



23MINFOI-0038

Hon David Speirs MP  
Leader of the Opposition  
Parliament House  
ADELAIDE SA 5000  
[leaderoftheopposition@parliament.sa.gov.au](mailto:leaderoftheopposition@parliament.sa.gov.au)

Dear Mr Speirs

**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 FOI Act) received by this agency on 24 August 2023.

You have requested access to the following:

*“For the period 17 July 2023 to 24 August 2023, a copy of all documents, including but not limited to email, diary notes, text messages, whatsapp messages, relating to the referral of FOI no 18056169 to the Premier's Delivery Unit.”*

There are nineteen (19) documents that falls within the scope of your application and are those listed in the attached document schedule.

I have determined to release Documents 02a, 05a, 06b, 07, 09, 11a and 11b in full and partially release Documents 01, 02, 03, 03a, 04, 05, 06, 06a, 08, 10, 11 and 12 under section 20(1)(a), and clause 6(1) and clause 16(1)(a)(iv)(b) 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).

**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; or*
  - (b) *would, on balance, be contrary to the public interest.*

**Clause 6(1)**

Documents 01, 02, 03, 03a, 04, 05, 06, 06a, 08, 10 and 12 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 16(1)**

Document 11 contains information that relates to details of staff members within Ministerial Office's and a Statutory Authority. Those agencies have dedicated staff, phone numbers and email addresses which provide the first point of contact with trained staff to assist members of the public in their dealings with these offices. These documents are considered exempt from disclosure under 16(1)(a)(iv)(b) of Schedule 1 of the FOI Act.

In considering the grounds for exemption of information under clause 16, I have considered the public interest in disclosure or non-disclosure:

Factors in favour of release:

- further the objects of the FOI Act; and
- providing information that is of particular interest to the applicant

Factors against release

- unreasonable to release the details for these staff members who do not liaise with the public on FOI matters and their details are not available externally; and
- release may have a substantial adverse effect on the agency by enabling the public to circumvent the proper processes which are put in place to provide appropriate business services

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

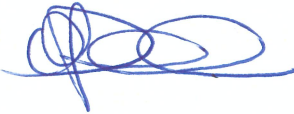
If you are unhappy with this determination you are entitled to apply for an internal review in accordance with section 29 of the FOI Act. To make an internal review application, you can write a letter or send the attached form entitled *Application for Review of Determination* to the Principal Officer of this agency, the Minister for Local Government, Minister for Regional Roads and Minister for Veterans Affairs, the Hon Geoff Brock MP.

OFFICIAL

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](http://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 by telephone on (08) 7133 1200.

Yours sincerely



Enza Pullino  
Accredited FOI Officer  
Office Manager to the  
**MINISTER FOR LOCAL GOVERNMENT**  
**MINISTER FOR REGIONAL ROADS**  
**MINISTER FOR VETERANS AFFAIRS**

21 / 09 / 2023

enc Application for Review of Determination form  
Document schedule

## FOI FACT SHEET

### Your Rights to Review and Appeal

*South Australian Freedom of Information Act 1991*

Please read the information in this fact sheet before completing the attached application form

#### INTERNAL REVIEW

If you are unhappy with a determination made by an agency (includes South Australian State Government Agency, Local Government Council or University) under the *Freedom of Information Act 1991* (FOI Act) in relation to:

- a freedom of information (FOI) application for access to a document, or
- an FOI application for amendment to your personal records

in most cases, you are entitled to apply for an Internal Review of that determination.

#### Request an Internal Review

An Internal Review must be lodged within 30 calendar days of you receiving advice of a determination that you are unhappy with.

Applications must be made in writing in accordance with Section 29 or Section 38 of the FOI Act or using the attached *FOI Application Form for Internal Review of a Determination* (Internal Review Form).

An Internal Review application must be made to the Principal Officer of the agency that made the determination you are seeking to have reviewed.

#### ***How much does an Internal Review cost?***

There is an application fee of **\$39.00** that must be paid when you lodge your Internal Review application if your review request is for access to documents.

There is no application fee for an Internal Review of an FOI application for amendment to your personal records.

Agencies generally accept payment by cash, money order or cheque. If you would like to pay by credit card you will need to ask the agency if they are able to accept credit card payments.

If, as a result of an Internal Review an agency changes or reverses a determination so that access to a document is, or will be, given, the agency will refund the Internal Review application fee paid by the applicant, where applicable.

#### ***What if I have a concession card or can't afford to pay?***

If you are the holder of a current concession card or if you can satisfy the agency that the payment of the application fee would cause financial hardship, the agency must waive or remit (reduce or refund) it.

If you are a concession cardholder you will need to provide evidence e.g. attach a copy of your concession card when you make the application. Alternatively, you will need to give written reasons as to why the payment of a fee would cause you financial hardship.

#### ***How long does an Internal Review take?***

You will be advised of the outcome of your Internal Review application within 14 calendar days of it being received by the agency.

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. Alternatively, you may apply for a review by the South Australian Civil and Administrative Tribunal (SACAT). See the External Review section below.

***When can't I apply for an Internal Review?***

If the original application determination was made by the Principal Officer of an agency rather than another accredited FOI Officer within the agency, you cannot apply for an Internal Review. However, you can apply for an External Review by the Ombudsman SA or apply for a review by SACAT.

**EXTERNAL REVIEW**

After an Internal Review has been completed, or where you are unable to apply for an Internal Review, and you are unhappy with the determination, you have the right to apply for an External Review. All applications for External Review should be made to the Ombudsman SA.

***How long will an External Review take and how much will it cost?***

If you wish to make an application for an External Review you must do so within 30 calendar days after being notified of the determination. However, the Ombudsman SA can extend this time limit at their discretion. There is no fee or charge for External Reviews undertaken by the Ombudsman.

Contact Details:
<b>Ombudsman SA</b> <b>Phone:</b> 8226 8699 <b>Toll Free:</b> 1800 182 150 (outside metro SA) <b>Email:</b> <a href="mailto:ombudsman@ombudsman.sa.gov.au">ombudsman@ombudsman.sa.gov.au</a>

**REVIEW BY SACAT**

You have a right to apply for a review by SACAT if you are unhappy with:

- a determination not subject to Internal Review
- an Internal Review determination, or
- the outcome of a review by the Ombudsman SA.

You must exercise your right of review with SACAT within 30 calendar days after being advised of the above types of determinations or the results of a review.

Any costs will be determined by SACAT, where applicable.

For more information contact SACAT.

Contact Details:
<b>South Australian Civil and Administrative Tribunal (SACAT)</b> <b>Phone:</b> 1800 723 767 <b>Email:</b> <a href="mailto:sacat@sacat.sa.gov.au">sacat@sacat.sa.gov.au</a>

## FOI APPLICATION FORM

### For Internal Review of a Determination

Under sections 29 & 38 of the South Australian *Freedom of Information Act 1991*

Please read the attached '*FOI Fact Sheet – Your Rights to Review and Appeal*'  
before completing and lodging your Internal Review application

<b>To the Principal Officer</b>	
Name of the Agency:	
<b>Details of Applicant</b>	
Surname:	
Given Names:	
Australian Postal Address:	
Suburb:	Post Code:
Emails ( <i>Optional</i> ):	
Contact phone numbers:	
FOI Application Reference Number ( <i>if known</i> ):	
<b>Details of Internal Review</b>	
<p>I am not satisfied with a determination made by your agency and, therefore, seek a review because:</p> <p>(<i>Please place a tick in the appropriate box</i>)</p> <p><input type="checkbox"/> I have been refused access to a document</p> <p><input type="checkbox"/> I have been refused access to part of a document</p> <p><input type="checkbox"/> I have been refused a request to amend a personal document</p> <p><input type="checkbox"/> I have been given access to a document but access has been deferred</p> <p><input type="checkbox"/> I am a third party specified in the documents but have not been consulted about giving access to another person</p> <p><input type="checkbox"/> I have been consulted but disagree with the determination to release the documents</p>	

<b>Comments</b>																				
<p>Include any additional comments you wish to be considered in the review of the determination (<i>attach additional pages if necessary</i>).</p>																				
<b>Fees and Charges</b>																				
<p>An application fee of <b>\$39.00</b> must be submitted with the Internal Review application form, unless you are seeking to have the application fee waived. If you are seeking to have the application fee waived, please attach evidence supporting why it should be waived, e.g. attach a copy of your concession card or other evidence as proof of financial hardship.</p> <p>An application fee is not required for an Internal Review of an FOI Amendment Application.</p> <p>In the following section please tick as appropriate</p> <table style="width: 100%; border: none;"> <tr> <td style="padding: 5px;">Is the application fee attached?</td> <td style="padding: 5px;"><input type="checkbox"/> Yes</td> <td style="padding: 5px;"><input type="checkbox"/> No</td> <td colspan="2"></td> </tr> <tr> <td style="padding: 5px;">Application Fee is in the form of <small>(Do not send cash through the mail)</small></td> <td style="padding: 5px;"><input type="checkbox"/> Cheque</td> <td style="padding: 5px;"><input type="checkbox"/> Cash</td> <td style="padding: 5px;"><input type="checkbox"/> Money Order</td> <td></td> </tr> <tr> <td style="padding: 5px;">Do you require a fee waiver?</td> <td style="padding: 5px;"><input type="checkbox"/> Yes</td> <td style="padding: 5px;"><input type="checkbox"/> No</td> <td colspan="2"></td> </tr> <tr> <td style="padding: 5px;">Is evidence of the need to waive fees attached? <small>(e.g. a copy of your concession card)</small></td> <td style="padding: 5px;"><input type="checkbox"/> Yes</td> <td style="padding: 5px;"><input type="checkbox"/> No</td> <td colspan="2"></td> </tr> </table> <p>If you wish to pay your application fee via credit card you will need to ask the agency you are applying to if they accept credit card payments.</p> <p>If no application fee is attached and you do not qualify for fee waiver, the agency cannot process your application until the fee has been paid.</p> <p>If the agency varies or reverses a determination so that access to a document is, or will be, given the agency will refund any Internal Review fees paid by the applicant.</p>	Is the application fee attached?	<input type="checkbox"/> Yes	<input type="checkbox"/> No			Application Fee is in the form of <small>(Do not send cash through the mail)</small>	<input type="checkbox"/> Cheque	<input type="checkbox"/> Cash	<input type="checkbox"/> Money Order		Do you require a fee waiver?	<input type="checkbox"/> Yes	<input type="checkbox"/> No			Is evidence of the need to waive fees attached? <small>(e.g. a copy of your concession card)</small>	<input type="checkbox"/> Yes	<input type="checkbox"/> No		
Is the application fee attached?	<input type="checkbox"/> Yes	<input type="checkbox"/> No																		
Application Fee is in the form of <small>(Do not send cash through the mail)</small>	<input type="checkbox"/> Cheque	<input type="checkbox"/> Cash	<input type="checkbox"/> Money Order																	
Do you require a fee waiver?	<input type="checkbox"/> Yes	<input type="checkbox"/> No																		
Is evidence of the need to waive fees attached? <small>(e.g. a copy of your concession card)</small>	<input type="checkbox"/> Yes	<input type="checkbox"/> No																		
Applicant's Signature:																				
Date ..... / ..... / 20.....																				

