



23MINFOI-0023

Mr Sam Telfer MP
Member for Flinders
PO Box 1798
PORT LINCOLN SA 5606
myriam.hyde@parliament.sa.gov.au

Dear Mr Telfer

**NOTICE OF DETERMINATION – REQUEST FOR ACCESS TO DOCUMENTS UNDER
THE FREEDOM OF INFORMATION ACT 1991**

I refer to your application made under the *Freedom of Information Act 1991* (the FOI Act) received by this agency on 29 May 2023.

You have requested access to the following:

For the period 21 February 2023 to 29 May 2023, a copy of all documents (including but not limited to hard copy or electronic briefings, minutes, reports, emails, letters, meeting agendas, diary entries, event attendance records and any other correspondence) between the Minister (including the Minister's office) and the Electoral Commission of South Australia.

There is one (1) document that falls within the scope of your application and is that listed in the attached document schedule.

I have determined to partially release Document 1 in accordance with section 20(1)(a) and clause 6(1) of Schedule 1 of the FOI Act which states:

20—Refusal of access

- (1) An agency may refuse access to a document—
(a) if it is an exempt document;...

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 6(1)

Document 01 contains information that I consider to be the personal affairs of an individual, the release of which would involve the unreasonable disclosure of their personal affairs. I therefore determine the information to be exempt from disclosure under clause 6(1) of Schedule 1 of the FOI Act.

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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, you can write a letter or send the attached form entitled *Application for Review of Determination* to the Principal Officer of this agency, the Minister for Local Government, Minister for Regional Roads and Minister for Veterans Affairs, the Hon Geoff Brock MP.

In accordance with the requirements of Premier and Cabinet Circular PC045, if you are given access to documents as a result of this FOI application, details of your FOI application, and the documents to which you are given access, may be published in the agency's disclosure log. Any private information will be removed. A copy of PC045 can be found at www.dpc.sa.gov.au/resources-and-publications/premier-and-cabinet-circulars. If you have any objection to this publication, please contact us within 30 days.

Should you require any further information please contact me on telephone (08) 7133 1200.

Yours sincerely



Enza Pullino
Accredited FOI Officer
Office Manager to the
MINISTER FOR LOCAL GOVERNMENT
MINISTER FOR REGIONAL ROADS
MINISTER FOR VETERANS AFFAIRS

04 / 07 / 2023

enc Application for Review of Determination form
Document schedule

FOI FACT SHEET

Your Rights to Review and Appeal

South Australian Freedom of Information Act 1991

Please read the information in this fact sheet before completing the attached application form

INTERNAL REVIEW

If you are unhappy with a determination made by an agency (includes South Australian State Government Agency, Local Government Council or University) under the *Freedom of Information Act 1991* (FOI Act) in relation to:

- a freedom of information (FOI) application for access to a document, or
- an FOI application for amendment to your personal records

in most cases, you are entitled to apply for an Internal Review of that determination.

Request an Internal Review

An Internal Review must be lodged within 30 calendar days of you receiving advice of a determination that you are unhappy with.

Applications must be made in writing in accordance with Section 29 or Section 38 of the FOI Act or using the attached *FOI Application Form for Internal Review of a Determination* (Internal Review Form).

An Internal Review application must be made to the Principal Officer of the agency that made the determination you are seeking to have reviewed.

How much does an Internal Review cost?

There is an application fee of **\$39.00** that must be paid when you lodge your Internal Review application if your review request is for access to documents.

There is no application fee for an Internal Review of an FOI application for amendment to your personal records.

Agencies generally accept payment by cash, money order or cheque. If you would like to pay by credit card you will need to ask the agency if they are able to accept credit card payments.

If, as a result of an Internal Review an agency changes or reverses a determination so that access to a document is, or will be, given, the agency will refund the Internal Review application fee paid by the applicant, where applicable.

What if I have a concession card or can't afford to pay?

If you are the holder of a current concession card or if you can satisfy the agency that the payment of the application fee would cause financial hardship, the agency must waive or remit (reduce or refund) it.

If you are a concession cardholder you will need to provide evidence e.g. attach a copy of your concession card when you make the application. Alternatively, you will need to give written reasons as to why the payment of a fee would cause you financial hardship.

How long does an Internal Review take?

You will be advised of the outcome of your Internal Review application within 14 calendar days of it being received by the agency.

