

Junction Place CRG – Meeting #5 Minutes

Meeting date & time

Thursday 13 April, 6-8pm
Hyphen Wodonga

Attendees

Name	Role
Susan Benedyka	Independent Chair
Jye McBurnie	CRG Member
Rachel Habgood	CRG Member
Julie Rose Starr	CRG Member
Jay Gleeson	Community & Stakeholder Engagement Manager (Development Victoria)
Sam Cremean	Senior Engagement Advisor (Development Victoria)
Ronan Mellan	Senior Director, Precincts (Development Victoria)
Anne Dalton	Independent Probity Advisor (Anne Dalton & Associates)

Apologies

Name	Role
Michelle Hudson	CRG Member
Bobbi McKibbin	CRG Member
Elliot Child	CRG Member
Farrah Reid	CRG Member
Kellie Howard	CRG Member
Ben Peach	Senior Development Manager (Development Victoria)
Rhys Radcliffe	Assistant Development Manager (Development Victoria)

1. Welcome and introductions

The Chair sincerely acknowledged Country and paid respects to Traditional Owners.

The Chair asked each member to provide an update on anything relevant to the CRG which had occurred since the last meeting. This included updates from the group on how the survey was advertised within the community.

2. Probity presentation

The Chair welcomed Development Victoria's independent Probity Advisor for the Junction Place project, Anne Dalton.

The presentation is below in Appendix A.

3. Community survey responses analysis

The chair presented the findings of the community survey to the group members and congratulated them on receiving a high number of responses (217).

The members broke into groups with Development Victoria staff and discussed the key findings.

- The key findings from the community survey responses were:
 - Currently, Junction Place is a much-loved community gathering place with open, social spaces for people of all ages to enjoy.
 - Junction Place should be the heart of the city, with a mix of diverse businesses ranging from entertainment venues to small boutiques, hospitality, and retail.
 - Housing in the area, and its density, should be complementary to its location as part of our new central business district.
 - Any future development should be universally accessible and include the right amount of car parking for the community to use.
 - Junction Place should continue to be a safe, family friendly destination
 - It should be a vibrant place with culture, activities and events.
 - The open, green spaces should be retained for the community to continue to enjoy.

4. Meeting close

The group agreed on the below key messages to summarise the meeting:

- Development Victoria's independent Probity Advisor for the Junction Place project spoke to the CRG explaining that probity refers to evidence of an ethical process. The CRG understand that probity is important to the market engagement process to ensure it is fair and efficient. Both Development Victoria and the CRG have a role to play in honouring both transparency and confidentiality.
- The CRG analysed the findings from the community survey, which received over 200 responses. The key themes align with previous engagement and the values and aspirations of the CRG members.

- In the coming weeks Development Victoria will include the feedback from the CRG and community survey in their advice to potential developers.

5. Actions

Action	Responsibility	Timing
1. Continue to discuss potential opportunities to including Aboriginal voices in the project	Chair CRG members	Ongoing
2. Invite Aunty Valda Murray to a future CRG meeting	Chair CRG members	Ongoing
3. Explore signage and other communications opportunities to inform the community of the project's status	Development Victoria	Community update (TBC) Animation explainer video (TBC) On site signage (TBC)

4. Next meeting

Thursday 4 May at Hyphen Wodonga. The key topic will be the EoI and RFP processes.

Appendix A – Anne Dalton’s Probity Presentation

Development Vic Junction Place April 2023

ANNE DALTON
ANNE DALTON & ASSOCIATES
ANNE@DALTONANDASSOC.COM

Anne Dalton & Associates
www.daltonandassoc.com

Overview

- ▶ Role of Probity Advisor
- ▶ What is probity?
- ▶ Victorian Government probity requirements / sources
- ▶ The importance of probity
- ▶ Confidentiality
- ▶ Approaches by proponents
- ▶ Questions

Anne Dalton & Associates

Role of Probity Adviser

Probity Adviser

- ▶ We are engaged by DV to provide probity advisory services;
- ▶ We are independent and do not provide technical advice
- ▶ We provide the advice to DV
- ▶ We oversee and monitor the market/tender process from a probity perspective
- ▶ Report against probity plan

Anne Dalton & Associates

What is probity?