**OFFICE USE ONLY**

Received on ..... / ..... / 20.....

Acknowledgment sent on ..... / ..... / 20.....

**OFFICIAL**

**DOCUMENT SCHEDULE - FREEDOM OF INFORMATION APPLICATION NUMBER 23MINFOI-0038**

<b>Document Number</b>	<b>Description of Document</b>	<b>Date of Document</b>	<b>Author</b>	<b>Determination Release/Refuse Access</b>	<b>Schedule Clause Applied</b>
01	Email	20 July 2023	Office of the Premier	Partial Release	Clause 6(1) of Schedule 1 – Personal affairs
02	Email	21 July 2023	Office of the Hon Geoff Brock MP	Partial Release	Clause 6(1) of Schedule 1 – Personal affairs
02a	Letter	21 July 2023	Office of the Hon Geoff Brock MP	Full Release	NIL
03	Email	21 July 2023	Office of the Hon Geoff Brock MP	Partial Release	Clause 6(1) of Schedule 1 – Personal affairs
03a	Letter	21 July 2023	Office of the Hon Geoff Brock MP	Full Release	NIL
04	Email	28 July 2023	Office of the Premier	Partial Release	Clause 6(1) of Schedule 1 – Personal affairs
05	Email	10 August 2023	Office of the Hon Geoff Brock MP	Partial Release	Clause 6(1) of Schedule 1 – Personal affairs
05a	Letter	21 July 2023	Office of the Hon Geoff Brock MP	Full Release	NIL
06	Email	10 August 2023	Office of the Hon Geoff Brock MP	Partial Release	Clause 6(1) of Schedule 1 – Personal affairs
06a	Email	10 August 2023	Office of the Hon Geoff Brock MP	Partial Release	Clause 6(1) of Schedule 1 – Personal affairs
06b	Letter	21 July 2023	Office of the Hon Geoff Brock MP	Full Release	NIL
07	Email	10 August 2023	State Records of SA	Full Release	NIL
08	Email	11 August 2023	State Records of SA	Partial Release	Clause 6(1) of Schedule 1 – Personal affairs
09	Email	15 August 2023	State Records of SA	Full Release	NIL
10	Email	11 August 2023	Office of the Leader of the Opposition	Partial Release	Clause 6(1) of Schedule 1 – Personal affairs
11	Email	17 August 2023	Department of the Premier and Cabinet – Freedom of Information	Partial Release	Clause 16(1) – Documents concerning operations of agencies
11a	Letter	16 August 2023	Premier's Delivery Unit	Full Release	NIL
11b	Letter	16 August 2023	Premier's Delivery Unit	Full Release	NIL
12	Email	21 August 2023	Office of the Hon Geoff Brock MP	Partial Release	Clause 6(1) of Schedule 1 – Personal affairs



**From:** [Stapleton, Jessica \(DPC\)](#)  
**To:** [DL:Ministerial Office Managers](#); [Murphy, Thomas \(DHS\)](#)  
**Subject:** FW: Freedom of Information Request - Progress on Election Commitments  
**Date:** Thursday, 20 July 2023 4:47:04 PM  
**Attachments:** [image001.png](#)  
[image002.jpg](#)  
[image003.jpg](#)  
[image004.jpg](#)  
[image005.jpg](#)  
[image006.jpg](#)  
[image007.png](#)

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## OFFICIAL

Hi All

Please see below communication sent to all CE's today regarding the progress of election commitments FOI request.

Thanks  
Jess

**Jessica Stapleton**  
Manager  
Office of the Premier  
Department of the Premier and Cabinet

**P** [Clause 6\(1\)](#) | **M** [Clause 6\(1\)](#) | **E** [jessica.stapleton@sa.gov.au](mailto:jessica.stapleton@sa.gov.au) | **W** [dpc.sa.gov.au](http://dpc.sa.gov.au)

Level 15, State Administration Centre, 200 Victoria Square (Tarndanyangga), ADELAIDE SA 5000  
GPO Box 2343, ADELAIDE SA 5001

## OFFICIAL

Good afternoon,

I understand we have all recently received a request for access to documents under the *Freedom of Information Act 1991* (the FOI Act), relating to progress on election commitments.

Pursuant to section 16(1)(b) of the FOI Act, an agency to which an application has been made may transfer the application to another agency if the document to which it relates is more closely related to the functions of the other agency.

I understand the request more closely relates to the functions of the Premier's Delivery Unit. Therefore, I have asked the Premier's Delivery Unit to respond to the request on behalf of all agencies.

Here is some suggested wording for your agency to send to the applicant.

The documents you seek are more closely related to the functions of the Premier's Delivery Unit (the PDU).

Pursuant to s16(1)(b) of the *Freedom of Information Act 1991*, the agency would seek to

transfer your application to that agency's Freedom of Information Unit. However, on this occasion I have been advised that you have already submitted the request to the PDU.

The PDU will provide a response to this request which will include particulars for our agency. Therefore, this request has now been closed.

If you have any queries, please contact the Department of the Premier and Cabinet Freedom of Information Unit via email at [DPCFOIUnit@sa.gov.au](mailto:DPCFOIUnit@sa.gov.au)

Regards

**Damien Walker**

Chief Executive

Department of the Premier and Cabinet

**M** **Clause 6(1)**

**E** [Damien.Walker@sa.gov.au](mailto:Damien.Walker@sa.gov.au) | **W** [dpc.sa.gov.au](http://dpc.sa.gov.au)

Principal Executive Officer: Rebecca Smart

**E** [Rebecca.smart@sa.gov.au](mailto:Rebecca.smart@sa.gov.au)

**M** **Clause 6(1)**

Level 16, State Administration Centre (Tarndanyangga)  
200 Victoria Square, ADELAIDE SA 500  
GPO Box 2343, ADELAIDE SA 5001  
DX 56201

image015.png



We acknowledge this land. The Dreaming is still living. From the past, in the present, into the future, forever.

*Information contained in this email message may be confidential and may also be the subject of legal professional privilege or public interest immunity. If you are not the intended recipient, any use, disclosure or copying of this document is unauthorised.*

**From:** [Pullino, Enza \(DIT\)](#)  
**To:** [leaderoftheopposition@parliament.sa.gov.au](mailto:leaderoftheopposition@parliament.sa.gov.au)  
**Bcc:** [DIT:Minister Brock](#)  
**Subject:** 23MINFOI-0033 - Freedom of Information  
**Date:** Friday, 21 July 2023 3:00:00 PM  
**Attachments:** [23MINFOI-0033 - Acknowledgement.pdf](#)  
[image001.png](#)

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Good afternoon

Please find attached a letter from the Accredited FOI Officer to the Minister for Local Government, Minister for Regional Roads and Minister for Veterans Affairs, the Hon Geoff Brock MP.

Kind regards

**Enza Pullino**

Office Manager

**Office of the Hon Geoff Brock MP**

Minister for Local Government | Minister for Regional Roads | Minister for Veterans Affairs

T **Clause 6(1)** M **Clause 6(1)**

E [enza.pullino@sa.gov.au](mailto:enza.pullino@sa.gov.au)

Level 10, 81-95 Waymouth Street, Adelaide, South Australia 5000

GPO Box 1533, Adelaide SA 5000 | DX 171

gosa\_cmyk\_h



**Hon Geoff Brock MP****Government  
of South Australia**

23MINFOI-0033

Hon David Speirs MP  
Leader of the Opposition  
Parliament House  
ADELAIDE SA 5000  
[leaderoftheopposition@parliament.sa.gov.au](mailto:leaderoftheopposition@parliament.sa.gov.au)

Dear Mr Speirs

I acknowledge receipt of your application made under the *Freedom of Information Act 1991* (the FOI Act) received by this agency on 17 July 2023 seeking access to:

*“For the period 21 March 2022 to 17 July 2023, a copy of the most recent work plan showing progress against election commitments.”*

The documents you seek access to are more closely related to the functions of the Premier’s Delivery Unit (the PDU). Pursuant to section 16(1)(b) of the FOI Act, the agency would seek to transfer your application to that agency’s Freedom of Information Unit. However, on this occasion I am advised that you have already submitted an application to the PDU.

The PDU will provide a response to this request which will include particulars for our agency. Therefore, this request has now been closed.

If you have any queries, please contact the Department of the Premier and Cabinet Freedom of Information Unit via email at [DPCFOIUnit@sa.gov.au](mailto:DPCFOIUnit@sa.gov.au).

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Enza Pullino'.

