



ACT
Government

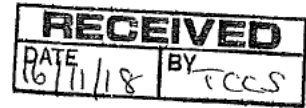
Transport Canberra and
City Services

FREEDOM OF INFORMATION COVERSHEET

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

FOI reference: TCCSFOI 2018-103

Information to be published	Status
1. Access application	Published
2. Decision notice and Schedule	Published
3. Documents	Published
4. Additional information identified	No
5. Fees	n/a
6. Processing time (in working days)	92 days
7. Decision made by Ombudsman	n/a
8. Additional information identified by Ombudsman	n/a
9. Decision made by ACAT	n/a
10. Additional information identified by ACAT	n/a



18-103

From: [REDACTED]
Sent: Thursday, 15 November 2018 3:22 PM
To: TCCS_FreedomOfInformation
Subject: Canberra Times freedom of information request - electric bus trial

To the FOI contact officer,

I write under the Freedom of Information Act 2016 to request the following documents in possession of the Transport Canberra and City Services Directorate.

- ministerial briefings related to the hybrid and electric bus trial dated 1 January 2017 to November 15 2018

I request this information on the basis it would:

- contribute to positive and informed debate on important issues or matters of public interest;
- reveal the reason for a government decision and any background or contextual information that informed the decision.

I ask that you waive any processing fees associated with this request on the basis the information I seek is specific and targeted.

Thanks for your assistance.

[REDACTED]

[REDACTED]

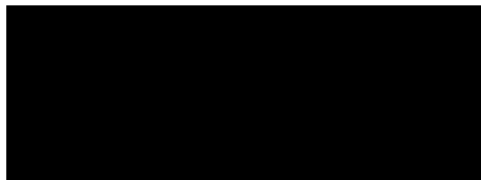
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ACT

Government

Transport Canberra and
City Services



Dear 

Freedom of Information Request - Reference 18-103

I refer to your application for information under the *Freedom of Information Act 2016* (the FOI Act) received by Transport Canberra and City Services Directorate (TCCS) on 15 November 2018, in which you sought:

- Ministerial briefings related to the hybrid and electric bus trial dated 1 January 2017 to November 15, 2018.

TCCS was required to provide a decision on your access applications by 14 December 2018. I note that you have agreed to several extensions and appreciate your understanding in agreeing to these.

I am an Information Officer appointed by the Director-General under section 18 of the Act to deal with access applications made under Part 5 of the Act.

Decision on access

Searches were completed for relevant documents. Three documents were identified as falling within the scope of your request.

The documents hold information that I consider to be, on balance, contrary to the public interest to disclose under the test set out in section 17 of the Act.

I have included at [Attachment A](#) to this decision a schedule of the documents. This provides a description of each document and provides details as to where specific information has been removed as not in the public interest to disclose.

I have decided to grant access, under section 50 of the Act, to a copy of the documents ([Attachment B](#)) with deletions applied to information that I consider would be contrary to the public interest to disclose.

Statement of Reasons

In reaching my access decision, I have taken the following into account:

The information contained in the documents identified and the Act, in particular:

Factors favouring disclosure (Schedule 2)

- 2.1 (a)(i) promote open discussion of public affairs and enhance the government's accountability;
- 2.1 (a)(ii) contribute to positive and informed debate on important issues or matters of public interest.

Factors favouring non-disclosure in the public interest (Schedule 2)

- 2.2 (a) (ii) – prejudice the protection of an individual's right to privacy or any other right under the *Human Rights Act 2004*;
- 2.2 (a)(xi) – prejudice trade secrets, business affairs or research of an agency or person;
- 2.2 (a) (xiii) – prejudice the competitive commercial activities of an agency;
- 2.2 (a) (xvi) – prejudice a deliberative process of government.

In applying the public interest test in section 17 of the Act, I considered the public interest in release of the information. I consider that transport based on alternative means of power such as hybrid and electric buses is of interest to the ACT Community and, as such, is a part of the public affairs of this community. Further that the trial is of specific interest to the community and release of information could contribute to positive and informed debate about the issue.

