Hon Dan van Holst Pellekaan MP

Our Ref FOI19D0014
Your Ref 7582857, 7582886, 7582891

Hon Kyam Maher MLC
Legislative Council
Parliament House
North Terrace
ADELAIDE SA 5000
E-mail: maher.office@parliament.sa.gov.au

Dear Mr Maher

I acknowledge receipt of your internal review application made under the Freedom of Information Act 1991 (the FOI Act) seeking a review of the following applications 7582857, 7582886, 7582891. This determination covers the entire period of the three applications, namely 18 March 2018 to 12 September 2019.

Copies of any and all document (including but not limited to hard copy or electronic briefings, minutes, reports, emails, letters, meeting agendas, diary entries and any other correspondence) between the Minister and/or Minister’s Office staff and the Premier and/or the Premier’s Office in regard to any FOI.

The initial determination made by the Accredited FOI officer was as below:

**Documents 1, 2 and 3**
I have considered the documents and determined to release them in part. The sections to which I have not granted you access are outside the scope of your application.

**Internal Review Application**
Your application for review of the initial determination indicates that you feel aggrieved by the determination because you do not believe all documents within the scope of the request were included. I note you have also clarified this request should also include documents that have been received as both “cc” and “bcc”.

**Having reviewed all material provided to me, I have made the following determinations on internal review.**

“All documents within the scope of the request”
I have reviewed all documents that were discovered during the original search. There is one additional document that was previously determined to be out of scope, however I have determined it to be in scope and I have attached it to the document schedule as document 4. I have determined to release document in part, with sections being redacted pursuant to Clause 16(1)(a)(iv)(b) (see below for explanation in relation to this clause).
"received as cc and bcc"

The original search conducted within my office for documents included documents that were received as either "cc" or "bcc". I therefore confirm the original determination in relation to this issue.

I have also reviewed the content of documents one to three that were previously provided as part of the original determination. I have determined that some sections that were previously redacted as "out of scope" should have in fact been redacted as exempt under Clause 16(1)(a)(iv)(b). I have amended such redactions and the revised documents (one to three) are attached.

16—Documents concerning operations of agencies

(1) A document is an exempt document if it contains matter the disclosure of which—
(a) could reasonably be expected—
(iv) to have a substantial adverse effect on the effective performance by an agency of the agency’s functions;
(b) would, on balance, be contrary to the public interest.

Sections of documents one, two, three and four contains direct phone numbers or email addresses which are not available to external persons. There are publicly available dedicated contact numbers which provide a first point of contact for members of the public where staff can appropriately triage all enquiries. In my view, it is unreasonable to release direct contact numbers or email addresses that may enable the public to circumvent the proper processes put in place to provide appropriate services to members of the public.

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, details of your FOI application, and the documents to which you are given access, will be published in the agency’s disclosure log. A copy of PC045 can be found at http://dpc.sa.gov.au/what-we-do/services-for-government/premier-and-cabinet-circulars.

Should you require any further information please contact me on telephone 8226 1300.

Yours sincerely

[Signature]

Hon Dan van Holst Pellekaan MP
Minister for Energy and Mining

13/11/2019

Attachment: Document Schedule and associated documents
<table>
<thead>
<tr>
<th>Determined to be in scope (Clause 16(1)(a)-(v)(d))</th>
<th>Partial</th>
<th>15 February 2019</th>
<th>Email</th>
<th>Doc No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rejected - Clause 16(1)(a)-(v)(d)</td>
<td>Out of scope</td>
<td>23 September 2019</td>
<td>Email</td>
<td>3</td>
</tr>
<tr>
<td>Rejected - Clause 16(1)(a)-(v)(d)</td>
<td>Out of scope</td>
<td>18 December 2018</td>
<td>Email</td>
<td>2</td>
</tr>
<tr>
<td>Rejected - Clause 16(1)(a)-(v)(d)</td>
<td>Out of scope</td>
<td>5 December 2018</td>
<td>Email</td>
<td>1</td>
</tr>
</tbody>
</table>

**Document 4 was not included in original determination.**

and/or the Premier's Office in regard to any F.O.I.

Copies of any and all documents (including but not limited to hard copy or electronic documents, minutes, reports, emails, letters, meetings agendas, diary entries and any other corresponding) between the Minister and/or Minister's Office, staff and the Premier.

Minister for Energy and Mining

File No: F0119DFO013

**DOCUMENT SCHEDULE**

Freedom of Information
I also get the invoices so I have 8 to declare and it also appears on my monthly transaction reports.

RE the period before Government, I will note that I do not hold those records so am unable to disclose.

