

Senate Standing Committee on Environment and Communications

Answers to Senate Estimates Questions on Notice

Supplementary Budget Estimates Hearings November 2014

Communications Portfolio

NBN Co Limited

Question No: 112

Program No. NBN Co

Hansard Ref: Page 49

Topic: NBN Co contracts - public interest immunity claim

Senator Conroy asked:

I just want to be clear on the Silcar contract in Queensland, New South Wales and the ACT—WP1-passive LN/DN and CC—Mr Rue, as per your answer, where you state: 'Details of the estimated value for each of these contracts is commercial-in-confidence information that, if released, could be misapplied in the market, and this may cause harm.' This is your answer on the public record today. Do you still refuse to provide us with this information based on your answer?

CHAIR: In relation to the matter that we have been discussing, in terms of providing information in relation to contracts, if NBN Co is claiming public interest immunity in relation to the divulgence of this particular information, I would refer the NBN Co to the order of the Senate 13 May 2009 and seek for the NBN Co to come back with the grounds of that public interest immunity claim.

Senator CONROY: She is asking whether your statement 'details of the estimated value' is what you are standing by or whether you are claiming something different as the reason not to answer.

CHAIR: No, I am not asking that at all. I am just asking them if they are claiming public interest immunity.

Senator CONROY: But they have not said that. Is that what you are claiming is the reason why you are not answering this or are you standing by your statement? Which is the ground on which are not answering the Senate committee's question?

Mr Rue: I am not first on all the nuances you are talking about. Can I take this on notice?

CHAIR: Yes, you can.

Mr Rue: Can I take a response to this committee on notice? We will come back to you.

CHAIR: Yes.

Senator Fifield: A claim of public interest immunity does not have to be cited in order to take a question on notice.

Answer:

NBN Co relies on Procedural Order 11 of the Senate in this instance and maintains that the estimated value for each of these contracts is commercial in confidence information which, if released, could cause commercial harm to the company or its suppliers. Ultimately, harm to NBN Co is harm to the taxpayers of Australia. NBN Co does not rely on the doctrine of public interest immunity in this instance.