Enza Pullino  
Accredited FOI Officer  
Office Manager to the  
**MINISTER FOR LOCAL GOVERNMENT**  
**MINISTER FOR REGIONAL ROADS**  
**MINISTER FOR VETERANS AFFAIRS**

21 / 07 2023

**From:** [Pullino, Enza \(DIT\)](#)  
**To:** [DPC:FOI Unit](#)  
**Subject:** 23MINFOI-0033 - Freedom of Information - Office of the Hon Geoff Brock MP  
**Date:** Friday, 21 July 2023 3:09:00 PM  
**Attachments:** [23MINFOI-0033 - Acknowledgement.pdf](#)  
[image001.png](#)

---

Good afternoon

Our office has received a request for access to documents under the *Freedom of Information Act 1991* (the FOI Act), relating to progress on election commitments.

I'm advised that as the request more closely relates to the functions of the Premier's Delivery Unit (the PDU), the PDU will respond to the request on behalf of all agencies which will include particulars for our agency.

For your information, please find attached a copy of the letter sent to the applicant from our office.

Should you have any queries, please don't hesitate to contact me.

Kind regards

**Enza Pullino**

Office Manager

**Office of the Hon Geoff Brock MP**

Minister for Local Government | Minister for Regional Roads | Minister for Veterans Affairs

T **Clause 6(1)** M **Clause 6(1)**

E [enza.pullino@sa.gov.au](mailto:enza.pullino@sa.gov.au)

Level 10, 81-95 Waymouth Street, Adelaide, South Australia 5000

GPO Box 1533, Adelaide SA 5000 | DX 171

gosa\_cmyk\_h



**Hon Geoff Brock MP****Government  
of South Australia**

23MINFOI-0033

Hon David Speirs MP  
Leader of the Opposition  
Parliament House  
ADELAIDE SA 5000  
[leaderoftheopposition@parliament.sa.gov.au](mailto:leaderoftheopposition@parliament.sa.gov.au)

Dear Mr Speirs

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The PDU will provide a response to this request which will include particulars for our agency. Therefore, this request has now been closed.

If you have any queries, please contact the Department of the Premier and Cabinet Freedom of Information Unit via email at [DPCFOIUnit@sa.gov.au](mailto:DPCFOIUnit@sa.gov.au).

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Enza Pullino', with a stylized, circular flourish.

Enza Pullino  
Accredited FOI Officer  
Office Manager to the  
**MINISTER FOR LOCAL GOVERNMENT**  
**MINISTER FOR REGIONAL ROADS**  
**MINISTER FOR VETERANS AFFAIRS**

21 / 07 2023

**From:** [Stapleton, Jessica \(DPC\)](#)  
**To:** [DL:Ministerial Office Managers; Murphy, Thomas \(DHS\)](#)  
**Cc:** [Bistrovic, John \(DPC\)](#)  
**Subject:** FW: Election Commitment FOI  
**Date:** Friday, 28 July 2023 11:22:50 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[image007.png](#)  
[image008.png](#)  
[image009.jpg](#)  
[image010.jpg](#)  
[image011.jpg](#)  
[image012.jpg](#)  
[image013.jpg](#)

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OFFICIAL

Hi All

Please see further advice received from the DPC FOI Unit regarding the Election Commitment FOI.

Thanks

Jess

**Jessica Stapleton**  
Manager  
Office of the Premier  
Department of the Premier and Cabinet

**P** [Clause 6\(1\)](#) | **M** [Clause 6\(1\)](#) | **E** [jessica.stapleton@sa.gov.au](mailto:jessica.stapleton@sa.gov.au) | **W** [dpc.sa.gov.au](http://dpc.sa.gov.au)

Level 15, State Administration Centre, 200 Victoria Square (Tarndanyangga), ADELAIDE SA 5000  
GPO Box 2343, ADELAIDE SA 5001



*The Department of the Premier and Cabinet acknowledges and respects Aboriginal people as the state's first people and nations, and recognises Aboriginal people as traditional owners and occupants of South Australian land and waters.*

---

**From:** DPC:FOI Unit <DPCFOIUnit@sa.gov.au>  
**Sent:** Friday, 28 July 2023 11:13 AM  
**To:** Stapleton, Jessica (DPC) <Jessica.Stapleton@sa.gov.au>

**Cc:** DPC:FOI Unit <DPCFOIUnit@sa.gov.au>; Fletcher, Jemma (DPC) <Jemma.Fletcher2@sa.gov.au>  
**Subject:** Election Commitment FOI

**OFFICIAL**

Hi Jess,

Thanks for taking my call.

Please find wording as discussed.

Further to the email from the CE, DPC, the FOI Unit has received advice that if applications are not formally transferred under the Act, they may be classed as deemed refused and allow review rights. Given this advice, the PDU is happy to accept transfers. I can confirm that the PDU will respond on behalf of the whole of government regardless.

If agencies have already advised the applicant the file has been closed, and are concerned they could either;

- let the applicant know via a follow up email that further to the closure email it has also been formally transferred for completeness, or alternately;
- await any potential review and at this point clarify the PDU formally accepted all transfers and re-iterate that the PDU is processing the request on behalf of all agencies.

Thanks,

**Teena Lenton**  
Manager, Freedom of Information  
Office of the Chief Executive  
Department of the Premier and Cabinet

T +61 **Clause 6(1)** |  
E [DPCFOIUnit@sa.gov.au](mailto:DPCFOIUnit@sa.gov.au) | W [dpc.sa.gov.au](http://dpc.sa.gov.au)

200 Victoria Square (Tarntanyangga), ADELAIDE SA 5000  
GPO Box 2343, ADELAIDE SA 5001



We acknowledge this land. The Dreaming is still living. From the past, in the present, into the future, forever.

*Information contained in this email message may be confidential and may also be the subject of legal professional privilege or public interest immunity. If you are not the intended recipient, any use, disclosure or copying of this document is unauthorised.*



**From:** [Pullino, Enza \(DIT\)](#)  
**To:** [leaderoftheopposition@parliament.sa.gov.au](mailto:leaderoftheopposition@parliament.sa.gov.au)  
**Bcc:** [DIT:Minister Brock](#)  
**Subject:** 23MINFOI-0033 - Freedom of Information  
**Date:** Thursday, 10 August 2023 11:05:00 AM  
**Attachments:** [23MINFOI-0033 - Acknowledgement.pdf](#)  
[image001.png](#)

---

Good morning

I write further to the attached correspondence regarding your application to the Office of the Minister for Local Government, Minister for Regional Roads and Minister for Veterans Affairs dated 17 July 2023.

Having reviewed that correspondence, I acknowledge the status of your application may have been ambiguous, in particular in respect of whether it was to be transferred to the Premier's Delivery Unit pursuant to section 16 of the FOI Act. I write now to clarify and confirm that your application has been now formally transferred pursuant to section 16(1)(b) of the FOI Act to the Premier's Delivery Unit on 10 August 2023. Once that agency has determined your application, it will advise you of the determination directly.

If you have any queries, please contact the Department of the Premier and Cabinet FOI Unit via email at [DPCFOIUnit@sa.gov.au](mailto:DPCFOIUnit@sa.gov.au).

Apologies for any misunderstanding that may have been caused by the previous letter.

Kind regards

**Enza Pullino**

Office Manager

Accredited FOI Officer

**Office of the Hon Geoff Brock MP**

Minister for Local Government | Minister for Regional Roads | Minister for Veterans Affairs

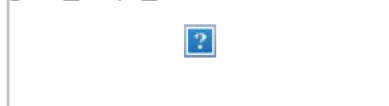
T **Clause 6(1)** M **Clause 6(1)**

E [enza.pullino@sa.gov.au](mailto:enza.pullino@sa.gov.au)

Level 10, 81-95 Waymouth Street, Adelaide, South Australia 5000

GPO Box 1533, Adelaide SA 5000 | DX 171

gosa\_cmyk\_h



---

**From:** Pullino, Enza (DIT)

**Sent:** Friday, July 21, 2023 3:01 PM

**To:** leaderoftheopposition@parliament.sa.gov.au

**Subject:** 23MINFOI-0033 - Freedom of Information

Good afternoon

Please find attached a letter from the Accredited FOI Officer to the Minister for Local Government, Minister for Regional Roads and Minister for Veterans Affairs, the Hon Geoff Brock MP.

Kind regards

**Enza Pullino**

Office Manager

**Office of the Hon Geoff Brock MP**

Minister for Local Government | Minister for Regional Roads | Minister for Veterans Affairs

T **Clause 6(1)** M **Clause 6(1)**

E [enza.pullino@sa.gov.au](mailto:enza.pullino@sa.gov.au)

Level 10, 81-95 Waymouth Street, Adelaide, South Australia 5000

GPO Box 1533, Adelaide SA 5000 | DX 171

gosa\_cmyk\_h



**Hon Geoff Brock MP****Government  
of South Australia**

23MINFOI-0033

Hon David Speirs MP  
Leader of the Opposition  
Parliament House  
ADELAIDE SA 5000  
[leaderoftheopposition@parliament.sa.gov.au](mailto:leaderoftheopposition@parliament.sa.gov.au)

Dear Mr Speirs

I acknowledge receipt of your application made under the *Freedom of Information Act 1991* (the FOI Act) received by this agency on 17 July 2023 seeking access to:

*“For the period 21 March 2022 to 17 July 2023, a copy of the most recent work plan showing progress against election commitments.”*

The documents you seek access to are more closely related to the functions of the Premier’s Delivery Unit (the PDU). Pursuant to section 16(1)(b) of the FOI Act, the agency would seek to transfer your application to that agency’s Freedom of Information Unit. However, on this occasion I am advised that you have already submitted an application to the PDU.

The PDU will provide a response to this request which will include particulars for our agency. Therefore, this request has now been closed.

If you have any queries, please contact the Department of the Premier and Cabinet Freedom of Information Unit via email at [DPCFOIUnit@sa.gov.au](mailto:DPCFOIUnit@sa.gov.au).

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Enza Pullino', with a stylized, circular flourish.

