



Government  
of South Australia

The Hon Stephan Knoll MP  
Member for Schubert

Reference: SKNOLL172868

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 April 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 documents, reports and correspondence sent to the Minister for Transport and Infrastructure, the Hon Stephan Knoll and his office from the Minister for Infrastructure, Transport and Regional Development, the Hon Michael McCormack or his office regarding the 2019-20 Federal Budget from 3/1/2019 until 3/4/2019.”*

On 6 May 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 4 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 refuse access to Documents 001 to 004 in full.

I have refused access to all 4 documents 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;
- (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

Minister for Transport, Infrastructure and Local Government  
Minister for Planning

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

In considering the grounds for exemption using clause 5(1)(a)(i)(b) I am required to consider the public interest in disclosure or non-disclosure.

Factors in favour of release include:

- The public interest in scrutiny of government decision making
- Promoting openness, accountability and public participation within government
- Providing an individual with information that is of special interest to them

Factors against public release include:

- Ensuring confidence and trust between governments, including through the preservation of confidentiality attaching to private communications;
- The need to protect the commercial and financial interests of a third party
- Negatively impacting upon the agency's participation in intergovernmental discussions.

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

21/5/2019

Encl

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

**SKNOLL172868**

Document Number	Description of Document	Date of Document	Author	Determination Release / Partial Release / Refuse Access	Schedule Clause Applied
001	Email with 2 attachments	20/03/2019, 1.34pm		Refuse Access	1(e )(f), 5(1)(a)(i)(b)
002	Email	20/03/2019, 2.28pm		Refuse Access	1(e )(f), 5(1)(a)(i)(b)
003	Email	25/03/2019, 8.06pm		Refuse Access	1(e )(f), 5(1)(a)(i)(b)
004	Email	28/03/2019, 2.34pm		Refuse Access	1(e )(f), 5(1)(a)(i)(b)

**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)