I weighed the public interest heavily in favour of disclosure.

Notwithstanding my view, I also recognise that discussion and information flow must be limited to protect the commercial and business affairs of third parties and the Territory. This includes information about legal and contractual relationships and the impact revealing certain information may have on the business affairs of a person.

In relation to document 1, I have decided that it would not be in the public interest to release all of the detailed information about the termination of a contract with a supplier. The termination of a contract for the supply of electric buses is publicly known and was commented on at the time by the then responsible minister, Meegan Fitzharris MLA. The detail that I have removed from the briefings is information about the discussion between the Territory and the supplier and the legal dealings surrounding the contract termination. I believe that there is no public interest or value in the release of this information which is about the business affairs of a person and is of a legal commercial nature.

Other information about the relationship has been made public to conform with the government's obligations of financial accountability and reporting.

I have also removed the name of a business that was unsuccessful in the original tender as I have decided it is in the public interest to disclose some of the reasons why the business was unsuccessful. In some cases, the reasons would have commercial value and disclosure would not be appropriate. In this case the assessment released merely details one of the limitations on the company's ability to meet the tender specifications. I have removed financial information about the tender as information that could prejudice the business affairs of a person or which could potentially prejudice the competitive commercial activities of TCCS in the future if this information is revealed.

I have also removed information which could potentially identify the tenderers based on the details of the specifications referred to in the document.

Information has been removed from document 2 which relates to competitive commercial activities of Transport Canberra. The document discusses the future purchase of vehicles in the context of the finalisation of the trial of alternative fuel buses. It would not be appropriate to release this information as the information has commercial value to the Territory and could compromise Transport Canberra's competitive commercial activities.

The document also includes information about the commercial and legal relationship with a third party. The brief provides the Minister with a frank discussion as is appropriate. While the information is not of any intrinsic commercial value it is also not information that will inform open discussion of public affairs or enhance the government's accountability. Further, there are no other specific factors that favour disclosure in the public interest. On balance, therefore, I believe that as the information is essentially about the business affairs between contracting parties that it is not in the public interest to disclose. Release could prejudice an open and trusting relationship between TCCS and a business partner even if the information, of itself, is not prejudicial.

Charges

As the release is below the threshold of 50 pages no fee is applicable.

Online publishing – disclosure log

Under section 28 of the Act, TCCS maintains an online record of access applications called a disclosure log. Your original access application, my decision and documents released will be published in the TCCS disclosure. Your personal details will not be published.

You may view TCCS' disclosure log at www.tccs.act.gov.au/about-us/freedom_of_information.

Ombudsman review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek an Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in TCCS' disclosure log or a longer period allowed by the Ombudsman.

If you wish to request a review of my decision, you may write to the Ombudsman at:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601

Via email: actfoi@ombudsman.gov.au

ACT Civil and Administrative Tribunal (ACAT) review

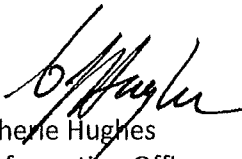
Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision.

Further information may be obtained from ACAT at:
ACT Civil and Administrative Tribunal

Level 4, 1 Moore Street
GPO Box 370
CANBERRA CITY ACT 2601
Telephone: (02) 6207 1740
www.acat.act.gov.au

If you have any questions concerning the directorate's processing of your request, or would like further information, please contact the directorate's FOI Coordinator on 6205 5408 or email tccs.foi@act.gov.au.

Yours sincerely



Cherie Hughes
Information Officer

5 April 2019



FREEDOM OF INFORMATION REQUEST SCHEDULE

Please be aware that under the Freedom of Information Act 2016, some of the information provided to you will be released to the public through the ACT Government's Open Access Scheme. The Open Access release status column of the table below indicates what documents are intended for release online through open access.

Personal information or business affairs information will not be made available under the open access scheme. If you think the content of your request would contain such information, please inform the contact officer immediately.