Enza Pullino  
Accredited FOI Officer  
Office Manager to the  
**MINISTER FOR LOCAL GOVERNMENT**  
**MINISTER FOR REGIONAL ROADS**  
**MINISTER FOR VETERANS AFFAIRS**

21 / 07 2023

**From:** [Pullino, Enza \(DIT\)](#)  
**To:** [DPC:FOI Unit](#)  
**Subject:** 23MINFOI-0033 - Freedom of Information - Office of the Hon Geoff Brock MP  
**Date:** Thursday, 10 August 2023 11:10:00 AM  
**Attachments:** [23MINFOI-0033 - Freedom of Information.msg](#)  
[image001.png](#)

---

Good morning

For your information, please find attached a copy of email sent today to the Office of the Leader of the Opposition regarding a Freedom of Information application.

Should you have any queries, please don't hesitate to contact me.

Kind regards

**Enza Pullino**

Office Manager

**Office of the Hon Geoff Brock MP**

Minister for Local Government | Minister for Regional Roads | Minister for Veterans Affairs

T **Clause 6(1)** M **Clause 6(1)**

E [enza.pullino@sa.gov.au](mailto:enza.pullino@sa.gov.au)

Level 10, 81-95 Waymouth Street, Adelaide, South Australia 5000  
GPO Box 1533, Adelaide SA 5000 | DX 171

gosa\_cmyk\_h



**From:** [Pullino, Enza \(DIT\)](#)  
**To:** [leaderoftheopposition@parliament.sa.gov.au](mailto:leaderoftheopposition@parliament.sa.gov.au)  
**Bcc:** [DIT:Minister Brock](#)  
**Subject:** 23MINFOI-0033 - Freedom of Information  
**Date:** Thursday, 10 August 2023 11:05:00 AM  
**Attachments:** [23MINFOI-0033 - Acknowledgement.pdf](#)  
[image001.png](#)

---

Good morning

I write further to the attached correspondence regarding your application to the Office of the Minister for Local Government, Minister for Regional Roads and Minister for Veterans Affairs dated 17 July 2023.

Having reviewed that correspondence, I acknowledge the status of your application may have been ambiguous, in particular in respect of whether it was to be transferred to the Premier's Delivery Unit pursuant to section 16 of the FOI Act. I write now to clarify and confirm that your application has been now formally transferred pursuant to section 16(1)(b) of the FOI Act to the Premier's Delivery Unit on 10 August 2023. Once that agency has determined your application, it will advise you of the determination directly.

If you have any queries, please contact the Department of the Premier and Cabinet FOI Unit via email at [DPCFOIUnit@sa.gov.au](mailto:DPCFOIUnit@sa.gov.au).

Apologies for any misunderstanding that may have been caused by the previous letter.

Kind regards

**Enza Pullino**

Office Manager

Accredited FOI Officer

**Office of the Hon Geoff Brock MP**

Minister for Local Government | Minister for Regional Roads | Minister for Veterans Affairs

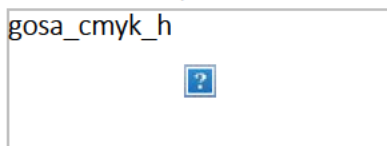
T **Clause 6(1)** M **Clause 6(1)**

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Level 10, 81-95 Waymouth Street, Adelaide, South Australia 5000

GPO Box 1533, Adelaide SA 5000 | DX 171

gosa\_cmyk\_h



---

**From:** Pullino, Enza (DIT)

**Sent:** Friday, July 21, 2023 3:01 PM

**To:** leaderoftheopposition@parliament.sa.gov.au

**Subject:** 23MINFOI-0033 - Freedom of Information

Good afternoon

Please find attached a letter from the Accredited FOI Officer to the Minister for Local Government, Minister for Regional Roads and Minister for Veterans Affairs, the Hon Geoff Brock MP.

Kind regards

**Enza Pullino**

Office Manager

**Office of the Hon Geoff Brock MP**

Minister for Local Government | Minister for Regional Roads | Minister for Veterans Affairs

T **Clause 6(1)** M **Clause 6(1)**

E [enza.pullino@sa.gov.au](mailto:enza.pullino@sa.gov.au)

Level 10, 81-95 Waymouth Street, Adelaide, South Australia 5000

GPO Box 1533, Adelaide SA 5000 | DX 171

gosa\_cmyk\_h



**Hon Geoff Brock MP****Government  
of South Australia**

23MINFOI-0033

Hon David Speirs MP  
Leader of the Opposition  
Parliament House  
ADELAIDE SA 5000  
[leaderoftheopposition@parliament.sa.gov.au](mailto:leaderoftheopposition@parliament.sa.gov.au)

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*“For the period 21 March 2022 to 17 July 2023, a copy of the most recent work plan showing progress against election commitments.”*

The documents you seek access to are more closely related to the functions of the Premier’s Delivery Unit (the PDU). Pursuant to section 16(1)(b) of the FOI Act, the agency would seek to transfer your application to that agency’s Freedom of Information Unit. However, on this occasion I am advised that you have already submitted an application to the PDU.

The PDU will provide a response to this request which will include particulars for our agency. Therefore, this request has now been closed.

If you have any queries, please contact the Department of the Premier and Cabinet Freedom of Information Unit via email at [DPCFOIUnit@sa.gov.au](mailto:DPCFOIUnit@sa.gov.au).

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Enza Pullino'.

Enza Pullino  
Accredited FOI Officer  
Office Manager to the  
**MINISTER FOR LOCAL GOVERNMENT**  
**MINISTER FOR REGIONAL ROADS**  
**MINISTER FOR VETERANS AFFAIRS**

21 / 07 2023

**From:** [AGD:State Records](#)  
**Subject:** Election Commitment FOI - Across Government  
**Date:** Thursday, 10 August 2023 4:29:52 PM  
**Importance:** High

**OFFICIAL**

Hi everyone,

**You are receiving this email because you are listed as a contact on our FOI Contacts List. If you have a colleague who would like to be added to this list or if you'd like to be removed from it, [please let us know using this form](#).**

Further to our advice we released on transfers under the FOI Act dated 1 August 2023, we would like to provide some further clarification about transfers and internal review rights.

Recently some agencies transferred an application to the Premier's Delivery Unit (PDU) under section 16(1).

A determination on this application was made by the PDU on the 3 August 2023 and a request for an internal review has now been received by PDU as well as several agencies who transferred their applications to PDU for action.

The question has been asked ***can an applicant request an internal review on an application where that application has been transferred under section 16 of the Act?***

Please see below responses for various scenarios that may assist your agency.

<p><b>Scenario 1 - A formal transfer</b> has been made under section 16 and the <b>applicant was notified</b> of this fact</p>
<p>If a formal transfer was made under section 16 of the Act <b>and</b> the fact of the transfer (including date of transfer and to which agency) was advised to the applicant prior to the PDU Determination on 3 August 2023, then the answer is <b>no, an internal review cannot be lodged</b>.</p> <p>In this instance the applicant can only request an internal review from the PDU as the agency who was lawfully transferred responsibility of the progressing the application and who actually made the determination.</p> <p>Under the FOI Act, review rights, be they internal or external, only arise where a determination has been made. The act of transferring an application is a progressing matter, not a determination in its own right.</p> <p>Where an internal review request has been received by an agency, other than the PDU, the agency will need to inform the applicant:</p> <ul style="list-style-type: none"> <li>• the Act only allows review rights for a determination made, this does not include a decision to transfer to another agency for progressing; and</li> <li>• advise the applicant to lodge their request to the PDU as the determining agency if they wish to pursue an internal review.</li> </ul>
<p><b>Scenario 2 - A formal transfer</b> has been made under section 16 and the <b>applicant has not been notified</b> of this fact</p>
Empty content for Scenario 2



Where a formal transfer was made under the Act to the PDU, but the applicant was **not** notified of this fact (as required under section 16 (3)-(4)), then technically the criteria of section 16 has not been met.

This scenario includes:

- where no correspondence has been sent to the applicant from the initial agency; or
- the applicant was notified after 3 August 2023 (as this is the date the PDU made its determination); or
- where the applicant was notified the FOI is subject to section 16 transfer but as the PDU hold this request is has been closed by the initial agency.

In this case, the answer is **yes, an internal review can be lodged**.

This means the applicant would be able to request an internal review from agencies that fall within this scenario.

In this instance, the agency is still responsible for progressing the initial request as the requirements of section 16 have not been achieved.

As most applications were lodged on 17 July 2023, they are still within the statutory 30-day timeframe to provide a response.

The PDU will continue to accept formal transfers if –

- the original agency is still satisfied that the application should be transferred to the PDU; and
- the application is within the 30 days of receiving the application (and not classed as a deemed refusal); and
- the applicant is advised in further correspondence that the application is formally transferred to the PDU on the specific date the requirements of the Act can still be achieved.

For transfers made under the above conditions post 3 August 2023, PDU will issue a subsequent determination to capture the remaining formal transfers. Please ensure these are supplied to the PDU urgently for processing by the statutory dates.

For potential wording (developed in consultation with CSO) when providing clarification to the applicant that the application has, or will be, transferred, contact DPC FOI unit.

### **Scenario 3 – A formal transfer has not been made:**

Where a formal transfer **has not been made** by an agency to the PDU, but the initial agency believes this application is more closely related to the functions of the PDU, once the 30 calendar days (or any time extension provided under section 14A) has elapsed, the answer is **yes, an internal review can be lodged**.

If the application is still within the 30-day timeframe, a formal transfer (with notification to the applicant) can still be made under section 16 and no internal review can be lodged by the applicant against the original agency. The PDU will continue to accept formal transfers. The PDU will issue a subsequent determination to capture the remaining formal transfers. Please ensure these are supplied to the PDU urgently for processing by the statutory dates.

If the 30 calendars have elapsed and no formal transfer has occurred, your agency will either need to progress the application as per usual.

For any agencies that decided the criteria for transfer were not met and you do not wish to transfer the initial request, the application should be progressed as per normal. The applicant will have internal review rights once the relevant timeframe has lapsed (except for where the determination was made by the principal officer of an agency and external review rights apply).

