

Reference: SKNOLL169066

The Hon Stephan Knoll MP Member for Schubert

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

3 | 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

ocument Number	SCHEDULE OF DOCUMENTS - F Description of Document	REEDOM OF INFORMAT	TION APPLICATION Author	NUMBER Determination Release / Partial Release / Refuse Access	SKNOLL169066 Schedule Clause Applied
1	Letter	2/08/2018		Refuse Access	7(1)(b)(i)(ii)(b)
2	Email with 1 attachment	11/10/2018, 2.01pm		Partial Release/Refuse Access	6(1), 7(1)(b)(i)(ii)(b)
3	Email with 6 attachments	11/10/2018, 2.31pm		Partial Release/Refuse Access	6(1), 7(1)(b)(i)(ii)(b)
4	Email with 1 attachment	19/10/2018, 1.42pm		Partial Release/Refuse Access	6(1), 1(1)(a)
5	Email	21/11/2018, 8.32am		Partial Release	6(1), 9(1)(a)(ii)(b)
6	Email with 2 attachments	23/11/2018, 3.42pm		Partial Release/Refuse Access	6(1), 7(1)(b)(i)(ii)(b)
7	Email	26/11/2018, 6.50am		Partial Release	6 (1)
8	Email	26/11/2018, 10.35am		Partial Release/Refuse Access	6(1) 7(1)(b)(i)(ii)(b)
9	Email	26/11/2018 11.50am		Partial Release	6(1)
10	Email with 1 attachment	26/11/2018, 2. <mark>3</mark> 7pm		Partial Release/Refuse Access	6(1), 17(c)
11	Email with 1 attachment	27/11/2018 12.23pm		Partial Release/Refuse Access	6(1), 17(c)
12	Email	28/11/2018 10.47am		Partial Release	6(1)
13	Email	29/11/2018 9.17am		Partial Release	6(1)
14	Email with 1 attachment	29/11/2018 11.02am		Partial Release/Refuse Access	6(1) 9(1)(a)(ii)(b)

Taylor, Sarah (DPTI)	
From: Sent: To: Cc: Subject: Attachments:	Thursday, 11 October 2018 2:01 PM Taylor, Sarah (DPTI)
Hi Sarah,	
As requested via	please find attached an electronic copy of the
I fill forward the appendi	ices by separate email, due to their size.
Kind Regards,	

From: Sent: To: Subject: Attachments:	Taylor, Sarah (DPTI) Thursday, 10 January 2019 2:31 PM Stone, Rachel (DPTI)
Sarah Taylor Chief of Staff to the Hon Stephar Minister for Transport, Infrastruc Minister for Planning T 08 7109 8430 • Frank toulon	Knoll MP cture and Local Government
From: Sent: Thursday, 11 October 2018 To: Taylor, Sarah (DPTI) Cc: Subject: Hi Sarah, Please see attached the Kind Regards,	as promised below.
From: Sent: Thursday, 11 October 201. To: Sarah Taylor Cc: Subject: Hi Sarah, As requested via	please find attached an electronic copy of
I fill forward the by Kind Regards,	separate email, due to their size.

Stone, Rachel (DPTI)

Taylor, Sarah (DPTI) From: Taylor, Sarah (DPTI) Sent: To: FW: CABINET IN CONFIDENCE - LOCKED ITEM Subject: **Attachments:** Hi All, - please note this is a locked As briefly discussed, please find attached the Cabinet Submission regarding 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 • From: Sent: Friday, 19 October 2018 12:51 PM To: Taylor, Sarah (DPTI) Subject: CABINET IN CONFIDENCE Hi Sarah submission for circulation for meeting on Monday 22nd. This item is LOCKED. Thanks

Office of the Minister for Transport, Infrastructure and Local Government

Minister for Planning

Department of Planning, Transport and Infrastructure

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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 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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Taylor, Sarah (DPT	T)
From: Sent:	Wednesday, 21 November 2018 8:32 AM
To:	Henderson, Cameron (DPTI); Taylor, Sarah (DPTI)
Cc:	
Subject:	Ministerial actions
Hi Sarah and Cam	
	ľm
also conscious that it is the announcement on	intended the Minister meet with the Lord Mayor on 24 Nov re adelaide Oval, as a precursor to
I'm sure you are onto t	his but just wanted to check in as the Adelaide Oval discussion has flow on effects.
Cam	
Thanks	
Sent from my iPhone	
Begin forwarded mess	age:
From: Date: 16 Nove	mbe <mark>r 2018 at 1:4</mark> 9:31 pm ACDT
To: "Allow Ani	"Henderson, Cameron (DPTI)"
< <u>Cameron.Her</u>	nderson@sa.gov.au>
	"Taylor, Sarah (DPTI)"
Subject: Minis	terial actions
HI All	

