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SQ24-000747

Senate Foreign Affairs, Defence and Trade Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
2024-25 BUDGET ESTIMATES

Department/Agency: Department of Defence

Topic: AIR5428 program status and regulatory compliance

Senator: Claire Chandler

Portfolio Question reference number: 129

Type of question: Written 14 June 2024

Question:

1. What is the status of the AIR5428 Phase 3 program?
2. What steps remain before the program is fully implemented?
3. Has Defence documented its governance and probity framework around the program?
4. Are the documents, frameworks and management of the program to date compliant with Department of Finance Ethics and Probity Procurement requirements, and the Commonwealth Procurement Rules?
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14. If the independent review and legal advice has been obtained from the same party, on what basis has that same party performed both roles?

Answer:

s47C, 47E(d)



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SQ24-000747

s47C, 47E(d)

Size 12 Times New Roman.

Left Aligned.

Single spaced.

Opt paragraph spacing above and below.

- *Dot points should be aligned to the left, and indented 1 cm.*

Authorising Officer

Cleared by:

s47C, s47E(d)

Date cleared: **XX XXX 2024**

Ph: **s47E(c)**

Contact Officer: **Name, Position, Section/Branch, Ph: XX XXXX XXXX**

Consultation: **Name, Position, Section/Branch, Ph: XX XXXX XXXX (Delete if Nil)**

Through: Secretary, CDF (*MECC to update – SEC/CDF will decide if they want to clear*)

CC: Secretary, CDF, Assoc Sec, VCDF, FASMECC

s47C, s47E(d)

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s47C, s47E(d)



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s47C, s47E(d)

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s47C, s47E(d)

Authorising Officer

Cleared by:

s47C, s47E(d)

Date cleared: XX XXX 2024

Ph: s47E(c)

Contact Officer: s47E(c) , Navy Aviation and Aircrew Training Branch, S
s47E(c)

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SQ24-000747

Consultation:

~~s47E(c)~~ Air Mobility and Aircrew Training, Air Capability Enablers
Branch, ~~s47E(c)~~
~~s47E(c)~~ -Procurement Complaints, Commercial Division ~~s47E(c)~~

Through: Secretary, CDF (*MECC to update – SEC/CDF will decide if they want to clear*)

CC: Secretary, CDF, Assoc Sec, VCDF, FASMECC

~~s47C, 47E(d)~~



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SQ24-000747

47C, s47E(d)



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From: s47E(c)
To: [REDACTED]
Cc: [REDACTED]
Subject: 20240619 12:02 s47E(c) - SQ24-000747 QON 127 AIR5428 program status and regulatory compliance
Date: Wednesday, 19 June 2024 12:02:01 PM
Attachments: [image001.jpg](#)
[image002.png](#)
[SQ24-000747 Draft.docx](#)

~~OFFICIAL. Sensitive~~

s47E(c)

I have provided draft responses to some of the questions as enclosed (I cannot access the obj folder)

The last 6 questions relate to the complaint results that I do not have details of. I believe s47C
s47E(d)

s47E(c)
)

IMPORTANT: This email remains the property of the Department of Defence. Unauthorised communication and dealing with the information in the email may be a serious criminal offence. If you have received this email in error, you are requested to contact the sender and delete the email immediately.

From: s47E(c)
Sent: Tuesday, 18 June 2024 5:39 PM
To: s47E(c)
Subject: FW: SQ24-000747 QON 127 AIR5428 program status and regulatory compliance
[SEC=OFFICIAL:Sensitive]

~~OFFICIAL. Sensitive~~

Hey s47E(c)

This QON is about to be tasked to us from Branch. s47C, s47E(d)
if required.

If you could please start drafting a response it would be greatly appreciated.

Thanks

Regards

s47E(c)

s47E(c)

IMPORTANT: This email remains the property of the Department of Defence. Unauthorised communication and dealing with the information in the email may be a serious criminal offence. If you have received this email in error, you are requested to contact the sender and delete the email immediately.

From: s47E(c)

Sent: Tuesday, 18 June 2024 5:03 PM

To: s47E(c)

Subject: SQ24-000747 QON 127 AIR5428 program status and regulatory compliance
[SEC=OFFICIAL:Sensitive]

~~OFFICIAL. Sensitive~~

s47E(c) sending for you to read through first before the rest of the team.

