



**Government
of South Australia**

TRS21D1062

Treasurer

Level 8
State Administration Centre
200 Victoria Square
Adelaide SA 5000
GPO Box 2264
Adelaide SA 5001
DX 56203 Victoria Square
Tel 08 8226 1866
treasurer.dtf@sa.gov.au

Hon Peter Malinauskas MP
Leader of the Opposition
Parliament House
North Terrace
ADELAIDE SA 5000

laborleader@parliament.sa.gov.au

Peter

Dear Mr Malinauskas

APPLICATION UNDER THE *FREEDOM OF INFORMATION ACT 1991*

I refer to your application made under the *Freedom of Information Act 1991* (the Act), dated 6 May, 2021.

Your application seeks access to:

"All correspondence between the Stadium Management Authority (SMA) and the Office of the Treasurer." From 1 January 2020 to 6 May 2021.

The purpose of this letter is to advise you of my determination. An extensive search was conducted within the scope of your application. A total of 8 documents were identified as answering the terms of your application.

I grant you access in part to 6 documents; copies of which are enclosed.
I refuse in full 2 documents.

Documents Released in Part

Documents 1, 3, 4, 5, 7 and 8.

Documents Refused in Full

Documents 2 and 6.

I have consulted with Adelaide Oval SMA Ltd (AOSMA) who advised that documents 2 and 6 be exempt under the Act, and provided the following reasons.

A majority of the matters discussed within documents 2 and 6 are commercial and confidential in nature, the disclosure of these documents would also bring into the public domain critical information pertaining to the number of staff, security, and other personnel at Adelaide Oval during a pandemic (and by extension any future

similar event). Any member of the public could form a reasonably accurate estimate, from information contained within these documents, of the number of staff and security who would be present at Adelaide Oval in response to future COVID-19 restrictions or other significant events. Disclosure of this information could endanger the life or physical safety of patrons or personnel at Adelaide Oval or compromise the security of those premises. The risk is contrary to the public interest and are exempt pursuant to clauses 4(1)(a), 4(2)(iv) and 4(2)(v).

Documents 2 and 6 also detail the financial operations and business affairs of AOSMA and its associated entities. In particular, these documents outline AOSMA's income, expenditure, finances (including loan agreements), employee arrangements, contractual arrangements with stakeholders, and solvency concerns as a result of the COVID-19 restrictions. If disclosed, would effectively advertise these financial matters and potentially diminish any future business opportunities or sway public confidence to competitors. I therefore determine it is exempt pursuant to clause 7(1)(c).

Disclosure of information within documents 2 and 6, also raise concerns regarding AOSMA's solvency and significant losses of income, as well as the solvency and viability of SACA and the SANFL, which would have a considerable impact on the confidence of state businesses, suppliers and spectators as well as public confidence in the fragility of the state economy and vulnerability of our public sporting institutions. Releasing this information could have a retrograde effect on public and business confidence in the AOSMA and the State's economic stability. I therefore determine it is exempt pursuant to clause 14(a)(i).

As documents 2 and 6 contain confidential and sensitive financial information concerning the solvency of and significant financial pressure on AOSMA and its stakeholders. Public disclosure of these matters would invariably prejudice the future frank supply of such information from AOSMA and associated parties, particularly during difficult economic periods such as the COVID-19 pandemic. Therefore, these documents should be exempt pursuant to clause 13(1)(b).

Documents 1, 3, 4, 5, 7 and 8 contain personal information relating to names and contact details of Stadium Management Authority employees, which have been redacted pursuant to clause 6(1).

Exemptions

Clause 4 — Documents affecting law enforcement and public safety

- (1) *A document is an exempt document if it contains matter the disclosure of which could reasonably be expected—*
 - (a) *to endanger the life or physical safety of any person; or*
 - (b) *to prejudice the fair trial of any person or the impartial adjudication of any case; or*
 - (c) *to facilitate the escape from lawful custody of any person.*
- (2) *A document is an exempt document if it contains matter the disclosure of which—*
 - (a) *could reasonably be expected—*
 - (i) *to prejudice the investigation of any contravention or possible contravention of the law (including any revenue law) whether generally or in a particular case; or*
 - (ii) *to enable the existence or identity of any confidential source of information, in relation to the enforcement or administration of the law, to be ascertained; or*

- (iii) to prejudice the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law (including any revenue law); or
 - (iv) to prejudice the maintenance or enforcement of any lawful method or procedure for protecting public safety; or
 - (v) to endanger the security of any building, structure or vehicle; or
 - (vi) to prejudice any system or procedure for the protection of persons or property; and
- (b) would, on balance, be contrary to the public interest.

