

FORUM[#]**PUBLIC PRIVATE PARTNERSHIPS****FOREWORD**

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Over the last few months, newspaper articles about public private partnerships ('PPPs') have displayed a battle of adjectives. Some articles have preferred the words 'secretive' and 'financial blowout'; others have opted for words like 'efficient' and 'quality'. Centred around two strong symbols of the PPP – the Spencer Street Station development in Melbourne and the construction of the Cross City Tunnel in Sydney – it seems that this skirmish has produced only one point of clarity: opinions on the economic, social and legal merit of PPPs are split.

It is against this backdrop that this *University of New South Wales Law Journal Forum* on PPPs came to fruition. This *Forum* is not presented as a solution in public infrastructure provision, nor does it take a side in the debate about PPPs. Instead, it aims to provoke meaningful and reasoned discussion about PPPs by presenting them in the business, community and governmental contexts in which they operate.

The *Forum* begins with the difficult task of defining a PPP, and examples of the operation of PPPs in the road and transport industries are provided. From here, three key themes emerge. The first theme concerns the tension between the commercial necessities of business and the need for open and fair tendering. Added to this are considerations about how risks should be allocated between the parties in a contract. The second theme covers the role and regulation of government action. Questions are raised about the suitability of limiting government through corporate regulation and the ability (or inability) of a government to avoid its contractual obligations, in the event that the partnership ceases to function properly. The third theme considers the best way to manage community interests, with particular focus on the availability of information. The

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articles discuss public perceptions of PPPs and propose different ideas about how to keep the public informed.

The *Forum* concludes with a consideration of the role of PPPs in Asia, focussing on Australia's capabilities in this region. What becomes evident from the articles is a general concern for accountability and transparency, and for the delivery of economically and socially acceptable infrastructure. It is hoped that this analysis will aid in removing the barriers between the amorphous concept of a PPP and the reality of a PPP.

I would like to thank the contributors for bringing their insights, knowledge and experience to the *Forum*. I am also very grateful for the assistance and advice provided by the Journal's Faculty Advisors, Michael Handler and Alex Steel, as well as the support and enthusiasm of the Editors and Editorial Board of the Journal.