



**Government  
of South Australia**

TRS19D1375

Hon Stephen Mullighan MP  
Member for Lee  
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Dear Mr Mullighan

**APPLICATION UNDER THE *FREEDOM OF INFORMATION ACT 1991***

I refer to your application made under the *Freedom of Information Act 1991* (FOI Act), dated 22 May 2019.

Your application seeks access to:

*“All minutes, briefings and correspondence titled ‘SA School’s PPP Project – Expression of Interest’ as described on the Objective document management system, between 12 July 2018 and 22 May 2019.”*

The legislative prescribed timeframe to determine this application has expired and is now deemed to have refused you access to all documents relevant to your application. I refer to my letter dated 26 May 2019 where I sought additional time to make my determination.

The purpose of this letter is to advise you of my determination. An extensive search was conducted within this office. A total of 1 document was identified as answering the terms of your application.

I grant you access in part to 1 document; a copy of which is enclosed.

The document is released in part as it contains an extract of information which was prepared for Cabinet and also contains information concerning a Cabinet decision. I therefore determine this exempt pursuant to clause 1(1)(c) and (e) to the FOI Act.

The document also contains information on timelines which are sensitive to this project and its commercial negotiations. As the content provides advice relating to ongoing negotiations, disclosure would provide advice in relation to such negotiations, not being in the public interest. There is also a possibility that disclosure may inhibit frankness and candour in future advice. I therefore determine this exempt pursuant to clause 7(1)(c).

The Expression of Interest (EOI) document for the SA Schools PPP Project was publicly available on the SA Tenders and Contracts website.

## **Exemptions**

### **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).*
  - (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.*

### **Clause 7 – Documents affecting business affairs concerning**

- (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 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; or*
  - (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.*

Please note, in compliance with Premier and Cabinet Circular PC045 - *Disclosure Logs for Non-Personal Information Released through Freedom of Information* (PC045), the Department of Treasury and Finance is now required to publish a log of all non-personal information released under the *Freedom of Information Act 1991*.

In accordance with this Circular, any non-personal information determined for release as part of this application, may be published on the DTF website. A copy of PC045 can be found at the following address: <https://dpc.sa.gov.au/resources-and-publications/premier-and-cabinet-circulars>. Please visit the website for further information.

As I am determining this application as Principal Officer, Section 29(6) of the Act does not provide for an internal review. If you are dissatisfied with my determination you are entitled to exercise your rights of external review with the Ombudsman.

Alternatively, you can apply to the South Australian Civil and Administrative Tribunal. If you wish to seek a review, Section 39(3) of the Act states you must do so within 30 calendar days of receiving the determination.

If you require any further information, please contact Vicky Cathro on 8226 9769.

Yours sincerely

A handwritten signature in black ink, appearing to read "Rob Lucas".

**Hon Rob Lucas MLC**  
*Principal Officer*

15 December 2019

**RELEASE IN PART**

MINUTE

MINISTER'S OFFICE

Rec'd 27/08/2018

File No: T&F18/0410

Physical No: T&F18D00893



MINUTES forming ENCLOSURE

File T&F18/0410

Doc No TF18D00893

To The Treasurer

SA SCHOOLS PPP PROJECT - EXPRESSION OF INTEREST

Timing: ROUTINE — For Approval by 31 August 2018

**Recommendations/Issues:** It is recommended that you:

- Note the attached Expression of Interest (EOI) document for the SA Schools PPP Project; and
- Approve that the EOI be issued to the market on 4 September 2018.

Approved / Not-Approved

*Rob Lucas*

Hon Rob Lucas MLC  
Treasurer

23/8/18

Key Points:

- On [REDACTED] Cabinet approved that the SA Schools PPP Project ('the Project') was to proceed under PPP delivery.
- The Project will see two new birth to year 12 schools, in the Munno Para and Aldinga regions of outer metropolitan Adelaide, with each school to accommodate 1,500 students, 100 special school students and including a 75 place children's centre (total 1,675 places) on site. The new schools will commence formal operations in term 1 of the 2022 school year.
- [REDACTED]
- The final EOI document is attached for your information. The document was prepared through a collaborative effort between the Department of Treasury and Finance, the Department for Education, the Department of Planning Transport and Infrastructure, the



Crown Solicitors Office and external advisors to the Project. It has been reviewed by the Probity Advisor and endorsed by the SA Schools PPP Project Steering Committee.

- A Detailed Acquisition Plan for the Project has been endorsed by the joint DPC/DTF Accredited Purchasing Unit and approved by the State Procurement Board.
- The EOI document formally advises the market of the Project opportunity, the State requirements (Project Scope) being sought through the Project and the proposed Project timeframes.
- The EOI will provide the basis for selecting a short-list of proponents to receive the Request for Proposals (RFP) scheduled for release early 2019.
- The EOI will be placed on the SA Tenders and Contracts website for a six week period. A single public notice will be published in The Australian and Financial Review newspapers on the day of the release to advise prospective respondents.
- Respondents will be required to respond to key criteria that will enable the State to evaluate their experience, capacity and commitment to deliver against the Project Objectives. Responses will be evaluated against an Evaluation Plan, which has been reviewed by the Probity Advisor and endorsed by the Steering Committee
- The Steering Committee will review and endorse the Evaluation Panel's recommendation in relation to the outcomes of the EOI evaluation prior to seeking your approval for the shortlisted proponents to be formally invited to participate in the RFP.
- The evaluation and approval process for the EOI phase of the procurement is scheduled to run from mid October 2018 when proposals are due, through to the end of 2018.



- It is recommended that you note the attached EOI and approve its release to the market on 4 September 2018.

A handwritten signature in black ink, appearing to read 'David Reynolds'.

David Reynolds  
CHIEF EXECUTIVE

23 August 2018

Contact Officer:	Tim Cave
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