



**Government  
of South Australia**

TRS20D2617

Hon Stephen Mullighan MP  
Member for Lee  
Unit 1, 62 Semaphore Road  
SEMAPHORE SA 5019

**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

[lee@parliament.sa.gov.au](mailto:lee@parliament.sa.gov.au)

  
Dear Mr Mullighan

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

I refer to your application made under the *Freedom of Information Act 1991* (the Act), dated 5 August 2020.

Your application seeks access to:

*"All minutes, briefings and correspondence titled 'Variation to Casino Duty Agreement for Temporary Casino Duty Deferral' as described on the Objective document management system, between 9 April and 5 August 2020."*

The prescribed legislative timeframe to determine this application has expired and is now deemed as refused access to documents relevant to your application. I refer to my letter dated 18 August 2020 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 4 documents were identified as answering the terms of your application.

I grant you access in full to 2 documents; copies of which are enclosed.  
I grant you access in part to 1 document; a copy of which is enclosed.  
I refuse you access in full to 1 document.

#### **Documents Released in Full**

Documents 2 and 4

#### **Documents Released in Part**

Document 1 is released in part as it contains legal advice subject to legal professional privilege. This advice is redacted pursuant to clause 10(1).

## Documents Refused in Full

Document 3 is a copy of the Casino Duty Agreement between the Treasurer and SkyCity Adelaide. This agreement was tabled in Parliament on 21 July 2020 and is publicly available.

## Exemptions

### Clause 10 – Documents subject to legal professional privilege

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

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 8226 9769.

Yours sincerely



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

13 November 2020

## Schedule of Documents

TRS20D2617 - Variation Agreement to Casino Duty Agreement for Temporary Casino Duty Deferral

Doc. No.	Date	Description of Document	# of pages	Determination Recommendation	Exemption Clause	Reason
1	3/06/2020	Briefing to Treasurer from Executive Director, Budget and Performance, DTF	2	Released in part	10(1) - Subject to legal professional privilege	
2	7/06/2020	Letter to SkyCity from Treasurer (Attachment 2)	1	Released in full		
3		Variation Agreement (Attachment 1)	1	Refused in full		Publicly available
4	1/04/2020	Letter to SkyCity from Treasurer (Attachment 3)	1	Released in full		

**RELEASE**

The Hon Rob Lucas MLC



Government  
of South Australia

TRS20D1838

Treasurer  
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treasurer.dtf@sa.gov.au

Mr David Christian  
General Manager  
Adelaide Casino  
GPO Box 1918  
ADELAIDE SA 5001

David,  
Dear Mr Christian

I refer to my correspondence of 1 April 2020, advising that the Government had approved a temporary six-month deferral of casino duty payable by the Adelaide Casino for payments due from April 2020 (based on March activity).

The correspondence noted that officials were working though the detail of how the deferral would apply.

I am advised that a variation to the Casino Duty Agreement in writing, pursuant to clause 13.3 of the agreement, is the preferred option for implementing the temporary six-month deferral of Casino Duty.

Please find attached a variation to the Casino Duty Agreement in duplicate for your signature.

I have already signed both copies on behalf of the Government.

Each page of the agreement should be initialled.

The variation agreement allows for a temporary six month deferral of monthly casino duty payments for the months of March to August 2020 inclusive, due on 7 October 2020.

I ask that the duplicate copies of the variation agreement are signed on behalf of Skycity Adelaide Pty Ltd and returned to my office.

After the documents are returned I will arrange to have copies of the variation laid before both Houses of Parliament within 12 sitting days as required under section 18(2) of the *Casino Act 1997*.

Yours sincerely

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

Hon Rob Lucas MLC  
Treasurer

7 June 2020



**Government  
of South Australia**

TRS20D0726

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Mr David Christian  
General Manager  
Adelaide Casino  
GPO Box 1918  
ADELAIDE SA 5001

[judy.salvemini@adelaidecasino.com.au](mailto:judy.salvemini@adelaidecasino.com.au)

*David*

Dear Mr Christian

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 am pleased to advise that the Government has approved a temporary six-month deferral of gaming machine tax payable by hotels and clubs and casino duty payable by the Adelaide Casino during this difficult time. This will apply for payments due from April 2020 (based on March activity).

Officials are currently working though the detail of how the deferral will apply and information will be made available shortly.

Yours sincerely

A handwritten signature in black ink that reads 'Rob Lucas'.

**Hon Rob Lucas MLC**  
Treasurer

1 April 2020

**RELEASE IN PART**

MINUTE

17/8/2020  
T20/014  
TR52012/838



Government  
of South Australia  
Department of Treasury  
and Finance

MINUTES forming ENCLOSURE

File T&F20/0396

Doc No A1416012

To The Treasurer

VARIATION TO THE CASINO DUTY AGREEMENT FOR TEMPORARY CASINO DUTY DEFERRAL

Timing: ROUTINE

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

- approve and sign two copies of the attached variation to the Casino Duty Agreement to put into effect a temporary 6 month deferral of Casino Duty for the months of March to August 2020 inclusive as a result of the mandatory closure of gaming venues due to Covid-19 (Attachment 1). Each page of the agreement should be initialled;
- approve and sign the attached letter to Mr David Christian, General Manager of the Adelaide Casino providing copies of the variation of the agreement for signature by Skycity Adelaide (Attachment 2);
- note that pursuant to section 18(2) of the *Casino Act 1997*, copies of the agreement must be laid before both Houses of Parliament within 12 sitting days once it is signed by both parties.

Approved/Not Approved

Hon Rob Lucas MLC  
Treasurer

7/6/20

**Key points:**

- On 1 April 2020 you advised the Adelaide Casino that the South Australian Government had approved a temporary six-month deferral of casino duty payable by the Adelaide Casino during from April 2020 as a result of the Covid-19 restrictions (Attachment 3). You also advised that officials would work through the detail of how the deferral would be implemented.



- Crown Law advice was sought [REDACTED]
- Casino duty must be paid "in accordance with the casino duty agreement" under section 51(1) of the *Casino Act 1997*. Clause 6 of the Casino Duty Agreement provides for monthly payments of the duty.
- Crown Law advised [REDACTED]
- Crown Law has drafted a variation to the Casino Duty Agreement ready for signature by all parties.
- The draft agreement allows for a six month deferral of monthly casino duty payments for the months of March (normally payable in April) to August 2020 inclusive until 7 October 2020.
- Two copies of the variation agreement are required to be signed to ensure that the licensee has an original copy of the variation after it has been tabled in Parliament.
- A draft letter to Mr David Christian, General Manager of the Adelaide Casino is also attached enclosing copies of the agreement for signature by Skycity Adelaide (Attachment 2).
- Once the signed variation has been returned from the Adelaide Casino in duplicate it will be required to be laid before both Houses of Parliament within 12 sitting days.



Tammie Pribanic  
EXECUTIVE DIRECTOR  
BUDGET AND PERFORMANCE

3 June 2020

Contact Officer:	Greg Raymond
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