



File: T&F18/0836
A1003138

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6 February 2018

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

Email: lee@parliament.sa.gov.au

Dear Mr Mullighan

Freedom of Information Internal Review — Adelaide Oval Hotel Proposal

I refer to your Freedom of Information application received by the Department of Treasury and Finance on 3 December 2018 and your Internal Review application received on 17 January 2019.

Your applications specifically requested:

"All minutes, briefings, notes, emails and correspondence from the Department of Treasury and Finance to the Treasurer and the Treasurer's Office regarding the proposed hotel development at Adelaide Oval - 19/3/2018 - 30/11/2018"

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

A total of 15 documents were identified as answering the terms of your application and I have determined as follows:

- I grant you access in part to 1 document, a copy of which is enclosed, and
- I refuse you access to 14 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

Document 2

This document contains information which, if released, would disclose details concerning a deliberation or decision of Cabinet and are therefore exempt pursuant to clause 1(1)(e) of Schedule 1 of the FOI Act.

Documents refused in full

Documents 1, 3, 6-13

These documents contain information which, if released, would disclose details concerning a deliberation or decision of Cabinet and are therefore exempt pursuant to clause 1(1)(e) of Schedule 1 of the FOI Act.

Documents 4 and 5

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. These 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 exempt these documents pursuant to clause 10(1).

Document 14

This document is a draft Cabinet submission. I have therefore determined to refuse access to this document in full pursuant to clause 1(1)(b) of Schedule 1 of the FOI Act.

Document 15

Clause 1(3) of schedule 1 of the FOI Act, states that a reference to Cabinet includes a reference to a committee of Cabinet. As this document was prepared specifically for a committee of Cabinet, I have determined to exempt this document in full pursuant to clause 1(1)(b) of Schedule 1 of the FOI Act.

Exemptions

Clause 1 – Cabinet documents

(1) *A document is an exempt document –*

...

(b) *if it is a preliminary draft of a document referred to in paragraph (1); or ...*

(e) *if it contains matter the disclosure of which would disclose information concerning any deliberation or decision of Cabinet; or ...*

(3) *In this clause, a reference to Cabinet includes a reference to a committee of Cabinet and to a subcommittee of a committee 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



David Reynolds
PRINCIPAL FREEDOM OF INFORMATION OFFICER

Schedule of Documents

T&F18/0836 - Stephen Mullighan - " All minutes, briefings, notes, emails and correspondence from the Department of Treasury and Finance to the Treasurer and the Treasurer's Office regarding the proposed hotel development at Adelaide Oval - 19/3/2018 - 30/1/2018."

Doc. No.	Date	Description of Document	# of pages	Determination	Exemption Clause
1	8/08/2018	Minute - Adelaide Hotel Proposal	5	Refused in full	1(1)(e) - Contains information concerning deliberation or decision of Cabinet or Cabinet committee
2	10/10/2018 3:55pm	Email - Adelaide Oval Hotel	1	Released in part	1(1)(e) - Contains information concerning deliberation or decision of Cabinet or Cabinet committee
3	10/10/2018	Attachment 1 (attachment to document 2)	2	Refused in full	1(1)(e) - Contains information concerning deliberation or decision of Cabinet or Cabinet committee
4	16/10/2018 12:11pm	Email - FW: Urgent - Adelaide Oval Proposal query	3	Refused in full	10(1) - Subject to legal professional privilege Sections not relevant have been removed
5	10/10/2018	Attachment 1 (attachment to document 4)	2	Refused in full	10(1) - Subject to legal professional privilege
6	16/10/2018 5:23pm	Email - FW: Adelaide Oval Hotel Proposal	2	Refused in full	1(1)(e) - Contains information concerning deliberation or decision of Cabinet or Cabinet committee Sections not relevant have been removed

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Doc. No.	Date	Description of Document	# of pages	Determination	Exemption Clause
7		Attachment 1 (attachment to document 6)	3	Refused in full	1(1)(e) - Contains information concerning deliberation or decision of Cabinet or Cabinet committee
8		Attachment 2 (attachment to document 6)	2	Refused in full	1(1)(e) - Contains information concerning deliberation or decision of Cabinet or Cabinet committee
9		Attachment 3 (attachment to document 6)	2	Refused in full	1(1)(e) - Contains information concerning deliberation or decision of Cabinet or Cabinet committee
10		Attachment 4 (attachment to document 6)	2	Refused in full	1(1)(e) - Contains information concerning deliberation or decision of Cabinet or Cabinet committee
11		Attachment 5 (attachment to document 6)	4	Refused in full	1(1)(e) - Contains information concerning deliberation or decision of Cabinet or Cabinet committee

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Doc. No.	Date	Description of Document	# of pages	Determination	Exemption Clause
12	16/10/2018 9:58am	Email - Re: Adelaide Oval Proposal	2	Refused in full	1(1)(e) - Contains information concerning deliberation or decision of Cabinet or Cabinet committee Sections not relevant have been removed
13	17/10/2018 6:48am	Email - Re: Adelaide Oval Proposal	3	Refused in full	1(1)(e) - Contains information concerning deliberation or decision of Cabinet or Cabinet committee Sections not relevant have been removed
14	undated	Draft Cabinet Submission	6	Refused in full	1(1)(b) - Draft of document prepared for Cabinet or Cabinet committee
15	17/10/2018	BCC - DTF Summary Table: 17 October 2018	4	Refused in full	1(1)(b) - Draft of document prepared for Cabinet or Cabinet committee

Hocking, Stuart (DTF)

From: Hocking, Stuart (DTF)
Sent: Wednesday, 10 October 2018 3:55 PM
To: De Gennaro, Gino (DTF)
Cc: Cantley, Kevin (DTF); Beveridge, Mark (DTF)
Subject: Adelaide Oval Hotel Clause 1(1)(e)
Attachments: Clause 1(1)(e)

Hi Gino

Preliminary SAFA views on Adelaide Oval for briefing the Treasurer for EICC tomorrow.

Regards

Stuart