



In reply please quote 2018/13713/01

Mr Stephen Mullighan MP
Member for Lee
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**PEOPLE AND BUSINESS
DIVISION**

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Dear Mr Mullighan,

**NOTICE OF DETERMINATION - REQUEST FOR ACCESS TO DOCUMENTS
UNDER THE FREEDOM OF INFORMATION ACT 1991**

I refer to your application made under the *Freedom of Information Act 1991* (the Act) which was received by the Department of Planning, Transport and Infrastructure on 04 June 2018.

You have requested access to:

"The forward schedule for road maintenance across South Australia's road network by road location, financial year, distance, and estimated cost from 17/03/2018 to 4/06/2018."

The period for processing your application has now passed. A determination was due on 04 July 2018. This means that the Department of Planning, Transport and Infrastructure is deemed by section 19(2)(b) of the Act to have refused access to the documents.

However, nothing prevents an agency from making a determination to release documents to you under section 19(2a).

There is one document within the scope of this request. I have determined to partially release this document with redactions to estimated costs information considered exempt under Section 20(1)(a), Clause 15(a)(b) of the Act:

20—Refusal of access

(1) An agency may refuse access to a document—

(a) if it is an exempt document;

15—Documents affecting financial or property interests

A document is an exempt document if it contains matter the disclosure of which—

(a) could reasonably be expected to have a substantial adverse effect on the financial or property interests of the State or an agency; and

(b) would, on balance, be contrary to the public interest.

The document contains internal estimated costs for periodic and critical road maintenance that, if released, could arguably compromise the competitiveness of tenders for the work where third party contractors are engaged to complete the maintenance.

It is reasonable to expect that the release of this information would have an adverse effect on competition between market competitors, resulting in increased costs to the government for future contracts. This, in turn, could reasonably be expected to have a substantial adverse effect on the financial interests of the agency. A lack of incentive for tenderers to offer their most competitive costs of service would drive up prices and ultimately the total cost of the maintenance scheme to the agency.

When considering exemptions under Clause 15, I must also consider public interest. Factors in favour of disclosure are the public interest in openness and accountability of government agencies and information that relates to the expenditure of public funds may enable effective oversight of government expenditure. Factors against disclosure are the public interest in ensuring that agencies are able to achieve the best value for money when engaging with third party service providers, the risk that release of the information will undermine future tender processes and ensuring effective conduct of government functions.

In this case after considering the above factors I have determined that on balance it would be against the public interest to release the estimated costs in Document 001. I find the public interest factors against disclosure outweigh the factors for disclosure, particularly ensuring that the agency is able to achieve the best value for money when engaging with third party service providers.

Attached is an explanation of the provisions of the Act which details your rights to review and appeal this determination, and the process to be followed.

In accordance with Premier and Cabinet Circular PC045, if you are given access to documents as a result of this FOI application, details of your application, and the documents to which access is given, may be published in the agency's disclosure log. A copy of PC045 can be found at <http://dpc.sa.gov.au/what-we-do/services-for-government/premier-and-cabinet-circulars>.

Should you have any enquiries concerning your application please contact
[redacted] Freedom of Information Officer, on telephone [redacted]

Yours sincerely



Sam Rodrigues
Accredited Freedom of Information Officer

24 September 2018

RELEASED UNDER FOI ACT

YOUR RIGHTS TO REVIEW AND APPEAL

INTERNAL REVIEW

If you are dissatisfied or concerned with the decision of this Department regarding access to documents or the request for amendment to your personal records, you can apply for an Internal Review of that decision.

To apply for an Internal Review you must write a letter addressed to the Principal Officer or lodge an Internal Review application form with the Principal Officer of this Department. The legislated application fee must accompany all applications, unless the fee was waived in the original Freedom of Information application, in which case there would be no fee payable for the application. The application must be lodged within 30 days after being notified of the decision.

The Department will undertake the Internal Review and advise you of its decision within 14 days of receipt of the application.

Where the decision was made by the Minister or Principal Officer of the Department, you are unable to request an Internal Review but you can apply for an External Review by the Ombudsman, or the South Australian Civil and Administrative Tribunal.

You are unable to apply for an Internal Review regarding a decision to extend the time limit for dealing with an application but you can apply for an External Review.

