

MEDIA RELEASE

Monday 14 February 2011

STATEMENT ON LEGAL PROCEEDINGS IN LAND AND ENVIRONMENT COURT

The Barangaroo Delivery Authority is a respondent in *ASD Inc vs Minister for Planning, Lend Lease and Barangaroo Delivery Authority*, with a hearing in the Land and Environment Court resuming today, Monday 14 February 2011.

The Sun-Herald reported yesterday that chemical engineer, Dr Davies, in a report commissioned by Australians for Sustainable Development (ASD) was related to evidence in the proceedings currently before the Land and Environment Court. This report is not relied upon in the proceedings.

The Authority is disappointed that ASD, or persons associated with ASD, have released a copy of the report to the media in circumstances where ASD is not using the report in Court.

The Authority and Lend Lease actually commissioned independent and appropriately qualified experts to comment on contamination and remediation issues at Barangaroo raised by ASD in the proceedings, and in particular to respond to the opinions expressed in Dr Davies' report. After expert evidence was exchanged, and the experts retained by each party jointly conferred in accordance with the requirements of the Court and prepared joint reports, ASD decided not to rely on its expert evidence.

It is inappropriate for a party in legal proceedings to comment on evidence prepared for the purpose of court which is not ultimately given, as it could be considered as an attempt to interfere with the administration of justice. That ASD determined to comment to the media on the case and Dr Davies' report (which report is not in evidence) the day before the hearing resumes is disrespectful of the Court and the court processes.

The Authority has declined to make any media comment on the conclusions of its experts regarding the claims of ASD. The Authority has noted however, that more than 70 reports on contamination at the site have been prepared and that the contaminated state of the site is well known, has been and continues to be thoroughly investigated.

The contamination on those parts of the site where early works are proposed to be undertaken and referred to in the article, are localised and do not form part of the area occupied by the former gas works. Work on that part of the site is subject to separate project applications and supervised by the Department of Environment, Climate Change and Water.

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