Γ	ITEM	RESPONSBILITY	ACTIONS/NEXT STEPS
1			
2			
3			
4			

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

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From:

Taylor, Sarah (DPTI)

Sent:

Friday, 23 November 2018 3:42 PM

To: Cc:

Subject:

AO

Attachments:

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 •-

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Stone, Rachel (DPTI)

From:

Knoll, Stephan (DPTI)

Sent:

Wednesday, 5 December 2018 3:59 PM

To:

Stone, Rachel (DPTI)

Subject:

FW: 5AA re Adelaide Oval

Importance:

High

The SMA one

Hon. Stephan Knoll MP

Minister for Transport, Infrastructure and Local Government

Minister for Planning

T 08 7109 8430 •

From: Sent: Monday, 26 November 2018 6:50 AM

To: Knoll, Stephan (DPTI)

Cc: Bluck, George (DPTI)

; Hill, Evan

(DPTI)

Nourse, Courtney (DPTI)

; Taylor, Sarah (DPTI)

Subject: 5AA re Adelaide Oval

Importance: High

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,



Taylor, Sarah (DPTI)	
From: Sent: To: Subject:	Monday, 26 November 2018 10:35 AM Taylor, Sarah (DPTI) SAFA Loan
Hi Sarah	
	ndering if you could provide me with some guidance.
We have been advised that to the Treasurer for approve	the process for these loans is for the Planning Minister to put up proposed projects
Any advice you could prov	de me regarding this process would be greatly appreciated.
Regards	
X Aprilia and a standard and a state of the	

From:

Sent:

Monday, 26 November 2018 11:50 AM

To:

Henderson, Cameron (DPTI)

Cc:

Taylor, Sarah (DPTI)

Subject:

FW: Adelaide Oval hotel

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:

Sent: Monday, 26 November 2018 11:48 AM

To:

Subject: Adelaide Oval hotel

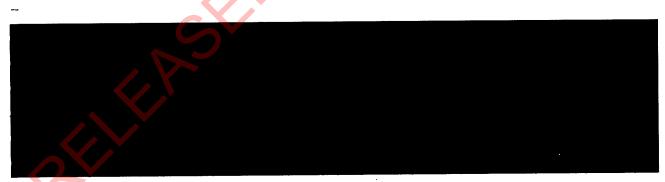
Hey,

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



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From:

Nourse, Courtney (DPTI)

Sent:

Monday, 26 November 2018 2:37 PM

To:

DPC); Taylor, Sarah (DPTI); Hill, Evan (DPTI); Knoll, Stephan (DPTI);

Bluck, George (DPTI); Henderson, Cameron (DPTI)

Subject:

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

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From:

Sent:

To:

Subject:

Attachments:

Draft PBN

D I (D'TE)

Tuesday, 27 November 2018 12:23 PM

(DPTI); Taylor, Sarah (DPTI)

draft PBN

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.

- 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
- (i) 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

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From:

Nourse, Courtney (DPTI)

Sent:

Thursday, 29 November 2018 9:17 AM Stone, Rachel (DPTI); Taylor, Sarah (DPTI)

To: Subject:

RE: Leg Co NOM - Hunter - Adelaide Oval Redevelopment

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.

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

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Taylor, Sarah (DPTI) DPTI:Minister Knoll From: Thursday, 29 November 2018 11:02 AM Sent: DL:DPTI Minister for Transport, Infrastructure and Local Government; Taylor, Sarah To: (DPTI); Nourse, Courtney (DPTI); Henderson, Cameron (DPTI); Hill, Evan (DPTI); Bluck, George (DPTI) Subject: Attachments: Hi all which you may find of use. Please find attached a Thanks, From: DPC:PCU Sent: Thursday, 29 November 2018 10:35 AM Subject Dear Colleagues, You might recall when we first developed the Objective Connect system We want to thank you all for your contributions to the updated Once again, thank you for helping us create this "and for your ongoing support to keep it updated. Regards,

PELLE ASE DINIDER S