Information about what is published on the open access scheme is available online at: http://www.tccs.act.gov.au/about-us/freedom_of_information

WHAT ARE THE PARAMETERS OF THE REQUEST						
Ministerial briefings related to the hybrid and electric bus trail dated 1 January 2017 to November 15 2018						
FOI No						
18-103						
Ref No	No of Folios	Description	Date	Status	Reason for non-release or deferral	Open Access release status
1	1-4	Brief – Electric Bus Trial – Termination of Current Contract and Procurement of Alternative Buses	17 March 2017	Partial Access	Schedule 2, section 2.2(a)(xi) and section 2.2(a)(xiii)	Published
2	5-7	Ministerial Brief – Alternative Fuel Bus Trial: finalisation	2 November 2017	Partial Access	Schedule 2, section 2.2(a)(xi) and section 2.2(a)(xiii)	Published
3	8-9	TCCS Annual Report Hearing Brief – Electric Bus Trial	15 February 2017	Full Access		Published
Total No of Docs – 3						



ACT
Government

**Transport Canberra and
City Services**

1

To: Minister for Transport and City Services

From: Director-General, Transport Canberra and City Services

Subject: Electric Bus Trial – Termination of Current Contract and Procurement of Alternative Buses

Critical Date: 17 March 2017

Critical Reason: To enable procurement of alternative buses in a timely manner.

Recommendations

1. That you note that the Territory, represented by Transport Canberra and City Services, will terminate the contract with AVA Bus Manufacturing Pty Ltd for the supply of three (3) electric buses as a result of that entity failing to supply the buses as required under the contract.

NOTED/PLEASE DISCUSS

2. That you note that Transport Canberra will shortly undertake a new public procurement process for the supply of electric and/or hybrid electric buses.

NOTED/PLEASE DISCUSS

3. That you note the outcome of informal market soundings undertaken by Transport Canberra as set forth in this brief.

NOTED/PLEASE DISCUSS

Meegan Fitzharris MLA

2/3/17

Background

4. The Territory conducted a select tender in February 2016 (following a market sounding process) for the supply of three (3) electric buses to the Territory for a 12 month evaluation trial within the ACTION bus Network.
5. As part of this tender process two suppliers were approached, AVA Bus Manufacturing Pty Ltd (AVASS) and [REDACTED]. Tenders were received on 8 March 2016. Based on the response of each supplier it was determined that only AVASS was able to meet the requirements of the tender and subsequently was awarded a contract. AVASS was identified as the preferred respondent on 12 May 2016 (i.e. before the establishment of Transport Canberra).
6. At the time [REDACTED] did not meet the Territory's requirements. Specifically:
 - a. The proposed vehicles were only suitable for loop services due to limited charging capacity, with an approximate range of 50km (30-40km on route);
 - b. [REDACTED]
 - c. [REDACTED]
7. Following the signing of a contract between the Territory and AVASS, on 6 September 2016 a media release and media event (involving an electric bus) publicly announced (i) the trial of three electric buses on regular routes in the ACTION network from January 2017; and (ii) that the buses would be supplied by supplied by Australian-based company AVAAS Bus Manufacturing
8. The contract with AVASS has a deadline delivery date for the buses of 28 February 2017.

Issues – Termination of AVASS Contract

9. [REDACTED]

10. [REDACTED]

11. 

12. No payments are or will be payable by the Territory to AVASS under either the initial contract or the Deed of Termination.

Issues – Market Sounding

13. Transport Canberra has conducted further market sounding 
 to determine if:

- a. New suppliers had entered the electric bus market since the original market sounding conducted in February 2016; and
- b. Other green energy solutions were available within the market not originally explored during the market sounding.

14. As a result of this market sounding it was determined that a new suitable option for electric buses might be available – for example, via Carbridge Pty Ltd for electric buses or via Volvo Group Australia Pty Ltd (Volvo) for electric-hybrid buses.

