSIFIED]

I Submitted a claim under the CDDA Scheme on the 14th of November 2019, and I am yet to be provided with a Receipt of Application. Could you please confirm the receipt of this Application.

--

Kathryn Richards
kate@theaclub.com.au
Mob [REDACTED]
PO BOX 3010
Blacksmiths NSW 2281

Grimm, Andrew

From: Discretionary Compensation Claims
Sent: Thursday, 21 November 2019 1:35 PM
To: kate@theclub.com.au
Cc: Discretionary Compensation Claims
Subject: RE: Receipt of Application CDDA [SEC=UNCLASSIFIED]

Dear Ms Richards,

We acknowledge receipt of your email below, and your emails dated 14 November 2019.

We are considering your emails and will be in touch in due course.

Kind regards,
Discretionary Claims Team
Department of Agriculture and Water Resources www.agriculture.gov.au
18 Marcus Clarke Street, Canberra ACT 2601 Australia GPO Box 858 Canberra ACT 2601 Australia

This email and any attachments may contain information subject to legal professional privilege or information that is otherwise sensitive or confidential. If you are not the intended recipient of this email, you are prohibited from using or disseminating this communication. If you have received this communication in error please notify the sender immediately and permanently delete this email.

From: Kathryn Richards [mailto:kate@theclub.com.au]
Sent: Wednesday, 20 November 2019 12:20 PM
To: Discretionary Compensation Claims
Subject: Receipt of Application CDDA [SEC=UNCLASSIFIED]

I Submitted a claim under the CDDA Scheme on the 14th of November 2019, and I am yet to be provided with a Receipt of Application. Could you please confirm the receipt of this Application.

--
Kathryn Richards
kate@theclub.com.au
Mob. [REDACTED]
PO BOX 3010
Blacksmiths NSW 2281

Grimm, Andrew

From: Kathryn Richards <kate@theclub.com.au>
Sent: Thursday, 5 December 2019 4:12 PM
To: Discretionary Compensation Claims
Subject: Re: Receipt of Application CDDA [SEC=UNCLASSIFIED]

Follow Up Flag: Follow up
Flag Status: Completed

To whom it may concern

I'd like to bring to your attention the best practice principles set out by the Commonwealth Ombudsman in relation to submissions to the CDDA scheme.

"Timeliness

CDDA claims need to be handled in a timely manner. Delay can increase the detriment an applicant suffers and lead to increased antagonism. If a matter is complex and will take longer than normal to resolve, the agency should regularly update the applicant on the progress of its investigation. Agencies should set timeliness standards for dealing with CDDA claims and regularly monitor progress against these standards, to minimise the chance of undue delay."

I would like to know the progress made on this current application ?

"Good communication with applicants

Poor communication can exacerbate an applicant's sense of grievance against the agency. CDDA claims should be acknowledged promptly, the likely timeframe for the agency's response should be made clear at the outset, further information should be sought from the applicant if required, and they should be kept informed of progress in dealing with their matter."

Given no time frame has been given from the outset of this complaint perhaps now would be a good time for one.

Regards
Kathryn Richards

On Thu, 21 Nov 2019 at 1:35 pm, Discretionary Compensation Claims
<Discretionary.CompensationClaims@agriculture.gov.au> wrote:

Dear Ms Richards,

We acknowledge receipt of your email below, and your emails dated 14 November 2019.

We are considering your emails and will be in touch in due course.

Kind regards,

Discretionary Claims Team

Department of Agriculture and Water Resources www.agriculture.gov.au>

18 Marcus Clarke Street, Canberra ACT 2601 Australia GPO Box 858 Canberra ACT 2601 Australia

This email and any attachments may contain information subject to legal professional privilege or information that is otherwise sensitive or confidential. If you are not the intended recipient of this email, you are prohibited from using or disseminating this communication. If you have received this communication in error please notify the sender immediately and permanently delete this email.

From: Kathryn Richards [mailto: kate@theaclub.com.au]
Sent: Wednesday, 20 November 2019 12:20 PM
To: Discretionary Compensation Claims <Discretionary.CompensationClaims@agriculture.gov.au>
Subject: Receipt of Application CDDA [SEC=UNCLASSIFIED]

I Submitted a claim under the CDDA Scheme on the 14th of November 2019, and I am yet to be provided with a Receipt of Application. Could you please confirm the receipt of this Application.

