Reference: SKNOLL169066

Hon S Mullighan MP
Member for Lee
Level 1, 62 Semaphore Road
SEMAPHORE SA 5019

Dear Mr Mullighan

INTERNAL REVIEW OF A DETERMINATION – UNDER THE FREEDOM OF INFORMATION ACT 1991

On 4 December 2018, the Office of the Minister for Transport, Infrastructure and Local Government, Minister for Planning received your initial application made pursuant to the Freedom of Information Act 1991 (the Act) for access to –

“All minutes, briefings, notes, emails and correspondence held by Sarah Taylor, in the Office of the Minister for Transport, Infrastructure, Local Government and Planning, regarding the proposed hotel development at Adelaide Oval from 19 March 2018 until 30 November 2018.”

On 17 January 2019 your application for internal review made pursuant to section 19 (2)(b) of the Act was received. I have reviewed the deemed refused status of your original application and I have determined to process the request as if the statutory time frame has been met.

A search of documents held by the Office of the Minister for Transport, Infrastructure and Local Government, Minister for Planning was undertaken. I wish to advise that 14 documents have been identified within the scope of your request.

Please refer to the attached schedule that describes each document and sets out my determination and reasons in summary form.

I have determined to grant partial access to document 007, 009, 012 and 013 and have removed the personal contact details within the document that I have determined are exempt, in accordance with clause 6 (1) of the Act which states:

6-Documents affecting personal affairs
(1) A document is an exempt document if it contains matter the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead.)
Document 004 has sections and 1 attachment I have determined to grant partial access to Document 004 and refuse access to the attachment. This document and the attachment contains matter that relates to a deliberation of Cabinet and personal affairs, and as such are exempt in accordance with the following clause of the Act:

1 – Cabinet Documents
(1) A document is an exempt document—
   (e) if it contains matter the disclosure of which would disclose information concerning any deliberation or decision of Cabinet,
   (f) if it is a briefing paper specifically prepared for the use of a Minister in relation to a matter submitted, or proposed to be submitted to Cabinet

I have determined to grant partial access to 002, 003, 006 and 008 and have removed the content affecting business affairs in accordance with clause 7(1)(b)(i)(ii)(b) of the Act and personal affairs in accordance with clause 6(1).

In addition, I have determined to refuse you access to Document 001 in full, also in accordance with clause 7(1)(b)(i)(ii)(b) of the Act which states -

7—Documents affecting business affairs
(1) A document is an exempt document—
   (b) if it contains matter—
      (i) consisting of information (other than trade secrets) that has a commercial value to any agency or any other person; and
      (ii) the disclosure of which—
         (A) could reasonably be expected to destroy or diminish the commercial value of the information; and
         (B) would, on balance, be contrary to the public interest

In considering the grounds for exemption using clause 7(1)(b)(i)(ii)(b) I am required to consider for the public interest in disclosure or non-closure.

Factors in favour of release include:
- The public interest in fulfilling the objects of the FOI Act, and promoting openness and accountability within government.
- The public interest in scrutiny of government decision making.
- Providing an individual with information that is of special interest to them

Factors against release include:
- The public interest in ensuring the efficient and effective conduct of the agency’s functions.
- The need for some confidentiality to allow the agency to operate efficiently.
- The need to protect the commercial and financial interests of a third party
In this case I find the factors against disclosure outweigh those in favour and therefore consider the sections within Documents 002, 003, 006 and 008 and Document 001 in full exempt under the Act.

I have determined to grant partial access to Document 005 and 014. I have removed the personal contact details within the document that I have determined are exempt in accordance with clause 6(1). I have also removed content (and an attachment) in accordance with clause 9(1) (a)(i)(b) of the Act which states:

9 – Internal working documents
A document is an exempt document if it contains matter –
(a) that relates to –
(i) any opinion, advice or recommendation that has been obtained, prepared or recorded;

in the course of, or for the purpose of, the decision-making functions of the Government, a Minister or an agency; and

(b) the disclosure of which would, on balance, be contrary to the public interest.

In considering the grounds for exemption using clause 9 (1)(a)(i)(b), I am required to consider for the public interest in disclosure or non-closure.

Factors in favour of release include:
• The public interest in fulfilling the objects of the FOI Act, and promoting openness and accountability within government.
• The public interest in scrutiny of government decision making.
• Information relating to the expenditure of public funds and release may enable effective oversight of government expenditure.

