



Government of South Australia
Department for Infrastructure
and Transport

LEGAL, COMMERCIAL &
ASSURANCE SERVICES

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ABC News
85 North East Road
COLLINSWOOD, SA 5081

[Redacted]

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 12 April 2022.

You have requested access to the following:

“Department of Infrastructure and Transport (DIT) prepared documents for the incoming Transport and Infrastructure Minister relating to the Gawler rail electrification project, including briefing notes, emails, telecommunications and written notes. Please avoid duplicate emails.

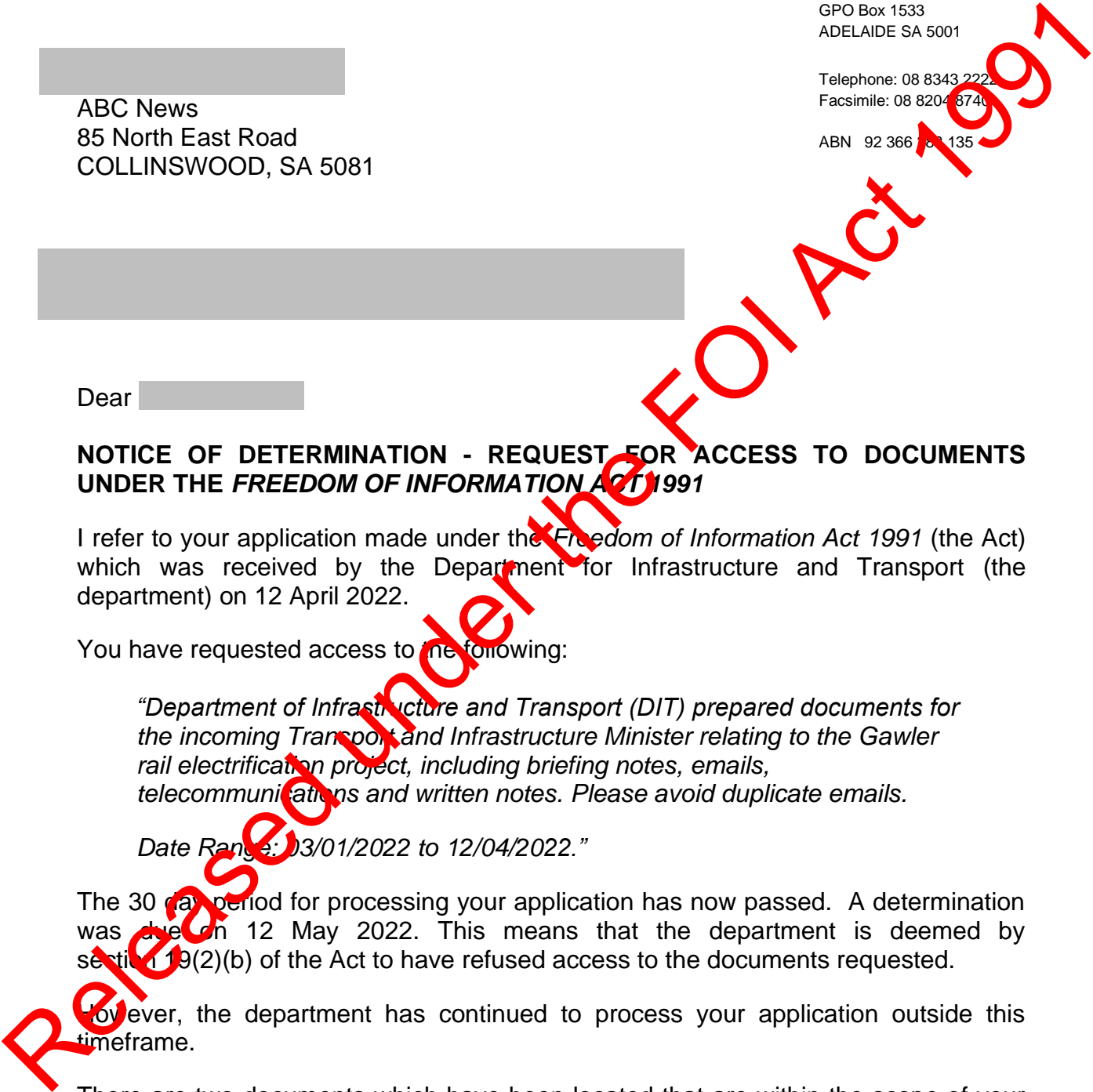
Date Range: 03/01/2022 to 12/04/2022.”

The 30 day period for processing your application has now passed. A determination was due on 12 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 have been located that are within the scope of your request. I have determined to refuse both documents under Section 20(1)(a); and Clause 1(1)(f) 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.

1—Cabinet documents

- (1) A document is an exempt document—
(f) if it is a briefing paper specifically prepared for the use of a Minister in relation to a matter submitted or proposed to be submitted to Cabinet.

Clause 1(1)(f)

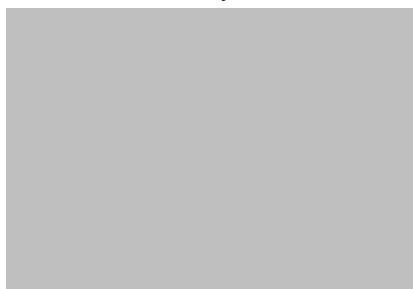
Documents 001 & 002 are documents prepared for briefing the Minister for the purpose of the decision-making functions of Cabinet. Accordingly, these documents are exempt and cannot be released under Clause 1(1)(f) of the FOI Act.

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 then 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. If you have any objection to this publication, please contact us within 30 days of receiving this determination. A copy of PC045 can be found at <https://www.dpc.sa.gov.au/resources-and-publications/premier-and-cabinet-circulars>.

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

Yours sincerely



Accredited Freedom of Information Officer

20 May 2022

Released

derivative FOI Act 1997

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 SACAT.

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).

REVIEW BY 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

2022/05584/01

Document Number	Description of Document	Date of Document	Author	Determination Release / Partial Release / Refuse Access	Schedule Clause Applied
001	Minute_to_Minister	31/03/2022	DIT	Refuse	1(1)(f) Briefing for Minister for Cabinet
002	Briefing to the Minister	1/04/2022	DIT	Refuse	1(1)(f) Briefing for Minister for Cabinet

Released under the FOI Act 1997