(3) A document is an exempt document if it is a document that was created by the former Bureau of Criminal Intelligence or has been created or is held by the State Intelligence Section of South Australia Police or any authority substituted for that body.

(3a) A document is an exempt document if it has been created by South Australia Police and contains information classified by the Commissioner of Police, in accordance with the provisions of any other Act, as criminal intelligence.

(4) In this clause, a reference to the law includes a reference to the law of the Commonwealth, the law of another State and the law of another country.

Clause 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.

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.

Clause 13 – Documents containing confidential material

- (1) A document is an exempt document
- (a) if it contains matter the disclosure of which would found an action for breach of confidence; or
 - (b) if it contains matter obtained in confidence the disclosure of which
 - (i) might reasonably be expected to prejudice the future supply of such information to the Government or to an agency; and
 - (ii) would, on balance, be contrary to the public interest.

- (2) A document that is a contract entered into by the Crown or an agency after the commencement of this subclause is not an exempt document by virtue of subclause unless—
- (a) it contains matter the disclosure of which would, under a term of the contract, constitute a breach of the contract or found an action for breach of confidence; and
 - (b) that term of the contract has been approved by—
 - (i) in the case of a contract entered into by the Crown—a Minister; or
 - (ii) in the case of a contract entered into by a State Government agency—the responsible Minister for the agency; or
 - (iii) in the case of a contract entered into by an agency that is not a State Government agency—the agency.

14—Documents affecting the economy of the State

A document is an exempt document if it contains matter the disclosure of which—

- a. could reasonably be expected—
 - i. to have a substantial adverse effect on the ability of the Government or an agency to manage the economy, or any aspect of the economy, of the State; or
 - ii. to expose any person or class of persons to an unfair advantage or disadvantage as a result of the premature disclosure of information concerning any proposed action or inaction of the Parliament, the Government or an agency in the course of, or for the purpose of, managing the economy of the State; 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 Act.

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 (08) 8226 9769.

Yours sincerely



Hon Rob Lucas MLC
Principal Officer

12 June 2021

DOCUMENT SCHEDULE

Doc No.	Date	Description of Document	# of pages	Determination Recommendation	Exemption Clause
1	20/03/2020	Email - FW: Correspondence from the Adelaide Oval SMA Chairman	1	Released in part	6(1) – Contains personal information that would be unreasonable to disclosure.
2	20/03/2020	Letter from the Adelaide Oval SMA Chairman	2	Refused in Full	<p>4(1)(a) – Disclosure could cause danger to life or physical safety of any person;</p> <p>4(2)(iv) – disclosure could prejudice the maintenance or enforcement of any lawful method or procedure for protecting public safety; and</p> <p>4(2)(v) – to endanger the security of any building, structure or vehicle.</p> <p>7(1)(c) – Contains information concerning business, commercial and financial affairs of the agency & contrary to public interest.</p> <p>13(1)(b) – Contains matter obtained in confidence, disclosure would affect future supply of information & contrary to public interest.</p> <p>14(a)(i) – Adverse effect on aspect of the economy of the State & contrary to public interest.</p>

3	01/04/2020	Email - TRS20D0571 - Final	1	Released in part	6(1) – Contains personal information that would be unreasonable to disclosure.
4	31/03/2020	TRS20D0571 – Final Letter	2	Released in part	6(1) – Contains personal information that would be unreasonable to disclosure.
5	24/06/2020	Email - FW: Correspondence from the Adelaide Oval SMA Chairman	2	Released in part	6(1) – Contains personal information that would be unreasonable to disclosure.
6	18/06/2020	Letter from the Adelaide Oval SMA Chairman	2	Refused in Full	4(1)(a) – Disclosure could cause danger to life or physical safety of any person;
					4(2)(iv) – disclosure could prejudice the maintenance or enforcement of any lawful method or procedure for protecting public safety; and
					4(2)(v) – to endanger the security of any building, structure or vehicle.
					7(1)(c) – Contains information concerning business, commercial and financial affairs of the agency & contrary to public interest
					13(1)(b) – Contains matter obtained in confidence, disclosure would affect future supply of information & contrary to public interest.
					14(a)(i) – Adverse effect on aspect of the economy of the State & contrary to public interest.

