



Government
of South Australia

The Hon Stephan Knoll MP
Member for Schubert

FOI Ref: SKNOLL180550

Mr Brad Kitschke
BEAM MOBILITY
13 Albert Street
SEMAPHORE SA 5019

Dear Mr Kitschke

I refer to your application to the Office of the Minister for Transport, Infrastructure and Local Government, Minister for Planning made under the *Freedom of Information Act 1991* (the Act) which was received 20 November 2019.

You have requested access to:

"All documents including but not limited to physical, electronic, or written briefs, reports, draft reports, minutes, emails, diary entries, meeting notes, records of telephone messages or telephone calls, correspondence or any document or record of document held by any personnel in the Ministers office about "Personal Mobility Scooters" or "electronic scooters", or "e-scooters" or "Lime" or "Lime bike".

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 84 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 release documents 6, 37, 40, 48, 52, 64, 71 and 78. I note you are already in possession of document 52, which is a letter addressed to yourself.

I have determined to grant partial access to documents 1,4, 9-16, 22-23, 26, 29, 31-33, 39, 41- 47, 49-50, 55, 57-59, 62-63, 67, 70, 72-76.

I 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).

Minister for Transport, Infrastructure and Local Government
Minister for Planning

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I have determined to refuse documents 30, 34 and 35 in accordance with the following clause:

1 – Cabinet documents

- (1) A document is an exempt document –
- (a) if it is a document that has been specifically prepared for submission to Cabinet (whether or not it has been so submitted); or
 - (b) if it is a preliminary draft of a document referred to in paragraph (a); or
 - (c) if it is a document that is a copy of or part of, or contains an extract from, a document referred to in paragraph (a) or (b); or
 - (e) if it contains matter the disclosure of which would disclose information concerning any deliberation or decision of Cabinet; or
 - (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 refuse access to documents 38, 51, 53-54 and 69 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

I have determined to refuse access to documents 2, 3, 5, 7, 11-13, 18, 21, 61, 77 and 79-84 in accordance to 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;
 - (ii) 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.

I have determined to refuse access to documents 60 and 68 in accordance with clause 5 which states:

5 – Documents affecting inter-governmental or local government relations

- (1) A Document is an exempt document if it contains matter –
- (a) The disclosure of which –
 - (i) Could reasonably be expected to cause damage to intergovernmental relations
 - (b) The disclosure of which would on balance be contrary to the public interest.

I have determined to refuse access to documents 19,20,22, 24-25, 27-28, 36, 41-42, 56, 75-76, and 84. 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.

(c) if it contains matter—

(i) consisting of information (other than trade secrets or information referred to in paragraph (b)) concerning the business, professional, commercial or financial affairs of any agency or any other person; and

(ii) the disclosure of which—

(A) could reasonably be expected to have an adverse effect on those affairs or to prejudice the future supply of such information to the Government or to an agency; and

(B) would, on balance, be contrary to the public interest.

In considering the grounds for exemption using clauses 5, 7 and 9, 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.

Factors against release include:

- To ensure the efficient and effective conduct of the agency's functions.
- The need to protect the commercial and financial interests of a third party.
- The need for some confidentiality to allow the agency to operate efficiently.
- Information was provided to the Minister on a confidential basis and to release this information may prejudice the future supply of information to the Minister and discourage such early and thorough engagement.

In this case I find the factors against disclosure outweigh those in favour and therefore consider documents are exempt under the Act.

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.

In accordance with Premier and Cabinet Circular PC045, if you are given access to documents as a result of this FOI application, details of your application, and the documents to which access is given, will be published in the agency's disclosure log within 90 days from the date of this determination. Any private information will be removed. A copy of PC045 can be found at <http://dpc.sa.gov.au/what-we-do/services-for-government/premier-and-cabinet-circulars>. If you have any objection to this publication, please contact us within 30 days of receiving this determination.

If you have any questions in relation to the matter, please contact myself on telephone (08) 7109 4830 or via email at ministerknoll@sa.gov.au.