EXTERNAL REVIEW BY THE OMBUDSMAN

After an Internal Review has been completed, or where you have been unable to apply for an Internal Review, and you are still dissatisfied with the decision you can apply for an External Review by the Ombudsman.

You may also request an External Review by the Ombudsman if you have no right to an Internal Review.

The application for review by the Ombudsman should be lodged within 30 days after the date of a determination. The Ombudsman's Office, at their discretion, may extend this time limit.

Investigations by the Ombudsman are free. Further information is available from the Office of the Ombudsman by telephone on 8226 8699 or toll free 1800 182 150 (within SA).

APPEAL TO THE SOUTH AUSTRALIAN CIVIL AND ADMINISTRATIVE TRIBUNAL (SACAT)

If you are still dissatisfied with the decision made by the State Government Agency, Local Government Council or University after an Internal Review or after a review by the Ombudsman or, you can appeal to SACAT.

You must exercise your right of appeal to SACAT within 30 calendar days after being advised of the determination or the results of the review. Any costs will be determined by SACAT, where applicable. For more information, contact;

South Australian Civil and Administrative Tribunal (SACAT)

Phone: 1800 723 767

Email: sacat@sacat.sa.gov.au

SCHEDULE OF DOCUMENTS - FREEDOM OF INFORMATION APPLICATION NUMBER 2018/13713/01

Document Number		Description of Document		Date of Document	Author	Determination Release / Refuse Access	Schedule Clause Applied
1	Periodic and Critical Road Maintenance Program extract	ongoing	DPTI		Partial Release	15 Adverse effect on financial or property interests	

RELEASED UNDER FOI ACT

Road and Marine Assets - Periodic and Critical Road Maintenance Program

File 2018/13713/01 - Document 001

(NOTE: Contact either Senior or Asset Engineer from Road and Marine Assets to Update/Edit the Program)

