

GOVERNMENT CONTRACTS — HUAWEI

858. Hon TJORN SIBMA to the minister representing the Minister for Transport:

I refer to the advice referred to by the minister yesterday about the public release of the Public Transport Authority's tender evaluation report.

- (1) What specific advice concerning the release of the tender evaluation report was provided by those named below —
 - (a) the PTA's chief financial officer;
 - (b) the project's independent probity adviser; and
 - (c) the Department of Finance?
- (2) Will the minister table the advice submitted by each of the aforementioned; and, if not, why not?
- (3) In relation to the minister's answer to part (2) of yesterday's question, from whom was the advice provided that the tender evaluation report is confidential, and what specific aspects are considered confidential?
- (4) Will the minister also table the advice to which part (3) of the question refers; and, if not, why not?

Hon STEPHEN DAWSON replied:

I thank the honourable member for some notice of the question.

- (1)–(4) The terms of the Public Transport Authority's conditions and information for responding and the early contractor involvement agreement for the radio replacement project state that the PTA will treat expression of interest submissions to the invitations as confidential, and undertakes to keep confidential any information provided by the respondent in responding to the invitation unless disclosure of any part of it is required by law. The respondent must treat this invitation, its submission and any additional information obtained from PTA or submitted by the respondent as confidential; refrain from divulging any confidential information to any person not involved with the preparation of the EOI submission; and ensure that any person receiving confidential information is similarly bound.

The advice from the PTA's chief financial officer and the project's independent probity adviser confirmed that the evaluation report for the project contains confidential information about the respondents and, as identified in the PTA's terms and conditions, should be kept confidential. As stated in the response to the honourable member's previous question without notice, the minister has requested the PTA to seek the State Solicitor's advice regarding both the tender evaluation report and the contract.