Yours sincerely



Jenna Phillips-Wilkinson
Accredited FOI Officer

Office of the Minister for Transport, Infrastructure and Local Government
Minister for Planning

21 / 2 / 2020

Encl:
Your rights to review and appeal this determination
Schedule of documents

SCHEDULE OF DOCUMENTS – FREEDOM OF INFORMATION APPLICATION NUMBER –
SKNOLL180550

Document Number	Description	Date	Release Determination	Schedule Clause
1	Email with attachment	20/11/2018	Partial Release	6(1) – Documents affecting personal affairs
2	Email	26/11/2018	Refuse	9(1)- Internal Working Document
3	Email with attachment	26/11/2018	Refuse	9(1)- Internal Working Document
4	Email with attachment	3/12/2018	Partial Release	6(1) – Documents affecting personal affairs
5	Email	12/12/2018	Refuse	9(1)- Internal Working Document
6	Email	17/12/2018	Release	
7	Email	18/12/2018	Refuse	9(1)- Internal Working Document
8	Email with attachment	18/12/2018	Refuse	7(1)(b) – Documents affecting business affairs
9	Email	2/1/2019	Partial Release	6(1) – Documents affecting personal affairs
10	Email	11/1/2019	Partial Release	6(1) – Documents affecting personal affairs
11	Email with attachment	14/1/2019	Partial Release	6(1) – Documents affecting personal affairs + 9(1)- Internal Working Document
12	Email	14/1/2019	Refuse	9(1)- Internal Working Document
13	Email	14/1/2019	Refuse	9(1)- Internal Working Document
14	Email	21/1/2019	Partial Release	6(1) – Documents affecting personal affairs
15	Email	21/1/2019	Partial Release	6(1) – Documents affecting personal affairs
16	Email	21/1/2019	Partial Release	6(1) – Documents affecting personal affairs

17	Letter	22/1/2019	Partial Release	6(1) – Documents affecting personal affairs
18	Email	23/1/2019	Refuse	9(1)- Internal Working Document
19	Email	24/1/2019	Refuse	7 – Documents affecting business affairs
20	Email	25/1/2019	Refuse	7(1)(b) – Documents affecting business affairs
21	Briefing	29/1/2019	Refuse	9(1) – Internal Working Document
22	Email with attachment	29/1/2019	Partial Release	6(1) – Documents affecting personal affairs + 7(1) – Documents affecting business affairs
23	Email	29/1/2019	Partial Release	6(1) – Documents affecting personal affairs
24	Email with attachment	30/1/2019	Refuse	7(1) – Documents affecting business affairs
25	Email	30/1/2019	Refuse	7(1)(c) – Documents affecting business affairs
26	Email	31/1/2019	Partial Release	6(1) – Documents affecting personal affairs
27	Email with attachment	31/1/2019	Refuse	7(1)(b) – Documents affecting business affairs
28	Email with attachment	31/1/2019	Refuse	7(1)(b) – Documents affecting business affairs
29	Email	31/1/2019	Partial Release	6(1) – Documents affecting personal affairs
30	Email	1/2/2019	Refuse	1 – Cabinet Document
31	Email	5/2/2019	Partial Release	6(1) – Documents affecting personal affairs
32	Email	8/2/2019	Partial Release	6(1) – Documents affecting personal affairs
33	Email	8/2/2019	Partial Release	6(1) – Documents affecting personal affairs
34	Cabinet submission		Refuse	1(a) – Cabinet Document
35	Email	14/2/2019	Refuse	1(i)(e) – Cabinet Document

