



**Government
of South Australia**

TRS18D2279

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

Treasurer
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200 Victoria Square
Adelaide SA 5000
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Tel 08 8226 1866
treasurer.dtf@sa.gov.au

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* (FOI Act), dated 7 November, 2018.

Your application seeks access to:

"All documents, minutes, briefings and emails regarding Mitsubishi Motors Australia Limited held by the Treasurer or Treasurer's Office between 19 March and 7 November 2018."

The purpose of this letter is to advise you of my determination. An extensive search was conducted within this office. A total of 2 documents were identified as answering the terms of your application.

I grant you access in part to two documents; copies of which are enclosed.

Documents refused in part

Document 1 contains certain commercially sensitive information detailing the expected cost of Mitsubishi Motors Australia Limited's (MMAL) new facility and the expected cost of the fit out at that facility. Disclosure of this information may have an adverse effect on the commercial affairs of MMAL and their ability to effectively negotiate with service providers and the ability to obtain competitive quotes from companies engaged.

Disclosure of this information would allow competitors or other third parties to access otherwise confidential information in relation to MMAL relocating to the new facility, providing competitors with an advantage.

Furthermore, disclosure of this information would be contrary to the public interest as this was disclosed on the understanding that the correspondence would remain confidential and if released, MMAL and other similar parties may not be prepared to provide such information in future. There is no clear public benefit from the disclosure of this information. The primary benefits would be commercial in nature and would negatively favour parties like suppliers or competitors of MMAL.

I therefore determine this information exempt, pursuant to clause 7(1)(b) and 7(1)(c) of the FOI Act.

Document 2 is a briefing prepared by DTF providing background information in relation to a grant offered to Mitsubishi Motors Australia Limited. The briefing contains decisions made by Cabinet. I therefore determine this information exempt, pursuant to clause 1(1)(c) to the FOI Act.

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);
 - (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); or

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: <http://dpc.sa.gov.au/what-we-do/services-for-government/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

8 December 2018



Government
of South Australia

TRS18D1892

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Mr John Signoriello
Chief Executive Officer
Mitsubishi Motors Australia Limited
1284 South Road
CLOVELLY PARK SA 5042

Dear Mr Signoriello

I write to you in relation to the request made by Mitsubishi Motors Australia Limited (MMAL), ABN 53 007 870 395, for funding from the South Australian Government ("State").

I am pleased to advise you that the State is, in principle, prepared to provide financial assistance in relation to MMAL's proposal to relocate its Australian Headquarters within South Australia by entering into a lease for a new purpose built facility within Adelaide for a period of 10 years and investing approximately in the fit out of this new facility.

The State is prepared to grant to MMAL total funding of \$2,000,000 (GST exclusive) from the State's Economic and Business Growth Fund, subject to the State and MMAL agreeing commercial terms and conditions and entering into formal documentation satisfactory to the State.

The terms and conditions under which the grant might be provided to MMAL will include, but are not limited to:

- Payments based on reimbursement of eligible expenditure linked to project-specific milestones;
- State obligations in the form of minimum employment targets;
- Minimum reporting requirements; and
- Execution of formal documentation to the satisfaction of the State.

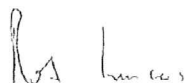
This letter does not constitute an offer to provide the grant and no legally binding obligation on the part of the State arises by providing it. As such, any steps taken in anticipation of the execution of formal documentation is at the risk of MMAL.

I request that you advise in writing if this proposal concerning the State funding is acceptable. Upon this notification, the South Australian Government Financing

Authority (SAFA) will, on behalf of the State Government, progress the terms and conditions of the grant to MMAL. You will be contacted shortly in this regard.

If you have any queries or want to discuss this matter further, then please do not hesitate to contact Ms Heather Watts of SAFA on telephone +61 (08) 8226 1561.

Yours sincerely

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

Hon Rob Lucas MLC
Treasurer

28 September 2018

MINUTE

27/9/18
7/8/046
TR18D00271



MINUTES forming ENCLOSURE

File SAF18/1239

Doc No SF18D00271

To The Treasurer

LETTER OF OFFER – GRANT TO MITSUBISHI MOTORS AUSTRALIA LTD

Timing: URGENT — A decision is required before 28/09/2018

Recommendations/Issues: It is recommended that you:

- [REDACTED]
- Note that MMAL has shortlisted Adelaide and Melbourne as potential locations and that Mitsubishi Motors Corporation, based in Japan, will be making the ultimate decision on the location;
- Note that MMAL has requested a letter from the State advising of the grant, which will be included in MMAL's proposal to the Mitsubishi board for its October meeting; and

- [REDACTED]

Approved / Not-Approved



Rob Lucas

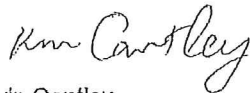
Hon Rob Lucas MLC
Treasurer

28/9/18

Key Points:

- [REDACTED]

- MMAL is seeking to relocate its Australian headquarters from its current location at Tonsley, and has shortlisted two sites; one being at Adelaide Airport and the other at Essendon Fields in Victoria.
- MMAL has been asked by its parent, Mitsubishi Motors Corporation ("MMC"), to prepare and present a business case for both sites at its next board meeting in Japan, in October 2018.
- 
- MMAL has requested a letter from the State in relation to the grant, which will be included in its submission to the MMC board - SAFA has been advised that papers are being submitted for the next MMC board meeting on the 28 September 2018.
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- Note that a detailed submission will be with you shortly that sets out the proposed administrative arrangements for operation of the EBGF, including financial authorisations and delegations of authority.
- In the meantime it is proposed that you sign the attached letter to MMAL for immediate return to SAFA, which will be forwarded to MMAL on your behalf.



Kevin Cantley
General Manager SAFA

26 1 9. 12018

Contact Officer:	Emily Livingston
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