- ▶ Probity is **the evidence of ethical behaviour in a process**
- ▶ Probity signifies **integrity, fairness** and **honesty** in a process which is demonstrated by:
 1. Transparency of actions
 2. Equity
 3. Managing **confidential** information
 4. Avoid, identify and manage **conflicts of interest** - actual or perceived

Anne Dalton & Associates

Probity requirements under Min Directions for public construction procurement

- ▶ conduct Public Construction Procurement in a manner that is consistent with Public Sector Values;
- ▶ treat tender participants (and potential tender participants) fairly and equally, and avoid giving one tender participant an improper advantage over another;
- ▶ maintain confidentiality of participants confidential information, including commercially sensitive information and intellectual property;
- ▶ ensure tender processes, negotiations, evaluation processes, and contract management processes are auditable, transparent and accountable; and
- ▶ proactively identify and manage conflicts of interest whether real, potential or perceived appropriately and in accordance with applicable legal and policy requirements, including applicable Victorian Public Sector codes of conduct.

Anne Dalton & Associates

Why is probity important?



- ▶ It is government policy!
- ▶ Increases the robustness of a process
- ▶ Increases supplier confidence in fairness/leads to more bids
- ▶ Preserves the reputation of individuals/public sector
- ▶ Reduces the likelihood of criticism by integrity / oversight bodies (VAGO, IBAC)
- ▶ Leads to fewer grounds/merits for complaints and in turn mitigates legal risks

Anne Dalton & Associates

Probity tasks

- ▶ Advise on the process documents
- ▶ Advise DV on conflicts of interest-evaluators and tenderers
- ▶ Advise on confidentiality
- ▶ Oversee/monitor the evaluation process

Anne Dalton & Associates

Confidentiality

- ▶ **Confidentiality is a key probity principle**
- ▶ A process which leaks-where some confidential information gets out before the process is concluded –is not a process with probity
- ▶ This is for a number of reasons: including:
 1. If one party/some parties get confidential information and the others don't-it can lead to unfairness in the process

Anne Dalton & Associates

Confidentiality

cont

1. A leak of confidential information can lead to inappropriate and improper attempts to influence the outcome of a process-making it not a process that has integrity
2. Bidders disclose their own confidential information-for purposes of the tender-not so that their competitors get access to it. Government asks them for confidential information-methodology, vision etc and in return promises to keep that information confidential –and not share it with their competitors.
3. Public sector officers-and advisers-are subject to confidentiality obligations. Information that they obtain in the course of their duties is subject to that obligation. They are in breach of the Code of Conduct if they disclose confidential information.

Anne Dalton & Associates

Confidentiality

We advise on **confidentiality**:

- ▶ When the process is “live”-ie just before and during the process, these obligations of confidentiality need to be maintained for the integrity of the process;
- ▶ Confidential Information includes the information provided by respondents and that is created in the evaluation process.
- ▶ This means that only **limited process** information can be shared during the process-ie date of document release, date of close, and anticipated date of announcements
- ▶ the number and content of the responses cannot be shared-until an decision is made with respect to the process

Anne Dalton & Associates

If you are approached by a proponent

- ▶ You have no obligation to speak to a proponent-so you can say no
- ▶ If you do speak with them-remember –they are in a competitive process;
- ▶ It would be ok-and consistent with probity-to refer them to the contact details in the market documentation;
- ▶ If they ask a question-through that mechanism-that needs CRG involvement, then DV will ask for that information and it will be shared with all bidders

Anne Dalton & Associates

Why is all of this important ?

- ▶ To ensure that the process achieves the project objectives through a tender/market process that is robust, fair and accords with Probity
- ▶ The release of confidential information, a conflict of interest that is not identified/managed or a decision making process which is not consistent with probity will jeopardise that outcome
- ▶ Probity assists in mitigating process risk
- ▶ Questions?

Anne Dalton & Associates