

Hon Geoff Brock MP

Government
of South Australia

23MINFOI-0012

Mr Adrian Pederick MP
Member for Hammond
20 Mannum Road
MURRAY BRIDGE SA 5253
hammond@parliament.sa.gov.au

Dear Mr Pederick *ADRIAN*

I refer to your internal review application made pursuant to section 29 of the *Freedom of Information Act 1991* (the FOI Act) on 12 April 2023.

Your application for review of the initial determination indicates that you feel aggrieved because the 30-day period for processing your application has now passed. A determination was due on 5 April 2023. This means that this agency is deemed by section 19(2)(b) of the FOI Act to have refused access to the documents requested.

I have made the following determination on internal review.

There are (4) documents that fall within the scope of your application and are those that are listed in the attached document schedule.

I have determined to refuse release these documents in accordance with section 20(1)(a); and Clauses 1(1)(b), 6(1), 9(2) and 17(c) 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;...*

1—Cabinet documents

- (1) *A document is an exempt document—*
- (a) *if it is a document that has been specifically prepared for submission to Cabinet (whether or not it has been so submitted); or*
 - (b) *if it is a preliminary draft of a document referred to in paragraph (a);...*

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).

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.

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.

Clause 1(1)(b)

Document 4 is a document prepared for the Minister for the purpose of the decision-making functions of Cabinet. Accordingly, this document is exempt and cannot be released under clause 1(1)(b) of Schedule 1 of the FOI Act.

Clause 6(1)

Document 1, Document 2 and Document 4 contain 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.

Clause 9(1)

Document 1 and Document 2 contain opinions and advice prepared by the agency for the purpose of the decision-making functions of the Minister. These documents are considered exempt under clause 9(1)(a)(i) Schedule 1 of the FOI Act.

In considering the grounds for exemption of information under clause 9, I have considered the public interest in disclosure or non-disclosure:

Factors in favour of release:

- further the objects of the FOI Act; and
- promote openness and accountability of the agency and its staff.

Factors against release

- enable the free and frank discussion of opinions and advice;
- ensure the effective conduct of government functions;
- draft documents are not complete works and do not contain, or have had applied, critical reviews and comments.

Upon weighing these factors, I have determined, on balance, that it is contrary to the public interest to release the information.

Clause 17(c)

Document 3 is a Parliamentary Briefing Note prepared for the purpose of the Minister's use in connection with Parliamentary investigation or debate and accordingly their disclosure is protected by Parliamentary privilege. This document is considered exempt pursuant to clause 17(c) of Schedule 1 to the FOI Act.

If you are unhappy with this determination you are entitled to exercise your rights of external review with the Ombudsman SA. Alternatively, you can apply to the South Australian Civil and Administrative Tribunal (SACAT). If you wish to seek a review, you must do so within 30 calendar days of receiving this internal review determination. For more information about seeking a review, please contact the Ombudsman SA on telephone (08) 8226 8699 or SACAT on 1800 723 767.

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



Hon Geoff Brock MP
MINISTER FOR LOCAL GOVERNMENT
MINISTER FOR REGIONAL ROADS
MINISTER FOR VETERANS AFFAIRS

24 / 4 / 2023

OFFICIAL

DOCUMENT SCHEDULE - FREEDOM OF INFORMATION APPLICATION NUMBER 23MINFOI-0012

| Document Number | Description of Document | Date of Document | Author | Determination Release/Refuse Access | Schedule Clause Applied |
|-----------------|-----------------------------|------------------|--------|-------------------------------------|---|
| 1 | Meeting Agenda | 9 January 2023 | DIT | Refuse | Clause 6(1) of Schedule 1 – Personal affairs Clause 9(1)(a) of Schedule 1 – Internal working documents |
| 2 | Minute to the Minister | 19 January 2023 | DIT | Refuse | Clause 6(1) of Schedule 1 – Personal affairs Clause 9(1)(a) of Schedule 1 – Internal working documents |
| 3 | Parliamentary Briefing Note | 17 February 2023 | DIT | Refuse | Clause 17(c) of Schedule 1 – Parliamentary Privilege |
| 4 | Meeting Agenda | 6 March 2023 | DIT | Refuse | Clause 1(1)(b) of Schedule 1 – Cabinet documents Clause 6(1) of Schedule 1 – Personal affairs |