



Government  
of South Australia

The Hon Stephan Knoll MP  
Member for Schubert

Reference: SKNOLL171070

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 13 February 2019, the Office of the Minister for Transport, Infrastructure and Local Government, Minister for Planning received your application made pursuant to the *Freedom of Information Act 1991* (the Act) for access to –

*“All minutes, briefings, notes, emails and correspondence from Department of Planning, Transport and Infrastructure to the Minister for Planning, Transport and Infrastructure or his office regarding the hotel development at Adelaide Oval from 19 March 2018 until 12 February 2019.”*

On 28 March 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 9 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 001, and have removed the personal contact details within the document that I have determined 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

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



Document 002 I have granted access to the document. Attachment 1 and 3 of the document I have determined to refuse access to in full 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

Attachment 2 of the document, I have determined to refuse access to in full 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.

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 these attachments within Document 002 exempt under the Act. A copy of Attachment 2, signed by the Minister, has been released, in full to the Legislative Council Parliamentary Select Committee on the Redevelopment of Adelaide Oval.

Document 004 I have determined to grant partial access to in accordance with clause 6(1). This document has an attachment, which I have refused access to, in full, 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.*

In addition, access to Document 003 has been refused in full, also in accordance with clause 17 (c) of the Act.

I have determined to grant partial access to Document 005 and 006 and have removed the personal contact details within the documents that I have determined are exempt in accordance with clause 6(1).

Both document 005 and 006 have sections and attachments that I have determined to be exempt in full, in accordance with the following clauses 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;*  
*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*

In addition, Document 008 I have determined to grant partial access to in accordance with clause 6(1) and have refused access to content in accordance with clause 1(1)(a) of the Act which states –

**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).

Access has been refused in full for Document 007 and its attachment under clauses 1(1)(a) and 1(1)(f) of the Act. Document 009 has also been refused access in full as it is subject to legal professional privilege, in accordance with clause 10(1) of the Act which states –


**10 – Documents subject to legal professional privilege**

(1) A document is an exempt document if it contains matter that would be privileged from production in legal proceedings on the ground of legal professional privilege.

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](mailto:rachel.stone@sa.gov.au)

Yours sincerely



**HON STEPHAN KNOLL MP**

**Principal Officer**

**MINISTER FOR TRANSPORT, INFRASTRUCTURE AND LOCAL GOVERNMENT**

**MINISTER FOR PLANNING**

17 April 2019

Encl

**SCHEDULE OF DOCUMENTS - FREEDOM OF INFORMATION APPLICATION NUMBER**

**SKNOLL171070**

Document Number	Description of Document	Date of Document	Author	Determination	Schedule Clause Applied
				Release / Partial Release / Refuse Access	
001	Email	27/11/2018, 5.05pm	DPTI	Partial Release	6(1)
002	Minute with 3 attachments	27/11/2018	DPTI	Partial Release/Refuse Access	7(1)(b)(i)(ii)(b) 9(1)(a)(i)(b)
003	Email	4/12/2018, 1.30pm	DPTI	Refuse Access	17 (c )
004	Email with 1 attachment	5/12/2018, 8.48am	DPTI	Partial Release/Refuse Access	6 (1) 17(c )
005	Email with 2 attachments	6/12/2018, 11.07am	DPTI	Partial Release/Refuse Access	6(1) 1(1)(f)
006	Email	11/12/2018, 5.15pm	DPTI	Partial Release/Refuse Access	6(1) 1(1)(e )(f)
007	Minute with 1 attachment	31/01/2019	DPTI	Refuse Access	1(1)(f) 1(1)(a)
008	Email	31/01/2019 11.22am	DPTI	Partial Release/Refuse Access	6(1) 1(1)(a)
009	Email	2/2/2019 9.36am	DPTI	Refuse Access	10(1)

**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](mailto:sacat@sacat.sa.gov.au)

**Taylor, Sarah (DPTI)**

Out of Scope

**From:** 6(1) (DPTI)

**Sent:** Tuesday, 27 November 2018 5:05 PM

**To:** 6(1)

**Cc:** 6(1) Taylor, Sarah (DPTI) 6(1);

6(1)

**Subject:** RE: Adelaide Oval

Hi 6(1)

Thank you for liaising on this. DTF, having received the payments directly from AOSMA as are well placed to answer to questions one to four and as discussed will do so accordingly with a cc to recipients of this email to close out the matter. In response to the remaining outstanding question I offer the following to the best of my knowledge;

- Has the SMA put in a proposal to the Government to renegotiate the lease arrangement? If so when?

No proposal has been received to amend the lease between the Minister for Transport, Infrastructure and Local Government and the Adelaide Oval Stadium Management Authority Limited.

Regards,

6(1)



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out of scope

out of scope

**From:** 6(1) (DPTI)

**Sent:** Tuesday, 27 November 2018 3:58 PM

**To:** 6(1)

**Cc:** 6(1) Taylor, Sarah (DPTI) 6(1)

**Re:** 6(1)

**Subject:** RE: Adelaide Oval

Hi 6(1)

In relation to the last question, the arrangements under the legislation remain unchanged.

