



In reply please quote 2018/20560/01

PEOPLE AND BUSINESS
DIVISION

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Hon Frank Pangallo MLC
Parliament House
North Terrace
Adelaide SA 5000

Dear Frank Pangallo MLC,

**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 of Planning, Transport and Infrastructure on 2 October 2018.

You have requested access to:

I seek access to the data relating to the overall number of reported bullying and harassment cases within the Department of Planning, Transport and Infrastructure over the past 10 years and the number of days lost through victims of bullying and harassment being absent from work.

-The number of reported cases of bullying and harassment within the Department of Planning, Transport and infrastructure for each of the past 10 financial years (2008/2009 to 2017/2018).

Re-scoped with your office on 5 November 2018 to:

The number of reported cases of bullying and harassment within the Department of Planning, Transport and infrastructure for 2017/2018.

-The total number of staff employed by DPTI at the end of financial year for each of those 10 years, both by headcount and total full time equivalent.

-The number of DPTI employees who have lodged workers compensation claims, and the number of claims that have been accepted as a result of bullying and harassment in the workplace for each of the past 10 financial years (2008/2009 to 2017/2018).

-The number of lost time injury (LTI) days experienced due to bullying and harassment claims for each of the past 10 financial years (2008/2009 to 2017/2018).

I wish to advise you that there is one document within the scope of your request.

The period for processing your application has now passed. A determination was due on 2 November 2018. This means that DPTI is deemed by section 19(2)(b) of the Act to have refused access to the documents requested.

However, nothing prevents an agency from choosing to release documents to you under section 19(2a). Therefore, I am releasing to you this document in full.

In regards to your first point, DPTI advises that there have been nine reported bullying and harassment claims during the 2017/18 period.

The remainder of your request is addressed in document 001.

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

In accordance with Premier and Cabinet Circular PC045, if you are given access to documents as a result of this FOI application, details of your application, and the documents to which access is given, will be published in the Agency's disclosure log within 90 days from the date of this determination. Any private information will be removed. A copy of PC045 can be found at <http://dpc.sa.gov.au/what-we-do/services-for-government/premier-and-cabinet-circulars>. If you have any objection to this publication, please contact us within 30 days of receiving this determination.

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

Yours sincerely,



Sam Rodrigues
Accredited Freedom of Information Officer

21 December 2018

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 2018/20560/01

Determination
Release / Partial
Release / Refuse
Access

Schedule Clause
Applied

Date of
Document

Description of Document

Document
Number

Document Number	Description of Document	Date of Document	Author	Determination Release / Partial Release / Refuse Access	Schedule Clause Applied
001	HR Data	2008-18	DPTI	Release	

RELEASED UNDER FOI ACT

Number of Claims Entered on
SIMS coded to Bullying and
Harrasment

Financial Year	Headcount	FTE	Harrasment	Determination	Days Lost
2008/09	3226	3060.4	4	3 Accepted / 1 Rejected	159
2009/10	3143	2977.7	6	4 Accepted / 2 Rejected	944
2010/11	3122	2969.7	8	6 Accepted / 2 Rejected	1027
2011/12	3594	3464.1	5	4 Accepted / 1 Rejected	1015
2012/13	3584	3446.9	5	4 Accepted / 1 Rejected	840
2013/14	3482	3350.5	8	7 Accepted / 1 Rejected	1066
2014/15	3190	3065.7	10	6 Accepted / 3 Rejected / 1 Withdrawn	933
2015/16	3027	2900.4	3	2 Accepted / 1 Rejected	725
2016/17	3131	2897.8	1	4 Accepted	706
2017/18	3112	2894.1	2	2 Rejected	533

* Headcount and FTE data provided as per each years annual report

** Days Lost for Bullying and Harrasment Claims - this relates to all income support payments entered into the workers compensation database (SIMS) during the respective financial year for all bullying and harrasment claims, irrespective of what financial year the claim was opened in SIMS.