Agencies not seeking to transfer the request but receive an internal review whilst the

original request is in time, are advised to contact the applicant to inform them their application is still being processed and the expected due date for a determination to be made, noting review rights will be evoked once this date has lapsed or a determination as been made.

#### Scenario 4 – No Documents Found

If a Nil Documents notification has already been issued to the applicant, no review rights exist as this does not constitute a determination for the purposes of the FOI Act.

For agencies planning on making a 'Nil Document' notification, you are advised to make this as soon as practicable. It is recommended to advise the applicant this is a not a reviewable action under the FOI Act as it not a determination but if dissatisfied, a compliant can be made to the Ombudsman under the *Ombudsman Act 1972*.

For clarity, the FOI function for the PDU is managed by the DPC FOI Unit and they have been consulted in relation to the drafting of this email.

DPC FOI will be in contact with the applicant to confirm which agencies are captured under the initial determination made by the PDU on 3 August 2023.

If you have not received contact from the DPC FOI Unit by **COB Thursday 10 August 2023**, PDU did not receive a formal transfer from your agency. For those agencies contacted, this does not mean you have met all the requirements of section 16. You will still fall within scenario 2 if you have not notified the applicant of the transfer before 3 August 2023.

If you are seeking to be included in the subsequent determination to be issued by the PDU (e.g. those agencies captured under scenario 2 and 3) – please contact the [DPC FOI Unit](#) urgently.

If you require further assistance, you can either contact State Records or seek your own legal advice.

Kind regards

**From:** [AGD:State Records](#)  
**Subject:** Further clarification on Election Commitment FOI - Across Government advice sent 10/08/2023  
**Date:** Friday, 11 August 2023 9:28:34 AM  
**Attachments:** [image001.png](#)

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## OFFICIAL

Good morning everyone,

Further to the advice we issued yesterday, please see further clarification regarding scenario 2 – as highlighted in yellow.

We apologise for the confusion this may have caused. Please don't hesitate to contact us if you have any concerns.

Kind regards,

State Records

Scenario 2 - A **formal transfer** has been made under section 16 and the **applicant has not been notified** of this fact

Where a formal transfer was made under the Act to the PDU, but the applicant **was not** notified of this fact (as required under section 16 (3)-(4)), then technically the criteria of section 16 has not been met.

This scenario includes:

- where no correspondence has been sent to the applicant from the initial agency; or
- the applicant was notified after 3 August 2023 (as this is the date the PDU made its determination); or
- where the applicant was notified the FOI is subject to section 16 transfer but as the PDU hold this request is has been closed by the initial agency.

In this case, the answer is **yes, an internal review can be lodged** *if* the 30 days has elapsed since the application was received.

**If still within 30 days** of the application being received, an internal review **cannot be lodged unless a determination is made.**

This means the applicant would be able to request an internal review from agencies that fall within this scenario **once the 30 days (or any extended timeframe allowed under the FOI Act).**

In this instance, the agency is still responsible for progressing the initial request as the requirements of section 16 have not been achieved.

As most applications were lodged on 17 July 2023, they are still within the statutory 30-day timeframe to provide a response.

The PDU will continue to accept formal transfers if –

- the original agency is still satisfied that the application should be transferred to the PDU; and
- the application is within the 30 days of receiving the application (and not classed as a deemed refusal); and
- the applicant is advised in further correspondence that the application is formally transferred to the PDU on the specific date the requirements of the Act can still be achieved.

For transfers made under the above conditions post 3 August 2023, PDU will issue a subsequent determination to capture the remaining formal transfers. Please ensure these are supplied to the PDU urgently for processing by the statutory dates.

For potential wording (developed in consultation with CSO) when providing clarification to the applicant that the application has, or will be, transferred, contact DPC FOI unit.

Clare

**A/Team Leader, Government Support and Engagement**

State Records of South Australia | Attorney-General's Department

E [clare.kupisiewicz@sa.gov.au](mailto:clare.kupisiewicz@sa.gov.au) | [www.archives.sa.gov.au](http://www.archives.sa.gov.au)

P **Clause 6(1)**



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 *Please consider the environment before printing this email*

**From:** [AGD:State Records](#)  
**Subject:** Additional advice re Election Commitment across government FOI - Use of section 16(1)(b)  
**Date:** Tuesday, 15 August 2023 2:18:01 PM  
**Attachments:** [image001.jpg](#)

---

## OFFICIAL

Hello everyone

**You are receiving this email because you are listed as a contact on our FOI Contacts List. If you have a colleague who would like to be added to this list or if you'd like to be removed from it, [please let us know using this form](#).**

The following is provided as a guide only, it does not constitute legal advice.

Each FOI application, including across government applications, must be progressed and assessed by an agency on a case-by-case basis. Depending on how the scope is interpreted or clarified, what documents an agency holds and the factors taken into consideration when determining the application can lead to varied determinations. This includes the decisions to transfer an application.

As with applying any section or clause of the FOI Act, the accredited FOI officer, or their principal officer, must be satisfied that all elements are met before being applied. If a determination is made at the direction of your principal officer this needs to be included in the Notice of Determination as it affects the applicants review rights.

Under section 16(1) the transfer of an application may occur when the document/s to which the application relates to:

1. is not held by your agency but is, to your knowledge, held by another. In this circumstance, the application can properly be transferred to the other agency pursuant to s 16(1)(a); or
2. is held by your agency but is more closely related to the functions of the other agency. In this circumstance, the application can properly be transferred to the other agency pursuant to s 16(1)(b).

In cases where documents are held by your agency which are *not* more closely related to the functions of another agency the application *cannot* be transferred.

**Note**, it is not appropriate to do a full transfer if the original agency held additional documents to those held by the receiving agency, e.g. the additional documents are unique to the original agency (not held by the receiving agency) and fall within scope of an application. In this instance, a partial transfer would be more appropriate to reflect the different determinations required to be made, based on documents within scope, between the original agency and the receiving agency.

It is best practice for both parties to agree before a transfer is made, this includes where one agency later believes it was made in error.

### **Scenario 1 – dispute between agencies before or after transfer**

Agencies need to consider who is best placed to make the determination (e.g. does it relate more closely to one agency's functions or both? Does one hold additional documents? In these instances a partial transfer may be considered).

If agencies cannot agree regarding the transfer of an application, legal advice may need to be sought. To ensure the applicant can exercise their rights under the FOI Act where such a dispute arises, the applicant could be advised to submit a new application to the original agency.

**Please note:** it may be necessary to negotiate an extension of time with the applicant if the 30 calendar days is nearly up and past 14 days since transfer date. Section 14A is not available if 20 calendar days has passed since the application date was received.

## **Scenario 2 – original agency transferred in error**

If upon reflection of section 16(1) by the original agency it is felt that the application was transferred in error, agencies will need to:

- a. request the agency that received the transfer to transfer the application back to your agency and
- b. advise the applicant:
  - i. that the original agency has taken carriage of the application again and
  - ii. the anticipated date of determination

## **Scenario 3 – dispute pre-determination**

In instances where the applicant disagrees with the transfer, the two agencies will need to:

- a. confirm who is best placed to make the determination prior to proceeding any further (e.g. does it relate more closely to one agency's functions or both? Does one hold additional documents? In these instances a partial transfer may be considered).

**AND**

- b. if both agencies agree that the determination will be made by the original receiving agency, please refer to the *Scenario 2 above* for the next steps

**OR**

- c. if both agencies agree that the agency who received the transfer should continue with the application, the original agency should:
  - i. advise the applicant of the fact the agencies do not agree that the transfer was incorrect and the reasons why
  - ii. advise the applicant that if they are still not satisfied an internal review can be sought once a determination has been made.

## **Scenario 4 – dispute post-determination**

In instances where a transfer has occurred and the receiving agency has made a determination already, the only option, if the applicant disagrees with the transfer, is for the applicant to seek an internal review from the agency who made the determination or to lodge a fresh application with the original agency.

## **Scenario 5 – incorrect subsection referenced**

If your agency has relied on the wrong subsection in section 16 in the notification of the

transfer to the applicant (e.g. it doesn't hold documents within the scope of the application but relies on section 16(1)(b) rather than section 16(1)(a)), your agency will need to notify the applicant of the error of the subsection referenced.

It is recommended your principal officer be informed of this matter regardless of which option you take.

Kind regards,

**Information Governance Team**  
State Records of South Australia | Attorney-General's Department

✉ [staterecords@sa.gov.au](mailto:staterecords@sa.gov.au) | 🌐 [www.archives.sa.gov.au](http://www.archives.sa.gov.au) | ☎ (08) 7322 7081



**From:** [Leader of the Opposition](#)  
**To:** [Pullino, Enza \(DIT\)](#)  
**Subject:** RE: 23MINFOI-0033 - Freedom of Information  
**Date:** Friday, 11 August 2023 3:36:59 PM  
**Attachments:** [image001.png](#)

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## OFFICIAL

Dear Enza

It is our view that your agency has incorrectly referred this FOI to the Premier's Delivery Unit (PDU).

We acknowledge that Section 16(1)(b) of the South Australian Freedom of Information Act 1991 (FOI Act) allows for an agency to transfer an FOI application to another agency if it is more closely related to the functions of the other agency.

While the subject matter of "election commitments" is clearly associated with the PDU, our FOI application asked a "copy of the most recent work plan". This is the document being sought.

The work plan itself is a document prepared by *your* agency, reflects the work conducted by *your* agency – which is work that is core to the functions of *your* agency.

It is our view that it was not appropriate that this was referred to the PDU.

We request that you re-open this FOI and process it in accordance with the FOI Act.

Kind regards

---

**From:** Pullino, Enza (DIT) <Enza.Pullino@sa.gov.au>  
**Sent:** Thursday, August 10, 2023 11:05 AM  
**To:** Leader of the Opposition <LeaderoftheOpposition@parliament.sa.gov.au>  
**Subject:** 23MINFOI-0033 - Freedom of Information

## OFFICIAL

Good morning

I write further to the attached correspondence regarding your application to the Office of the Minister for Local Government, Minister for Regional Roads and Minister for Veterans Affairs dated 17 July 2023.