--

Kathryn Richards

kate@theaclub.com.au

Mob: [REDACTED]

PO BOX 3010

Blacksmiths NSW 2281

----- IMPORTANT - This email and any attachments have been issued by the Australian Government Department of Agriculture. The material transmitted is for the use of the intended recipient only and may contain confidential, legally privileged, copyright or personal information. You should not copy, use or disclose it without authorisation from the Department. It is your responsibility to check any attachments for viruses and defects before opening or forwarding them. If you are not an intended recipient, please contact the sender of this email at once by return email and then delete both messages. Unintended recipients must not copy, use, disclose, rely on or publish this email or attachments. The Department of Agriculture is not liable for any loss or damage resulting from unauthorised use or dissemination of, or any reliance on, this email or attachments. If you have received this e-mail as part of a valid mailing list and no longer want to receive a message such as this one, advise the sender by return e-mail accordingly. This notice should not be deleted or altered -----

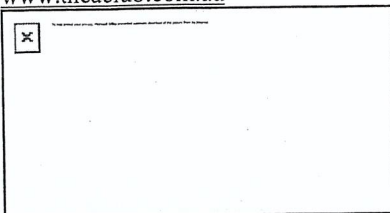
--

Kathryn Richards

kate@theaclub.com.au

Mob: [REDACTED]

www.theaclub.com.au



109 - 111 Waymouth St, Adelaide SA 5000.

Grimm, Andrew

From: Discretionary Compensation Claims
Sent: Monday, 9 December 2019 1:30 PM
To: kate@theaclub.com.au
Cc: Discretionary Compensation Claims
Subject: RE: Receipt of Application CDDA [SEC=UNCLASSIFIED]

Dear Ms Richards,

Thank you for contacting the department about your claim for compensation made on behalf of New Club Armidale Pty Ltd, under the Compensation for Detriment caused by Defective Administration Scheme (**CDDA Scheme**).

Your claim was received on 14 November 2019, and acknowledged on 21 November 2019. The circumstances of your claim are still under consideration.

CDDA claims typically require us to review a large amount of information and so I am unable to provide a timeframe for a response to your claim, however, the department endeavours to process all CDDA claims in a timely manner.

Kind regards,

Discretionary Claims Team

Department of Agriculture and Water Resources www.agriculture.gov.au
18 Marcus Clarke Street, Canberra ACT 2601 Australia GPO Box 858 Canberra ACT 2601 Australia

This email and any attachments may contain information subject to legal professional privilege or information that is otherwise sensitive or confidential. If you are not the intended recipient of this email, you are prohibited from using or disseminating this communication. If you have received this communication in error please notify the sender immediately and permanently delete this email.

From: Kathryn Richards [mailto:kate@theaclub.com.au]
Sent: Thursday, 5 December 2019 4:12 PM
To: Discretionary Compensation Claims
Subject: Re: Receipt of Application CDDA [SEC=UNCLASSIFIED]

To whom it may concern

I'd like to bring to your attention the best practice principles set out by the Commonwealth Ombudsman in relation to submissions to the CDDA scheme.

“Timeliness

CDDA claims need to be handled in a timely manner. Delay can increase the detriment an applicant suffers and lead to increased antagonism. If a matter is complex and will take longer than normal to resolve, the agency should regularly update the applicant on the progress of its investigation. Agencies should set timeliness standards for dealing with CDDA claims and regularly monitor progress against these standards, to minimise the chance of undue delay.”

I would like to know the progress made on this current application ?

“Good communication with applicants

Poor communication can exacerbate an applicant's sense of grievance against the agency. CDDA claims should be acknowledged promptly, the likely timeframe for the agency's response should be made clear at the outset, further information should be sought from the applicant if required, and they should be kept informed of progress in dealing with their matter.”

Given no time frame has been given from the outset of this complaint perhaps now would be a good time for one.

Regards
Kathryn Richards

On Thu, 21 Nov 2019 at 1:35 pm, Discretionary Compensation Claims
<Discretionary.CompensationClaims@agriculture.gov.au> wrote:

Dear Ms Richards,

We acknowledge receipt of your email below, and your emails dated 14 November 2019.

We are considering your emails and will be in touch in due course.

Kind regards,

Discretionary Claims Team

Department of Agriculture and Water Resources www.agriculture.gov.au

18 Marcus Clarke Street, Canberra ACT 2601 Australia GPO Box 858 Canberra ACT 2601 Australia

This email and any attachments may contain information subject to legal professional privilege or information that is otherwise sensitive or confidential. If you are not the intended recipient of this email, you are prohibited from using or disseminating this communication. If you have received this communication in error please notify the sender immediately and permanently delete this email.

From: Kathryn Richards [mailto:kate@theclub.com.au]

Sent: Wednesday, 20 November 2019 12:20 PM

To: Discretionary Compensation Claims <Discretionary.CompensationClaims@agriculture.gov.au>

Subject: Receipt of Application CDDA [SEC=UNCLASSIFIED]

I Submitted a claim under the CDDA Scheme on the 14th of November 2019, and I am yet to be provided with a Receipt of Application. Could you please confirm the receipt of this Application.

