Government of South Australia
Department of the Premier and Cabinet

GPO Box 2343
Adelaide SA 5001
Tel 08 8226 3500
OCE@sa.gov.au
www.dpc.sa.gov.au

DPC26/1493
B2884718

5 November 2026

[redacted]

Sent by email [redacted]

Dear [redacted]

Freedom of information (FOI) internal review application – iApply receipt number 24571556

I refer to your request received on 26 October 2026 seeking an internal review of a determination made by the Department of the Premier and Cabinet (DPC) under the *Freedom of Information Act 1991* (the Act). The purpose of this letter is to advise you of the outcome of my review.

Your initial application

Your initial application sought access to:

I seek access under the Freedom of Information Act 1991 to documents relating to the tender for milling services associated with the North Adelaide Public Golf Course redevelopment, which closed on or about 1 September 2026.
Specifically, I seek:

- *The "project details" and "tender documentation" provided, or intended to be provided, to shortlisted suppliers following receipt of a completed non-disclosure agreement (NDA), as referred to in the email reported by InDaily on 15 September 2026.*
- *The NDA form provided to prospective or shortlisted suppliers for completion in connection with the tender.*
- *Any procurement or acquisition plan, risk assessment, risk management plan, briefing, approval, or other planning document relating to the procurement for milling services associated with the North Adelaide Public Golf Course redevelopment, including any document recording the decision to require an NDA, identifying the information considered confidential or sensitive, or setting out the reasons for requiring the NDA.*
- *Correspondence, including emails, concerning the decision to require prospective or shortlisted suppliers to execute an NDA before receiving the project details or tender documentation, including correspondence concerning the reasons for, approval of, or concerns raised about that requirement. I do not seek completed NDAs, or bid documents, pricing, proposals or other commercially sensitive information submitted by third-party tenderers.*

Date range: 1 January 2026 to 18 September 2026

The due date for this internal review application is 21 October 2026.

Determination under review

DPC did not make a determination on your initial application within the 30-day time period required by the FOI Act. Accordingly, DPC was deemed to have refused access in full to all documents relevant to your application.

Outcome of internal review

A total of 7 documents were identified within the scope of your request, and I determine to release as follows:

- I grant you access in part to 3 documents, copies of which are enclosed, and
- I refuse access to 4 documents.

Please refer to the attached schedule that describes each document and sets out my determination and reasons in summary form.

Documents released in part

Document 1, 2 and 7

Documents 2 and 7 contain matter the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead). They contain matters of a private concern to individuals other than you, the applicant, in accordance with section 4(1) of the Act, mobile telephone numbers and emails. In considering whether disclosure would be unreasonable, I have considered:

- the sensitivity (past or present) of the personal information
- the relationship between the personal information and other information in the documents
- how the personal information was obtained by the agency
- the nature of interest you may have in the information

In balancing these interests, I have decided that disclosure would be unreasonable and have therefore determined to exempt this information pursuant to clause 6(1) of Schedule 1 to the Act.

Documents 1 and 2 contain information concerning the business, professional, commercial, or financial affairs of any agency or any other person, the disclosure of which would reasonably be expected to have an adverse effect on those affairs and prejudice the future supply of such information to the Government.

The information removed is preliminary discussions and advice pertaining to elements which form part of the business affairs of the third parties involved as well as the Government of South Australia. Progress in this field is still ongoing and if released, there is a possibility some adverse effect could flow from disclosure. The risk of the disclosure of this information resulting in this outcome is real and not merely speculative. I have therefore determined it would be contrary to the public interest to release this information, and it is exempt in part pursuant to clause 7(1)(c) of Schedule 1 to the Act.

Document 1 contains information obtained in confidence, the disclosure of which might reasonably be expected to prejudice the future supply of such information to the Government or to an agency. The information was shared for the purposes of potential opportunities for consideration. The information was provided on this basis by the third parties, and it is unlikely they would consider the future supply of similar information to the Government should this information be released. When weighted against the impact on the third parties should this information be disclosed, and the impact on the future supply of similar information to the Government, the public interest lies with withholding the information. I have therefore determined to exempt this information pursuant to clause 13(1)(a) and (b) of Schedule 1 to the Act.