Having reviewed that correspondence, I acknowledge the status of your application may have been ambiguous, in particular in respect of whether it was to be transferred to the Premier's Delivery Unit pursuant to section 16 of the FOI Act. I write now to clarify and confirm that your application has been now formally transferred pursuant to section 16(1) (b) of the FOI Act to the Premier's Delivery Unit on 10 August 2023. Once that agency has



determined your application, it will advise you of the determination directly.

If you have any queries, please contact the Department of the Premier and Cabinet FOI Unit via email at [DPCFOIUnit@sa.gov.au](mailto:DPCFOIUnit@sa.gov.au).

Apologies for any misunderstanding that may have been caused by the previous letter.

Kind regards

**Enza Pullino**

Office Manager

Accredited FOI Officer

**Office of the Hon Geoff Brock MP**

Minister for Local Government | Minister for Regional Roads | Minister for Veterans Affairs

T **Clause 6(1)** M **Clause 6(1)**

E [enza.pullino@sa.gov.au](mailto:enza.pullino@sa.gov.au)

Level 10, 81-95 Waymouth Street, Adelaide, South Australia 5000

GPO Box 1533, Adelaide SA 5000 | DX 171

gosa\_cmyk\_h



---

**From:** Pullino, Enza (DIT)

**Sent:** Friday, July 21, 2023 3:01 PM

**To:** [leaderoftheopposition@parliament.sa.gov.au](mailto:leaderoftheopposition@parliament.sa.gov.au)

**Subject:** 23MINFOI-0033 - Freedom of Information

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Kind regards

**Enza Pullino**

Office Manager

**Office of the Hon Geoff Brock MP**

Minister for Local Government | Minister for Regional Roads | Minister for Veterans Affairs

T **Clause 6(1)** M **Clause 6(1)**

E [enza.pullino@sa.gov.au](mailto:enza.pullino@sa.gov.au)

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**From:** [DPC:FOI Unit](#)  
**To:** [Deputy Premier FOI](#); [GISA: FOI](#); [Horan, Jiona \(Defence SA\)](#); [Andrew.Dowling@trb.sa.edu.au](#); [fran.michelizzi@rtwsa.com](#); [Clause 16\(1\)](#) (AGD); [Argitis, Chrissie \(Education\)](#); [OHPSA:FOI](#); [DIT:FOI](#); [DEM:FOI](#); [AGD:Freedom of Information](#); [SATC:FOI](#); [DCP:FOI](#); [Clause 16\(1\)](#) (DHS); [Clause 16\(1\)](#) (DIT); [Clause 16\(1\)](#) (DIF); [Johnson, Kelly \(SAPOL\)](#); [Clause 16\(1\)](#) (Health); [Cottrell, Julie \(Housing\)](#); [Arundel, Nick](#); [DCS:Release of Information](#); [Ross, Maria \(LSA\)](#); [Donna Coulls \(SAFEKOM\)](#); [Constance, Robert \(SACE\)](#); [Clause 16\(1\)](#) (AGSA); [Clause 16\(1\)](#) (Education); [tafesa.foi](#); [Clause 16\(1\)](#) (DCS); [Clause 16\(1\)](#) (DIT); [EPA:Public Register](#); [PIRSA:FOI](#); [Martirosyan, Anaida \(DCP\)](#); [Rees, Elliot \(DIT\)](#); [Braendler, Fiona \(DHS\)](#); [DIE:Freedom of Information](#); [Clause 16\(1\)](#) (DPC); [Clause 16\(1\)](#) (DIT)  
**Cc:** [DPC:FOI Unit](#)  
**Subject:** Election commitments - copy of Subsequent Determination and Internal Review Determination  
**Date:** Thursday, 17 August 2023 9:31:44 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[image007.png](#)  
[DPC23-1054 Subsequent Determination - Signed.pdf](#)  
[DPC23-1054 Internal Review Determination - Signed.pdf](#)

OFFICIAL

Good Morning All,

Thank you to all for working with our team to clarify details pertaining to the transfers to the PDU.

For your records, please find attached a copy of the Subsequent Determination and Internal Review Determination sent to the applicant yesterday.

Regards,

**Teena Lenton**  
 Manager, Freedom of Information  
 Office of the Chief Executive  
 Department of the Premier and Cabinet

[E DPCFOIUnit@sa.gov.au](mailto:DPCFOIUnit@sa.gov.au) | [W dpc.sa.gov.au](http://www.dpc.sa.gov.au)

200 Victoria Square (Tarntanyangga), ADELAIDE SA 5000  
GPO Box 2343, ADELAIDE SA 5001



We acknowledge this land. The Dreaming is still living. From the past, in the present, into the future, forever.

*Information contained in this email message may be confidential and may also be the subject of legal professional privilege or public interest immunity. If you are not the intended recipient, any use, disclosure or copying of this document is unauthorised.*

**Government of South Australia**Department of the Premier  
and CabinetDPC23/1054-IR  
B1550012GPO Box 2343  
Adelaide SA 5001  
DX 56201  
Tel 08 8226 3500  
Fax 08 8226 3535  
www.dpc.sa.gov.auMr David Speirs MP  
Leader of the Opposition  
Parliament House  
North Terrace  
ADELAIDE SA 5000SENT BY EMAIL: [leaderoftheopposition@parliament.sa.gov.au](mailto:leaderoftheopposition@parliament.sa.gov.au)

Dear Mr Speirs

**Freedom of information (FOI) application**

I refer to your request received by the Premier's Delivery Unit (PDU) seeking access under section 13 of the *Freedom of Information Act 1991* (the Act) to:

*A copy of the most recent work plan showing progress against election commitments. Date range - 21/03/2022 to 17/07/2023*

The Department of the Premier and Cabinet (DPC) is responsible for processing FOI applications on behalf of the PDU.

**Determination under review**

You received an initial determination for this request issued to you on 3 August 2023 and a subsequent determination on 16 August 2023.

One document was captured within the scope of your request. The Accredited FOI Officer determined to refuse access to this document in full.

Please note that the one document identified as answering the terms of your application in the initial determination is the same document captured in the subsequent determination.

Election commitment updates for all government agencies are held by the PDU in a centralised confidential Cabinet reporting system and the document captured for your request includes particulars for all government agencies.

You have expressed dissatisfaction to the original determination and raised concerns regarding the transfers to the PDU.

**OFFICIAL**

Determinations were made in response to the application lodged to the PDU and for the following 44 agencies which formally transferred the application to the PDU pursuant to section 16 of the Act.

<b>Initial Agency</b>	<b>Transfer to PDU pursuant to section</b>
Defence SA	16(1)(a)
Green Industries SA	16(1)(a)
Office of the Deputy Premier	16(1)(a)
Office of Minister Andrea Michaels MP	16(1)(a)
Office of the Hon Blair Boyer MP	16(1)(a)
Return to Work SA	16(1)(a)
Teacher's Registration Board	16(1)(a)
Art Gallery of SA	16(1)(a)
Department for Correctional Services	16(1)(a)
Lifetime Support Authority	16(1)(a)
Office of the Hon Tom Koutsantonis MP	16(1)(a)
Office of the Premier	16(1)(a)
SACE Board of South Australia	16(1)(a)
SA Fire and Emergency Services Commission	16(1)(a)
TAFE SA	16(1)(a)
State Emergency Service	16(1)(a)
Attorney-General's Department	16(1)(b)
Consumer & Business Affairs	16(1)(b)
Department for Child Protection	16(1)(b)
Department for Education	16(1)(b)
Department for Energy and Mining	16(1)(b)
Department for Trade and Investment	16(1)(b)
Office of Hydrogen Power SA	16(1)(b)
Office of the Commissioner for Public Sector Employment	16(1)(b)
SA Housing Authority	16(1)(b)
SA Water	16(1)(b)
South Australian Police	16(1)(b)
South Australian Tourism Commission	16(1)(b)
Office of the Hon Nat Cook MP	16(1)(b)
Office of the Hon Nicholas Champion MP	16(1)(b)
Office of the Hon Stephen Mullighan MP	16(1)(b)
Department for Transport and Infrastructure	16(1)(b)
Department of Human Services	16(1)(b)
Department of Primary Industries and Regions SA	16(1)(b)
Department of the Premier and Cabinet	16(1)(b)
Department of Treasury and Finance	16(1)(b)
Environment Protection Authority	16(1)(b)
Office for Recreation, Sport and Racing	16(1)(b)
Office of the Hon Chris Picton MP	16(1)(b)
Office of the Hon Geoff Brock MP	16(1)(b)
Office of the Hon Joe Szakacs MP	16(1)(b)
Office of the Hon Katrine Hildyard MP	16(1)(b)
Office of the Hon Zoe Bettison MP	16(1)(b)
South Australian Motorsport Board	16(1)(b)

## **Outcome of internal review**

A total of one document was identified within the scope of your request and I have determined to refuse access in full.

Please refer to the attached schedule that describes the document and sets out my determination and reasons in summary form.

## **Documents refused in full**

This document consists of matter, the disclosure of which would disclose information concerning any deliberation or decision of Cabinet. I have therefore determined to uphold the refusal of access to this document in full pursuant to clause 1(1)(e) of Schedule 1 to the Act and as per the initial determination on this matter.

The PDU, in conjunction with DPC works collaboratively to oversee the implementation of election commitments. Additionally, a sub-committee of Cabinet, the Government Performance Cabinet Committee (GPCC) was established, to ensure government priorities are delivered on time and on budget and that any challenges are addressed early and resolved satisfactorily.

When an update on election commitments is sought by Cabinet or GPCC, the PDU provides agencies with information from the centralised Cabinet reporting system for updating. The information provided by agencies is added to the Cabinet reporting system and then forwarded to GPCC and/or Cabinet. Accordingly, the information is protected by Cabinet confidentiality provisions and is unable to be released to you through the FOI process.