Does this one sit better with CASG than AFHQ, noting your comments regarding some history on this project? I think we can respond to #1 and #2, but the remainder have a procurement vibe to them.

Regards,

s47E(c)

s47E(c)

s47E(c)

Air Capability Enablers Branch – Air Force Headquarters

s47E(c)
s47E(c)

| Russell Offices, RUSSELL, ACT, 2600



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Senate Foreign Affairs, Defence and Trade Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
2024-25 BUDGET ESTIMATES

Department/Agency: Department of Defence

Topic: AIR5428 program status and regulatory compliance

Senator: Claire Chandler

Portfolio Question reference number: 129

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Answer:

s47C, 47E(d)

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SQ24-000747

s47C, 47E(d)



Authorising Officer

Cleared by:

s47C, s47E(d)



Date cleared: **XX XXX 2024**

Ph:**s47E(c)**

Contact Officer: **Name, Position, Section/Branch, Ph: XX XXXX XXXX**

Consultation: **Name, Position, Section/Branch, Ph: XX XXXX XXXX (Delete if Nil)**

Through: Secretary, CDF (*MECC to update – SEC/CDF will decide if they want to clear*)

CC: Secretary, CDF, Assoc Sec, VCDF, FASMECC

s47C, s47E(d)

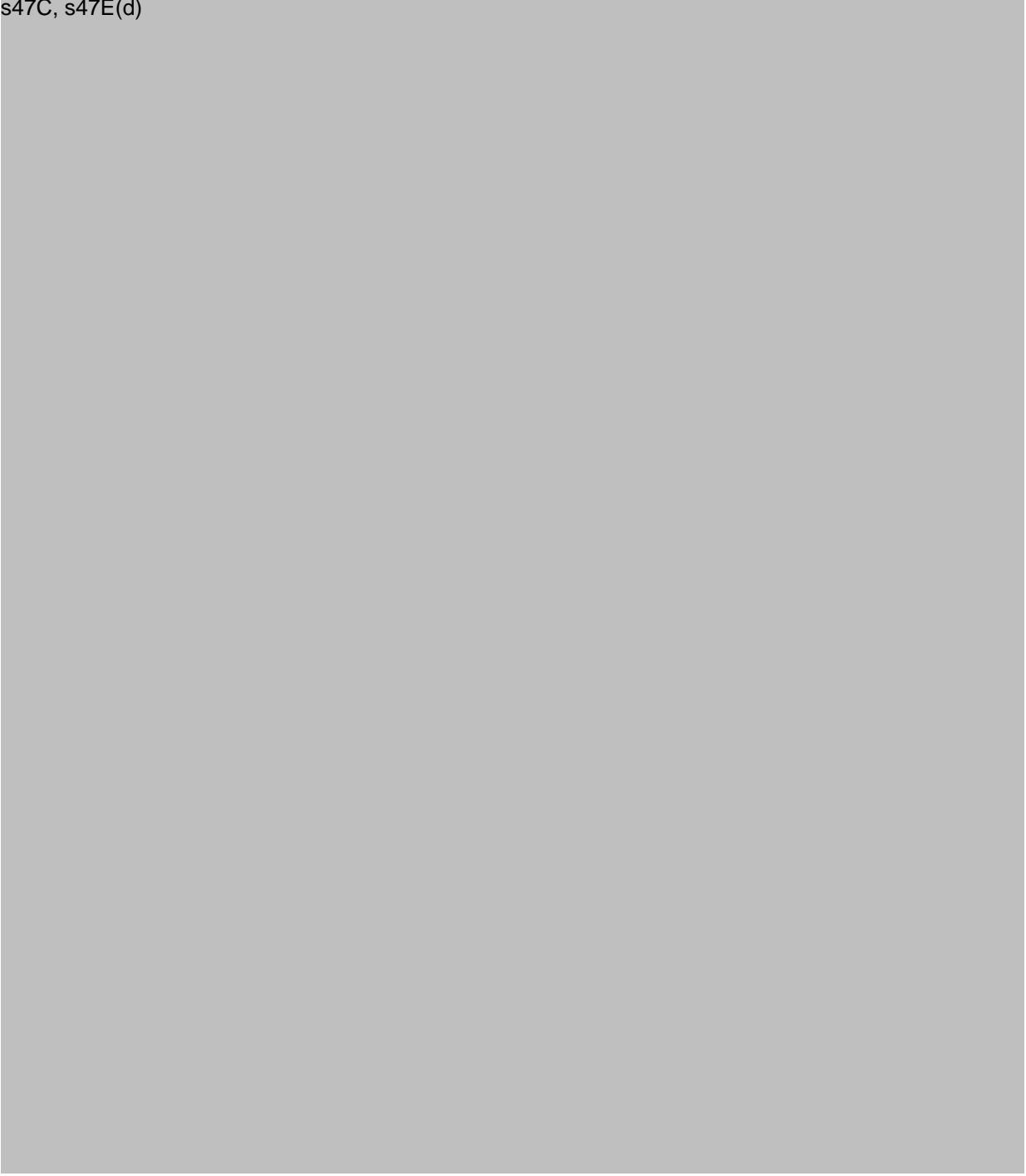


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SQ24-000747

s47C, s47E(d)



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From: s47E(c) on behalf of [NATC-Tasking](#)
To: [CASG Head JASD Office](#)
Cc: [NATC-Tasking](#)
Subject: 20240624 12:09 s47E(c) CASG Head JASD Office - 20240619 10:41 s47E(c) /NATC-Tasking - JASD#483 - SQ24-000747 : 2024-25 Budget Estimates - Q129 - AIR5428 program status and regulatory compliance PDMS Notification - Record Assigned
Date: Monday, 24 June 2024 12:09:40 PM
Attachments: [image001.png](#)
[SQ24-000747 QoN AIR5428 program status and regulatory compliance.obr](#)

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Hello OHJASD,

Please see attached NATCs response to this QoN. [s47C](#), [s47E\(d\)](#)

Please let us know if you have any questions.

