



In reply please quote 2021/17262/01



**LEGAL, COMMERCIAL &  
ASSURANCE SERVICES**

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Dear 

**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 28 October 2021.

You have requested access to:

*"I am specifically seeking any documents, including reports, AV material such as photos and CCTV/video footage, since January 1, 2019, relating to taxi drivers or other passenger services such as Uber or OLA, who have been charged with criminal offences. Without limiting the application, I would expect the documents to include any details of an investigation, the outcome of that investigation and whether they were allowed to keep their taxi licence. Please exclude duplicates, documents that have already been publicly released, media reports and media articles. Please note I do not consent to any documents being deemed irrelevant without consultation.*

*Date range: 1/01/2019 - 28/10/2021"*

The 30-day period for processing your application has now passed. A determination was due on 27 November 2021. 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 within the scope of your request. I have determined to release one document in full (Document 001) and refuse one document (Document 002) in accordance with Section 20(1)(a); and Clause 11(c) 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*

**11—Documents relating to judicial functions etc**

- A document is an exempt document if it contains matter—*  
(c) *prepared by or on behalf of a court or tribunal (including any order or judgment made or given by the court or tribunal) in relation to proceedings that are being heard or have been heard before the court or tribunal.*

Document 001 contains information relating to records the department keeps of matters brought before the Passenger Transport Standards Committee (PTSC). SAPOL is the responsible agency for applying breaches of the Motor Vehicles Act or matters of a criminal nature and therefore the Department does not hold any records regarding drivers reported to the police nor are we involved in the investigation of those charges.

Security camera footage cannot be released under the Passenger Transport Regulations. The CCTV / video footage from taxis and other rideshare providers is the property of those service providers.


Document 002 was prepared by tribunal representatives in relation to proceedings before the PTSC and is therefore exempt under Clause 11(c) of the Act.

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

19 May 2022

**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](mailto:sacat@sacat.sa.gov.au)

SCHEDULE OF DOCUMENTS - FREEDOM OF INFORMATION APPLICATION NUMBER					2021/17262/01
Document Number	Description of Document	Date of Document	Author	Determination Release / Refuse Access	Schedule Clause Applied
001	Decisions of the Passenger Transport Standards Committee	April 2022	Department for Infrastructure and Transport	Release	
002	Passenger Transport Standards Committee - PTSC - Referrals / Decisions	April 2022	Department for Infrastructure and Transport	Refuse Access	11(c) Prepared by court for proceedings

RELEASED UNDER FOIA

## FOi Request from Alison Sandy

January 2019 - October 2021

## Decisions of the Passenger Transport Standards Committee

## Disciplinary Matters - Criminal Charges

	2019	2020	2021
Total number of matters referred to PTSC where an accredited person has been charged with criminal offence/s	4	8	7
Accreditation <b>suspended</b> pending finalisation of Court matter	3	6	3
Accreditation <b>revoked and/or disqualified</b> from holding accreditation	1	-	-
Permitted to retain accreditation while charges proceed in Court	-	-	2
Revoke full accreditation & issue temporary while charges proceed in Court	-	1	-
Charges withdrawn <b>before</b> PTSC hearing date	-	1	2