In addition to Clause 1(1)(e), I apply the exemption pursuant to Clause 1(3) as the information relates to deliberations for a sub-committee of Cabinet. Therefore, this information is treated in the same manner as Cabinet itself.

Furthermore, the document consists of information relating to 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, as this document is formed from consultation from various agencies regarding the status and progress of election commitments for presentation to GPCC and Cabinet.

The disclosure of this information would reveal details of considerations set to be deliberated and decided upon by GPCC and Cabinet. I recognise it is in the public interest for there to be transparency regarding the operations of government and transparency of decision-making, however in this instance I have determined this is outweighed by the need to work collaboratively and openly across government agencies to achieve government priorities.

In support of transparency, significant documentation is publicly available on Government websites, through press releases and in Parliament regarding progress on election commitments and policy frameworks being delivered by the Government. Given this, information contained in the document is genuinely that of internal workings, therefore I have determined to exempt this information in full pursuant to clause 9(1)(a)(ii) of Schedule 1 to the Act.

The document contains information the disclosure of which would be found to be an action for breach of confidence. I wish to advise that information contained within the centralised confidential Cabinet reporting system, including any progress updates are classified as Official: Sensitive / SA Cabinet. I have therefore determined to exempt this information in full pursuant to clause 13(1)(a) of Schedule 1 to the Act.

## **Exemptions**

### **Clause 1 – Cabinet documents**

- (1) *A document is an exempt document –*
  - (e) *if it contains matter the disclosure of which would disclose information concerning any deliberation or decision of Cabinet;*
- (3) *In this clause, a reference to Cabinet includes a reference to a committee of Cabinet and to a subcommittee of a committee of Cabinet*

### **Clause 9 – Internal working documents**

- (1) *A document is an exempt document if it contains matter—*
  - (a) *that relates to—*
    - (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.*

### **Clause 13 – Documents containing confidential material**

- (1) *A document is an exempt document –*
  - (a) *if it contains matter the disclosure of which would found an action for breach of confidence;*

## **Review of Transfers to the PDU**

I note that after receiving the initial determination, you advised agencies that the initial transfer was incorrect and that you were seeking to ascertain what documents each agency held individually. To give merit to your request and ensure transparency and accountability in fulfilling the objects of the Act, the DPC FOI Unit liaised with each of the 44 agencies in the table above, to undertake an assessment of each transfer.

The outcome of this evaluation confirmed that all 16 agencies which transferred the request to the PDU pursuant to section 16(1)(a) held no documents relevant to your request. Given this information, if each agency was to re-open the request, the outcome would not result in a different determination.

Out of the remaining 28 agencies which transferred the request to the PDU pursuant to section 16(1)(b), 24 agencies confirmed that they hold no further documents to the information held by the PDU. Given this information if each of these agencies were to re-open the request the outcome would not result in a different determination.

The assessment identified that four agencies which transferred the application to the PDU in full, should have applied a partial transfer.

Where transfer has occurred and the receiving agency has made a determination, we are unable to reverse the transfer. The DPC FOI Unit has emailed your office to advise the names of the three agencies which hold documents further to your request and I encourage you to lodge a new request to these agencies to capture the documentation.

One agency was yet to have a final determination, therefore the PDU has advised your office of the reverse partial transfer for this request, pursuant to section 16(1)(b) of the Act and that agency will provide a determination to you.

We apologise for any inconvenience to your office regarding these four agencies.

**Right to external review**

If you remain dissatisfied with this determination, you have the right to apply to the Ombudsman for external review under section 39 of the Act. You have 30 days from the date on which you receive this letter to apply for an external review. If you have any questions about an application to the Ombudsman, please contact their office on (08) 8226 8699.

If you have any questions in relation to this matter, please contact Teena Lenton, Manager, Freedom of Information, on telephone (08) 8429 0114 or via email at [DPCFOIUnit@sa.gov.au](mailto:DPCFOIUnit@sa.gov.au).

Yours sincerely



Rik Morris  
**Principal Officer**  
Premier's Delivery Unit

16 / 08 / 2023



## SCHEDULE OF DOCUMENTS

**File Number:** DPC23/1054 – Internal Review

**Applicant:** David Speirs MP, Leader of the Opposition

This schedule of documents accompanies an internal review determination made in relation to your request submitted under the *Freedom of Information Act 1991* seeking access to:

*A copy of the most recent work plan showing progress against election commitments.*

*Date range - 21/03/2022 to 17/07/2023*

No.	Date	Document description	Exemption clauses	Determination
1.	N/A	Extract	1(1)(e) – Deliberation or decision of Cabinet; 1(3) – Committee of Cabinet or Subcommittee of a Committee of Cabinet; 9(1)(a)(ii) – Internal working document; 13(1)(a) – Confidential material	Refused in full



DPC23/1054 - 2  
B1551808

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Mr David Speirs MP  
Leader of the Opposition  
Parliament House  
North Terrace  
ADELAIDE SA 5000

Sent by email: [leaderoftheopposition@parliament.sa.gov.au](mailto:leaderoftheopposition@parliament.sa.gov.au)

Dear Mr Speirs

### Freedom of information (FOI) application

I refer to your request received by the Premier's Delivery Unit (PDU) seeking access under section 13 of the *Freedom of Information Act 1991* (the Act) to:

*A copy of the most recent work plan showing progress against election commitments.  
Date range - 21/03/2022 to 17/07/2023*

The Department of the Premier and Cabinet (DPC) is responsible for processing FOI applications on behalf of the PDU.

You received an initial determination for this request issued to you on 3 August 2023. I wish to provide clarity that this determination was in response to the application lodged to the PDU and for the following agencies which formally transferred the application to the PDU pursuant to section 16 of the Act, including:

Initial Agency	Transfer to PDU pursuant to section
Defence SA	16(1)(a)
Green Industries SA	16(1)(a)
Office of the Deputy Premier	16(1)(a)
Office of Minister Andrea Michaels MP	16(1)(a)
Office of the Hon Blair Boyer MP	16(1)(a)
Return to Work SA	16(1)(a)
Teacher's Registration Board	16(1)(a)
Attorney-General's Department	16(1)(b)
Consumer & Business Affairs	16(1)(b)
Department for Child Protection	16(1)(b)
Department for Education	16(1)(b)
Department for Energy and Mining	16(1)(b)

OFFICIAL

Department for Trade and Investment	16(1)(b)
Office of Hydrogen Power SA	16(1)(b)
Office of the Commissioner for Public Sector Employment	16(1)(b)
SA Housing Authority	16(1)(b)
SA Water	16(1)(b)
South Australian Police	16(1)(b)
South Australian Tourism Commission	16(1)(b)
Office of the Hon Nat Cook MP	16(1)(b)
Office of the Hon Nicholas Champion MP	16(1)(b)
Office of the Hon Stephen Mullighan MP	16(1)(b)

This subsequent determination is made for the following agencies who formally transferred the FOI request to the PDU after the initial determination and within the statutory timeframe:

<b>Initial Agency</b>	<b>Transfer Pursuant to Section</b>
Art Gallery of SA	16(1)(a)
Department for Correctional Services	16(1)(a)
Lifetime Support Authority	16(1)(a)
Office of the Hon Tom Koutsantonis MP	16(1)(a)
Office of the Premier	16(1)(a)
SACE Board of South Australia	16(1)(a)
SA Fire and Emergency Services Commission	16(1)(a)
State Emergency Service	16(1)(a)
TAFE SA	16(1)(a)
Department for Transport and Infrastructure	16(1)(b)
Department of Human Services	16(1)(b)
Department of Primary Industries and Regions SA	16(1)(b)
Department of the Premier and Cabinet	16(1)(b)
Department of Treasury and Finance	16(1)(b)
Environment Protection Authority	16(1)(b)
Office for Recreation, Sport and Racing	16(1)(b)
Office of the Hon Chris Picton MP	16(1)(b)
Office of the Hon Geoff Brock MP	16(1)(b)
Office of the Hon Joe Szakacs MP	16(1)(b)
Office of the Hon Katrine Hildyard MP	16(1)(b)
Office of the Hon Zoe Bettison MP	16(1)(b)
South Australian Motorsport Board	16(1)(b)

Please note that the one document identified as answering the terms of your application in the initial determination is the same document captured in this determination.

Election commitment updates for all government agencies are held by the PDU in a centralised confidential Cabinet reporting system. Therefore, the document captured for your request includes particulars for all government agencies.

This document consists of matter, the disclosure of which would disclose information concerning any deliberation or decision of Cabinet. I have therefore determined to refuse access to this document in full pursuant to clause 1(1)(e) of Schedule 1 to the Act and as per the initial determination on this matter.

I note you have lodged an internal review for the determination issued on 3 August 2023.

For consistency, I include in this subsequent determination additional information and exemption provisions applied in my internal review determination.

The PDU, in conjunction with DPC works collaboratively to oversee the implementation of election commitments. Additionally, a sub-committee of Cabinet, the Government Performance Cabinet Committee (GPCC) was established, to ensure government priorities are delivered on time and on budget and that any challenges are addressed early and resolved satisfactorily.

When an update on election commitments is sought by Cabinet or GPCC, the PDU provides agencies with information from the centralised Cabinet reporting system for updating. The information provided by agencies is added to the Cabinet reporting system and then forwarded to GPCC and/or Cabinet. Accordingly, the information is protected by Cabinet confidentiality provisions and is unable to be released to you through the FOI process.

In addition to Clause 1(1)(e), the exemption pursuant to Clause 1(3) applies as the information relates to deliberations for a sub-committee of Cabinet. Therefore, this information is treated in the same manner as Cabinet itself.

Furthermore, the document also consists of information relating to 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, as this document is formed from consultation from various agencies regarding the status and progress of election commitments for presentation to GPCC and Cabinet.

The disclosure of this information would reveal details of considerations set to be deliberated and decided upon by GPCC and Cabinet. I recognise it is in the public interest for there to be transparency regarding the operations of government and transparency of decision-making, however in this instance I have determined this is outweighed by the need to work collaboratively and openly across government agencies to achieve government priorities.