Documents 2 and 7 contain information that relates to any opinion, advice or recommendation that has been obtained, prepared, or recorded in the course of, or for the purpose of, the decision-making functions of the Government, a Minister or agency. Further, document 2 contains information that relates to any consultation or deliberation that has taken place, in the course of, or for the purpose of, the decision-making functions of the Government, a Minister or agency.

These documents contain opinions, advice and deliberations relating to protentional business opportunities between the private sector and the government. Whilst I acknowledge the public interest in transparency, it is important that commercial discussions, prospects and collaboration can be undertaken without the prospect of these deliberations being made public. I have therefore determined to exempt the information in part pursuant to clause 9(1)(a)(i) or (ii) of Schedule 1 to the Act.

Document 2 contains information that would be privileged from production in legal proceedings on the grounds of legal professional privilege. This document contains legal advice provided to the government by its legal advisor, the Crown Solicitor, for the dominant purpose of giving or receiving legal advice. I have therefore determined to exempt this information pursuant to clause 10(1) of Schedule 1 to the Act.

Documents refused in full

Documents 3, 4, 5 and 6

Documents 5 and 6 contain information that relates to any opinion, advice or recommendation that has been obtained, prepared, or recorded in the course of, or for the purpose of, the decision-making functions of the Government, a Minister or agency.

They consist of opinions and advice relating to potential business opportunities between the private sector and the government. Whilst I acknowledge the public interest in transparency, it is important that commercial discussions, prospects and collaboration can be undertaken without the prospect of these deliberations being made public. I have therefore determined to exempt this information pursuant to clause 9(1)(a)(i) of Schedule 1 to the Act.

Documents 3, 4, 5 and 6 contain information the disclosure of which would found an action for breach of confidence. I consider the criteria that must be satisfied for such an action to be successful are present. I have therefore determined to exempt this information pursuant to clause 13(1)(a) of Schedule 1 to the Act.

Documents 3, 4, 5 and 6 also hold information the disclosure of which might reasonably be expected to prejudice the future supply of such information to the Government or to an agency. The information was shared for the purposes of potential opportunities for consideration. These documents are confidential and were provided to third parties for the purpose of the provision of services.

Release would impact the future supply of information to the Government should these documents be released, by means of impacting future procurements. When weighted against the impact on the government should these documents be disclosed, and the impact on the future supply of information to the Government, the public interest lies with withholding the information. I have therefore determined to exempt this information pursuant to clause 13(1)(b) of Schedule 1 to the Act.

Further, these documents contain information the disclosure of which could reasonably be expected to have a substantial adverse effect on the effective performance by an agency of the agency's functions. While it is in the public interest to be aware of potential business opportunities, it is my view the releasing this information could reasonably be expected to have substantial adverse effect on the effective performance by an agency of the agency's function. Agencies and third parties must be afforded the opportunity to explore commercial and social opportunities in a safe space. I have therefore determined it would be contrary to the public interest to release this information, and it is exempt pursuant to clause 16(1)(a)(iv) to Schedule 1 of the Act.

Exemptions

Clause 6 – Documents affecting personal affairs

(1) A document is an exempt document if it contains matter the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

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 9 – Internal working documents

(1) A document is an exempt document if it contains matter—

(a) that relates to—
(i) any opinion, advice or recommendation that has been obtained, prepared, or recorded; or
(ii) any consultation or deliberation that has taken place, in the course of, or for the purpose of, the decision-making functions of the Government, a Minister or an agency; and
(b) the disclosure of which would, on balance, be contrary to the public interest.

Clause 10 – Documents subject to legal professional privilege

(1) A document is an exempt document if it contains matter that would be privileged from production in legal proceedings on the ground of legal professional privilege.

Clause 13 – Documents containing confidential material

(1) A document is an exempt document –

(a) if it contains matter the disclosure of which would found an action for breach of confidence; or
(b) if it contains matter obtained in confidence the disclosure of which—
(i) might reasonably be expected to prejudice the future supply of such information to the Government or to an agency; and
(ii) would, on balance, be contrary to the public interest.