If the agency does not deal with your Internal Review application within 14 calendar days (or you remain unhappy with the outcome of the Internal Review) you are entitled to an External Review

by the Ombudsman SA. Alternatively, you may apply for a review by the South Australian Civil and Administrative Tribunal (SACAT). See the External Review section below.

When can't I apply for an Internal Review?

If the original application determination was made by the Principal Officer of an agency rather than another accredited FOI Officer within the agency, you cannot apply for an Internal Review. However, you can apply for an External Review by the Ombudsman SA or apply for a review by SACAT.

EXTERNAL REVIEW

After an Internal Review has been completed, or where you are unable to apply for an Internal Review, and you are unhappy with the determination, you have the right to apply for an External Review. All applications for External Review should be made to the Ombudsman SA.

How long will an External Review take and how much will it cost?

If you wish to make an application for an External Review you must do so within 30 calendar days after being notified of the determination. However, the Ombudsman SA can extend this time limit at their discretion. There is no fee or charge for External Reviews undertaken by the Ombudsman.

Contact Details:
Ombudsman SA Phone: 8226 8699 Toll Free: 1800 182 150 (outside metro SA) Email: ombudsman@ombudsman.sa.gov.au

REVIEW BY SACAT

You have a right to apply for a review by SACAT if you are unhappy with:

- a determination not subject to Internal Review
- an Internal Review determination, or
- the outcome of a review by the Ombudsman SA.

You must exercise your right of review with SACAT within 30 calendar days after being advised of the above types of determinations or the results of a review.

Any costs will be determined by SACAT, where applicable.

For more information contact SACAT.

Contact Details:
South Australian Civil and Administrative Tribunal (SACAT) Phone: 1800 723 767 Email: sacat@sacat.sa.gov.au

FOI APPLICATION FORM

For Internal Review of a Determination

Under sections 29 & 38 of the South Australian *Freedom of Information Act 1991*

Please read the attached '*FOI Fact Sheet – Your Rights to Review and Appeal*'
before completing and lodging your Internal Review application

To the Principal Officer	
Name of the Agency:	
Details of Applicant	
Surname:	
Given Names:	
Australian Postal Address:	
Suburb:	Post Code:
Emails (<i>Optional</i>):	
Contact phone numbers:	
FOI Application Reference Number (<i>if known</i>):	
Details of Internal Review	
<p>I am not satisfied with a determination made by your agency and, therefore, seek a review because:</p> <p>(<i>Please place a tick in the appropriate box</i>)</p> <p><input type="checkbox"/> I have been refused access to a document</p> <p><input type="checkbox"/> I have been refused access to part of a document</p> <p><input type="checkbox"/> I have been refused a request to amend a personal document</p> <p><input type="checkbox"/> I have been given access to a document but access has been deferred</p> <p><input type="checkbox"/> I am a third party specified in the documents but have not been consulted about giving access to another person</p> <p><input type="checkbox"/> I have been consulted but disagree with the determination to release the documents</p>	