Financial Year	Urban Rural	Road No	Road Classification	Road Name	Common Road Name	Customer Description	Cwy	Start MM	End MM	Length (km)	Width (m)	Area (m ²)	Number of Lanes	Total Lane Kms	Treatment	Treatment Detail	Estimate
2017/18	Urban	5409	Urban Connector	Montague Road	Montague Road	Montague Rd/Kelly Road Roundabout	U	7.100	7.200	0.100	10.0	1000	2	0.20	Asphalt	P&R - 150mm	15 Adverse effect on financial or property interests
2017/18	Urban	5627	Urban Connector	Prospect Rd	Prospect Rd	Regency St to Olive St	U	2.800	4.060	1.260	13.0	16380	2	2.52	Asphalt	40mm/180mm	
2017/18	Urban	7200	Urban Arterial	Main North Rd	Main North Rd	Uley Rd approach (1km south)	R	19.840	20.560	0.720	9	6480	2	1.44	Asphalt	100mm P&R	
2017/18	Urban	6580	Urban Connector	Henley Beach Rd		Rowells Rd-Marion Rd		3.680	5.330	1.650	14	23100		0.00	Asphalt	Asphalt Resurfacing	
2017/18	Urban	7200	Urban Arterial	Main North Rd	Main North Rd	McIntyre Rd - Clayson, from 'Salisbury South Sign' to 'bike lane sign' - skid	L	8.090	8.220	0.130	10	1300	2	0.26	Asphalt	40mm P&R A15E	
2017/18	Urban	6601	Urban Arterial	Marion Road	Richmond Road to Mooringe Ave	Richmond Road to Mooringe Ave (southbound carriageway)	L	2.130	3.930	1.800	8.1	14580	2	3.60	Asphalt	refer to resurfacing meeting minutes	
2017/18	Rural	2000	Rural Arterial	Eyre Hwy	Eyre Hwy	North of Denial Bay Road / Rail Crossing with Eyre Highway (RLX1199)	U	479.550	479.650	0.100	8.0	800	2	0.20	Rehab	Pavement releveling and surfacing (AC, spray seal)	
2017/18	Rural	3400	Rural Arterial	Barrier Hwy	Barrier Hwy	West of Plumbago Road, Manna Hill - 9.5k East of Winnininnie Road, Yunta	-	109.000	125.000	16.000	2.0	32000	0	0.00	Spray Seal	Final seal of shoulder widening section (full width)	
2017/18	Rural	8326	Rural Connector	Kingston - Robe (Part Southern Ports Hwy)	Southern Ports Hwy	Southern Ports Highway between Kingston - Robe	-	6.000	9.600	3.600	2.0	7200	0	0.00	Shoulder Sealing	Shoulder Sealing	
2017/18	Rural	8326	Rural Connector	Kingston - Robe (Part Southern Ports Hwy)	Southern Ports Hwy	Southern Ports Highway between Kingston - Robe	-	14.600	41.600	27.000	2.0	54000	0	0.00	Shoulder Sealing	Shoulder Sealing	
2017/18	Rural	8400	Rural Connector	Princes Highway	Princess Highway	Princes Highway between Kingston - Millicent	-	246.000	272.600	26.600	2.0	53200	0	0.00	Shoulder Sealing	Shoulder Sealing	
2017/18	Rural	4123	Rural Connector	Maitland Road	Elizabeth Street	Package 1E2: Maitland Township (Robert St to just south of Kilkerran Tce)	U	0.000	0.300	0.300	5.8	1740	2	0.60	Rehab	Rehab	
2017/18	Rural	4141	Rural Connector	Copper Coast Highway	Copper Coast Highway	Package 1E5: Kulpura township: section between East Tce to Beafort Rd (Hummocks)	U	41.170	44.200	3.030	12	36360	2	6.06	Spray Seal	16/7mm	
2017/18	Rural	4015	Rural Connector	Spencer Highway	Spencer Highway	From approx 1k South of Sandy Church Road upto South of Black Bobs Road	U	18.000	26.000	8.000	5.6	44800	2	16.00	Shoulder Resheet	Rehab shldrs & slurry full width to 8.6m	
2017/18	Rural	8326	Rural Connector	Kingston - Robe (Part Southern Ports Hwy)	Southern Ports Hwy	From 900m North of Pinks Beach Road upto 1.5k South of John Flints Lane south of Kingston Town	U	6.000	9.600	3.600	6.2	22320	2	7.20	Shoulder Resheet	shoulder resheeting Reseal	
2017/18	Rural	8326	Rural Connector	Kingston - Robe (Part Southern Ports Hwy)	Southern Ports Hwy	From Starling Lane upto Southern Ports Hwy Junction, Robe	U	14.600	41.360	26.760	6.2	165912	2	53.52	Shoulder Resheet	shoulder resheeting Reseal	
2017/18	Rural	7200	Rural Arterial	Sturt Highway		Either side of Lyrup Rd	U	230.000	231.640	1.640	12.0	19680		0.00	Spray Seal	Spray Seal Prep (together with Project work)	
2018/19	Rural	7200	Rural Arterial	Sturt Highway	Sturt Highway	Nuriootpa to Wolf Blass	U	65.520	67.840	2.320	8	18560	2	4.64	Asphalt	80mm P&R (K-NET:12914767)	
2017/18	Rural	4640	Urban Connector	Blackwood-Goolwa Rd	Main Road, Blackwood	Roundabout-Edgecumbe Ave	U	0.000	0.630	0.630	8.4	5292	2	1.26	Asphalt	Mill 60mm and place 100mm (year 1)	
2017/18	Rural	4238	Rural Connector	Owen Road	Owen Road	Package 4E: From near Alma South Road upto Emu Road North of Hamley Bridge	-	22.200	27.000	4.800	2.0	9600	0	0.00	Shoulder Sealing	Shoulder Sealing	
2017/18	Urban	5409	Urban Connector	Montague Road	Montague Road	Eastern approach to Port Wakefield Rd Intersection	U	0.210	0.410	0.200	25.0	5000	8	1.60	Asphalt	P&R 80mm	
2017/18	Rural	4141	Rural Connector	Copper Coast Rd (Wallaroo-Pt Wakefield Rd)	Copper Coast Rd (Wallaroo-Pt Wakefield Rd)	Package 4F/1B: / 1k East of Prices Road upto near G Abbotts Road. Paskville	U	28.800	31.610	2.810	7.2	20232	2	5.62	Rehab	Lime stabilise key areas, 150mm top up, 200mm mix and compact	