

HUAWEI — RADIO SYSTEMS REPLACEMENT CONTRACT

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

I refer to my freedom of information application of 25 March this year and the eventual decision by the Public Transport Authority of Western Australia on 6 May to refuse outright my access to two documents; namely, first, the final proposal recommendation tender PTA170013 for the Public Transport Authority radio systems replacement project and, second, the Public Transport Authority radio systems replacement design build contract PTA170013.

- (1) How is the PTA's refusal consistent with the minister's repeated commitments, made through answers to parliamentary questions, to release the two documents, subject to probity considerations?
- (2) Is the PTA decision to deny access to these two documents consistent with advice provided to the minister by the State Solicitor?
- (3) What interaction has the minister and/or her office had with the PTA in respect of the release of the two aforementioned documents?

Hon SUE ELLERY replied:

On behalf of the Minister for Environment, I thank the honourable member for some notice of the question.

- (1) The Public Transport Authority is the decision-making authority accountable for decisions on applications directed to it under freedom of information legislation. The minister had previously responded that advice had been sought on the release to Parliament of the tender evaluation recommendation report and/or of the contract, and that the release of the former would depend on the advice received.
- (2) The advice sought from the State Solicitor's Office referred to by the minister in her previous response addressed the release of the documents to Parliament. The State Solicitor's Office was not asked to consider the application of the Freedom of Information Act in that advice.
- (3) The minister refers to her responses to the member's previous questions on 23 August, 12, 18 and 19 September and 4 December 2018 regarding various advice sought by the PTA and advice provided by the PTA to the minister concerning the release of the documents to Parliament. Neither the minister nor her office has interfered with the PTA's decision in response to the FOI application.