7	02/11/2020	Email - TRS20D3212 - Final	1	Released in part	6(1) – Contains personal information that would be unreasonable to disclosure.
8	02/03/2021	TRS20D3212 – Final Letter	2	Released in part	6(1) – Contains personal information that would be unreasonable to disclosure.

DTF:Treasurer

From: [REDACTED]@adelaideoval.com.au
Sent: Friday, 20 March 2020 4:39 PM
To: DTF:Treasurer
Subject: FW: Correspondence from the Adelaide Oval SMA Chairman
Attachments: 200320 Letter to Premier re Adelaide Oval SMA Ltd Solvency.pdf

Categories: Kate

Good afternoon

Please find attached a letter Kevin Scarce, Adelaide Oval SMA Chairman on which the Treasurer has been copied.

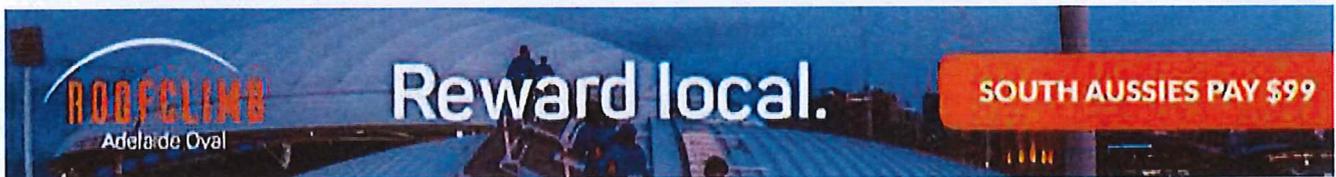
The original copy of the letter is on the way to your office by courier this afternoon .

Kind regards

[REDACTED]

[REDACTED]
EA to the CEO and CFO
Adelaide Oval SMA Ltd. | PO Box 900 North Adelaide SA 5006
Phone: +61 8 8211 1111 | Mobile: +61 [REDACTED]
[REDACTED]@adelaideoval.com.au | www.adelaideoval.com.au

Adelaide Oval



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DTF:Treasurer

From: DTF:Treasurer
Sent: Wednesday, 1 April 2020 12:00 PM
To: [REDACTED]@adelaideoval.com.au
Subject: TRS20D0571 - Final
Attachments: TRS20D0571 - Final.pdf

Importance: High

Good afternoon

Please find attached signed letter from the Treasurer, the Hon Rob Lucas MLC.

Please note the hard copy has been posted.

Kind regards

The Correspondence Team to the
Hon Rob Lucas MLC
Treasurer

Phone: 8226 1866
Department of Treasury & Finance
PO Box 2264 | ADELAIDE SA 5001



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The Hon Rob Lucas MLC



Government
of South Australia

TRS20D0571

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DX 56203 Victoria Square
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treasurer.dtf@sa.gov.au

Rear Admiral the Honourable
Kevin Scarce AC CSC RAN (Rtd)
Adelaide Oval SMA Ltd
PO Box 900
NORTH ADELAIDE SA 5006

██████████@adelaideoval.com.au

Kevin,
Dear Rear Admiral Scarce

Thank you for your letter advising of the financial issues that the Adelaide Oval Stadium Management Authority (AOSMA) is experiencing as a result of restrictions relating to the COVID-19 health response, in particular the deferral of the AFL season.

The South Australian Government is committed to working with organisations and industries to provide support to those most affected by the restrictions in place to limit the spread of COVID-19.

I have considered your request for financial assistance and advise that I have approved support being provided from the South Australian Government's Community and Jobs Support Fund. I have approved the following measures to assist the AOSMA:

- ex-gratia relief of \$1.0 million for payment of the Special annual sublease fee.
This will be effected through a Deed which is being prepared by the Crown Solicitor and will be forwarded to the AOSMA separately for execution.
- a nil contribution to the Sinking Fund for the 2020-21 financial year (a waiver of \$3.0 million payable in October 2020).

Consistent with the requirements under section 6 of the *Adelaide Oval Redevelopment and Management Act 2011*, the AOSMA will need to report a nil contribution to the Fund to the Minister for Transport, Infrastructure and Local Government.

In relation to your request for assistance in relation to the Adelaide Oval Hotel loan, I am prepared to offer similar arrangements to those being offered by commercial banks to some businesses. I have approved that the interest on the Adelaide Oval

Hotel loan that would otherwise be payable on the amounts drawn down over the construction period, will be deferred for the period to 30 September and capitalized over the remaining life of the loan.