Factors against release include:
• The public interest in ensuring the efficient and effective conduct of the agency’s functions.
• The need for some confidentiality to allow the agency to operate efficiently.
• The need to protect the commercial and financial interests of a third party.
• Encouraging the free exchange of ideas during deliberative processes, including through the frank and candid assessment of advice supplied to government.

In this case I find the factors against disclosure outweigh those in favour and therefore consider sections of Documents 005 and 014 (and it’s attachment) exempt under the Act.

I have determined to grant partial access to Document 010 and 011. I have removed the personal contact details within the document that I have determined are exempt in accordance with clause 6(1). I have also removed content in accordance with clause 17(c) of the Act which states:
17—Documents subject to contempt etc

A document is an exempt document if it contains matter the public disclosure of which would, but for any immunity of the Crown—
(c) infringe the privilege of Parliament.

Attached is an explanation of the provisions of the Act which details your rights to review and appeal this determination, and the process to be followed.

If you have any questions in relation to the matter, please contact Rachel Stone, Freedom of Information Officer on telephone (08) 7109 8419 or via email at rachel.stone@sa.gov.au

Yours sincerely

Jenna Phillips-Wilkinson
Accredited FOI Officer
Office of the Minister for Transport, Infrastructure and Local Government
Minister for Planning

31 January 2019

Encl
EXTERNAL REVIEW BY THE OMBUDSMAN

If the Agency does not deal with your Internal Review application within 14 calendar days (or you remain unhappy with the outcome of the Internal Review) you are entitled to an External Review by the Ombudsman SA.

You may also request an External Review by the Ombudsman if you have no right to an Internal Review.

The application for review by the Ombudsman should be lodged within 30 days after the date of a determination. The Ombudsman’s Office, at their discretion, may extend this time limit.

Investigations by the Ombudsman are free. Further information is available from the Office of the Ombudsman by telephone on 8226 8699 or toll free 1800 182 150 (within SA).

REVIEW BY THE SOUTH AUSTRALIAN CIVIL AND ADMINISTRATIVE TRIBUNAL (SACAT)

If you are still dissatisfied with the decision made by this Agency after an Internal Review or after a review by the Ombudsman, you can request a review from SACAT.

You must exercise your right of review to SACAT within 30 calendar days after being advised of the determination or the results of any other Internal or Ombudsman Review. Any costs will be determined by SACAT, where applicable. For more information, contact;

South Australian Civil and Administrative Tribunal (SACAT)
Phone: 1800 723 767 Email: sacat@sacat.sa.gov.au
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<th>Document Number</th>
<th>Description of Document</th>
<th>Date of Document</th>
<th>Author</th>
<th>Determination / Partial Release / Refuse Access</th>
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</table>
Hi Sarah,

As requested via please find attached an electronic copy pf the . I will forward the appendices by separate email, due to their size.

Kind Regards,
Sarah Taylor
Chief of Staff to the Hon Stephan Knoll MP
Minister for Transport, Infrastructure and Local Government
Minister for Planning
T 08 7109 8430 • Sarah.taylor@sa.gov.au

From: Stone, Rachel (DPTI)
Sent: Thursday, 11 October 2018 2:04 PM
To: Taylor, Sarah (DPTI)
Cc: |
Subject: !

Hi Sarah,
Please see attached the as promised below.
Kind Regards,

From: Stone, Rachel (DPTI)
Sent: Thursday, 11 October 2018 2:01 PM
To: Sarah Taylor
Cc: |
Subject: |

Hi Sarah,
As requested via please find attached an electronic copy of as requested via separate email, due to their size.
I fill forward the by separate email, due to their size.
Kind Regards,

[Attachment]
Hi All,

As briefly discussed, please find attached the Cabinet Submission regarding [redacted] – please note this is a locked item.

Unfortunately we missed the Cabinet Office deadline, so this will be walked into Cabinet on Monday.

Please let me know if you have any questions. My Minister is happy to take any calls on this over the weekend.

Again, I apologise for the lateness of this submission.

Kind Regards

Sarah

Sarah Taylor
Chief of Staff to the Hon Stephan Knoll MP
Minister for Transport, Infrastructure and Local Government
Minister for Planning
T 08 7109 8430 • [redacted]

Hi Sarah

[redacted] submission for circulation for meeting on Monday 22nd.

This item is LOCKED.

