



Government
of South Australia

The Hon Stephan Knoll MP
Member for Schubert

Reference: SKNOLL169067

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 Cameron Henderson in the Office of the Minister for Transport, Infrastructure, Local Government and Planning, regarding the proposed hotel development at Adelaide Oval.”

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 3 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 documents 001 to 003 and have removed the personal contact details within those documents 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 001 also contains matter that access is refused in accordance with Clause 9(1) (a)(i)(b) because it contain opinions, advice and recommendations from staff within the Department for Planning, Transport and Infrastructure for the purpose of aiding in the execution of decision making functions.

Minister for Transport, Infrastructure and Local Government
Minister for Planning

Roma Mitchell House Adelaide SA 5000 | GPO Box 1533 Adelaide SA 5001 DX 171
Tel 08 7109 8430 | Email ministerknoll@sa.gov.au



9 – Internal working documents

(1) 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;

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

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

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.

Factors against release include:

- The public interest in ensuring the effective conduct of the agency's functions.
- The need for some confidentiality to allow the agency to operate efficiently.
- The public interest in encouraging the free exchange of ideas during deliberative processes, including through the frank and candid assessment of information.

It is my view that it would, on balance, be contrary to the public interest for the information to be disclosed.

I have determined to refuse access to the attachment of Document 003 in accordance with 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

FREEDOM OF INFORMATION ACT 1991
YOUR RIGHTS TO REVIEW

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

[REDACTED]

From: [REDACTED]
Sent: Wednesday, 21 November 2018 8:32 AM
To: Henderson, Cameron (DPTI); Taylor, Sarah (DPTI)
Cc: [REDACTED]
Subject: Ministerial actions

Hi Sarah and Cam

[REDACTED]. 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 - [REDACTED] e

Thanks

Sent from my iPhone

Begin forwarded message:

From: [REDACTED]
Date: 16 November 2018 at 1:49:31 pm ACDT
To: [REDACTED] "Henderson, Cameron (DPTI)"
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED] "Taylor, Sarah (DPTI)" [REDACTED], [REDACTED]
 [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.

	ITEM	RESPONSIBILITY	ACTIONS/NEXT STEPS
1	[REDACTED]	[REDACTED]	[REDACTED]
2	[REDACTED]	[REDACTED]	[REDACTED]
3	[REDACTED]	[REDACTED]	[REDACTED]
4	[REDACTED]	[REDACTED]	[REDACTED]

5	[REDACTED]	[REDACTED]	[REDACTED]
6	[REDACTED]	[REDACTED]	[REDACTED]
7	[REDACTED]	[REDACTED]	[REDACTED]
8	[REDACTED]	[REDACTED]	[REDACTED]
9	[REDACTED]	[REDACTED]	[REDACTED]
10	[REDACTED]	[REDACTED]	[REDACTED]
11	[REDACTED]	[REDACTED]	[REDACTED]
12	[REDACTED]	[REDACTED]	[REDACTED]
13	[REDACTED]	[REDACTED]	[REDACTED]
14	[REDACTED]	[REDACTED]	[REDACTED]
15	[REDACTED]	[REDACTED]	[REDACTED]
16	[REDACTED]	[REDACTED]	[REDACTED]
17	[REDACTED]	[REDACTED]	[REDACTED]
18	[REDACTED]	[REDACTED]	[REDACTED]
19	[REDACTED]	[REDACTED]	[REDACTED]
20	[REDACTED]	[REDACTED]	[REDACTED]

If anything is unclear pls come and have a chat.

Thanks



[REDACTED]

Development Division
 Department of Planning, Transport and Infrastructure

[REDACTED] • PO Box 1815 Adelaide SA 5001 • DX
 171 • www.dpti.sa.gov.au



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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

[REDACTED]

From: [REDACTED]
Sent: Monday, 26 November 2018 11:50 AM
To: Henderson, Cameron (DPTI)
Cc: Taylor, Sarah (DPTI)
Subject: FW: Adelaide Oval hotel

Follow Up Flag: Follow up
Flag Status: Flagged

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.

From: [REDACTED]
Sent: Monday, 26 November 2018 11:48 AM
To: [REDACTED]
Subject: Adelaide Oval hotel

Hey,

[REDACTED]

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

[REDACTED]

--

[REDACTED]



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Stone, Rachel (DPTI)

From: Nourse, Courtney (DPTI)
Sent: Monday, 26 November 2018 2:37 PM
To: Knoll, Stephan (DPTI); [REDACTED]; Taylor, Sarah (DPTI); Hill, Evan (DPTI); Bluck, George (DPTI); Henderson, Cameron (DPTI)
Subject: PBN
Attachments: 20181126 - Knoll Portfolio Briefing.pdf

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

[REDACTED]
136 North Terrace Adelaide SA 5000 • GPO Box 1533 Adelaide SA 5000 • DX171 • www.dpti.sa.gov.au



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RELEASED UNDER FOI ACT