Clause 16 – Documents concerning operations of agencies

(1) A document is an exempt document if it contains matter the disclosure of which

(a) could reasonably be expected -
…
(iv) to have substantial adverse effect on the effective performance by an agency of the agency's functions; and

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

FOI Disclosure Log

In compliance with Premier and Cabinet Circular PC045 - *Disclosure Logs for Non-Personal Information Released through Freedom of Information* (PC045), DPC is now required to publish a log of all non-personal information released under the *Freedom of Information Act 1991.* In accordance with this Circular, any non-personal information determined for release as part of this application will be published on the DPC website.

Right to external review

If you remain dissatisfied with this determination, you have the right to apply to the Ombudsman for external review under section 39 of the Act. You have 30 days from the date on which you receive this letter to apply for an external review. If you have any questions about an application to the Ombudsman, please contact their office on (08) 7322 7020.

If you have any questions in relation to this matter, please contact the Freedom of Information Unit via email at DPCFOIUnit@sa.gov.au.

Yours sincerely



Rick Persse
Principal Officer
Department of the Premier and Cabinet

Attachments:

- Internal Review Document Schedule
- Documents for Release

FREEDOM OF INFORMATION INTERNAL REVIEW DOCUMENT SCHEDULE

Government of South Australia
Department of the Premier and Cabinet

FILE NUMBER: DPC26/1493
APPLICANT: [redacted]

This schedule of documents accompanies a determination made in relation to your request submitted under the *Freedom of Information Act 1991* seeking access to:

I seek access under the Freedom of Information Act 1991 to documents relating to the tender for milling services associated with the North Adelaide Public Golf Course redevelopment, which closed on or about 1 September 2026. Specifically, I seek: --The "project details" and "tender documentation" provided, or intended to be provided, to shortlisted suppliers following receipt of a completed non-disclosure agreement (NDA), as referred to in the email reported by InDaily on 15 September 2026. --The NDA form provided to prospective or shortlisted suppliers for completion in connection with the tender. --Any procurement or acquisition plan, risk assessment, risk management plan, briefing, approval, or other planning document relating to the procurement for milling services associated with the North Adelaide Public Golf Course redevelopment, including any document recording the decision to require an NDA, identifying the information considered confidential or sensitive, or setting out the reasons for requiring the NDA. --Correspondence, including emails, concerning the decision to require prospective or shortlisted suppliers to execute an NDA before receiving the project details or tender documentation, including correspondence concerning the reasons for, approval of, or concerns raised about that requirement. I do not seek completed NDAs, or bid documents, pricing, proposals or other commercially sensitive information submitted by third-party tenderers. [Date range from 1 January 2026 to 18 September 2026]

Number	Date	Document Description	Exemption Clauses	Determination	Internal Review Determination
1		Schedule	7(1)(c) Business affairs, 13(1)(a) Breach of confidence, 13(1)(b) Prejudice future supply	*Deemed Refused*	Partial Release
2	21/01/2026	Email	6(1) Personal Affairs, 7(1)(c) Business affairs, 9(1)(a)(i) Opinion or advice, 9(1)(a)(ii) Consultation or deliberation, 10 Legal professional privilege	*Deemed Refused*	Partial Release
3		Draft Agreement	13(1)(a) Breach of confidence, 13(1)(b) Prejudice future supply, 16(1)(a)(iv) Adverse effect on agency functions	*Deemed Refused*	Access Refused
4		Draft Agreement	13(1)(a) Breach of confidence 13(1)(b) Prejudice future supply 16(1)(a)(iv) Adverse effect on agency functions	*Deemed Refused*	Access Refused
5		Contract Attachment	9(1)(a)(i) Opinion or advice, 13(1)(a) Breach of confidence, 13(1)(b) Prejudice future supply, 16(1)(a)(iv) Adverse effect on agency functions	*Deemed Refused*	Access Refused
6		Contract Attachment	9(1)(a)(i) Opinion or advice, 13(1)(a) Breach of confidence, 13(1)(b) Prejudice future supply, 16(1)(a)(iv) Adverse effect on agency functions	*Deemed Refused*	Access Refused
7	7/09/2026	Email	6(1) Personal Affairs, 7(1)(c) Business affairs, 9(1)(a)(i) Opinion or advice	*Deemed Refused*	Partial Release