--

Kathryn Richards

kate@theclub.com.au

Mob: [REDACTED]

PO BOX 3010

Blacksmiths NSW 2281

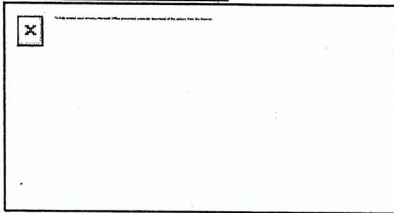
----- IMPORTANT - This email and any attachments have been issued by the Australian Government Department of Agriculture. The material transmitted is for the use of the intended recipient only and may contain confidential, legally privileged, copyright or personal information. You should not copy, use or disclose it without authorisation from the Department. It is your responsibility to check any attachments for viruses and defects before opening or forwarding them. If you are not an intended recipient, please contact the sender of this email at once by return email and then delete both messages. Unintended recipients must not copy, use, disclose, rely on or publish this email or attachments. The Department of Agriculture is not liable for any loss or damage resulting from unauthorised use or dissemination of, or any reliance on, this email or attachments. If you have received this e-mail as part of a valid mailing list and no longer want to receive a message such as this one, advise the sender by return e-mail accordingly. This notice should not be deleted or altered -----

--
Kathryn Richards

kate@theclub.com.au

Mob: [REDACTED]

www.theclub.com.au



109 - 111 Waymouth St, Adelaide SA 5000.

Grimm, Andrew

From: Kathryn Richards <kate@theaclub.com.au>
Sent: Monday, 9 December 2019 1:31 PM
To: Discretionary Compensation Claims
Subject: Re: Receipt of Application CDDA [SEC=UNCLASSIFIED]

Thank you for your response.

On Mon, 9 Dec 2019 at 1:30 pm, Discretionary Compensation Claims
<Discretionary.CompensationClaims@agriculture.gov.au> wrote:

Dear Ms Richards,

Thank you for contacting the department about your claim for compensation made on behalf of New Club Armidale Pty Ltd, under the Compensation for Detriment caused by Defective Administration Scheme (CDDA Scheme).

Your claim was received on 14 November 2019, and acknowledged on 21 November 2019. The circumstances of your claim are still under consideration.

CDDA claims typically require us to review a large amount of information and so I am unable to provide a timeframe for a response to your claim, however, the department endeavours to process all CDDA claims in a timely manner.

Kind regards,

Discretionary Claims Team

Department of Agriculture and Water Resources www.agriculture.gov.au

18 Marcus Clarke Street, Canberra ACT 2601 Australia GPO Box 858 Canberra ACT 2601 Australia

This email and any attachments may contain information subject to legal professional privilege or information that is otherwise sensitive or confidential. If you are not the intended recipient of this email, you are prohibited from using or disseminating this communication. If you have received this communication in error please notify the sender immediately and permanently delete this email.

From: Kathryn Richards [mailto:kate@theaclub.com.au]
Sent: Thursday, 5 December 2019 4:12 PM
To: Discretionary Compensation Claims <Discretionary.CompensationClaims@agriculture.gov.au>
Subject: Re: Receipt of Application CDDA [SEC=UNCLASSIFIED]

To whom it may concern

I'd like to bring to your attention the best practice principles set out by the Commonwealth Ombudsman in relation to submissions to the CDDA scheme.

“Timeliness

CDDA claims need to be handled in a timely manner. Delay can increase the detriment an applicant suffers and lead to increased antagonism. If a matter is complex and will take longer than normal to resolve, the agency should regularly update the applicant on the progress of its investigation. Agencies should set

timeliness standards for dealing with CDDA claims and regularly monitor progress against these standards, to minimise the chance of undue delay.”

I would like to know the progress made on this current application ?

“Good communication with applicants

Poor communication can exacerbate an applicant’s sense of grievance against the agency. CDDA claims should be acknowledged promptly, the likely timeframe for the agency’s response should be made clear at the outset, further information should be sought from the applicant if required, and they should be kept informed of progress in dealing with their matter.”

Given no time frame has been given from the outset of this complaint perhaps now would be a good time for one.

Regards

Kathryn Richards

On Thu, 21 Nov 2019 at 1:35 pm, Discretionary Compensation Claims <Discretionary.CompensationClaims@agriculture.gov.au> wrote:

Dear Ms Richards,

We acknowledge receipt of your email below, and your emails dated 14 November 2019.

We are considering your emails and will be in touch in due course.

