

23MIT6519



**Government  
of South Australia**

**Office of the  
Minister for Infrastructure  
and Transport**

**Minister for Energy and  
Mining**

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minister.koutsantonis@sa.gov.au

Hon David Speirs MP  
Leader of the Opposition  
[leaderoftheopposition@parliament.sa.gov.au](mailto:leaderoftheopposition@parliament.sa.gov.au)

Dear Mr Speirs

### **APPLICATION UNDER THE *FREEDOM OF INFORMATION ACT 1991***

I refer to your application made under the *Freedom of Information Act 1991* (the Act), dated 14 March 2023.

Your application seeks access to:

*“Documents as defined under Part 1 Section 4 Freedom of Information Act 1991 (SA), pertaining to CFMEU and its advertising campaign on Adelaide Trams, between 7/11/2022 and 14/03/2023.”*

An extensive search was conducted within this office. A total of 5 documents were identified as answering the terms of your application.

#### **Documents Released in Part**

Document 5 is released to you.

#### **Documents Refused in Full**

Document 1 is a Parliamentary Briefing Note (PBN) which was prepared specifically for use in Parliament. Disclosing this information would infringe the privilege of Parliament. I have therefore determined this exempt in full pursuant to clause 17(c).

Documents 2 – 4 are Hansard extracts from Question Time in the Legislative Council on the 30 November 2022 and 1 December 2022 about Union Advertising. These documents have not been released as the information is publicly available on the SA Parliament website.

Document 5a contains information which is parliamentary privilege. I therefore determine this exempt pursuant to clause 17(c).

Document 5b contains commercially sensitive information which is not publicly available. I therefore determine this exempt pursuant to clause 7(1)(c).

## 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 17— Documents subject to contempt etc**

A document is an exempt document if it contains matter the public disclosure of which would, but for any immunity of the Crown—

- (c) infringe the privilege of Parliament.

Please note, in compliance with Premier and Cabinet Circular PC045 - *Disclosure Logs for Non-Personal Information Released through Freedom of Information* (PC045), details of your FOI application, and the documents to which you are given access, will be published in the agency's disclosure log. A copy of PC045 can be found at the following address: <https://dpc.sa.gov.au/resources-and-publications/premier-and-cabinet-circulars>. Please visit the website for further information.

No fees and charges are payable for this application.

If you are unhappy with this determination you are entitled to apply for an internal review, in accordance with section 29 of the FOI Act. To make an internal review application, please either write a letter or complete *Application for Review of Determination* form, to the Principal Officer of this agency, the Hon Tom Koutsantonis MP, within 30 (calendar) days after you receive this letter.

If you require any further information, please contact Vicky Cathro on (08) 7133 1100.

Yours sincerely



**Carly McNeill**  
Accredited FOI Officer

21 / 4 / 2023

**Labropoulos, Peter (DIT)**

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**From:** Jackson, Graeme (DIT)  
**Sent:** Monday, 28 November 2022 2:44 PM  
**To:** Labropoulos, Peter (DIT)  
**Subject:** tram  
**Attachments:** Document2.docx; DOCS AND FILES-#19553703-v1-Schedule\_5  
[REDACTED]

**Importance:** High

OFFICIAL

Peter

Explanation of the process. Usually they all come to us for approval. This one did not.

Chasing JCD as to why. They say human error.

Graeme