NORTH ADELAIDE PUBLIC GOLF COURSE REDEVELOPMENT

CONSTRUCTION COSTS | TENDER PRICING SCHEDULE

Comments

1.0 The Contractor is required to provide a detailed breakdown of their Tender Offer utilising the proposed Tender Schedules

2.0 The Contractor is to use the headings provided within each of the schedules and complete these by providing rates and total costs which is to arrive at the Contractors Tender

3.0 The Contractor may add any additional items necessary within the Tender Schedules where not covered by the listed headings under each section or within miscellaneous

4.0 All rates and prices are to include all labour, plant, transport, supervision, testing, timber protection, temporary works, handling, waste, consumables and documentation required to complete the specified timber salvage and processing works

5.0 The Contractor is required and responsible to identify any missing items from the current documentation not included within these Schedules and to include these items including appropriate quantities - no adjustment to include these item should they be missed or excluded

6.0 The Tender Schedules will be used to assist in assessing the Contractors offer and is therefore encouraged to provide as much detail as possible in a clear manner

7.0 All rates are fixed for the duration of the Contract and including at the execution of the adjusted Contracts - there will be no allowance for any adjustment due to price rises and decreases during the course of the works

8.0 If scope of work as required within the Contract is missed from the Contractors completed Tender Schedule then these works are deemed to be included and no variation for additional cost will be allowed

9.0 The Schedule of Rates will be used to assist in assessing variations and the rates provided must be "competitive" and any rates deemed not to be competitive will be subject to negotiation or will be excluded from Schedule of Rates

10.0 The completed Tender Schedules will also be used in the assessment of Monthly Progress Claims

11.0 Rates are to be exclusive of GST

NORTH ADELAIDE PUBLIC GOLF COURSE REDEVELOPMENT
CONSTRUCTION COSTS TENDER SUMMARY

Ref	Location		Total Cost $
PR	Contractors Preliminaries	$	-
TR	Trade Works - Option 1 - 7(1)(c) Business affairs, 13(1)(a) Breach of confidence, 13(1)(b) Prejudice future supply	$	-
TR	Trade Works - Option 2 -	$	-
	OPTION 1 TOTAL COST (Ex GST)	$	-
	GST (10%)	$	-
	OPTION 1 GRAND TOTAL	$	-
	OPTION 2 TOTAL COST (Ex GST)	$	-
	GST (10%)	$	-
	OPTION 2 GRAND TOTAL	$	-

NORTH ADELAIDE PUBLIC GOLF COURSE REDEVELOPMENT PROJECT

CONTRACTORS PRELIMINARIES

Ref	Description	Unit	Qty	Rate $	Total Cost
1	**CONTRACTORS PRELIMINARIES**				
1.1	Establishment	Item		$	-
1.2	Administration	Item		$	-
1.3	Project Management and Supervision	Item		$	-
1.4	Safety, environmental and quality management	Item		$	-
1.5	Insurances	Item		$	-
1.6	Bank Guarantees	Item		$	-
1.7	Handover Documentation	Item		$	-
1.8	*Other (please list)*	Item		$	-
		CONTRACTORS PRELIMINARIES		**$**	**-**

