



In reply please quote 2022/05260/01

[Redacted]

[Redacted]

**LEGAL, COMMERCIAL &
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Dear [Redacted]

**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 Act) which was received by the Department for Infrastructure and Transport (the department) on 04 April 2022.

You have requested access to:

"In 2012 Motor registrar Julie Holmes determined that 450 Authorised Examiners were sufficient and enough to serve SA population (1.65 mil) and placed Moratorium on appointing authorised examiners for class C (car). - I would like to know what were the exact number of VORT and CBT&A authorised examiners in 2012 which lead to the Moratorium to be placed. I am only after the statistics (numbers); not after any examiner's personal details. If the number is not available for 2012 then a rough estimation from either 2011 or 2013 will do. - I would also like to know that what criteria were set precisely to decide for future motor registrar/it's delegate on how an exemption can be granted from the Moratorium/general policy - I would like to access any documents that provides info on how a demand must be proved to the motor registrar or it's delegate to get an exemption from Moratorium/general policy - Were there any rules or criteria set to decide future viability of Moratorium/general policy to be removed/amended once the Authorised Examiner number has reduced greatly (DUE TO death / retirement / revoked / cancelled / not renewed /suspended) Vs SA population has increased (in 2022 we have 1.76 mil people and also COVID 19 pandemic increased the demand of more people wanting the license to avoid public transport plus more examiners retiring earlier than anticipated due to medical reasons) - What are the exact set criteria for a CBT&A examiner to become VORT examiner other than what it is listed online <https://www.sa.gov.au/topics/driving-and-transport/industry-services/driving-instructors/authorised-examiners> Old letters to refer : REF : 2000/04671 KNET: 7077039 Letter dated 11 OCT 2012 and signed by : Julie Holmes (Motor Registrar at that time) REF: Issue No: 16/2013 Letter dated 6 JUNE 2013 and signed by : Julie Holmes (Motor Registrar at that time)."

The 30-day period for processing your application has now passed. A determination was due on 4 May 2022. This means that the department is deemed by section 19(2)(b) of the Act to have refused access to the documents requested.

However, the department has continued to process your application outside this timeframe.

There are two documents which are within the scope of your request. I have determined to release Document 002 in full, and to refuse Document 001 in accordance with Section 20(1)(a); and Clauses 6(1), 9(1) and 10 of Schedule 1 of the 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).*

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.*

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 6(1)

Document 001 contains information that this department considers 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 Act.

Clause 9(1)(a)

Document 001 is a draft briefing paper concerning the Registrar of Motor Vehicles policy on appointing Authorised examiner to conduct driver testing. It contains information that constitutes advice and recommendation, following consultation and deliberation with the Crown Solicitor's Office. The briefing was created specifically to inform the Minister and the Department for Infrastructure and Transport in their decision-making process.

In considering the grounds of exemption for Clause 9(1)(a), I am required to consider the public interest in disclosure or non-disclosure of the information.

Factors in favour of release include:

- The public interest in fulfilling the objects of the FOI Act and promoting openness and accountability within government.
- The ongoing relevance of the information to the applicant.

Factors against release include:

- The public interest in ensuring the effective conduct of the agency's functions.
- Draft documents do not contain final quality assurance checks and approvals and may not be reflective of the final position.
- The need to preserve confidentiality having regard to the subject matter of the communications and the circumstances in which they were made.

Upon weighing these factors, I consider that the disclosure of the information would, on balance, be contrary to the public interest.

Clause 10

Document 001 also includes confidential legal advice from the Crown Solicitor's Office, and I therefore determine that this document is exempt from disclosure under Clause 10 of the FOI Act.

Document 002 contains the Policy Directive 16/2013, dated 6 June 2013. This policy indicates there were approximately 700 Licensed Motor Driving Instructors in South Australia, approximately 365 of which were also appointed as Authorised Examiners.

A search was conducted for statistics on the number of Authorised examiners in 2012. The search revealed there is no available information or supporting documentation as to the exact number of authorised examiners in 2012.

There is not a specific proposal to address the Authorised Examiner Moratorium, however the overall intent of the proposed Driver Training reforms may impact the Authorised Examiner Moratorium.

For further information please refer to the [SA.GOV.AU - Authorised examiners \(www.sa.gov.au\)](http://www.sa.gov.au) website.

Attached is an explanation of the provisions of the Act which details your rights to review this determination, and the process to be followed.

In accordance with Premier and Cabinet Circular PC045, if you are given access to documents as a result of this FOI application, details of your application, and the documents to which access is given, may be published in the agency's disclosure log within 90 days from the date of this determination. Any private information will be removed. A copy of PC045 can be found at <https://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 of receiving this determination.

