

In reply please quote 2018/13864/01



Government of South Australia

Department of Planning,
Transport and Infrastructure

PEOPLE AND BUSINESS
DIVISION

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Stephen Mullighan MP
PO Box 4100
Seaton SA 5023

Dear Stephen Mullighan MP,

**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 5 June 2018.

You have requested access to:

"All papers- submissions- minutes and notes of the Department of Planning-Transport & Infrastructure's Project Management Office meetings held between 1 January 2017 and 30 May 2018."

Re-scoped on 25/6/18 to

"A list of all projects/initiatives/proposals considered by the Project Management Office between 1 January 2017 and 30 May 2018. I also seek the date of when these each of these projects/initiatives/proposals were considered by the PMO."

I wish to advise you that there is one document within the scope of your request.

The period for processing your application has now passed. A determination was due on 5 July 2018. This means that DPTI is deemed by section 19(2)(b) of the Act to have refused access to the document requested.

However nothing prevents an agency from choosing to release documents to you under section 19(2a). I am therefore partially releasing the document.

If the application had been processed within the statutory timeframe, I would have redacted the document in accordance with Section 20(1)(a) and Schedule 1 Clause 7(1)(c) of the Act which states:

20—Refusal of access

(1) An agency may refuse access to a document—
(a) if it is an exempt document;

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.

Reasons for exemptions:

Document 001—

Clause 7(1)(c):

The information redacted under this clause relates to business and financial affairs of the Agency and third parties. The premature disclosure of this information can reasonably be expected to have some adverse impact on the Agency's general business affairs; be that through affecting contractual negotiations, tenders, and competitiveness in sourcing funding.

In applying this clause I am obliged to consider the public interest for and against the release of information.

Factors in favour of release include:

- The public interest in fulfilling the objects of the FOI Act, and promoting openness and accountability within government.
- The public interest in ensuring that public infrastructure needs are being met in the long term.
- The public interest in scrutiny of government decision-making.

Factors against release include:

- The public interest in ensuring the effective conduct of the Agency's functions.
- The need for confidentiality to allow government to consider, consult, negotiate funding and otherwise measure the feasibility of projects.
- The public interest in ensuring that the Agency is able to achieve the best value for money when engaging with third parties and delivering projects.
- Public interest in encouraging the free exchange of ideas during deliberative processes, including through the frank and candid assessment of information.
- The extent to which premature disclosure may reveal sensitive information that may be misunderstood or misapplied by stakeholders—to the detriment of future projects.

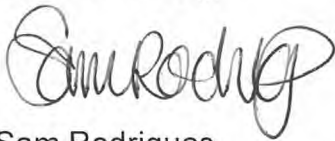
Upon weighing these factors I consider that the public interest is balanced against release of the redacted information.

Attached is an explanation of the provisions of the Act which details your rights to review 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, will be published in the Agency's disclosure log within 90 days from the date of this determination. Any private information will be removed. A copy of PC045 can be found at <http://dpc.sa.gov.au/what-we-do/services-for-government/premier-and-cabinet-circulars>. If you have any objection to this publication, please contact us within 30 days of receiving this determination.

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

Yours sincerely,



Sam Rodrigues
Accredited Freedom of Information Officer

4 February 2019

RELEASED UNDER FOI ACT

FREEDOM OF INFORMATION ACT 1991
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 District Court.

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 OR THE POLICE COMPLAINTS AUTHORITY

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							2018/13864/01
Document Number	Description of Document	Date of Document	Author	Determination Release / Partial Release / Refuse Access	Schedule Clause Applied		
001	Initiative Proposals	2017-2018	DPTI	Partial Release	7(1)(c)		

Initiative Proposals

Title	Date added (Initialisation Phase)
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7(1)(c) Business affairs

Pursuing Patronage - Bus Shelter Program (IPTP)	24/10/2017
Pursuing Patronage - Wifi on Buses (IPTP)	24/01/2017
Safe Communities, Healthy Neighbourhoods: Demonstration Project 1 - School Precincts: Communities Supporting Active Travel	17/01/2017
AdeLink 10 year program (5 new lines) (IPTP)	30/01/2017

7(1)(c) Business affairs

7(1)(c) Business affairs

Cruising Yacht Club Boat Ramp	31/01/2017
Uninterruptible Power Supply (UPS) for traffic lights	31/01/2017

7(1)(c) Business affairs

Active Club Grants Program	13/01/2017
South Australian Women in Sport Taskforce	13/01/2017
Playford Arena' Ice Rink load	13/01/2017
Tennis Package	30/01/2017
Learner Driver Mentor Program	9/02/2017
Critical Road Maintenance - Metro	2/02/2017
Safe Communities, Healthy Neighbourhoods: Demonstration Project 2 - Kilburn and Blair Athol	3/02/2017

7(1)(c) Business affairs

Analysis and Upgrade of Bridges	17/02/2017
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7(1)(c) Business affairs

Henley Jetty Upgrade	31/01/2017
Priceline Stadium Redevelopment (Netball)	13/01/2017
Sports Vouchers Program	13/01/2017
3D Model of Key Development Areas	2/02/2017
Main South Road Upgrade (Aldinga to Sellicks Beach)	12/04/2017
National Sports Wind Tunnel	19/04/2017
Blackwood Roundabout Upgrade (Main Rd / Shepherds Hill Rd / Coromandel Pde)	29/05/2017
Southern Expressway - install throw screens and CCTV on bridges (expanded October 2017)	28/02/2017

7(1)(c) Business affairs

Joy Baluch AM Bridge	9/01/2018
Swanport Bridge duplication at Murray Bridge - Planning Study	9/01/2018
Support Regional Aviation	24/04/2018
Women's Memorial Playing Fields (WMPF) - Implementation of Master Plan	20/04/2017
Bridges Renewal Programme	9/05/2017
Adelaide Oval Security Measures	13/06/2017

7(1)(c) Business affairs

Main North / Dalkeith intersection signalisation	31/07/2017
Cheltenham / Port Rd intersection	31/07/2017
Main North / Tulloch Intersection	31/07/2017
Warren Reservoir Road Access Points	11/08/2017

7(1)(c) Business affairs

O-Bahn Busway Extension to Golden Grove - Feasibility Study	18/10/2017
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7(1)(c) Business affairs

City South Tram Stop & Re-railing	9/01/2018
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7(1)(c) Business affairs

Berri Indigenous Art Structure	14/12/2017
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7(1)(c) Business affairs

Title	Date added (Initialisation Phase)
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7(1)(c) Business affairs

O-Bahn Busway - Gilberton underpass lighting upgrade	17/01/2017
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7(1)(c) Business affairs

Trucks for Rail Maintenance Unit	31/01/2017
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7(1)(c) Business affairs

Government Radio Network Upgrades	20/04/2017
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Rail level crossing signalling enhancement to mitigate safety risks	4/05/2017
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7(1)(c) Business affairs

Installation of new weigh-in-motion (WIM) system on SE Freeway at Monarto	4/05/2017
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7(1)(c) Business affairs

Local area network cabling for Trafficnet Norwood	16/02/2017
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MABN Expansion Linking the North-South Corridor to the Seaford Rail Cables	16/02/2017
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Installation of Bluetooth Devices at locations where existing communications is not available	17/02/2017
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Upgrade of Metrocard Real Time Server Hardware	8/03/2017
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SE Freeway Link to the MABN	19/06/2017
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7(1)(c) Business affairs

Carbon Neutrality - Greener Adelaide	9/02/2017
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Carbon Neutrality - Kinetic Pavements	9/02/2017
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On the Right Track Funding Expansion	26/05/2017
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7(1)(c) Business affairs