Kind regards,

Discretionary Claims Team

Department of Agriculture and Water Resources www.agriculture.gov.au

18 Marcus Clarke Street, Canberra ACT 2601 Australia GPO Box 858 Canberra ACT 2601 Australia

This email and any attachments may contain information subject to legal professional privilege or information that is otherwise sensitive or confidential. If you are not the intended recipient of this email, you are prohibited from using or disseminating this communication. If you have received this communication in error please notify the sender immediately and permanently delete this email.

From: Kathryn Richards [mailto:kate@theaclub.com.au]

Sent: Wednesday, 20 November 2019 12:20 PM

To: Discretionary Compensation Claims <Discretionary.CompensationClaims@agriculture.gov.au>

Subject: Receipt of Application CDDA [SEC=UNCLASSIFIED]

I Submitted a claim under the CDDA Scheme on the 14th of November 2019, and I am yet to be provided with a Receipt of Application. Could you please confirm the receipt of this Application.

--

Kathryn Richards

kate@theaclub.com.au

Mob: [REDACTED]

PO BOX 3010

Blacksmiths NSW 2281

----- IMPORTANT - This email and any attachments have been issued by the Australian Government Department of Agriculture. The material transmitted is for the use of the intended recipient only and may contain confidential, legally privileged, copyright or personal information. You should not copy, use or disclose it without authorisation from the Department. It is your responsibility to check any attachments for viruses and defects before opening or forwarding them. If you are not an intended recipient, please contact the sender of this email at once by return email and then delete both messages. Unintended recipients must not copy, use, disclose, rely on or publish this email or attachments. The Department of Agriculture is not liable for any loss or damage resulting from unauthorised use or dissemination of, or any reliance on, this email or attachments. If you have received this e-mail as part of a valid mailing list and no longer want to receive a message such as this one, advise the sender by return e-mail accordingly. This notice should not be deleted or altered -----

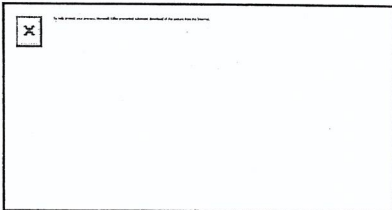
--

Kathryn Richards

kate@theclub.com.au

Mob: [REDACTED]

www.theclub.com.au



109 - 111 Waymouth St. Adelaide SA 5000.

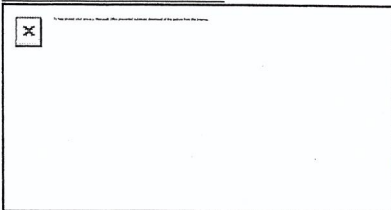
--

Kathryn Richards

kate@theclub.com.au

Mob: [REDACTED]

www.theclub.com.au



109 - 111 Waymouth St, Adelaide SA 5000.

Grimm, Andrew

From: Kathryn Richards <kate@theaclub.com.au>
Sent: Thursday, 16 January 2020 12:05 PM
To: Discretionary Compensation Claims
Subject: Re: Receipt of Application CDDA [SEC=UNCLASSIFIED]

Discretionary Claims Team

New Club Armidale Pty Ltd, under the Compensation for Detriment caused by Defective Administration Scheme (CDDA Scheme).

My claim was received by your team on 14 November 2019, and acknowledged on 21 November 2019. After further correspondence from myself on the 5th of December 2019 the teams response on the 9 th of December 2019 cited

"The circumstances of your claim are still under consideration"

There was adequate documentation and evidence provided at the outset of the application for compensation (CDDA) in order to verify these circumstances.

Could you please advise what the current status of the claim is now ?

Whilst I can appreciate your statement "CDDA claims typically require us to review a large amount of information"

The nature and circumstances of this matter have been a consistent feature of every Senate Estimates since 23rd of October 2018,

And as of November 2019 made its first mention in the Federal House of Representatives.

Decision makers within the Department of Agriculture have long been aware of the defective policy administration and detriment suffered to NCA Perhaps the Discretionary Claims Team are unaware of this ? Which leads me to my next question, who specifically is working on this matter from the Discretionary Claims Team ?

Can you also please advise if the recent departure of Darryl Quinlivan Secretary to the Department of Agriculture or Chris Parker CEO of the APVMA, is likely to affect the claim ? given both of these individuals were directly named multiple times in the brief of evidence and supporting documents.

Regards
Kathryn Richards

On Mon, Dec 9, 2019 at 1:00 PM Discretionary Compensation Claims
<Discretionary.CompensationClaims@agriculture.gov.au> wrote:

Dear Ms Richards,

Thank you for contacting the department about your claim for compensation made on behalf of New Club Armidale Pty Ltd, under the Compensation for Detriment caused by Defective Administration Scheme (**CDDA Scheme**).

Your claim was received on 14 November 2019, and acknowledged on 21 November 2019. The circumstances of your claim are still under consideration.