I understand the extraordinary conditions that the AOSMA is currently facing and appreciate the difficult decisions that the Board has had to make to manage the financial implications of the current situation.

DTF officers will liaise with the AOSMA to facilitate these arrangements.

I hope that this support will allow the AOSMA to navigate this difficult period.

Yours sincerely



Hon Rob Lucas MLC
Treasurer

31 March 2020

DTF:Treasurer

From: Colegate, Rachael (DTF)
Sent: Wednesday, 24 June 2020 10:56 AM
To: DTF:Treasurer
Subject: FW: Correspondence from Adelaide Oval SMA Chairman
Attachments: 200618 Letter to Premier Steven Marshall re Financial Issues.pdf

Corro, note we are cc'd in on this letter.

Rachael Colegate
 Executive Assistant
 to the Hon Rob Lucas MLC
 Treasurer
 Level 8, 200 Victoria Square | ADELAIDE SA 5000
 T 08 8226 1813 e rachael.colegate@sa.gov.au

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Government of South Australia
 Department of Treasury
 and Finance



Proudly working with White Ribbon to create a safer workplace
 Australia's campaign to stop violence against women

From: [REDACTED]@adelaideoval.com.au>
Sent: Wednesday, 24 June 2020 10:40 AM
To: Colegate, Rachael (DTF) <Rachael.Colegate@sa.gov.au>
Subject: Correspondence from Adelaide Oval SMA Chairman

Good morning Rachael

Please find attached a letter from Kevin Scarce, Chairman of the Adelaide Oval SMA on which the Treasurer has been copied.

The original copy will be forwarded to your office today by courier.

Kind regards

[REDACTED]
EA to the CEO and CFO
 Adelaide Oval SMA Ltd. | PO Box 900 North Adelaide SA 5006
 Phone: +61 8 8211 1111 | Mobile: +61 [REDACTED]
 [REDACTED]@adelaideoval.com.au | www.adelaideoval.com.au



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DTF:Treasurer

From: DTF:Treasurer
Sent: Monday, 2 November 2020 10:55 AM
To: [REDACTED]@adelaideoval.com.au
Cc: DIT:Minister Wingard
Subject: TRS20D3212 - Final
Attachments: TRS20D3212 - Final.pdf

Good morning

Please find attached signed letter from the Treasurer, the Hon Rob Lucas MLC.

Please note the hard copy has been posted.

Kind regards

The Correspondence Team to the
Hon Rob Lucas MLC
Treasurer

Phone: 8226 1866
Department of Treasury & Finance
PO Box 2264 | ADELAIDE SA 5001



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The Hon Rob Lucas MLC

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TRS20D3212

Rear Admiral the Honourable
Kevin Scarce AC CSC RAN (Rtd)
Adelaide Oval SMA Ltd
PO Box 900
NORTH ADELAIDE SA 5006

██████████@adelaideoval.com.au

Kevin

Dear Rear Admiral Scarce

Further to my letter of 24 July 2020 and our meeting of 16 October 2020, I have given further consideration to the Adelaide Oval Stadium Management Authority's (AOSMA) request for financial assistance and advise that I have approved the following measures to assist the AOSMA:

- ex-gratia relief of \$1.024 million for payment of the 2020-21 special annual sublease fee (payable in July 2022), to be met from the Community and Jobs Support Fund.

This will be effected through a Deed which is being prepared by the Crown Solicitor and will be forwarded to the AOSMA separately for execution.

- AOSMA making a reduced contribution of \$1.0 million to the Sinking Fund for 2021-22, with the remainder of the scheduled contribution (\$2.124 million) to be funded from the Community and Jobs Support Fund, with the payment to be made to AOSMA for this purpose when due.

Officers from the Department of Treasury and Finance will liaise with relevant AOSMA officers to implement these measures.

As advised in my letter of 24 July 2020 a reduction in the interest rate on the Adelaide Oval Hotel loan has not been approved as the interest rate of 4.5% reflects the borrowing cost over a 30-year payback period that supported AOSMA's business case for the hotel development.

I appreciate the efforts and innovative measures that AOSMA has undertaken to manage operations through the COVID-19 pandemic, and I trust that the relief provided by the South Australian Government has assisted AOSMA in responding to these unprecedented and challenging times.

Yours sincerely

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

Hon Rob Lucas MLC
Treasurer

31 October 2020

cc Hon Corey Wingard MP, Minister for Infrastructure and Transport