



File: T&F18/0327
A923324

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6 September 2018

Mr Stephen Mullighan
Member for Lee
62 Semaphore Road
SEMAPHORE SA 5019

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

Dear Mr Mullighan

Freedom of Information Internal Review — Investment Attraction agency

I refer to your Freedom of Information application received by Department of Treasury and Finance on 1 June 2018 and your Internal Review application received on 23 August 2018.

Your applications specifically requested:

[Date Range: 19/03/2018 to 1/06/2018] All minutes, briefings, notes, emails and correspondence provided to the Treasurer and the Treasurer's Office from the Department of Treasury & Finance (DTF) regarding the Investment Attraction Agency.

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 3 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 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

Document 3

Sections not relevant to your application have been redacted.

Documents refused in full

Documents 1 – 2

These documents contain information about business who have applied for grants from a number of individual Funds that have created commitments for grants and concessional loans to support private sector investment in job creation and renewable energy technology projects. These applications are still undergoing assessment and/or negotiation of final terms. To release the information at this time would provide competing companies with knowledge of their competitors plans for future development.

When considering factors contrary to the public interest, I took into account the unfair advantage releasing this information may provide to other companies, as it would be likely to reduce competition, which would lead to higher costs and less job creation for the South Australian economy. This would be contrary to the public interest, as the agency is expected to maximise financial returns to the benefit of the State and its economy. The agency would therefore not be properly discharging its functions and responsibilities if it were to provide such an advantage. I have therefore determined that, on balance, it is contrary to public interest to release this information and have exempted it under clause 7(1)(c) of the FOI Act

Exemptions

Clause 7 – Documents affecting business affairs

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

...
(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), 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&F18/0327 - Mr Stephen Mullighan - "[Date Range: 19/03/2018 to 01/06/2018] All minutes, briefings, notes, emails and correspondence provided to the Treasurer and the Treasurer's Office from the Department of Treasury & Finance (DTF) regarding the Investment Attraction Agency"

Doc. No.	Date	Description of Document	# of pages	Determination	Exemption Clause
1	18/04/2018	Minute - Industry Assistance 2017-18	6	Refused in full	7(1)(c)(i)(ii)(A)(B) - Contains information concerning the business, professional, commercial or financial affairs of any agency or person & contrary to public interest
2	18/04/2018	Attachment to document 1 - Industry assistance grants and loans approved in 2017/18	36	Refused in full	7(1)(c)(i)(ii)(A)(B) - Contains information concerning the business, professional, commercial or financial affairs of any agency or person & contrary to public interest
3	18/04/2018	Attachment to document 1 - Industry Assistance Review 2017-18 Programs and Budgets	9	Released in part	Out of scope

Industry Assistance Review 2017-18

Programs and budgets from 2017-18:

Out of scope

Economic Investment Fund (IASA)

Grants: \$57.9 million from 2017-18

Loans: \$30 million

Grant profile

2017-18 \$000	2018-19 \$000	2019-20 \$000	2020-21 \$000	2021-22 \$000
17,141	25,414	9,237	3,964	2,173

To provide grants or loans as incentives to businesses to relocate their operations to South Australia and create new job opportunities and strategic economic benefits.

Out of scope

Out of scope

Out of scope

Out of scope

Out of scope

Out of scope

Out of scope

Out of scope

Out of scope