CDDA claims typically require us to review a large amount of information and so I am unable to provide a timeframe for a response to your claim, however, the department endeavours to process all CDDA claims in a timely manner.

Kind regards,

Discretionary Claims Team

Department of Agriculture and Water Resources www.agriculture.gov.au

18 Marcus Clarke Street, Canberra ACT 2601 Australia GPO Box 858 Canberra ACT 2601 Australia

This email and any attachments may contain information subject to legal professional privilege or information that is otherwise sensitive or confidential. If you are not the intended recipient of this email, you are prohibited from using or disseminating this communication. If you have received this communication in error please notify the sender immediately and permanently delete this email.

From: Kathryn Richards [mailto:kate@theaclub.com.au]

Sent: Thursday, 5 December 2019 4:12 PM

To: Discretionary Compensation Claims <Discretionary.CompensationClaims@agriculture.gov.au>

Subject: Re: Receipt of Application CDDA [SEC=UNCLASSIFIED]

To whom it may concern

I'd like to bring to your attention the best practice principles set out by the Commonwealth Ombudsman in relation to submissions to the CDDA scheme.

“Timeliness

CDDA claims need to be handled in a timely manner. Delay can increase the detriment an applicant suffers and lead to increased antagonism. If a matter is complex and will take longer than normal to resolve, the agency should regularly update the applicant on the progress of its investigation. Agencies should set timeliness standards for dealing with CDDA claims and regularly monitor progress against these standards, to minimise the chance of undue delay.”

I would like to know the progress made on this current application ?

“Good communication with applicants

Poor communication can exacerbate an applicant's sense of grievance against the agency. CDDA claims should be acknowledged promptly, the likely timeframe for the agency's response should be made clear at the outset, further information should be sought from the applicant if required, and they should be kept informed of progress in dealing with their matter.”

Given no time frame has been given from the outset of this complaint perhaps now would be a good time for one.

Regards

Kathryn Richards

On Thu, 21 Nov 2019 at 1:35 pm, Discretionary Compensation Claims
<Discretionary.CompensationClaims@agriculture.gov.au> wrote:

Dear Ms Richards,

We acknowledge receipt of your email below, and your emails dated 14 November 2019.

We are considering your emails and will be in touch in due course.

Kind regards,

Discretionary Claims Team

Department of Agriculture and Water Resources www.agriculture.gov.au

18 Marcus Clarke Street, Canberra ACT 2601 Australia GPO Box 858 Canberra ACT 2601 Australia

This email and any attachments may contain information subject to legal professional privilege or information that is otherwise sensitive or confidential. If you are not the intended recipient of this email, you are prohibited from using or disseminating this communication. If you have received this communication in error please notify the sender immediately and permanently delete this email.

From: Kathryn Richards [mailto:kate@theaclub.com.au]

Sent: Wednesday, 20 November 2019 12:20 PM

To: Discretionary Compensation Claims <Discretionary.CompensationClaims@agriculture.gov.au>

Subject: Receipt of Application CDDA [SEC=UNCLASSIFIED]

I Submitted a claim under the CDDA Scheme on the 14th of November 2019, and I am yet to be provided with a Receipt of Application. Could you please confirm the receipt of this Application.

--

Kathryn Richards

kate@theaclub.com.au

Mob: [REDACTED]

PO BOX 3010

Blacksmiths NSW 2281

----- IMPORTANT - This email and any attachments have been issued by the Australian Government Department of Agriculture. The material transmitted is for the use of the intended recipient only and may contain confidential, legally privileged, copyright or personal information. You should not copy, use or disclose it without authorisation from the Department. It is your responsibility to check any attachments for viruses and defects before opening or forwarding them. If you are not an intended recipient, please contact the sender of this email at once by return email and then delete both messages. Unintended recipients must not copy, use, disclose, rely on or publish this email or attachments. The Department of Agriculture is not liable for any loss or damage resulting from unauthorised use or dissemination of, or any reliance on, this email or attachments. If you have received this e-mail as part of a valid mailing list

and no longer want to receive a message such as this one, advise the sender by return e-mail accordingly.
This notice should not be deleted or altered -----

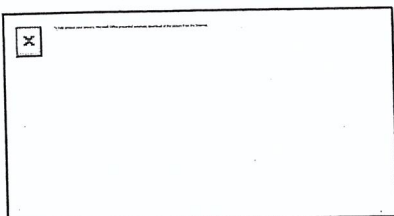
--

Kathryn Richards

kate@theclub.com.au

Mob: [REDACTED]

www.theclub.com.au



109 - 111 Waymouth St, Adelaide SA 5000.