NORTH ADELAIDE PUBLIC GOLF COURSE REDEVELOPMENT

TRADE WORKS - SCHEDULE OF PRICES

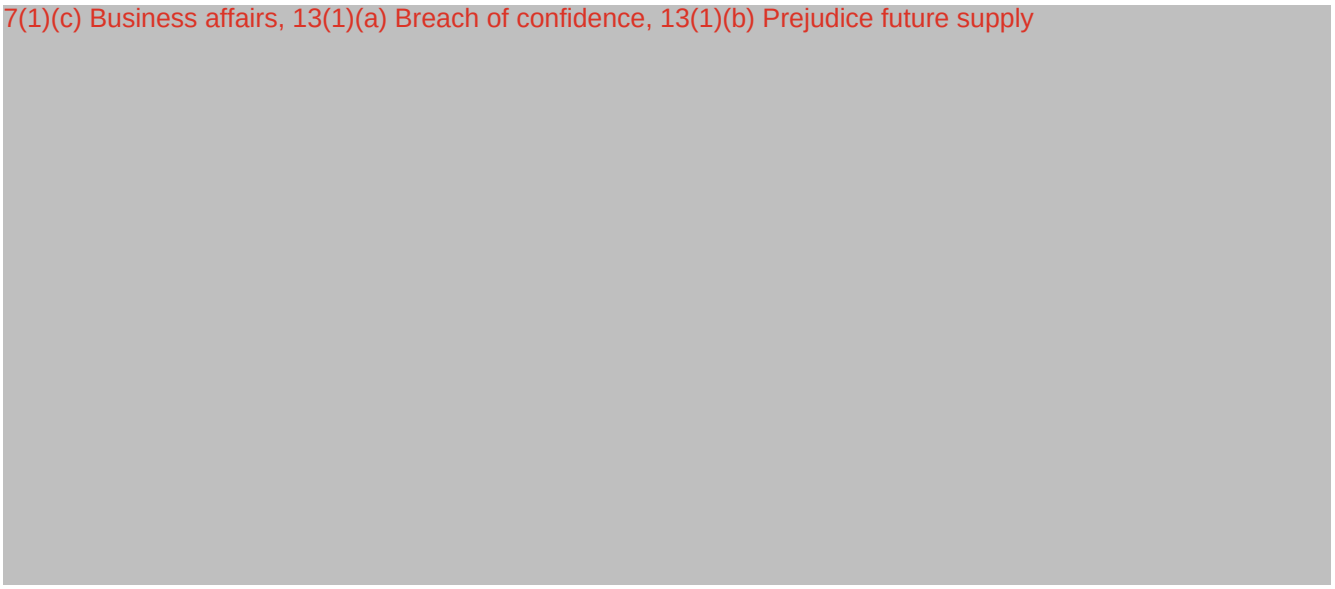
Ref	Description	Qty	Rate $	Total Cost $
2	Option 1 - 7(1)(c) Business affairs, 13(1) 7(1)(c) Business affairs, 13(1)(a) Breach of confidence, 13(1)(b) Prejudice future supply			
	Option 1 - 7(1)(c) Business affairs, 13(1)		$	-
3	Option 2 - 7(1)(c) Business affairs, 13(1) 7(1)(c) Business affairs, 13(1)(a) Breach of confidence, 13(1)(b) Prejudice future supply			
	Option 2 - 7(1)(c) Business affairs, 13(1)		$	-

NORTH ADELAIDE PUBLIC GOLF COURSE

SCHEDULE OF LABOUR AND PLANT RATES

Ref	Description	Unit	Rate $	Over Time $	Double Time / Night Works $
4	**LABOUR RATES**				
7(1)(c) Business affairs, 13(1)(a) Breach of confidence, 13(1)(b) Prejudice future supply		Hr	$ -	$ -	$ -
		Hr	$ -	$ -	$ -
		Hr	$ -	$ -	$ -
		Hr	$ -	$ -	$ -
		Hr	$ -	$ -	$ -
		Hr	$ -	$ -	$ -

Ref	Description	Unit	Normal Rate $	Over Time $	Double Time / Night Works $	Stand Down Rate $
5	**PLANT AND EQUIPMENT RATES**					
7(1)(c) Business affairs, 13(1)(a) Breach of confidence, 13(1)(b) Prejudice future supply		Hr	$ -	$ -	$ -	$ -
		Hr	$ -	$ -	$ -	$ -
		Hr	$ -	$ -	$ -	$ -
		Hr	$ -	$ -	$ -	$ -
		Hr	$ -	$ -	$ -	$ -
		Hr	$ -	$ -	$ -	$ -
		Hr	$ -	$ -	$ -	$ -
		Hr	$ -	$ -	$ -	$ -


7(1)(c) Business affairs, 13(1)(a) Breach of confidence, 13(1)(b) Prejudice future supply

NORTH ADELAIDE PUBLIC GOLF COURSE REDEVELOPMENT

SUBCONTRACTOR AND SUPPLIER REGISTER

Subcontractor / Suppler Name	Proposed Scope of Works to be Undertaken	Value of Work	Location/Address

The Contractor is to provide a full list of their proposed Subcontractors and Suppliers to undertake the propsoed works

Where the Contractor may have more than two potential Subcontractors or Suppliers for the proposed works, the Contractor is to clearly note this within the above Register

From: 6(1) Personal affairs
To:
Cc:
Subject: RE: NDA for Prospective Tenderers - matter 228609
Date: Wednesday, 21 January 2026 3:43:00 PM
Attachments: image001.png
image002.png
image003.png
image004.png
image005.png
image006.png
image007.png
image008.jpg
image009.gif
image010.gif
Non Disclosure Agreement - Tenderer NAGC.docx

Looks great – thanks Clause 6(1) Will revert if any feedback but looks good.

