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6 November 2018

Lawson Stapleton
ABC International Interpreting & Translating
36 Beulah Road
NORWOOD SA 5067

Sent via email: lawson@abcinternational.com.au

Dear Mr Lawson

Freedom of Information – Review of SA Health Interpreting and Translating tender

I refer to your application under the *Freedom of Information Act 1991* (FOI Act), received by the Department of Treasury and Finance (DTF) on 29 August 2018.

Your application specifically requested:

'The document is an independent review of the 2016/2018 Interpreting and Translating Tender for SA Health Services. The State Procurement Board engaged in the services of Alan Osborne of PSI Asia Pty Ltd who investigated and reviewed the tender process and content. I would like to obtain the independent review.'

Under the Act, an agency has 30 days to respond to a freedom of information request. As DTF did not respond to your request within the time frame required, the department is deemed to have refused you access to all documents relevant to your application. However, I have determined to process the request as if the statutory time frame had been met.

The purpose of this letter is to advise you of my determination.

A total of 1 document was identified as answering the terms of your application and I have determined to release the document in part.

The independent review, conducted by PSI Asia Pacific Pty Ltd, contains information about unsuccessful tenderers, including the evaluation scoring outcomes and shortlisting rankings. The release of this information, has the potential to cause damage to the businesses if it became known they were not successful in the tender. It also contains information about the weightings of evaluation criteria, which if released, could provide an unfair advantage for respondents to future tenders to the Government of South Australia.

I acknowledge that there is strong public interest in being able to scrutinise the government's tender processes. It is clearly in the public interest that the agency properly discharges its functions and responsibilities.

It is contrary to the public interest to provide an advantage to one class of persons over others, as such an advantage would be likely to reduce competition, which would lead to higher costs to the government. This would also be contrary to the public interest, as the agency is expected to maximise financial returns to the benefit of the state and its economy.

The agency would therefore not be properly discharging its functions and responsibilities if it were to provide such an advantage. I have therefore determined that, on balance, it is contrary to the public interest to release this information and have exempted the information pursuant to clause 7(1)(c).

Exemptions

Clause 7 – Documents affecting business affairs

(1) *A document is an exempt document—*

...

(c) *if it contains matter—*

- (i) *consisting of information (other than trade secrets or information referred to in paragraph (b)) concerning the business, professional, commercial or financial affairs of any agency or any other person; and*
- (ii) *the disclosure of which—*

- (A) *could reasonably be expected to have an adverse effect on those affairs or to prejudice the future supply of such information to the Government or to an agency; and*
- (B) *would, on balance, be contrary to the public interest*

Please note, in compliance with Premier and Cabinet Circular PC045 - *Disclosure Logs for Non-Personal Information Released through Freedom of Information* (PC045), DTF is now required to publish a log of all non-personal information released under the *Freedom of Information Act 1991*.

In accordance with this Circular, any non-personal information determined for release as part of this application, may be published on the DTF website. A copy of PC045 can be found at the following address: <http://dpc.sa.gov.au/what-we-do/services-for-government/premier-and-cabinet-circulars> Please visit the website for further information.

Appeal Rights

If you are aggrieved with this determination, you have a right to apply for internal review under subsection 29(1) of the FOI Act. Pursuant to subsection 29(2), your application must:

- be in writing
- be accompanied by the application fee of \$35.00
- be addressed to the principal officer, and
- be lodged at an office of DTF, or emailed to freedomofinformation2@sa.gov.au within 30 days after the day on which you receive this letter or within such further time as the principal officer may allow.

If you require any further information please phone Natalie Haigh on (08) 8429 0839.

Yours sincerely



Matthew Hawkins
ACCREDITED FREEDOM OF INFORMATION OFFICER