



DPC18/1247

16 May 2018

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[REDACTED]
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Sent by email: [REDACTED]

Dear [REDACTED]

Freedom of information application

I refer to your application to the Department of the Premier and Cabinet (DPC) under DPC Circular PC031, 'Freedom of Information Release of Cabinet Documents under the Ten Year Rule', seeking access to:

Date	Departmental Docket Number	Cabinet Submission Title	Minister
20/09/2007	MT07/007CS	Tour Down Under – Protour Status	Hon Jane Lomax-Smith

Under the Act, an agency has 30 days to respond to a freedom of information request. As DPC did not respond to your request within the time frame required, the department is deemed to have refused access to all documents relevant to your application. However, I have determined to process the request as if the statutory time frame has been met.

One document was identified as answering the terms of your application and I have determined to refuse access to this document in full.

This document consists of the South Australian Tourism Commission's (SATC) business, financial and commercial affairs. This document discloses financial information relating to the costs to stage the Tour Down Under (TDU), the strategy to grow the event, and South Australia's positioning in world cycling. The information within the submission has commercial value for the State; it is reasonable to expect this value would be destroyed or damaged as a result of disclosure. The disclosure of information relating to SATC expenditure would allow competitors (including inter-state event organisations) to use the information to attract a similar ranked event to their State, acting as a competitor to the TDU. It is reasonable to expect that the above consequences could flow from the disclosure of this information, considering the nature of the event business in open market.

In applying the public interest test, I have considered the objects of the Act, which favour release; however on balance, disclosure of the document would be contrary to the public interest having had regard to the adverse and significant consequences that could reasonably be expected to flow from disclosure. It is for these reasons I refuse release of this document pursuant to clause 7(1)(c).

Under clause 16(2), a document is exempt if its disclosure reveals matter which could prejudice the competitiveness of an agency in carrying on those commercial activities. This document contains details of the commercial operation of SATC and the events industry. The disclosure of SATC's commercial information contained within this submission could undermine its current and future negotiating position and impact on its profitability.

On this basis, I am of the view that the release of this document could prejudice the competitiveness of SATC's commercial activities. This document is therefore considered exempt pursuant to clause 16(2) of the 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.*

Clause 16 – Documents concerning operations of agencies

(2) *A document is an exempt document if —*

(a) *it relates to an agency engaged in commercial activities; and*

(b) *it contains matter the disclosure of which could prejudice the competitiveness of the agency in carrying on those commercial activities.*

Right to internal review

If you are aggrieved with this determination, you have a right to apply for internal review under subsection 29(1) of the *Freedom of Information Act 1991* (the Act). Pursuant to subsection 29(2) of the Act, your application must:

- be in writing
- be addressed to the principal officer, and
- be lodged at an office of DPC, or emailed to DPCFOIUnit@dpc.sa.gov.au within 30 days after the day on which you receive this letter or within such further time as the principal officer of DPC may allow.

If you have any questions in relation to this matter, please contact Denise Cranwell, Freedom of Information Officer, on 8429 5299 or at denise.cranwell@sa.gov.au

Yours sincerely



Georgia Lygoe
ACCREDITED FOI OFFICER