



DPC19/0209

30 July 2019

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[Redacted]

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, 'Disclosure of Cabinet documents 10 years or older', seeking access to:

Date	Departmental Docket Number	Cabinet Submission Title	Minister
23/01/2007	N/A	Development of a Culinary Centre Of Excellence at North Terrace and Gawler Place	N/A

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

This submission contains information that although several years old is still of commercial significance to a third party. Discussions are still continuing in relation to a city based facility for this third party. To release this submission would reveal the financial affairs of this party at the time, which in turn, could impact on the current plans being negotiated. It would provide information to competitors and suppliers that could be used to adversely affect this third parties costing for establishment of this new facility.

On considering the public interest in relation to the disclosure of this submission, DPC acknowledges the establishment of such a facility in Adelaide would bring great benefit to the state. Prospective students wishing to undertake courses at this centre would contribute to the economic promotional opportunities of the State.

The release of this submission could be reasonably expected to have an adverse effect on current negotiations and has the potential to jeopardise future commercial discussions. In consideration of these factors, I have determined to refuse access to this submission in full pursuant to clauses 7(1)(b) and (c) of the *Freedom of Information Act 1991* (the Act).

Clause 7 – Documents affecting business affairs

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

...

(b) if it contains matter—

(i) consisting of information (other than trade secrets) that has a commercial value to any agency or any other person; and

(ii) the disclosure of which—

(A) could reasonably be expected to destroy or diminish the commercial value of the information; and

(B) would, on balance, be contrary to the public interest; and

(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.

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 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 Damian Gilbert, Freedom of Information Officer, on 8429 5489 or at damian.gilbert@sa.gov.au

Yours sincerely



Georgia Lygoe
ACCREDITED FOI OFFICER