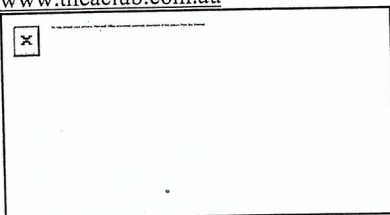
--

Kathryn Richards

kate@theclub.com.au

Mob: [REDACTED]

www.theclub.com.au



109 - 111 Waymouth St, Adelaide SA 5000.



Grimm, Andrew

From: Kathryn Richards <kate@theaclub.com.au>
Sent: Wednesday, 29 January 2020 11:08 AM
To: Discretionary Compensation Claims
Subject: NEW CLUB ARMIDALE [SEC=UNCLASSIFIED]

Further advice sort.

The email below remains unanswered by your team sent on 16th of January 2020, some 13 days ago.

Kathryn Richards <kate@theaclub.com.au>

Jan 16, 2020, 11:3

to Discretionary



Discretionary Claims Team

New Club Armidale Pty Ltd, under the Compensation for Detriment caused by Defective Administration Scheme (CDDA Scheme).

My claim was received by your team on 14 November 2019, and acknowledged on 21 November 2019. After further correspondence from myself on the 5th of December 2019 the teams response on the 9 th of December 2019 cited

"The circumstances of your claim are still under consideration"

There was adequate documentation and evidence provided at the outset of the application for compensation (CDDA) in order to verify these circumstances.

Could you please advise what the current status of the claim is now ?

Whilst I can appreciate your statement "CDDA claims typically require us to review a large amount of information"

The nature and circumstances of this matter have been a consistent feature of every Senate Estimates since 23rd of October 2018,

And as of November 2019 made its first mention in the Federal House of Representatives.

Decision makers within the Department of Agriculture have long been aware of the defective policy administration and detriment suffered to NCA Perhaps the Discretionary Claims Team are unaware of this ? Which leads me to my next question, who specifically is working on this matter from the Discretionary Claims Team ?

Can you also please advise if the recent departure of Darryl Quinlivan Secretary to the Department of Agriculture or Chris Parker CEO of the APVMA, is likely to affect the claim ? given both of these individuals were directly named multiple times in the brief of evidence and supporting documents.

Regards

Kathryn Richards

--

Kathryn Richards
kate@theclub.com.au
Mob: [REDACTED]

Grimm, Andrew

From: Discretionary Compensation Claims
Sent: Wednesday, 5 February 2020 1:47 PM
To: kate@theclub.com.au
Subject: FW: NEW CLUB ARMIDALE [SEC=UNCLASSIFIED]

Dear Ms Richards,

Thank you for your email.

Please see responses to your queries below:

1. Could you please advise what the current status of the claim is now ?

The department is currently assessing your claim. In addition to examining the information you have provided in support of your claim, assessing a claim involves examining any relevant records held by the department and preparing a briefing for the decision-maker's consideration. The decision maker will then make a preliminary decision about your claim and issue you with a copy of that decision. You will be provided with an opportunity to respond to the preliminary decision if you wish to do so.

We are working to progress your matter expeditiously and will contact you as the matter progresses.

2. Who is working on this matter from the Discretionary Claims Team ?

The Discretionary claims team coordinates the information gathering process amongst the areas of the department involved in issues raised by a claim. Claims received by the department vary widely in terms of the quantum of compensation sought, subject matter and complexity. These factors impact on the time and resources required to process individual CDDA claims. Your claim is significant in terms of the quantum of compensation sought and the material it covers. The team works in conjunction with a number of areas to collate information and assess claims against the Department of Finance's CDDA guidelines.

If you wish to discuss the progress of your claim, please contact Romi Slaven from the Employment and Discretionary Compensation team on 02 6271 6575.

3. Can you also please advise if the recent departure of Darryl Quinlivan Secretary to the Department of Agriculture or Chris Parker CEO of the APVMA, is likely to affect the claim? given both of these individuals were directly named multiple times in the brief of evidence and supporting documents

We can confirm that the departure of any officer or employee of the department will not impact on or delay your claim.

The department acknowledges the time taken in processing your claim for compensation and aims to finalise a preliminary assessment of your claim within the next 5 weeks.

Regards,

Discretionary Claims Team
Department of Agriculture, Water and Environment
18 Marcus Clarke Street, Canberra ACT 2601 Australia
GPO Box 858 Canberra ACT 2601

From: Kathryn Richards [mailto:kate@theaclub.com.au]

Sent: Wednesday, 29 January 2020 11:08 AM

To: Discretionary Compensation Claims <Discretionary.CompensationClaims@agriculture.gov.au>

Subject: NEW CLUB ARMIDALE [SEC=UNCLASSIFIED]

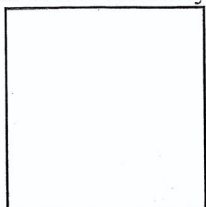
Further advice sort.

