

Ref: FOI2020/0008

Tammy Franks MLC
Parliament House,
Adelaide, SA 5000
franks.office@parliament.sa.gov.au

Dear Ms Franks,

APPLICATION UNDER THE *FREEDOM OF INFORMATION ACT 1991 (FOI ACT)*

I refer to your application made under the *FOI Act* to the Department for Innovation and Skills (the Agency) received on 11 June 2020, requesting access to:

“the original grant application for grant #Dis199, and any related correspondence between the Department and Mighty Kingdom. I would also request the progress reports related to the Grant Agreement between the Department and Mighty Kingdom Pty Ltd that were due on the 31st of July 2019 and 31st of January 2020.”

A search for documents held by the Department was undertaken and four documents were discovered to be within the scope of your request.

I have considered the documents and determined;

- Document 1 exempt in part, pursuant to Clause 6 (1) of the FOI Act, with the contact details of the correspondent redacted as personal affairs
- Access to Document 2 is refused as it is a duplication of part of Document 1.
- Document 3 is exempt in full pursuant to Clause 7 (Business Affairs) and Clause 13 (confidential information). The document is a progress report from January 2020 authored by Mighty Kingdom to address activity and progress against milestones and grant conditions. The report, which is clearly marked as a confidential document, contains information on the investment and activities by Mighty Kingdom into ongoing development of the product, resource allocation to support these activities and progress against key milestones. Should this information be released it would give competitors an insight into the approach of Mighty Kingdom to market and develop the product as well as the value of the product to the business. Significantly reducing the commercial value of the information to Mighty Kingdom and unreasonably exposing the operational model of the business in relation to these types of products.
- Document 4 is to be released in full.

Two documents sought by your request, the original grant application and the progress report for July 2019, were not discovered as part of the discovery process and in accordance with Section 23 (1)(b) I advise the Department does not hold these documents.

While the legislated timeframe in which to process your application has passed, I make this determination in accordance with Section 19(2)(a) of the FOI Act.

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If you are not satisfied with this determination you have a legal right of Internal review and appeal in accordance with section 29 of the FOI Act. Your review rights can be found by visiting the State Records website at <https://archives.sa.gov.au>

There are no costs associated with the processing of your application.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Nicole Spencer', with a stylized flourish at the end.

Nicole Spencer

ACCREDITED FREEDOM OF INFORMATION OFFICER

04/ 08 /2020

Jansen, Lou (DIS)

From: Dan Thorsland <[REDACTED]>
Sent: Tuesday, 30 January 2018 12:26 PM
To: Jansen, Lou (DSD)
Cc: Reid, Adam (DSD)
Subject: Re: Emailing - Mighty Kingdom Offer of Grant.pdf

Hi, Lou,

Delighted to accept the grant! Please pass on my deepest thanks to everyone in the ministers office.

This project reflects the strength of local industry to create world-class original products that will delight millions. I look forward to showing the project to you and the Minister.

Regards,

-Dan

On Tue, Jan 30, 2018 at 11:22 AM, Jansen, Lou (DSD) <Lou.Jansen@sa.gov.au> wrote:

Hi Dan,

Attached is a letter confirming a proposed grant to Mighty Kingdom for the completion, marketing and regular content updates of the Kitty Keeper game.

I have just left a message on your mobile telephone to call me.

I understand that the Minister is keen to issue a media release and you may be contacted for comment.

Please confirm acceptance of the offer of the grant.

I would appreciate you calling me on either (08) 8303 2451 or [REDACTED]

Much appreciated.

Regards

Lou Jansen

Principal Commercial and Financial Advisor

***Industry, Innovation, Science and Small Business
Department of State Development***

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Dan Thorsland

General Manager



Government
of South Australia

Department of
State Development

30 January 2018

Mr Dan Thorsland
General Manager
Mighty Kingdom Pty Ltd
PO Box 3106
RUNDLE MALL SA 5000

Dear Dan

I am pleased to advise you that the South Australian Government has approved a grant to Mighty Kingdom Pty Ltd (ABN 57 149 485 165) of \$480,000 (GST Exclusive) in 2017-18 to assist with the completion, marketing and regular content updates of the Kitty Keeper game.

The South Australian Government is committed to growing the Games industry in South Australia with the recent announcement of the commitment to assist with building a world leading Digital Games Development Hub to be operated by Games Plus.

A condition to the provision of funds by the South Australian Government will be the Company's execution of a formal grant deed (Deed) on terms acceptable to the Government, Within three months from the date of this letter. No legally binding obligation arises from the State providing this offer, and the State may withdraw this offer if the State and Mighty Kingdom Pty Ltd are unable to agree and execute the Deed within three months from the date of this letter.

The Deed will describe, among other things:

- The conditions attached to the payment of the funds (including payment milestones and the associated payments) and acquittal;
- The purpose of the funding;
- Reporting requirements;
- The circumstances in which the funding paid under the Deed will be repayable; and
- Other rights, obligations, and undertakings of the parties.

I advise that Mr Lou Jansen (Principal Commercial and Financial Advisor) will contact you shortly to discuss the grant conditions in more detail. Should you have any queries then he can be contacted at lou.jansen@sa.gov.au or on (08) 8303 2451.

Yours sincerely

A handwritten signature in black ink, appearing to read "Adam Reid".

Adam Reid
EXECUTIVE DIRECTOR
Industry Innovation Science and Small Business