

**Economics Legislation Committee**  
**ANSWERS TO QUESTIONS ON NOTICE**  
Industry, Innovation and Science Portfolio  
2017 - 2018 Budget Estimates  
31 May – 1 June 2017

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**AGENCY/DEPARTMENT:** NORTHERN AUSTRALIA INFRASTRUCTURE FACILITY

**TOPIC:** Ms Way-McPhail

**REFERENCE:** Questions on Notice (Hansard, 1 June 2017, pages 120-121, 124, 126, 127-128)

**QUESTION No.:** BI-74

Senator WATERS: I will go to the process rather than the substance. Have you made any determinations, either in this case or in any of the conflicts of interest that you mentioned before? I think you said that there were six and now there are more. Have you made a determination in each case about how to manage that conflict, as is required by the policy?

Ms Walker: Yes, we have.

Senator WATERS: Are you able to share what that determination was?

Ms Walker: No, for the same reasons.

Senator WATERS: For the same reasons? Okay.

Ms Walker: It is all part of board deliberations which are commercial-in-confidence.

Senator WATT: Are you going to claim public interest immunity?

Ms Walker: I am just saying it is commercial-in-confidence.

Senator WATT: I think you will find that if you are giving evidence at an estimates committee and you do not want to—

Senator IAN MACDONALD: These are not Senator Watts's questions and we do not want his legal advice—

Senator WATERS: They are not your questions either, Macdonald.

Senator IAN MACDONALD: poor as it is.

Senator WATERS: It is a good question. I would be happy for the answer.

CHAIR: Senator Waters has the call.

Senator Canavan: It is not for Ms Walker to claim public interest immunity, as you would know.

Senator WATT: Why not?

Senator Canavan: That can only be claimed by a minister, Senator Watt. But, given the questions are for NAIF, I will take that on notice and then come back to the committee.

Senator WATERS: Again, I do not want to push it, but I am genuinely not sure what you can and cannot tell me. Can you answer whether Ms Way-McPhail has received any internal information about either the Adani or the Aurizon investment proposal as a board member? Presumably, information is sent around to board members. Has Ms Way-McPhail received that sort of information?

Ms Walker: I would have to take that on notice.

Senator WATT: Just to go back to where I was earlier: Senator Canavan, I think you said you are on friendly terms with Ms Way-McPhail. When was last time you spoke to her?

Senator Canavan: Look, I am not sure I will be able to answer that. But I will take it on notice and see what we can provide.

Senator WATT: Ms Way-McPhail's interests also state that she is a former director of an organisation I know you know well, Our Keppel Our Future, which I think was essentially a community/protest organisation—however you want to put it—that campaigned heavily for certain developments on Great Keppel Island. So she is director and secretary of a company with interests there and—

CHAIR: Senator Watt, do you have any questions about the NAIF?

Senator Canavan: Just so the record is clear, I cannot confirm or deny your information, obviously—

Senator IAN MACDONALD: And it is irrelevant to estimates.

Senator Canavan: except to restate for the record that we expect all directors of government boards to declare their interests and their directorships. I have no evidence before me that that has not been done in this case or for any of the directors of the NAIF, and I cannot, and I am not in a position to, confirm individuals' business interests here before estimates. We can take on notice some of the details, if you like, and see what we can provide.

Senator WATT: Sure. This is not the same question. Senator Canavan, are you aware that Ms Way-McPhail has been a donor to the LNP?

Senator Canavan: As I said earlier, I have been at events that Ms Way-McPhail has attended—in a fundraising capacity.

Senator WATT: I am happy to table a copy of the LNP receipts between July 2014 and June 2015 that record Ms Way-McPhail as donating \$1,200 to the LNP.

CHAIR: Senator Macdonald has the call for a point of order.

Senator Canavan: I am not in a position—

Senator WATT: I am happy to show you a copy—

CHAIR: Senator Macdonald has the call.

Senator IAN MACDONALD: How can what an individual Australian might donate to the Labor Party, the Greens or anyone else possibly have to do with the estimates for the Office of Northern Australia?

CHAIR: You are in order, Senator Macdonald. We will table the document, but I do think that this is an entirely irrelevant line of questioning, Senator Watt.

Senator WATT: It is not relevant to establish that directors of a government organisation that funds public projects donate money to political parties?

Senator Canavan: My understanding of the evidence you are seeking to table is that it is from public documents that are on the public record—

Senator WATT: Yes.

Senator Canavan: I cannot confirm or deny those public records. They are obviously not the responsibility of this committee or this department. But it does not appear to be anything of any great note, apart from the fact that there are public records—

Senator WATT: It is not of great note that a director has been donating money to your party.

Senator Canavan: Hang on, there is no great revelation here. They have all been disclosed, in accordance with the law, and put on the public record. People are obviously open to assess those and see those, for the very good reason that we have transparency in political donations in our country.

Ms Walker: I regard this, again, as in the same line of questioning that we said we would take on notice.

## ANSWER

NAIF Board members have extensive experience and expertise as non-executive Directors.

The NAIF Board actively manages all actual, apparent and potential conflicts of interest in accordance with the *Public Governance Performance and Accountability Act 2013*, the NAIF Investment Mandate, the NAIF Conflicts of Interest Policy (as published on the [NAIF website](#)) and the general principles of best corporate and government governance.

NAIF's conflict of interest process includes:

- Directors provide a disclosure of non-portfolio shareholdings and other personal interests upon appointment to the NAIF Board and keep this disclosure updated by notifying the Board Secretary of any changes.
- The Board Secretary maintains a register of interests.
- Declarations are noted and recorded in the NAIF's Conflict of Interest Register and this is a standing agenda item at all Board Meetings.
- The Board Secretary takes disclosures of interests into account when preparing and distributing board papers.
- Board members who have made a recusal in relation to a material interest in relation to a matter are excluded from Board discussions, information sharing and voting in relation to that matter.
- Board documents are routinely redacted as appropriate where Board members have declared actual, apparent or potential conflicts of interest.

Board members have also resolved to comply with the NAIF Staff Securities Trading Policy, which ensures that the purchase or trading of any securities by them does not cause a Conflict of Interest. The NAIF Staff Securities Trading Policy is published on the [NAIF website](#).