Thanks,

s47E(c)

s47E(c)

Department of Defence | Capability Acquisition and Sustainment Group
Brindabella Park, [s47E\(c\)](#) | PO Box 7922, Canberra BC ACT 2610
s47E(c)

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From: s47E(c) **On Behalf Of** CASG Head JASD Office
Sent: Wednesday, 19 June 2024 10:41 AM
To: s47E(d)
Cc: s47E(d)
Subject: 20240619 10:41 s47E(c) /NATC-Tasking - JASD#483 - SQ24-000747 : 2024-25 Budget Estimates - Q129 - AIR5428 program status and regulatory compliance PDMS Notification - Record Assigned

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Hi Team,

As discussed, JASD have now been officially tasked with the SQ24-000747 Question on Notice.

No changes to the tasking itself aside from the submission date. Please have DG-cleared response returned to **OHJASD by COB Monday 24 June 2024** for HJASD review and clearance.

Any issues, please let me know.

Kind Regards,

s47E(c)

s47E(c)

Office of Head Joint Aviation Systems Division
Capability Acquisition and Sustainment Group | Department of Defence

s47E(c) Brindabella Park Offices, PO Box 7927, Canberra, ACT 2610
s47E(c)



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From: noreply@pws.gov.au <noreply@pws.gov.au>

Sent: Wednesday, 19 June 2024 10:04 AM

To: s47E(d)

Subject: SQ24-000747 : 2024-25 Budget Estimates - Q129 - AIR5428 program status and regulatory compliance PDMS Notification - Record Assigned [SEC=OFFICIAL]

SEC=OFFICIAL

PDR Record Assigned - [SQ24-000747](#)
from s47E(c)
to CASG-JASD

Status:

Draft

Subject: 2024-25 Budget Estimates - Q129 - AIR5428 program
status and regulatory compliance

Instruction:	Good morning JASD, as requested QoN has been transferred to CASG. Please consult as required and follow template. s47C, s47E(d)
	Thank you, s47C, s47E(d)

Milestones:

For help with PDMS, please refer to the [PDMS Quick Reference Guides on the Intranet](#) or
for technical issues and assistance please contact the PDMS Helpdesk on s47E(d) or at
s47E(d)

Thank You

PDMS Notification Service
Please do not reply to this message.

