



File: T&F19/0087
A1085667

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15 April 2019

Hon. Stephen Mullighan MP
Member for Lee
1/62 Semaphore Road
SEMAPHORE SA 5019

Sent via email: lee@parliament.sa.gov.au

Dear Mr Mullighan

Freedom of Information Internal Review — Adelaide Oval Hotel Development

I refer to your Freedom of Information application received by Department of Treasury and Finance on 12 February 2019 and your Internal Review application received on 22 March 2019.

Your application specifically requested:

“[Date Range: 24/11/2018 to 12/02/2019] All minutes, briefings, notes, emails and correspondence from the South Australian Government Financing Authority to the Department of Treasury and Finance regarding the hotel development at Adelaide Oval”

Determination under review

DTF did not make a determination on your initial application within the 30-day time period required by the Freedom of Information Act 1991 (the Act). Accordingly, DTF was deemed to have refused access in full to all documents relevant to your application.

Outcome of internal review

Under section 29(3) of the FOI Act, on an application for internal review, as principal officer I may, confirm, vary or reverse the determination under review. In doing so, I am required to give fresh consideration to the decision under the FOI Act

I have determined to **vary** the original deemed refusal determination.

A total of 7 documents were identified as answering the terms of your application and I have determined as follows:

- I grant you access in part to 5 documents, copies of which are enclosed, and
- I refuse you access to 2 documents.

Please refer to the attached schedule that describes each document and sets out my determination and reasons in summary form.

Documents released in part

Documents 1, 2 and 5-7

These documents contain sections of information not relevant to the request and they have been removed accordingly.

Document 2

A section of this document contains information that would be privileged from production on the ground of legal professional privilege. The exempt material refers to legal advice provided to the government by the Crown Solicitor and is subject to legal professional privilege. I have therefore determined to refuse access to these documents pursuant to clause 10(1) of Schedule 1 to the FOI Act.

Document 5

Sections of this document contain information which, if released, would disclose details concerning a deliberation or decision of Cabinet. I have therefore determined to exempt this information pursuant to clause 1(1)(e).

Document 7

A section of this document contains and an extract from documents which were submitted to Cabinet and are therefore exempt pursuant to clause 1(1)(c).

Documents refused in full

Documents 3 and 4

Under clause 10(1) of Schedule 1 to the FOI Act, information is exempt from disclosure if it would be privileged from production on the ground of legal professional privilege. The documents contain legal advice provided to the government by its legal advisor, the Crown Solicitor, information which is subject to legal professional privilege. I have therefore determined to refuse access to these documents pursuant to clause 10(1).

Exemptions

Clause 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; ...*

Clause 10 – Legal Professional Privilege

(1) *A document is an exempt document if it contains 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), DTF 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: <http://dpc.sa.gov.au/what-we-do/services-for-government/premier-and-cabinet-circulars> Please visit the website for further information.

External review

If you remain dissatisfied with this determination, you have the right to apply to the Ombudsman for external review under section 39 of the FOI Act. You have 30 days from the date on which you receive this letter to apply for an external review. If you have any questions about an application to the Ombudsman, please contact the office on (08) 8226 8699.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'D Reynolds', written in a cursive style.

David Reynolds
PRINCIPAL OFFICER

Schedule of Documents

T&F19/0087 - Stephen Mullighan MP - "[Date Range: 24/11/2018 to 12/02/2019] All minutes, briefings, notes, emails and correspondence from the South Australian Government Financing Authority to the Department of Treasury and Finance regarding the hotel development at Adelaide Oval"

Doc. No.	Date	Description of Document	# of pages	Determination Recommendation	Exemption Clause
1	04/12/2018 at 7:32am	Email - RE: Adelaide Oval Hotel description - MYBR	3	Released in part	Out of Scope
2	11/02/2019 at 2:31pm	Email - RE: Aelaide Oval Hotel development	4	Refused in full	10(1) - Subject to legal professional privilege Out of Scope
3		Attachment to document 2	4	Refused in full	10(1) - Subject to legal professional privilege
4		Attachment to document 2	2	Refused in full	10(1) - Subject to legal professional privilege
5	01/02/2019 at 2:58pm	Email - RE: Adelaide Oval	3	Released in part	1(1)(e) - Contains information concerning deliberation or decision of Cabinet or Cabinet committee Out of Scope
6	01/02/2019 at 3:14pm	Email - FW: Adelaide Oval - margin	2	Released in part	Out of Scope
7	07/02/2019 at 3:58pm	Email - RE: Words	2	Released in part	1(1)(c) - Copy, part or extract of document prepared for Cabinet or Cabinet committee Out of Scope

Leopardi, Jamin (DTF)

From: Cantley, Kevin (DTF)
Sent: Tuesday, 4 December 2018 7:32 AM
To: Della-Torre, Kym (DTF)
Cc: Leopardi, Jamin (DTF); Watts, Heather (DTF); Wigglesworth, Rebecca (DTF)
Subject: RE: Adelaide Oval Hotel description - MYBR

Thanks Kym.