Clause 6(1) – please see attached as requested.

Thanks,

Clause 6(1)
Director, Building Projects
Major Projects, Chief Operating Officer Division
Department of the Premier and Cabinet

Clause 6(1) W dpc.sa.gov.au

State Administration Centre
Clause 6(1) 200 Victoria Square (Tardanyangga), Adelaide SA 5000

Ngadlu tampinthi yaintya yarta. Munaintya puru purruna ngadlu-itya.
Munaintyanangku yalaka tarrkarriana tuntarri.

We acknowledge this land. The Dreaming is still living.
From the past, in the present, into the future, forever.

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10 Legal professional privilege

10 Legal professional privilege

10 Legal professional privilege

10 Legal professional privilege





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From: Clause 6(1)
Sent: Tuesday, 20 January 2026 10:00 AM
To: Clause 6(1)
Cc: Clause 6(1)
Subject: RE: NDA for Prospective Tenderers

Hi Clause

9(1)(a)(i) Opinion or advice

Thanks

Clause 6(1), Clause 7(1)(c)

CONNECT



The information contained in this email is intended only for the use of the person(s) to whom it is addressed and may be confidential or contain legally privileged information. Nothing in this message is intended to convey, represent or warrant that files included in this email are free from computer viruses or other defects.

From: Clause 6(1)
Sent: Friday, 16 January 2026 4:49 PM
To: Clause 6(1)
Cc: Clause 6(1)
Subject: Re: NDA for Prospective Tenderers

9(1)(a)(ii) Consultation or deliberation

Thanks,
Clause 6(1)

Get Outlook for iOS

From: Clause 6(1)
Sent: Friday, January 16, 2026 3:18:32 PM
To: Clause 6(1)
Cc: Clause 6(1)
Subject: NDA for Prospective Tenderers

Hi Clause 6(1)

9(1)(a)(ii) Consultation or deliberation

Cheers

Clause 6(1), Clause 7(1)(c)

CONNECT

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From: Clause 6(1)
To:
Cc:
Subject: RE: Milling Services
Attachments: image001.jpg
image002.jpg
image003.png
image004.png
image005.png
image006.png
image007.png
image008.png
image009.png
image010.png
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image016.png
image017.png
image018.png
image019.jpg
image020.jpg

Thanks for confirming Clause 6(1)

9(1)(a)(i) Opinion or advice

Regards
Clause 6(

6(1) Personal affairs, 7(1)(c) Business affairs

From Clause 6(1)
Sent: Monday, 7 September 2026 9:31 AM
To: Clause 6(1)
Subject: RE: Milling Services

OFFICIAL: Sensitive

9(1)(a)(i) Opinion or advice .

Thanks,

Clause 6(1)
Director, Building Projects
Major Projects, Chief Operating Officer Division
Department of the Premier and Cabinet

Clause 6(1)
| **W** dpc.sa.gov.au

State Administration Centre
Clause 6(1) , 200 Victoria Square (Tardanyangga), Adelaide SA 5000

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Munaintyanangku yalaka tarrkarriana tuntarri.

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From: 6(1) Personal affairs
Sent: Monday, 7 September 2026 8:58 AM
To: 6(1) Personal affairs
Cc: 6(1) Personal affairs

Subject: RE: Milling Services

Hi 6(1)

9(1)(a)(i) Opinion or advice

Regards,

Clause 6(1), Clause 7(1)(c)

From: Clause 6(1)
Sent: Friday, 4 September 2026 1:45 PM
To: Clause 6(1)

Cc: Clause 6(1)
Subject: Milling Services

Hi All,

9(1)(a)(i) Opinion or advice, 7(1)(c) Business affairs

9(1)(a)(i) Opinion or advice, 7(1)(c) Business affairs

Happy to discuss further.

Thanks

Clause 6(

6(1) Personal affairs, 7(1)(c) Business affairs