Issues – New Procurement Process

15. Transport Canberra will shortly undertake a new public procurement process for the supply of electric and/or hybrid electric buses. Changes requested under this brief will see a delay to the commencement of the trial to around late May or June 2017.

Financial Impacts

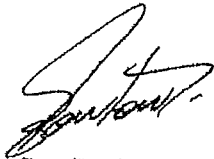
16. The original contract with AVASS was for the amount of \$702,460.00 (Incl GST) for the provision of three (3) electric buses for a period of 12 months. In addition to the contracted amount, a total of a further \$200,000.00 had been budgeted for trial monitoring, trial report production and ancillary costs. Total cost of trial \$900,000.00.

17. The total cost of a new trial will be known once the new procurement process has been run. Based upon market soundings, Transport Canberra anticipates the new trial can be conducted within the original budget envelope.

Consultation and Media

18. 

19. You will be provided speaking notes via a Question Time Brief as appropriate.



Ben Ponton

14 March 2017

Contact Officer: Duncan Edgill, Deputy Director General Transport Canberra #53842



MINISTERIAL BRIEF

Transport Canberra and City Services

UNCLASSIFIED

To: Minister for Transport Tracking No.: B18/327

From: Director-General, Transport Canberra and City Services

Subject: Alternative Fuel Bus Trial: finalisation

Critical Date: Friday 2 November 2018

Critical Reason: [REDACTED]

Purpose

To inform you of the status of the Alternative Fuel Bus Trial [REDACTED]

Recommendations

That you:

1. note the information contained in this brief; and

Noted / Please Discuss

2. [REDACTED]

Approved / Not Approved / Please Discuss

Meegan Fitzharris MLA *M.F.* 16/11/18

Minister's Office Feedback

Please advise answers to questions of leaf as well as [REDACTED]


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Background

1. The Parliamentary Agreement for the 9th Legislative Assembly provided for the ACT Government to:
 - a. develop a fleet management strategy, with new and replacement buses to be purchased following evaluation of the sustainable fuels bus trial prioritising green technologies such as hybrid and electric and considering criteria including value for money and operational cost, environmental performance, energy efficiency and sourcing, and disability accessibility compliance.
2. In the 2016-17 Budget the \$900,000 was allocated to fund a trial of Alternative Fuel Bus Technology. Through the trial, the ACT Government committed to lease three buses to determine their operational viability for Canberra. The project included testing electric buses in all weather situations, driver training, the installation of battery charging equipment, and the maintenance and servicing of vehicles.
3. In September 2016 the ACT Government entered into an agreement with AVASS Pty Ltd (AVASS) whereby AVASS would supply three electric buses for a 12 month trial commencing in early 2017. AVASS encountered manufacturing difficulties and missed the delivery date for the supply of the electric vehicles. As a result Transport Canberra and City Services terminated the contract. No monies were paid or are payable by the Territory under the AVASS contract.
4. In July 2017 following a new procurement process, a contract for the lease of two fully electric buses was awarded to Carbridge Pty Ltd. A contract for the lease of one diesel/electric hybrid bus was awarded to Volvo Group Australia in August 2017.

Issues

5. On 30 August 2017 the first of the electric buses along with the Volvo hybrid bus began operation.
6. The 12 month trial period formally began on 1 October 2017 involving the Volvo hybrid, Carbridge electric bus and three recently delivered Scania Euro VI diesel buses for comparison purposes. Full data collection on all of the trial buses commenced in mid-October 2017.
7. The second electric bus, 

Trial outcomes

8. The operational part of the trial will cease at the end of October 2018, after completion of a full 12 months of trial data.
9. A draft trial report is due for delivery to Transport Canberra in mid-December 2018 with the final report due in January 2019.
10. 