Heather/Rebecca to note.

Sections not relevant

From: Cantley, Kevin (DTF)
Sent: Friday, 30 November 2018 8:16 AM
To: Watts, Heather (DTF) <Heather.Watts@sa.gov.au>
Subject: Fwd: Adelaide Oval Hotel description - MYBR

Sections not relevant

Sections not relevant

Setions not relevant

Sections not relevant

From: Wigglesworth, Rebecca (DTF)
Sent: Monday, 11 February 2019 2:31 PM
To: Holmes, Julie (DTF) <Julie.Holmes@sa.gov.au>
Cc: Cantley, Kevin (DTF) <Kevin.Cantley@sa.gov.au>
Subject: RE: Adelaide Oval hotel development

Julie,

10 Legal professional privilege

Kind regards
Rebecca Wigglesworth
Manager, Commercial Advisory

South Australian Government Financing Authority (SAFA)
L9, 200 Victoria Square ADELAIDE SA 5000
t 8207 2291 e rebecca.wigglesworth@sa.gov.au

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Australia's campaign to stop violence against women

From: Cantley, Kevin (DTF)
Sent: Monday, 11 February 2019 2:02 PM
To: Wigglesworth, Rebecca (DTF) <Rebecca.Wigglesworth@sa.gov.au>
Cc: Holmes, Julie (DTF) <Julie.Holmes@sa.gov.au>
Subject: Fwd: Adelaide Oval hotel development

Hi Rebecca

Can you organise for Julie.

Thanks

Kevin

Sections not relevant

Sections not relevant

Sections not relevant

Leopardi, Jamin (DTF)

From: Wigglesworth, Rebecca (DTF)
Sent: Friday, 1 February 2019 2:58 PM
To: Barns, Monique (DTF)
Cc: Leopardi, Jamin (DTF)
Subject: RE: Adelaide Oval

Could you come down now please as I need to get it to T's office asap

Sections not relevant

From: Wigglesworth, Rebecca (DTF)
Sent: Friday, February 1, 2019 2:54 PM
To: Barns, Monique (DTF) <Monique.Barns@sa.gov.au>
Cc: Leopardi, Jamin (DTF) <Jamin.Leopardi@sa.gov.au>
Subject: RE: Adelaide Oval

1(1)(e) Disclose deliberation of Cabinet

Sections not relevant

From: Wigglesworth, Rebecca (DTF)
Sent: Friday, February 1, 2019 2:42 PM
To: Barns, Monique (DTF) <Monique.Barns@sa.gov.au>
Cc: Leopardi, Jamin (DTF) <Jamin.Leopardi@sa.gov.au>
Subject: RE: Adelaide Oval

I was confused with the calc's in s/sheet

1(1)(e) Disclose deliberation of Cabinet

Sections not relevant

From: Wigglesworth, Rebecca (DTF)
Sent: Friday, February 1, 2019 2:25 PM
To: Barns, Monique (DTF) <Monique.Barns@sa.gov.au>
Cc: Leopardi, Jamin (DTF) <Jamin.Leopardi@sa.gov.au>
Subject: RE: Adelaide Oval

Hi Monique, thanks for this, but I don't understand these calculations - it doesn't appear to answer the Q being asked either, which is what the Government is getting for making the loan. Clause 1(1)(e)

Clause 1(1)(e)

?

Thx
R

Sections not relevant

Sections not relevant

Leopardi, Jamin (DTF)

From: Wigglesworth, Rebecca (DTF)
Sent: Friday, 1 February 2019 3:14 PM
To: Kennedy, Andrew (DTF); Munro, Donald (DTF); Barns, Monique (DTF); Leopardi, Jamin (DTF)
Subject: FW: Adelaide Oval - margin

FYI - thanks everyone for your help.

R

Sections not relevant

Sections not relevant

Sections not relevant

From: Wigglesworth, Rebecca (DTF)
Sent: Thursday, February 7, 2019 3:58 PM
To: Barns, Monique (DTF) <Monique.Barns@sa.gov.au>
Cc: Leopardi, Jamin (DTF) <Jamin.Leopardi@sa.gov.au>
Subject: RE: words

Thanks, I'll propose below and see how that goes.

Many thanks

R

Sections not relevant

Sections not relevant

From: Wigglesworth, Rebecca (DTF)
Sent: Thursday, February 7, 2019 3:36 PM
To: Barns, Monique (DTF) <Monique.Barns@sa.gov.au>
Subject: words

Hi, words as discussed.

Clause 1(1)(c)

Thx
R

Rebecca Wigglesworth
Manager, Commercial Advisory

South Australian Government Financing Authority (SAFA)
L9, 200 Victoria Square ADELAIDE SA 5000
t 8207 2291 e rebecca.wigglesworth@sa.gov.au

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