36	Email with attachment	24/2/2019	Refuse	7(1)(b) – Documents affecting business affairs + 7(1)(c) – Documents affecting business affairs + 13 – Public Interest
37	Email	25/2/2019	Release	
38	Parliamentary Briefing Note		Refuse	17 – Documents subject to contempt
39	Email	25/2/2019	Partial Release	6(1) – Documents affecting personal affairs
40	Email	26/2/2019	Release	
41	Email with attachment	28/2/2019	Refuse	7(1)(b) – Documents affecting business affairs + 13 – Public Interest
42	Email with attachment	5/3/2019	Partial Release	6(1) – Documents affecting personal affairs + 7(1)(c) Documents affecting business affairs
43	Email with attachment	11/3/2019	Partial Release	6(1) – Documents affecting personal affairs
44	Email with attachment	12/3/2019	Partial Release	6(1) – Documents affecting personal affairs
45	Email	12/3/2019	Partial Release	6(1) – Documents affecting personal affairs
46	Email with attachment	13/3/2019	Partial Release	6(1) – Documents affecting personal affairs
47	Email	13/3/2019	Partial Release	6(1) – Documents affecting personal affairs
48	Email and letter	14/3/2019	Release	
49	Email with attachment	25/3/2019	Partial Release	6(1) – Documents affecting personal affairs
50	Letter	22/3/2019	Partial Release	6(1) – Documents affecting personal affairs
51	Email – Parliamentary Briefing Note	28/3/2019	Refuse	17 – Documents subject to contempt

52	Email with attachment	2/4/2019	Applicant already has	19MTI0544 – Minister signed letter (1 April 2019) to Mr Brad Kitschke RE: the use of Beam e-scooter services Victor Harbor
53	Parliamentary Briefing Note		Refuse	17 – Documents subject to contempt
54	Parliamentary Briefing Note		Refuse	17 – Documents subject to contempt
55	Letter	2/4/2019	Partial Release	6(1) – Documents affecting personal affairs
56	Email with attachment	3/4/2019	Refuse	7(1)(b) – Documents affecting business affairs
57	Email	7/4/2019	Partial release	6(1) – Documents affecting personal affairs
58	Email with attachment	12/4/2019	Partial Release	6(1) – Documents affecting personal affairs
59	Calendar extract with attachments	5/11/2018	Partial Release	6(1) – Documents affecting personal affairs
60	Email	16/4/2019	Refuse	5 – Documents affecting inter-governmental or local government relations + 13 – Public Interest
61	Email	17/4/2019	Refuse	9(1) – Internal Working Document
62	Letter	23/4/2019	Partial Release	6(1) – Documents affecting personal affairs
63	Letter	28/4/2019	Partial Release	6(1) – Documents affecting personal affairs
64	Email with attachment	9/5/2019	Release	
65	Letter	14/5/2019	Partial Release	6(1) – Documents affecting personal affairs
66	Calendar extract	29/5/2019	Partial Release	6(1) – Documents affecting personal affairs
67	Email	21/5/2019	Partial Release	6(1) – Documents affecting personal affairs
68	Email	21/5/2019	Refuse	5 – Documents affecting inter-governmental or local government relations + 13 – Public Interest

69	Email	21/5/2019	Refuse	17 – Documents subject to contempt
70	Letter	29/5/2019	Partial Release	6(1) – Documents affecting personal affairs
71	Calendar extract	29/1/2019	Release	
72	Calendar extract	4/2/2019	Partial Release	6(1) – Documents affecting personal affairs
73	Email	4/2/2019	Partial Release	6(1) – Documents affecting personal affairs
74	Email	21/5/2019	Partial Release	6(1) – Documents affecting personal affairs
75	Calendar extract with attachment	27/2/2019	Partial Release	6(1) – Documents affecting personal affairs + 7(1)(b) – Documents affecting business affairs
76	Email with attachments	22/12/2018	Partial Release	6(1) – Documents affecting personal affairs + 7(1)(b) – Documents affecting business affairs
77	Email	11/02/2019	Refuse	9(1) – Internal Working Document
78	Email with attachment	15/02/2019	Release	
79	Briefing	06/05/2019	Refuse	9(1) – Internal Working Document
80	Briefing	04/04/2019	Refuse	9(1) – Internal Working Document
81	Briefing	March 2019	Refuse	9(1) – Internal Working Document
82	Briefing	28/02/2019	Refuse	9(1) – Internal Working Document
83	Email	30/01/2019	Refuse	9(1) – Internal Working Document
84	Email	25/02/2019	Refuse	9(1) – Internal Working Document + 7(1)(b) – Documents affecting business affairs