CC Recipients:
S47E(c)

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SQ24-000747

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ANSWERS TO QUESTIONS ON NOTICE
2024-25 BUDGET ESTIMATES

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SQ24-000747

s47C, s47E(d)



Authorising Officer

Cleared by:

s47C, s47E(d)



Date cleared: **XX XXX 2024**

Ph: **s47E(c)**

Contact Officer: **Name, Position, Section/Branch, Ph: XX XXXX XXXX**

Consultation: **Name, Position, Section/Branch, Ph: XX XXXX XXXX (Delete if Nil)**

Through: Secretary, CDF (*MECC to update – SEC/CDF will decide if they want to clear*)

CC: Secretary, CDF, Assoc Sec, VCDF, FASMECC

s47C, s47E(d)



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s47C, s47E(d)



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SQ24-000747

Senate Foreign Affairs, Defence and Trade Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
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Department/Agency: Department of Defence

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s47C, s47E(d)

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s47C, s47E(d)

Authorising Officer

Cleared by:

s47C, s47E(d)

Date cleared: s47C,
Ph: s47E(c) 47E(d)

Contact Officer: s47E(c) , Navy Aviation and Aircrew Training Branch, s47E
s47E(c)

Consultation:

s47E(c) Air Mobility and Aircrew Training, Air Capability Enablers
Branch, s47E(c)
s47E(c) -Procurement Complaints, Commercial Division, s47E(c)

Through: Secretary, CDF

CC: Secretary, CDF, Assoc Sec, VCDF, FASMECC

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SQ24-000747

Senate Foreign Affairs, Defence and Trade Legislation Committee
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2024-25 BUDGET ESTIMATES

Department/Agency: Department of Defence

Topic: AIR5428 Program Status and Regulatory Compliance

Senator: Claire Chandler

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Answer:

On 16 June 2023, the AIR5428 Phase 3 Program – Air Mission Training System released a limited Request For Tender (RFT). **s47C, s47E(d)**

multi-stage procurement process of Request for Information (RFI), Invitation to Register (ITR) and RFT. While the evaluation of all RFTs has been completed, the AIR5428 Phase 3

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SQ24-000747

program is yet to be considered for Gate 2 approval. For probity reasons, further details on the RFT program are not yet releasable.

Governance and probity frameworks around the program have been documented appropriately to ensure compliance with legislation and Defence policies. To date, all documents, frameworks and management of the program are compliant with the Department of Finance Ethics and Probity Procurement requirements, and the Commonwealth Procurement Rules (CPRs).

All conflicts of interest have been identified and considered, and their assessments documented in line with relevant legislation and Defence policies. Defence is unable to release specific details of any declared conflicts of interest.

Defence has undertaken complaints and conflict resolution procedures related to the procurement of the AIR5428 Phase 3 program including through the Defence Procurement Complaints Scheme (DPCS). The findings of a review under the Government Procurement (Judicial Review) Act 2018 determined that there were no identified breaches of the Commonwealth Procurement Rules. This was affirmed by an independent review of relevant DPCS documents.

Defence has sought external legal advice in relation to the program. The legal advice sought was focused on the development of documents that supported the RFI, ITR and RFT process. The legal advice obtained was not from the same provider that conducted the independent review of the DPCS findings.

Authorising Officer
Cleared by:
s47C, s47E(d)
Date cleared: s47C, s47E(d)
Ph: s47E(c)

Contact Officer: s47E(c) , Navy Aviation and Aircrew Training Branch, s47E(c)

Consultation:
s47E(c) Air Mobility and Aircrew Training, Air Capability Enablers
Branch, s47E(c)
s47E(c) Procurement Complaints, Commercial Division, s47E(c)

CC: Secretary, CDF, Assoc Sec, VCDF, DEPSEC GOV, FASMECC

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Senate Foreign Affairs, Defence and Trade Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
2024-25 BUDGET ESTIMATES

Department/Agency: Department of Defence

Topic: AIR5428 PROGRAM STATUS AND REGULATORY COMPLIANCE

Senator: Claire Chandler

Portfolio Question reference number: 129

Type of question: Written 14 June 2024

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s47C, s47E(d)

s47C, s47E(d)

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s47C, s47E(d)

s47C, s47E(d)

Defence has sought external legal advice in relation to the program. The legal advice sought was unrelated to the procurement complaint, instead focusing on the development of documents that supported the RFI, ITR and RFT process. The legal advice obtained was not from the same provider that conducted the independent review.

