

TRANSPORT — RADIO SYSTEMS REPLACEMENT CONTRACT

Statement

HON TJORN SIBMA (North Metropolitan) [5.22 pm]: My apologies to my learned and senior colleague there who I jumped up the order from; I will give my apologies up-front.

I will make this statement very brief. This morning, I thought the house received a great gift from a committee of which I am not a member. It was the Joint Standing Committee on the Corruption and Crime Commission's fourteenth report "Red Flags...Red Faces: Corruption Risk in Public Procurement in Western Australia". I have had a longstanding interest in government procurement. I would like to use this opportunity to draw the house's attention to two findings in this report, findings 11 and 15. Finding 11 states —

The procurement framework in WA is fragmented, complex, inconsistent and difficult to navigate. There is confusion within industry as to which statutes and policies apply to particular works procurements. The range of agencies impacted by a particular policy or piece of legislation can vary and procurement practices vary widely across the sector. This situation is a heightened corruption risk.

Finding 15 is the finding upon which the rest of my statement is largely premised. That finding was that the monitoring, tracking, measuring and reporting of procurement activities at a sector-wide level requires an immediate overhaul. The issue that I am particularly concerned about is not so much corruption, although that is obviously a very significant matter; my problem with the integrity of the procurement system as it is rolled out across government agencies is that it provides very little reassurance to this house or the public at large that it is conducted with diligence or professional and commercial acumen, that process is followed or, dare I say, about whether it maintains the requisite degree of competence. I am not here to make any specific allegation because I do not have any particular form of evidence that would necessitate me launching that kind of allegation. However, that is a problem in and of itself.

For the last two years, at the very least, I have sought answers to some fundamental questions concerning the decision to award the Public Transport Authority's radio systems replacement contract to a consortium comprising Huawei Australia and UGL. I make absolutely no observations about the standing of those two companies; my intent has been to understand the process by which a decision to award a very sizeable contract was made. My concerns were highlighted by the fact that there did not seem to be an early, consistent or convincing argument put by the government on how that contract was awarded to that particular consortium. I have in my hand a blue folio that is effectively the potted story of my endeavours, as yet unsuccessful, to get some satisfaction in having some very basic questions answered. I will encapsulate that process as briefly as I can. In 2018, I asked eight parliamentary questions on this matter. One was lost along the way, so there were seven, but I had to ask one again. I effectively received no answers to my inquiry, other than a very loose undertaking by the Minister for Transport that she would, so far as it was possible and so long as probity and legal concerns were addressed, potentially reveal to me two documents and two documents alone. Those two documents are thus: a tender evaluation panel report, which effectively made the determination to award that contract with a value of around \$200 million, I am led to believe, to that consortium, and the contract itself, which is a supplementary and important document. These are fundamental documents.

It has been the practice of the government too often to draw the cloaks of cabinet-in-confidence or commercial-in-confidence around information that quite rightly should be in the public realm. That has been the case with this particular contract. From around March last year, I embarked on a freedom of information application quest, reluctantly but out of necessity. Without misrepresenting the Leader of the House, I recall that she has upbraided the opposition and others for their utilisation of that application process on previous occasions. I have done this out of sheer necessity. I want to reveal an update. I applied for the application and it was rejected. I sought an internal review of that decision and it was rejected. I then sought external review from the Information Commissioner to release to me what is releasable—that is, to assess the claims made against clauses of exclusion as they apply under the act, to vet them, to go through them and, hopefully, to release the documents. In recent days, I have received what I would call some interesting correspondence from the Office of the Information Commissioner. I make absolutely no observation or accusation about that office and do not impugn their motives in any way—they are diligent people who are attempting to do their job with vastly insufficient resources. A media statement was released on 27 March by the Minister for Transport entitled "Radio Systems Replacement contract update." That was a slightly misleading title, because it basically invoked a force majeure clause that did not terminate the contract, but brought the proceedings under that contract to a halt. That has been the subject of further questions that I have put to this house in recent times. As a result of that media statement, I was approached by the Information Commissioner about whether I wanted to proceed with my application, bearing in mind her assumption that this contract was not going ahead anymore. I said that yes, I would like to proceed.

Subsequently, I received another question from the Office of the Information Commissioner noting that some third parties who were subject to this application have certain rights under the act to exclude reference to their details. I have sought to understand who is making this application. I informed the office that I was more than happy for my name

and my interest in obtaining those documents to be revealed to those third parties that I can ascertain, and to anybody else who is interested. It is with some hope that in the very least the themes of the findings and recommendations made in the report provided by the Joint Standing Committee on the Corruption and Crime Commission are given some serious contemplation by government. But more to the point, there needs to be a correction to a prevailing and pernicious culture of denial and secrecy, which pervades not only ministerial offices, but also government agencies and statutory authorities in their dealings with private entities in the management of public finances.

I started this statement with the view that I was not particularly concerned by the issue of corruption, particularly as it related to this, but more so with the issue of competence. We should be reassured that the people who run tender evaluation panels, who make recommendations for awards of significant contracts to cabinet in whatever way, or to their minister for endorsement, have done so with the utmost diligence and professionalism. The last, at the very least, 12 months of the Public Transport Authority's denial, resistance and obstruction leads me to believe that perhaps it did not act in that way. If it could provide me with those documents as soon as possible, it might be in a position to safeguard its professional reputation. Thank you.