Cheers

Terri Church
Senior Administration Adviser
I understand a number of offices received the FOI request from Blair Boyer regarding ‘files, reports, documents, notes, briefings and emails detailing the cost of indoor plants...........', for consistency in responding, how are people planning on addressing the period 18 March 2017 - 17 March 2018? Our office obviously holds no records from the former Government which I presume will be the same across the board - therefore I'm thinking we should all be adopting the same wording for this portion of the request.

In relations to the second date range, the invoice for our plants go to the Department of Treasury and Finance and the cost is split over the whole department and taken from our office budget automatically - I don't receive invoices. This is the same practice as the former Government, we have not added or removed any plants since the election. I would presume then that I could confidently respond that 'this office holds no files, reports, documents, notes, briefings and emails detailing the cost of indoor plants' but I would be interested to know how others plan on wording their responses.
Hi All,

Sorry about the late response.

Our office also received the FOI and I am liaising with the FOI Unit re narrowing the scope. Will let you know how I go.

Cheers,

Terri Church
Senior Administration Adviser
We have received the following FOI from Michael Brown seeking:
“All documents (including but not limited to reports, briefings, emails, notes, minutes, plans and other documents) mentioning or related to the areas of Para Hills, Para Hills West, Parafied, Parafied Gardens, Mawson Lakes or Greenfields.”

We have rung Michael Browns EO and requested he narrow the scope to perhaps include a subject. He has refused. Given we do not register correspondence in Objective using suburbs and also the amount of consultation that would have to occur for each person who wrote to us, I am wanting to know if anyone else received this FOI and if so, what sources did you search and key words etc to ensure you had correctly captured every suburb in the request?

Out of Scope
Hickman, Grant (DEM)

From: Kelly, Dominic (DEM)
Sent: Monday, 23 September 2019 12:13 PM
To: James, Dorothy (DEM)
Subject: FW: Identical FOI receipt coordination

Dominic Kelly
Chief of Staff
Office of the Minister for Energy and Mining

Level 17, 25 Grenfell Street, Adelaide 5000
W: www.premier.sa.gov.au

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From: Stevens, James (DPC) Sent: Monday, 28 May 2018 4:31 PM
To: Out of Scope
Cc: Lygoe, Georgia (DPC)
Subject: RE: Identical FOI receipt coordination

Sorry one amendment to the below which in reading again is slightly miss-worded. Each department still needs to provide their own responses to FOIs with their own processes. What we are centralising is getting any advise on what should and shouldn’t be released so all of us are not asking for the same advice from the same agency multiple times. In this case, Georgia will get advice on what we should release by way of personal particulars of public servants etc and then she will pass that on to others that have a similar request so they can use to make their determinations.

James

James Stevens
Chief of Staff
Premier of South Australia

Office of the Premier of South Australia

From: Stevens, James (DPC) Sent: Monday, 28 May 2018 3:46 PM
To: Out of Scope
Dear Chiefs of Staff,

It appears that many if not all of our offices have received identical FOI requests from the Opposition for details on ministerial staff.

I am advised that in these cases, it makes sense for one agency (being DPC) to organise the response to all the individual requests.

Georgia Lygoe (copied) will coordinate these FOI responses. We are also ensuring we are properly advised on the scope of these requests as per what information can be legally provided on members of the Public Service.

Please feel free to forward this email to your departmental FOI officer so they are aware of this approach. I understand Georgia is likely to contact them directly too.

Kind regards,

James Stevens
Chief of Staff
Premier of South Australia

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Hickman, Grant (DEM)

From: Chapman Van Duivenbode, Grace (DPC)
Sent: Friday, 15 February 2019 11:20 AM
To: Hickman, Grant (DEM)
Subject: RE: Return Phone Call

Not a problem 😊

Hope you have a good rest of your day.

Gracie Chapman van Duivenbode

Cabinet and Parliamentary Officer
Office of the Premier of South Australia
Department of the Premier and Cabinet
Clause 16(1)(a)(iv)(b)

From: Hickman, Grant (DEM)
Sent: Friday, 15 February 2019 11:18 AM
To: Chapman Van Duivenbode, Grace (DPC)
Subject: RE: Return Phone Call

No worries, it's ok now – it was re an email re an FOI but we are not including it in now, so all sorted... thanks

From: Chapman Van Duivenbode, Grace (DPC)
Sent: Friday, 15 February 2019 11:11 AM
To: Hickman, Grant (DEM)
Subject: Return Phone Call

Hi Grant

Sorry I missed your call on Wednesday I was out of the office on a flexi day.

I tried to return your call this yesterday, but wasn't able to get through.

Please give me a call back when you can.

Thanks in advance

Regards

Gracie Chapman van Duivenbode

Cabinet and Parliamentary Officer
Office of the Premier of South Australia
Department of the Premier and Cabinet
Clause 16(1)(a)(iv)(b)

Level 15 State Administration Centre, 200 Victoria Square (Tarnanyangga) ADELAIDE SA 5000

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