6(1) is following up the other questions and will respond as soon as 6(1) has the relevant information.

Regards

6(1)

out of scope

out of scope



out of scope

out of scope

out of scope

6(1)

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Government of South Australia  
Department of Planning,  
Transport and Infrastructure

MINUTES forming ENCLOSURE to: 2018/21245/01

**TO: MINISTER FOR PLANNING**

**RE: ADELAIDE OVAL STADIUM MANAGEMENT AUTHORITY  
CORRESPONDENCE**

## **BACKGROUND**

The Adelaide Oval Stadium Management Authority (AOSMA) wrote to you on 2 August 2018, requesting in principle support for the proposed hotel within the Adelaide Oval stadium (**Attachment 1**).

## **DISCUSSION**

Following the Government's consideration of the proposal you are now in a position to provide in principle support, should you wish.

The attached letter has been prepared in consultation with the Crown Solicitors Office (CSO) (**Attachment 2**). The letter provides in principle support on the basis that the following matters are met:

- AOSMA and the Treasurer entering into a binding contract for the loan which will include the following proposed terms, and on such terms to be determined in consultation with the South Australian Government Financing Authority (SAFA), subject to the finalisation of its due diligence process:
  - Term of ten years;
  - Provided at a fixed rate of interest of 4.5% per annum;
  - Secured against the hotel business as a going concern; and
  - Guaranteed by the South Australian National Football League (SANFL) and South Australian Cricket Association (SACA).
- The requirement for the final design of the hotel and associated public realm improvements to be subject to a full design review process overseen by the South Australian Government Architect, with the final plans to be assessed by the State Commission Assessment Panel.
- AOSMA giving consideration to a private operator running the hotel.
- The requirements set out in this letter, and any other requirements of the State, being resolved in a manner that would enable AOSMA to implement the hotel proposal in accordance with the timeframes set out in AOSMA's proposal.

As previously discussed, the Department has been advised that the Premier and AOSMA will be delivering a joint announcement on 25 November 2018. The attached schedule envisages an in confidence briefing between you and the Lord Mayor on 24 November 2018. The State Commission Assessment Panel (SCAP) would then consider the matter following lodgement of a development application, shortly following 25 November 2018. Final design matters are being resolved with the Government Architect, following 3 design review sessions.

The CSO are currently working through the lease documentation and the draft term sheet has been provided to AOSMA for review.

To assist in supporting the project the Chief Development Officer of DPTI will convene a regular meeting with AOSMA and the South Australian Financing Authority to work through the attached schedule (**Attachment 3**). The schedule is currently on track, pending resolution of the design by AOSMA.

A refined schedule has also been prepared, that is suitable for distribution to AOSMA (**Attachment 4**).

#### RECOMMENDATION

That you sign the attached letter to the AOSMA providing in principle support for the project.

  
**Andrew McKeegan**  
CHIEF DEVELOPMENT OFFICER

20 November 2018

  
**Tony Braxton-Smith**  
CHIEF EXECUTIVE

20 November 2018

  
**NOTED/APPROVED/NOT APPROVED**

**HON STEPHAN KNOLL MP**  
MINISTER FOR PLANNING

27 November 2018

Attachment 1 – Letter from AOSMA  
Attachment 2 – Draft letter to AOSMA •  
Attachment 3 – Working schedule

**Taylor, Sarah (DPTI)**

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**From:** 6(1) (DPTI)  
**Sent:** Tuesday, 4 December 2018 1:30 PM  
**To:** Taylor, Sarah (DPTI)  
**Subject:** Private Members Motion: Adelaide Oval select committee

Hi Sarah,

The below has been prepared in response to the Private Members Motion about the Adelaide Oval select committee.

6(1) has asked that I run it past you before the official channels, to make sure it is what the Minister is looking for. Can you please confirm the below approach is appropriate?

17(c)



Kind regards,

6(1)

Department of Planning, Transport and Infrastructure

T 6(1) • E 6(1) • GPO Box 967, Adelaide SA 5001 • DX 171 • [www.dpti.sa.gov.au](http://www.dpti.sa.gov.au)

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**Stone, Rachel (DPTI)**

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**From:** DPTI:Minister Requests  
**Sent:** Wednesday, 5 December 2018 8:48 AM  
**To:** Stone, Rachel (DPTI)  
**Cc:** [REDACTED]; DPTI:Minister Requests  
**Subject:** RE: LCPMB54/1/009- Select Committee on the Redevelopment of the Adelaide Oval  
**Attachments:** DOCS\_AND\_FILES\_13400592\_LCPMB541009- DPTI Response - Select Committee on the Redevelopment of the Adelaide Oval - Hunter- Hon I Hunter MLC .DOCX

**Importance:** High

Hello Rachel, Please find attached DPTI response. Warm regards [REDACTED]