The email below remains unanswered by your team sent on 16th of January 2020, some 13 days ago.

Kathryn Richards <kate@theaclub.com.au>

Jan 16, 2020, 11:3

to Discretionary



Discretionary Claims Team

New Club Armidale Pty Ltd, under the Compensation for Detriment caused by Defective Administration Scheme (CDDA Scheme).

My claim was received by your team on 14 November 2019, and acknowledged on 21 November 2019. After further correspondence from myself on the 5th of December 2019 the teams response on the 9 th of December 2019 cited

"The circumstances of your claim are still under consideration"

There was adequate documentation and evidence provided at the outset of the application for compensation (CDDA) in order to verify these circumstances.

Could you please advise what the current status of the claim is now ?

Whilst I can appreciate your statement "CDDA claims typically require us to review a large amount of information"

The nature and circumstances of this matter have been a consistent feature of every Senate Estimates since 23rd of October 2018,

And as of November 2019 made its first mention in the Federal House of Representatives.

Decision makers within the Department of Agriculture have long been aware of the defective policy administration and detriment suffered to NCA Perhaps the Discretionary Claims Team are unaware of this ? Which leads me to my next question, who specifically is working on this matter from the Discretionary Claims Team ?

Can you also please advise if the recent departure of Darryl Quinlivan Secretary to the Department of Agriculture or Chris Parker CEO of the APVMA, is likely to affect the claim ? given both of these individuals were directly named multiple times in the brief of evidence and supporting documents.

Regards

Kathryn Richards

--

Kathryn Richards

kate@theclub.com.au

Mob: [REDACTED]

Grimm, Andrew

From: Discretionary Compensation Claims
Sent: Friday, 28 February 2020 9:28 AM
To: kate@theaclub.com.au
Subject: CDDA claim - preliminary view - LEX 3357 [SEC=UNCLASSIFIED]
Attachments: preliminary view (K.Richards).pdf

Dear Ms Richards

Please find attached correspondence in relation to your claim under the Commonwealth Scheme for Detriment caused by Defective Administration.

Regards

Discretionary Claims Team

Department of Agriculture, Water and the Environment
18 Marcus Clarke Street, Canberra ACT 2601 Australia
GPO Box 858 Canberra ACT 2601



Ms Kathryn Richards
New Club Armidale Pty Ltd
PO Box 3010
Blacksmiths NSW 2281

Via email: kate@theaclub.com.au

Dear Ms Richards

Application under the Scheme for Compensation for Detriment caused by Defective Administration

1. I refer to your application to the Department of Agriculture, Water and the Environment (formerly the Department of Agriculture) (**department**), on behalf of New Club Armidale Pty Ltd (**NCA**), for compensation under the Scheme for Compensation for Detriment caused by Defective Administration (**CDDA Scheme**) dated 14 November 2019.
2. I am authorised to determine applications under the CDDA Scheme on the Minister's behalf.

Preliminary view

3. For the reasons set out below, my preliminary view is that there was one instance of defective administration made out in your claim, however it was not linked to and did not result in the detriment you have claimed. Therefore I find that no compensation is payable to you under the CDDA scheme.
4. In coming to my preliminary view, I have had regard to the following material:
 - your application for compensation under the CDDA Scheme dated 14 November 2019 and documents in support of that application;
 - AusTender ID: 2016-24258 (RFI);
 - Commonwealth Property Management Framework 500;
 - Commonwealth Procurement Rules (July 2014); and
 - the Department of Finance's Resource Management Guide No. 409 – Scheme for Compensation for Detriment caused by Defective Administration (November 2018).

Summary of application

5. You are seeking compensation under the CDDA Scheme for financial loss you claim NCA suffered as a result of the department's actions in relation to the relocation of the APVMA to Armidale.

11. The actions of contracted providers do not fall within the scope of the CDDA Scheme. This is relevant to your application because a number of the allegations involve actions undertaken by the department's property service provider. To the extent that actions were those of its contracted service provider only, they are not covered by the CDDA Scheme.
12. Further, Ministerial conduct does not fall within the scope of the CDDA Scheme and therefore it has not been addressed here.

Background to the claim

13. Where a non-corporate Commonwealth entity (such as the department) engages in the management or procurement of property, the following administrative policies and procedures apply:

- a. **Commonwealth Property Management Framework (Resource management Guide 500) (RMG 500)**

RMG500 is the overarching administrative framework applying to the department in relation to the management of property with the purpose of facilitating informed decisions and establish a foundation for achieving value for money and accountable and transparent decision making.

Under RMG 500, agencies may undertake a non-binding RFI or expression of interest process for commitments exceeding a \$2 million whole of life costs, after ensuring there is no existing Commonwealth option available that could be used.