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[Redacted]

11. Operation of both Carbridge electric buses during the trial has been [Redacted]
[Redacted]

Trial close

- 12. With the end of the 12 month trial Transport Canberra is planning to decommission the buses and return them to their respective suppliers during the early part of November 2018.
- 13. The procurement process for the next order of buses will be commence in late 2018/early 2019 and will be informed by the trial and other market research.
- 14. If electric buses are acquired during that process it is expected they may be delivered to Transport Canberra by the end of 2019 or early in 2020 when facilities to house and charge electric buses are available with the completion of the Woden Bus Depot. This would mean that there will be no electric or hybrid buses operating in the Transport Canberra bus fleet until that time.

15. [Redacted]

Financial Implications

16. Transport Canberra expects to spend most, if not all, of the allocated \$900,000 funding for the trial, however this is dependent on [Redacted]

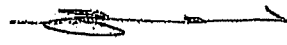
please advise when this is completed

17. [Redacted]

please confirm amount of remaining funds.

Media Implications

18. An announcement that the trial is over and that the trial buses are to be returned may generate some media interest.

 1/11/18

Signatory Name: Emma Thomas
Action Officer: Damon Hall

Phone: 78658
Phone: 70058

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TRANSPORT CANBERRA AND CITY SERVICES

ANNUAL REPORT HEARING BRIEF

TOPIC: Electric Bus Trial

Talking points

- In September 2016 the ACT Government publicly announced it had entered into an agreement with AVASS Pty Ltd (AVASS) whereby AVASS would supply 3 electric buses for a 12 month trial in Canberra commencing in early 2017.
- AVASS has encountered manufacturing difficulties and missed the delivery date for the supply of the electric vehicles.
- The Territory is considering its rights under the contract, which may include termination of the arrangements with AVASS and sourcing vehicles from alternative suppliers (Note: It is possible that the arrangements may have been terminated by the time of the hearings).
- No monies have been paid or are payable by the Territory under the AVASS contract.
- Although vehicles have not yet arrived in Canberra, the trial is already proving useful in providing the ACT Government with insights into the electric bus market and manufacturing landscape in Australia.
- The Territory remains committed to trialling electric and potentially electric-hybrid buses in 2017.
- Recent improvements in battery technology mean that electric buses are becoming more economical and operationally viable, with obvious environmental benefits.

Background

- On 9 February 2016 a Request for Tenders was issued to the market for the supply of electric buses. Tenders were received on 8 March 2016. AVASS Bus Manufacturing was identified as the preferred respondent on 12 May 2016 (i.e. before the establishment of Transport Canberra).
- Trialling the electric and potentially electric-hybrid buses over a 12 month period will provide sufficient data to enable a cost benefit analysis to be completed.
- The analysis will compare electric bus data against ACTION's standard diesel buses.
- The analysis will include such items as:
 - Cost;
 - Reliability;
 - Serviceability;
 - Driver acceptance;
 - On-road performance;
 - Component wear rates (tyres etc);
 - Spare parts;
 - Carrying capacity;
 - Passenger acceptance; and

By: Duncan Edghill, Deputy Director General

Ext: 6205 3842

Action officer: Ian McGlinn, Director Public Transport Operations

Ext: 6207 8000

Correct and accurate as at: 15 February 2017

Page 1 of 2

- Fuel usage/charging costs.
- The trial will involve:
 - Installation of charging equipment and associated infrastructure within the Tuggeranong ACTION bus depot;
 - Training of ACTION bus drivers in the operation of electric and potentially electric hybrid vehicles;
 - Training of ACTION workshop staff regarding the maintenance and servicing of vehicles and equipment;
 - Maintenance and servicing of the vehicles during the trial in partnership with the contractors and ACTION workshop staff;
 - Installation of ACT specific equipment on buses including the MyWay ticketing system, NXTBUS real time information system, TRN radio system, electronic destination signs, CCTV equipment and bike racks; and
 - Testing of vehicles and equipment (air conditioning etc) in all weather conditions and seasons.
- If electric or electric-hybrid buses are found suitable, the associated report and data from the trial will form the basis of future budget bids, fleet replacement options/strategies, and energy efficiency charging options (e.g. solar).