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**From:** DPTI:Minister Requests  
**Sent:** Tuesday, 4 December 2018 9:20 AM  
**To:** Stone, Rachel (DPTI) [REDACTED]  
**Cc:** [REDACTED]; DPTI:Minister Requests <DPTI.MinisterRequests@sa.gov.au>  
**Subject:** RE: LCPMB54/1/009- Select Committee on the Redevelopment of the Adelaide Oval

Hello Rachel, Thank you for your patience. Please note DPTI and your office Chief of Staff are liaising on a response. Many thanks [REDACTED]

---

**From:** Stone, Rachel (DPTI)  
**Sent:** Monday, 3 December 2018 4:59 PM  
**To:** DPTI:Minister Requests [REDACTED]  
**Subject:** FW: LCPMB54/1/009- Select Committee on the Redevelopment of the Adelaide Oval  
**Importance:** High

Good afternoon

As per my phone call we need to receive this response asap.

This is due to be debate in Parliament.

Thank you

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**From:** Stone, Rachel (DPTI)  
**Sent:** Thursday, 29 November 2018 9:36 AM  
**To:** DPTI:Minister Requests [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** LCPMB54/1/009- Select Committee on the Redevelopment of the Adelaide Oval  
**Importance:** High

Good morning

Please find attached a Private Members Motion - Select Committee on the Redevelopment of the Adelaide Oval as introduced by Hon I Hunter on the 28 November 2018 in the Legislative Council.

Attached is an extract of the Notice Paper and a template for the response. I have also included the Hansard for this motion.

It would be appreciated if you could coordinate a Government response and speech notes for this Motion on the attached template and return to me by **Friday 30 November 2018**.

**I appreciate that the deadline is tight – but this is due to be voted on next sitting week so notes are needed before the Parliamentary sitting week.**

**This motion is very similar to the motion that is to be introduced by Hon S Mullighan in the House of Assembly, which a Government response and speech notes for this Motion are due in the office by 5<sup>th</sup> December.**

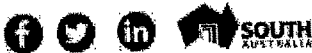
Thank you

Kind regards  
**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

6(1)

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**Taylor, Sarah (DPTI)**

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**From:** 6(1) (DPTI)  
**Sent:** Thursday, 6 December 2018 11:07 AM  
**To:** Taylor, Sarah (DPTI)  
**Cc:** 6(1)  
**Subject:** 1(1)(f)  
**Attachments:** [Redacted]  
**Importance:** High

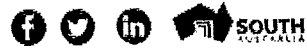
Hi Sarah,

Agency staff have reviewed the attachments and are comfortable.

Note, the Adelaide Oval Hotel loan won't be managed by DPTI. I understand SAFA will deal directly with the AOSMA.

Thanks

6(1)  
People and Business  
Department of Planning, Transport and Infrastructure  
6(1)  
Adelaide 5000 • DX 171 • [www.dpti.sa.gov.au](http://www.dpti.sa.gov.au)



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**From:** 6(1)  
**Sent:** Wednesday, 5 December 2018 5:12 PM  
**To:** 6(1)  
**Subject:** 1(1)(f)  
**Importance:** High

Evening All,

Attached are the 1(1)(f) out of scope

Could you please review wording of the attached (Adelaide Oval out of scope) 1(1)(f)

6(1) DTF have requested comment late tomorrow (Thursday) morning.

Kind regards,

6(1)

Department of Planning, Transport and Infrastructure

6(1)

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**Taylor, Sarah (DPTI)**

**From:** 6(1) (DPTI)  
**Sent:** Tuesday, 11 December 2018 5:15 PM  
**To:** 6(1); 6(1)  
**Cc:** 6(1); Taylor, Sarah (DPTI); 6(1)  
**Subject:** AO - timelines

Hi 6(1)

Given the development application has not yet been lodged lets aim to go to Cabinet 1(1)(e). It was originally proposed to go on 1(1)(e) but matters have not progressed by SMA to meet this as the DA has not been lodged.

1(1)(f)

[Redacted]

6(1) - so pls liaise directly with 6(1) and 6(1) to get this done. Handing over to you to complete. Thanks!

Thanks

6(1)

6(1)

Development Division  
 Department of Planning, Transport and Infrastructure  
 6(1) • PO Box 1815 Adelaide SA 5001 • DX 171 • [www.dpti.sa.gov.au](http://www.dpti.sa.gov.au)



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**Stone, Rachel (DPTI)**

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**From:** 6(1) (DPTI)  
**Sent:** Thursday, 31 January 2019 11:22 AM  
**To:** Stone, Rachel (DPTI)  
**Cc:** 6(1)  
**Subject:** SA SENSITIVE CABINET - Documents for download

**Importance:** High  
**Sensitivity:** Confidential

Hi Rachel, Please find attached documents at this link for the 1(1)(a) . Many thanks 6(1)

6(1)  
Departmental Coordination  
People and Performance Directorate  
Department of Planning, Transport and Infrastructure  
6(1) GPO Box 1533 Adelaide SA 5000 • DX 171 • [www.dpti.sa.gov.au](http://www.dpti.sa.gov.au)

For more information about Departmental Coordination, please check our page on the [DPTI intranet site](#).



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