Thanks

[redacted]

Office of the Minister for Transport, Infrastructure and Local Government
We acknowledge and respect Aboriginal peoples as South Australia’s first peoples and nations, we recognise Aboriginal peoples as traditional owners and occupants of land and waters in South Australia and that their spiritual, social, cultural and economic practices come from their traditional lands and waters; and they maintain their cultural and heritage beliefs, languages and laws which are of ongoing importance; We pay our respects to their ancestors and to their Elders.

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Hi Sarah and Cam

I'm also conscious that it is intended the Minister meet with the Lord Mayor on 24 Nov re Adelaide Oval, as a precursor to the announcement on 25 Nov.

I'm sure you are onto this but just wanted to check in as the Adelaide Oval discussion has flow on effects.

Cam

Thanks

Sent from my iPhone

Begin forwarded message:

From: [Redacted]
Date: 16 November 2018 at 1:49:31 pm ACDT
To: [Redacted]
Subject: Ministerial actions

HI All

Actions from last meeting with the Minister. If you have been assigned an action pls get onto it as a priority.
If anything is unclear pls come and have a chat.

Thanks

Development Division
Department of Planning, Transport and Infrastructure

[Redacted] PO Box 1815 Adelaide SA 5001 • DX

171 • www.dpti.sa.gov.au

collaboration, honesty, excellence, enjoyment, respect

We acknowledge and respect Aboriginal peoples as South Australia's first peoples and nations, we recognise Aboriginal peoples as traditional owners and occupants of land and waters in South Australia and that their spiritual, social, cultural and economic
Let me know if you need anything further.

Thanks

Sarah

Sarah Taylor
Chief of Staff to the Hon Stephan Knoll MP
Minister for Transport, Infrastructure and Local Government
Minister for Planning
T 08 7109 8430 • 136 North Terrace Adelaide SA 5000 • GPO Box 1533 Adelaide SA 5000 • DX171 • www.dpti.sa.gov.au

collaboration . honesty . excellence . enjoyment . respect

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Good morning all,

Just letting you know that after 7am, 5AA will be interviewing Adelaide Oval CEO Andrew Daniels re the proposed hotel.

Kind regards,
Hi Sarah

Hope you are well. I am wondering if you could provide me with some guidance.

We have been advised that the process for these loans is for the Planning Minister to put up proposed projects to the Treasurer for approval.

Any advice you could provide me regarding this process would be greatly appreciated.

Regards
Hey mate – would you be able to get me answers to the below? Presumably pretty straight forward and you may even know off the top of your head.

Hey,

Just some questions that hopefully aren't too difficult, is the proposed hotel in the "core area" of the Oval as defined under the Adelaide Oval Redevelopment Act 2011? Or does it go outside of the core area? Has the core area in the 2011 legislation been extended to take in the hotel?

Cheers

--

This message and its attachments may contain legally privileged or confidential information. It is intended solely for the named addressee. If you are not the addressee indicated in this message or responsible for delivery of the message to the addressee, you may not copy or deliver this message or its attachments to anyone. Rather, you should permanently delete this message and its attachments and kindly notify the sender by reply e-mail. Any content of this message and its attachments which does not relate to the official business of the sending company must be taken not to have been sent or endorsed by that company or any of its related entities. No warranty is made that the e-mail or attachments are free from computer virus or other defect.
Hi all,

See attached this week's PBN ahead of our last 2 week sitting block for the year!

Courts

Courtney Nourse  
Ministerial Adviser to the Hon Stephan Knoll MP  
Minister for Transport, Infrastructure and Local Government  
Minister for Planning  
136 North Terrace Adelaide SA 5000 • GPO Box 1533 Adelaide SA 5000 • DX171 • www.dpti.sa.gov.au  

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Taylor, Sarah (DPTI)

From:
Sent: Tuesday, 27 November 2018 12:23 PM
To: [redacted]
Subject: draft PBN
Attachments:

Draft PBN
Hi Sarah – the NOM from Hunter to be moved today in the Leg Co – differs slightly from the one of Mullighan’s in the House.