In support of transparency, significant documentation is publicly available on Government websites, through press releases and in Parliament regarding progress on election commitments and policy frameworks being delivered by the Government. Given this, information contained in the document is genuinely that of internal workings, therefore, I have determined to exempt this information in full pursuant to clause 9(1)(a)(ii) of Schedule 1 to the Act.

The document contains information the disclosure of which would be found to be an action for breach of confidence. I wish to advise that information contained within the centralised confidential Cabinet reporting system, including any progress updates are classified as Official: Sensitive / SA Cabinet. I have therefore determined to exempt this information in full pursuant to clause 13(1)(a) of Schedule 1 to the Act.

## **Review of Transfers to the PDU**

I note that after receiving the initial determination, you advised agencies that the initial transfer was incorrect and that you were seeking to ascertain what documents each agency held individually. To give merit to your request and ensure transparency and accountability in fulfilling the objects of the Act, the DPC FOI Unit liaised with each of the 44 agencies in the table above, to undertake an assessment of each transfer.

The outcome of this evaluation confirmed that all 16 agencies which transferred the request to the PDU pursuant to section 16(1)(a) held no documents relevant to your request. Given this information, if each agency was to re-open the request, the outcome would not result in a different determination.

Out of the remaining 28 agencies which transferred the request to the PDU pursuant to section 16(1)(b), 24 agencies confirmed that they hold no further documents to the information held by the PDU. Given this information if each of these agencies were to re-open the request the outcome would not result in a different determination.

The assessment identified that four agencies which transferred the application to the PDU in full, should have applied a partial transfer.

Where transfer has occurred and the receiving agency has made a determination, we are unable to reverse the transfer. The DPC FOI Unit has emailed your office to advise the names of these three agencies which hold documents further to your request. I encourage you to lodge a new request to these agencies to capture the documentation which was omitted.

One agency was yet to have a final determination, therefore the PDU has advised your office of the reverse partial transfer for this request, pursuant to section 16(1)(b) of the Act and that agency will provide a determination to you.

We apologise for any inconvenience to your office regarding these four agencies.

## **Exemption Clauses**

### ***Clause 1 – Cabinet documents***

- (1) *A document is an exempt document –*
  - (e) *if it contains matter the disclosure of which would disclose information concerning any deliberation or decision of Cabinet;*
- (3) *In this clause, a reference to Cabinet includes a reference to a committee of Cabinet and to a subcommittee of a committee of Cabinet*

### ***Clause 9 – Internal working documents***

- (1) *A document is an exempt document if it contains matter—*
  - (a) *that relates to—*
    - (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.*

**Clause 13 – Documents containing confidential material**

- (1) *A document is an exempt document –*  
(a) *if it contains matter the disclosure of which would found an action for breach of confidence;*

**Right to external review**

If you remain dissatisfied with this determination, you have the right to apply to the Ombudsman for external review under section 39 of the Act. You have 30 days from the date on which you receive this letter to apply for an external review. If you have any questions about an application to the Ombudsman, please contact their office on (08) 8226 8699.

If you have any questions in relation to this matter, please contact Teena Lenton, Manager, Freedom of Information, on telephone (08) 8429 0114 or via email at [DPCFOIUnit@sa.gov.au](mailto:DPCFOIUnit@sa.gov.au).

Yours sincerely



Rik Morris  
**Principal Officer**  
Premier's Delivery Unit

16 / 08 / 2023

## SCHEDULE OF DOCUMENTS

**File Number:** DPC23/1054 – Subsequent Determination

**Applicant:** David Speirs MP, Leader of the Opposition

This schedule of documents accompanies an internal review determination made in relation to your request submitted under the *Freedom of Information Act 1991* seeking access to:

*A copy of the most recent work plan showing progress against election commitments.*

*Date range - 21/03/2022 to 17/07/2023*

No.	Date	Document description	Exemption clauses	Determination
1.	N/A	Extract	1(1)(e) – Deliberation or decision of Cabinet; 1(3) – Committee of Cabinet or Subcommittee of a Committee of Cabinet; 9(1)(a)(ii) – Internal working document; 13(1)(a) – Confidential material	Refused in full

**From:** [Pullino, Enza \(DIT\)](#)  
**To:** [Leader of the Opposition](#)  
**Subject:** RE: 23MINFOI-0033 - Freedom of Information  
**Date:** Monday, 21 August 2023 12:31:00 PM  
**Attachments:** [image001.png](#)

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Good afternoon

Thank you for your email. To give merit to your request below and ensure transparency and accountability in fulfilling the objects of the *Freedom of Information Act 1991* (the FOI Act), the DPC FOI Unit liaised with this agency to undertake an assessment of the transfer to the Premier's Delivery Unit (PDU) pursuant to section 16(1)(b) of the FOI Act.

The outcome of this evaluation confirmed this agency does not hold further documents to the information held by the PDU. Given this information, if this agency were to re-open the request, the outcome would not result in a different determination.

If you remain dissatisfied with the determination made by the Principal Officer of PDU, you have the right to apply to the Ombudsman for external review under section 39 of the FOI Act. You have 30 days from the date on which you receive the letter to apply for an external review. If you have any questions about an application to the Ombudsman, please contact their office on (08) 8226 8699.

If you have any questions in relation to this matter, please contact Teena Lenton, Manager, Freedom of Information, on telephone (08) 8429 0114 or via email at [DPCFOIUnit@sa.gov.au](mailto:DPCFOIUnit@sa.gov.au).

Apologies again for any misunderstanding that may have been caused.

Kind regards

**Enza Pullino**

Office Manager

Accredited FOI Officer

**Office of the Hon Geoff Brock MP**

Minister for Local Government | Minister for Regional Roads | Minister for Veterans Affairs

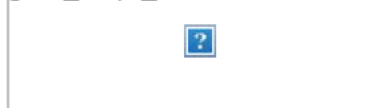
T **Clause 6(1)** M **Clause 6(1)**

E [enza.pullino@sa.gov.au](mailto:enza.pullino@sa.gov.au)

Level 10, 81-95 Waymouth Street, Adelaide, South Australia 5000

GPO Box 1533, Adelaide SA 5000 | DX 171

gosa\_cmyk\_h



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**From:** Leader of the Opposition <LeaderoftheOpposition@parliament.sa.gov.au>

**Sent:** Friday, August 11, 2023 3:37 PM

**To:** Pullino, Enza (DIT) <enza.pullino@sa.gov.au>

**Subject:** RE: 23MINFOI-0033 - Freedom of Information



## OFFICIAL

Dear Enza

It is our view that your agency has incorrectly referred this FOI to the Premier's Delivery Unit (PDU).

We acknowledge that Section 16(1)(b) of the South Australian Freedom of Information Act 1991 (FOI Act) allows for an agency to transfer an FOI application to another agency if it is more closely related to the functions of the other agency.

While the subject matter of "election commitments" is clearly associated with the PDU, our FOI application asked a "copy of the most recent work plan". This is the document being sought.

The work plan itself is a document prepared by *your* agency, reflects the work conducted by *your* agency – which is work that is core to the functions of *your* agency.

It is our view that it was not appropriate that this was referred to the PDU.

We request that you re-open this FOI and process it in accordance with the FOI Act.

Kind regards

---

**From:** Pullino, Enza (DIT) <[Enza.Pullino@sa.gov.au](mailto:Enza.Pullino@sa.gov.au)>

**Sent:** Thursday, August 10, 2023 11:05 AM

**To:** Leader of the Opposition <[LeaderoftheOpposition@parliament.sa.gov.au](mailto:LeaderoftheOpposition@parliament.sa.gov.au)>

**Subject:** 23MINFOI-0033 - Freedom of Information

## OFFICIAL

Good morning

I write further to the attached correspondence regarding your application to the Office of the Minister for Local Government, Minister for Regional Roads and Minister for Veterans Affairs dated 17 July 2023.

Having reviewed that correspondence, I acknowledge the status of your application may have been ambiguous, in particular in respect of whether it was to be transferred to the Premier's Delivery Unit pursuant to section 16 of the FOI Act. I write now to clarify and confirm that your application has been now formally transferred pursuant to section 16(1)(b) of the FOI Act to the Premier's Delivery Unit on 10 August 2023. Once that agency has determined your application, it will advise you of the determination directly.

If you have any queries, please contact the Department of the Premier and Cabinet FOI

Unit via email at [DPCFOIUnit@sa.gov.au](mailto:DPCFOIUnit@sa.gov.au).

Apologies for any misunderstanding that may have been caused by the previous letter.

Kind regards

**Enza Pullino**

Office Manager

Accredited FOI Officer

**Office of the Hon Geoff Brock MP**

Minister for Local Government | Minister for Regional Roads | Minister for Veterans Affairs

T **Clause 6(1)** M **Clause 6(1)**

E [enza.pullino@sa.gov.au](mailto:enza.pullino@sa.gov.au)

Level 10, 81-95 Waymouth Street, Adelaide, South Australia 5000

GPO Box 1533, Adelaide SA 5000 | DX 171

gosa\_cmyk\_h



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**From:** Pullino, Enza (DIT)

**Sent:** Friday, July 21, 2023 3:01 PM

**To:** [leaderoftheopposition@parliament.sa.gov.au](mailto:leaderoftheopposition@parliament.sa.gov.au)

**Subject:** 23MINFOI-0033 - Freedom of Information

Good afternoon

Please find attached a letter from the Accredited FOI Officer to the Minister for Local Government, Minister for Regional Roads and Minister for Veterans Affairs, the Hon Geoff Brock MP.

Kind regards

**Enza Pullino**

Office Manager

**Office of the Hon Geoff Brock MP**

Minister for Local Government | Minister for Regional Roads | Minister for Veterans Affairs

T **Clause 6(1)** M **Clause 6(1)**

E [enza.pullino@sa.gov.au](mailto:enza.pullino@sa.gov.au)

Level 10, 81-95 Waymouth Street, Adelaide, South Australia 5000

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gosa\_cmyk\_h



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