- b. **Commonwealth Procurement Rules (CPRs)**

In circumstances where goods and services are procured, the CPRs apply. The CPRs set out guidelines and rules applying to non-Commonwealth entities undertaking the procurement of goods and services, including efficient, effective, economical and ethical procurement.

- c. **Terms of the RFI**

In circumstances where an approach to the market is made through an RFI, the express terms of the RFI also apply.

RFI Process

14. The department, through its contracted service provider, conducted a Request for Information (RFI) process to gauge interest in meeting the anticipated requirements of the APVMA, should it relocate its functions to Armidale (**RFI Process**).
15. The RFI was advertised in AusTender (AusTender ID: 2016-24258) on 15 September 2016 and in local and national publications.
16. Responses to the RFI were required to be submitted by 7 October 2016. A desktop review was undertaken against the RFI assessment criteria and the results of the RFI Process were provided to the APVMA on 21 December 2016. The department had no further involvement in the RFI Process.
17. The department understands that in July 2017, the APVMA abandoned the RFI Process and initiated a new approach to market that would co-locate the APVMA and Centrelink (Services Australia, formerly the Department of Human Services) offices in Armidale. The department was not involved in the later tender process.

- b. "Senator Colbeck, Darrel Quinliven [sic]"
27. I have reviewed the material included with your application that references the persons and/or issues named above, including Question on Notice No.33, Budget Estimates 2019-20, 9 April 2019. That document deals with a question about whether the Minister's office was informed about enquiries made by the NSW police, concerning the Commonwealth's tender process.
28. It is difficult to see how the above material is relevant to a claim of defective administration and the detriment you allege arose. The department's involvement in the relocation of the APVMA to Armidale was limited to the RFI Process. Any decisions about the property and/or land that was chosen for the relocation were not decisions in which the department was involved. In my view, a claim that the department failed to implement and mitigate risk leading to the alleged defective administration, cannot be substantiated.
29. I have addressed the issue of the department's response to the NSW police enquiries in response to your claim further below.
30. Accordingly, I find there was no defective administration by the department in relation to this claim.

An unreasonable failure to address the Interested Parties [sic] grievous concerns

31. In your application, you allege there was defective administration by the department by an unreasonable failure to address the 'Interested Parties [sic] grievous concerns'. In support of this claim you refer to:
- a. "Correspondence by NCA and Ms Richards"; and
- b. "Chris Parker – Michael McCormak and David Littleproud"
32. I have reviewed the material included with your application, including documents that refer to the persons named above. The material includes your undated/untitled submission in relation to how the relocation of the APVMA affected you personally, as well as information you say was withheld from the relevant Coroner's investigation by the department.
33. The department takes its responsibility to respond to police, coronial and court requirements very seriously. The documents annexed to your application include emails from officers of the department (on various dates between January and April 2019) assisting the NSW police with their inquiries and arranging to respond to requests for information or documents.
34. No subpoena or warrant for documents was issued to the department during the course of the initial coronial investigation, however on 2 April 2019, the NSW police served a warrant on the service provider contracted by the department to undertake the RFI, seeking copies of relevant documents. This is the usual way the Commonwealth provides documents and/or assists investigating authorities.
35. Accordingly, I consider the department has acted in an appropriate way consistently with its obligations as a non-corporate Commonwealth entity and continues to assist the relevant entities as and when required. Accordingly, I find there was no defective administration by the department in relation to this claim.

An unreasonable failure to act fairly and ethically

36. In your application, you allege there was defective administration by the department by an unreasonable failure to act fairly and ethically. You provide no supporting statement or

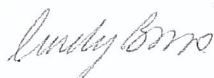
Alleged detriment and compensation

45. However, it is a requirement under the CDDA Scheme that any defective administration be directly linked to the detriment suffered by an applicant, in order to be compensable. Having considered all of the issues raised by your application and the RFI Process, I do not consider there was any link between accepting the late submission and the detriment you claim (which appears to have arisen as a result of the loss of your business to a fire).
46. Further, the RFI Process was ultimately abandoned and a completely new tender process was initiated by the APVMA and Services Australia, leading to the final accommodation solution in Armidale, which did not involve the department.
47. Accordingly, I find there was no detriment arising from the instance of defective administration.

Decision making process

48. It is my preliminary view that, for the reasons set out above, no compensation is payable to you or NCA under the CDDA Scheme.
49. This is my preliminary view only. You are invited to consider the preliminary findings and to respond, if you wish to do so. I will have regard to any further submissions provided by you.
50. Please provide any response via return email within **30 days** from the date of this letter. You will then be notified of my decision in due course.

Yours sincerely



Cindy Briscoe
Deputy Secretary

27/12/2020