4. The Hon. I. K. Hunter to move - That this Council –

I. That a Select Committee of the Legislative Council be established to inquire into and report on a redeveloped Adelaide Oval, with particular reference to: -

(a) the economic and financial benefits of the redevelopment of Adelaide Oval, including to whom the benefits are accruing;
(b) the operations and financial management of the Adelaide Oval;
(c) the corporate governance of the Oval, including the Stadium Management Authority;
(d) the financial returns to the South Australian National Football League, the South Australian Cricket Association, and the Adelaide and Port Adelaide Football Clubs;
(e) the financial contributions into the Oval infrastructure and into the broader sporting community from the Oval’s operations;
(f) the proposed hotel development at the Adelaide Oval, and the process by which the Government considered the proposal and approved financing the proposed hotel development;
(g) the impacts on the hotel industry in Adelaide of the proposed hotel development;
(h) the legislative, regulatory and other legal frameworks governing the operations of the Adelaide Oval, and any opportunities for improvement;
(i) the impact of the Oval and its operations on the surrounding parklands and the legislative, regulatory and other legal frameworks governing further development in the parklands; and
(j) any other related matters;

II. That Standing Order No. 389 be so far suspended as to enable the Chairperson of the Committee to have a deliberative vote only.

III. That this Council permits the Select Committee to authorise the disclosure or publication, as it sees fit, of any evidence or documents presented to the Committee prior to such evidence being presented to the Council.

IV. That Standing Order No. 396 be suspended to enable strangers to be admitted when the Select Committee is examining witnesses unless the Committee otherwise resolves, but they shall be excluded when the Committee is deliberating.
We acknowledge and respect Aboriginal peoples as South Australia’s first peoples and nations, we recognise Aboriginal peoples as traditional owners and occupants of land and waters in South Australia and that their spiritual, social, cultural and economic practices come from their traditional lands and waters; and they maintain their cultural and heritage beliefs, languages and laws which are of ongoing importance; We pay our respects to their ancestors and to their Elders.

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Hi Rachel,

I've just been informed that although it was only moved the other day, Mr Hunter is bringing it to a vote on Dec 5.

Can we please let the department know speech notes are required by then.

Ideally some background like usual before 3pm tomorrow would be helpful however, I think this is one we may also be able to do ourselves.

Courtney

Courtney Nourse
Ministerial Adviser to the Hon Stephan Knoll MP

---

From: Stone, Rachel (DPTI)
Sent: Wednesday, 28 November 2018 10:54 AM
To: Nourse, Courtney (DPTI)
Subject: FW: Leg Co NOM - Hunter - Adelaide Oval Redevelopment
Importance: High

Forgot to include you on this one.

---

From: Stone, Rachel (DPTI)
Sent: Wednesday, 28 November 2018 10:47 AM
To: Taylor, Sarah (DPTI)
Subject: Leg Co NOM - Hunter - Adelaide Oval Redevelopment
Importance: High

Hi Sarah – the NOM from Hunter to be moved today in the Leg Co – differs slightly from the one of Mullighan’s in the House.

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(e) The financial contributions into the Oval infrastructure and into the broader sporting community from the Oval's operations;
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(j) Any other related matters;
II. That Standing Order No. 389 be so far suspended as to enable the Chairperson of the Committee to have a deliberative vote only.
III. That this Council permits the Select Committee to authorise the disclosure or publication, as it sees fit, of any evidence or documents presented to the Committee prior to such evidence being presented to the Council.
IV. That Standing Order No. 396 be suspended to enable strangers to be admitted when the Select Committee is examining witnesses unless the Committee otherwise resolves, but they shall be excluded when the Committee is deliberating.

Rachel Stone
Parliament, Cabinet & Freedom of Information Officer
Office of the Minister for Transport, Infrastructure and Local Government
Minister for Planning
Department of Planning, Transport and Infrastructure
136 North Terrace, Adelaide SA 5000 • GPO Box 1533, Adelaide SA 5001 • DX 171 • www.dpti.sa.gov.au

collaboration, honesty, excellence, enjoyment, respect

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Taylor, Sarah (DPTI)

From: DPTI:Minister Knoll  
Sent: Thursday, 29 November 2018 11:02 AM  
To: DL:DPTI Minister for Transport, Infrastructure and Local Government; Taylor, Sarah (DPTI); Nourse, Courtney (DPTI); Henderson, Cameron (DPTI); Hill, Evan (DPTI); Bluck, George (DPTI)

Subject: Attachments:

Hi all

Please find attached a [redacted] which you may find of use.

Thanks,

From: DPC:PCU  
Sent: Thursday, 29 November 2018 10:35 AM  
To: [redacted]

Dear Colleagues,

You might recall when we first developed the Objective Connect system [redacted]. We want to thank you all for your contributions to the updated [redacted].

Once again, thank you for helping us create this [redacted] and for your ongoing support to keep it updated.

Regards,