Should you have any enquiries concerning your application please contact
[REDACTED] Freedom of Information Officer, on telephone [REDACTED]

Yours sincerely



Graeme Jackson
Accredited Freedom of Information Officer

30 May 2022

RELEASED UNDER FOI ACT

FREEDOM OF INFORMATION ACT 1991

YOUR RIGHTS TO REVIEW

INTERNAL REVIEW

If you are dissatisfied or concerned with the decision of this Agency regarding access to documents or the request for amendment to your personal records, you can apply for an Internal Review of that decision.

To apply for an Internal Review you must write a letter addressed to the Principal Officer or lodge an Internal Review application form with the Principal Officer of this Agency. The legislated application fee must accompany all applications, unless the fee was waived in the original Freedom of Information application, in which case there would be no fee payable for the application. The application must be lodged within 30 days after being notified of the decision.

The Agency will undertake the Internal Review and advise you of its decision within 14 days of receipt of the application.

Where the decision was made by the Minister or Principal Officer of the Agency, you are unable to request an Internal Review but you can apply for an External Review by the Ombudsman, or the South Australian Civil and Administrative Tribunal.

You are unable to apply for an Internal Review regarding a decision to extend the time limit for dealing with an application but you can apply for an External Review.

EXTERNAL REVIEW BY THE OMBUDSMAN

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.

You may also request an External Review by the Ombudsman if you have no right to an Internal Review.

The application for review by the Ombudsman should be lodged within 30 days after the date of a determination. The Ombudsman's Office, at their discretion, may extend this time limit.

Investigations by the Ombudsman are free. Further information is available from the Office of the Ombudsman by telephone on 8226 8699 or toll free 1800 182 150 (within SA).

APPEAL TO THE SOUTH AUSTRALIAN CIVIL AND ADMINISTRATIVE TRIBUNAL (SACAT)

If you are still dissatisfied with the decision made by this Agency after an Internal Review or after a review by the Ombudsman, you can request a review from SACAT.

You must exercise your right of review to SACAT within 30 calendar days after being advised of the determination or the results of any other Internal or Ombudsman Review. Any costs will be determined by SACAT, where applicable. For more information, contact;

South Australian Civil and Administrative Tribunal (SACAT)

Phone: 1800 723 767

Email: sacat@sacat.sa.gov.au

SCHEDULE OF DOCUMENTS - FREEDOM OF INFORMATION APPLICATION NUMBER						2022/05260/01
Document Number	Description of Document	Date of Document	Author	Number of Pages	Determination Release / Refuse Access	Schedule Clause Applied
001	Minister Mulilghan - Briefing - Authorised Driving Examiner - DPTI Policy	February 2016	Department for Infrastructure and Transport	3	Refuse Access	6(1) Personal affairs, 9(1)(a)(i) Opinion, advice or recommendation, 9(1)(a)(ii) Consultation or deliberation, 10 Legal professional privilege
002	16-2013- Appointment of Authorised Examiners for Car Class	06-June-2013	Department for Infrastructure and Transport	1	Release	

RELEASED UNDER FOIA



Government
of South Australia

Department of Planning,
Transport and Infrastructure

Road Safety, Registration and Licensing

Policy and Procedure Directive

ISSUE NO. 16 /2013

APPOINTMENT OF AUTHORISED EXAMINERS FOR CAR CLASS.

EFFECTIVE IMMEDIATELY

There are approximately 700 licensed Motor Driving Instructors in South Australia, approximately 365 of which are also appointed as an Authorised Examiner.

Generally speaking there are adequate numbers of Authorised Examiners in South Australia to meet consumer demand.

The appointment of excessive numbers of Authorised Examiners can create integrity problems in circumstances where the Department has limited resources that it can dedicate to auditing.

Accordingly, I have determined as a matter of general policy not to make further appointments of Authorised Examiners at this time. This policy will not be applied inflexibly.

Motor Driving Instructors remain entitled to apply to become Authorised Examiners and may submit reasons why the general policy should not apply to them.

An example may be where an applicant might demonstrate the need for an Authorised Examiner in a particular geographical location, for example, a rural area. In such circumstances I, or my delegate, may consider that an exception to the general policy is applicable.

Before making a decision on any application I, or my delegate, will have regard to all relevant materials or submissions put forward by the applicant.

This policy does not apply to applications received prior to 12 October 2012.

Julie Holmes
REGISTRAR OF MOTOR VEHICLES

6 June 2013

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REGISTRATION AND
LICENSING**

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