OFFICIAL**Authorising Officer**

Cleared by:

s47E(c)

Date cleared: 09 July 2024

s47E(c)

Contact Officer: s47E(c) , Navy Aviation and Aircrew Training Branch, s47E(c)
s47E**Consultation:**s47E(c) Air Mobility and Aircrew Training, Air Capability Enablers Branch, s4
s47E(c)
s47E(c) -Procurement Complaints, Commercial Division, s47E(c)**Through:** Secretary, CDF**CC:** Secretary, CDF, Assoc Sec, VCDF, FASMECC

From: s47E(c) on behalf of [CASG Head JASD Office](#)
To: s47E(c)
Cc: [CASG Head JASD Office](#)
Subject: 240709 1057 - [CASG Head JASD Office]-|s47E(c) JASD#483 - SQ24-000747 : 2024-25
Budget Estimates - Q129 - AIR5428 program status and regulatory compliance
Date: Tuesday, 9 July 2024 10:57:49 AM
Attachments: [image001.png](#)
[SQ24-000747 - for HJASD review 09 July 2024. obr](#)

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Hi s47E(c)

Please find attached QoN – SQ24-000747 Q129 – AIR5428 program status and regulatory compliance.

s47C, s47E(d)

I haven't changed any content from our original submission, just the structure.

After your review/clearance, I will resubmit via PDMS to s47C, s47E(d)

Please let me know if you have any questions.

s47E(c)

s47E(c)

Office of Head Joint Aviation Systems Division
Capability Acquisition and Sustainment Group | Department of Defence

s47E(c) | Brindabella Park Offices, PO Box 7927, Canberra, ACT 2610
s47E(c)



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From: s47E(c)
To: CASG PCMS
Cc: s47E(c)
Subject: RE: DPCS 2023/01 - Procurement Complaint - AIR5428 Phase 3 [SEC-~~OFFICIAL~~.Sensitive]
Date: Wednesday, 28 August 2024 9:01:00 AM
Attachments: [200617 - AIR5428PH3 - Industry Engagement Plan & Specific Probity Plan.pdf](#)
[NA3PO Legal Process and Probity Framework.pdf](#)
[AIR5428Ph3 ITR Conflict of Interest Register\(44599078.1\).pdf](#)

~~OFFICIAL. Sensitive~~

Good Morning s47E(c)

s47C, s47E(d)

I enclose:

- NA3PO Legal Process and Probity Framework that provided overarching direction to the Acquisition Project Offices
- Ph3 Specific Probity Plan that was generated for the ITR
- a copy of the ITR COI Register.

Kind Regards

s47E(c)

Navy Aviation, Aircrew Training, and Commons (NATC) Branch
Joint Aviation Systems Division (JASD)

Department of Defence | Capability Acquisition and Sustainment Group

Brindabella Park, s47E(c) | IPO Box 7922 | CANBERRA ACT 2610
s47E(c)

Mission – Deliver Air Mission Training

Vision - Have a great relationship with everybody

Strategy - Only do what adds value

DEFENCE VALUES - SERVICE | COURAGE | RESPECT | INTEGRITY | EXCELLENCE

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From: s47E(d)
Sent: Monday, 26 August 2024 2:17 PM
To: s47E(c)
Cc: s47E(d) s47E(c)
s47E(c)
Subject: DPCS 2023/01 - Procurement Complaint - AIR5428 Phase 3 [SEC-~~OFFICIAL~~.Sensitive]

~~OFFICIAL. Sensitive~~

Good Afternoon s47E(c) ,

As you may be aware, the Department of Finance's Procurement Coordinator is currently reviewing the complaint review undertaken by the Defence Procurement Complaints Scheme.

In the course of this investigation the Procurement Coordinator has requested the following documents:

‘copies of a probity plan or documentation to confirm that Col declarations were completed and signed by Defence or other entity officials working on the ITR stage of this procurement. If any Cols were declared by officials, please provide evidence of how these matters were managed.’

Can you please provide these documents?

Please let me know if you need to discuss.

Regards,

s47E(c)

Procurement Complaints
Commercial Policy, Complaints and Professionalisation Directorate
Commercial Division

Department of Defence | Capability Acquisition and Sustainment Group
Brindabella Park, s47E(c) | CANBERRA ACT
s47E(c)

Please note I do not work Friday

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