Comments																				
<p>Include any additional comments you wish to be considered in the review of the determination (<i>attach additional pages if necessary</i>).</p>																				
Fees and Charges																				
<p>An application fee of \$39.00 must be submitted with the Internal Review application form, unless you are seeking to have the application fee waived. If you are seeking to have the application fee waived, please attach evidence supporting why it should be waived, e.g. attach a copy of your concession card or other evidence as proof of financial hardship.</p> <p>An application fee is not required for an Internal Review of an FOI Amendment Application.</p> <p>In the following section please tick as appropriate</p> <table style="width: 100%; border: none;"> <tr> <td style="padding: 5px;">Is the application fee attached?</td> <td style="padding: 5px;"><input type="checkbox"/> Yes</td> <td style="padding: 5px;"><input type="checkbox"/> No</td> <td colspan="2"></td> </tr> <tr> <td style="padding: 5px;">Application Fee is in the form of <small>(Do not send cash through the mail)</small></td> <td style="padding: 5px;"><input type="checkbox"/> Cheque</td> <td style="padding: 5px;"><input type="checkbox"/> Cash</td> <td colspan="2" style="padding: 5px;"><input type="checkbox"/> Money Order</td> </tr> <tr> <td style="padding: 5px;">Do you require a fee waiver?</td> <td style="padding: 5px;"><input type="checkbox"/> Yes</td> <td colspan="3" style="padding: 5px;"><input type="checkbox"/> No</td> </tr> <tr> <td style="padding: 5px;">Is evidence of the need to waive fees attached? <small>(e.g. a copy of your concession card)</small></td> <td style="padding: 5px;"><input type="checkbox"/> Yes</td> <td colspan="3" style="padding: 5px;"><input type="checkbox"/> No</td> </tr> </table> <p>If you wish to pay your application fee via credit card you will need to ask the agency you are applying to if they accept credit card payments.</p> <p>If no application fee is attached and you do not qualify for fee waiver, the agency cannot process your application until the fee has been paid.</p> <p>If the agency varies or reverses a determination so that access to a document is, or will be, given the agency will refund any Internal Review fees paid by the applicant.</p>	Is the application fee attached?	<input type="checkbox"/> Yes	<input type="checkbox"/> No			Application Fee is in the form of <small>(Do not send cash through the mail)</small>	<input type="checkbox"/> Cheque	<input type="checkbox"/> Cash	<input type="checkbox"/> Money Order		Do you require a fee waiver?	<input type="checkbox"/> Yes	<input type="checkbox"/> No			Is evidence of the need to waive fees attached? <small>(e.g. a copy of your concession card)</small>	<input type="checkbox"/> Yes	<input type="checkbox"/> No		
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Is evidence of the need to waive fees attached? <small>(e.g. a copy of your concession card)</small>	<input type="checkbox"/> Yes	<input type="checkbox"/> No																		
Applicant's Signature:																				
Date / / 20.....																				

OFFICE USE ONLY

Received on / / 20.....

Acknowledgment sent on / / 20.....

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DOCUMENT SCHEDULE - FREEDOM OF INFORMATION APPLICATION NUMBER 23MINFOI-0023

Document Number	Description of Document	Date of Document	Author	Determination Release/Refuse Access	Schedule Clause Applied
01	Email	3 March and 6 March 2023	Electoral Commission South Australia & Minister Brock's Office	Partial Release	Clause 6(1) of Schedule 1 – Personal affairs

From: [Harding, Roshni \(DPC\)](#)
To: [Trebilcock, James \(ECSA\)](#)
Cc: [Gallery, Skana \(DIT\)](#)
Subject: RE: Next Week
Date: Monday, 6 March 2023 9:22:21 PM
Attachments: [image005.png](#)
[image006.png](#)
[image001.png](#)

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Hi James,

Good to hear from you – hope you're well

We're in the process of finalising a media release as well, happy to share once it's signed off. It'll go out as soon as the bill is passed,

The below messaging looks good to me,

Thanks,

Roshni Harding

M 0403 826 991 | **E** Roshni.harding@sa.gov.au

From: Trebilcock, James (ECSA) <James.Trebilcock@sa.gov.au>
Sent: Friday, 3 March 2023 3:58 PM
To: Harding, Roshni (DPC) <Roshni.Harding@sa.gov.au>
Subject: Next Week

Hey Roshni,

Hope your week has been a little quieter than the last!

Have you any plans in place for releases next week assuming the legislation gets passed?

We're still drafting our response but will be a statement along the lines of:

Today, Parliament passed the Local Government (Casual Vacancies) Amendment Bill 2023.

This bill will allow the 45 elected council members who had not met their disclosure obligations for the 2022 Council Elections and had subsequently had their positions vacated to be reinstated.

Elected members who haven't lodged their disclosure returns for the 2022 Council Elections have an additional ten days from the passing of this legislation to submit their disclosure returns to ECSA to avoid vacating their positions.

ECSA's role, as always, is to administer the legislation provided by the Parliament and will administer these amendments as required.

The elected members are responsible for ensuring they understand and comply with relevant legislation. ECSA will continue to provide guidance to candidates to assist meeting these legislative obligations.

Let's chat next week,

Have a great weekend.

James

James Trebilcock
Director, Communications and Advertising

M: **Clause 6(1)**

E: James.trebilcock@sa.gov.au



Level 6, 60 Light Square, Adelaide South Australia 5000
ecsa.sa.gov.au



The Electoral Commission of South Australia acknowledges and respects Aboriginal peoples as the state's first peoples and nations, and recognises Aboriginal peoples as traditional owners and occupants of land and waters in South Australia.

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