



Government
of South Australia

The Hon Stephan Knoll MP
Member for Schubert

FOI Ref: SKNOLL180481

Hon Kyam Maher MLC
Member of the Legislative Council
Parliament House
ADELAIDE SA 5000

Dear Mr Maher

I refer to your application to the Office of the Minister for Transport, Infrastructure and Local Government, Minister for Planning made under the *Freedom of Information Act 1991* (the Act) which was received 19 November 2019.

You have requested access to:

"The letter (and any response to the letter) to the Hon Stephan Knoll, Minister for Transport, Infrastructure and Local Government regarding the South Australian government's decision to withdraw financial support for the Overland Train service. Dated 13 November 2018 and referred to on pg38 of the Equal Opportunity Commission Annual Report 2018-2019."

A search of documents held by the Office of the Minister for Transport, Infrastructure and Local Government, Minister for Planning was undertaken. I wish to advise that 2 documents have been identified within the scope of your request.

I have determined to grant access to documents 1 and 2.

Attached is an explanation of the provisions of the Act which details your rights to review and appeal 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.

If you have any questions in relation to the matter, please contact myself on telephone (08) 7109 4830 or via email at jenna.phillips-wilkinson@sa.gov.au.

Yours sincerely

Jenna Phillips-Wilkinson
Accredited FOI Officer

Office of the Minister for Transport, Infrastructure and Local Government
Minister for Planning

4 /12/2019

Encl: Your rights to review and appeal this determination
Schedule of documents

Minister for Transport, Infrastructure and Local Government
Minister for Planning

Roma Mitchell House Adelaide SA 5000 | GPO Box 1533 Adelaide SA 5001 DX 171
Tel 08 7109 8430 | Email ministerknoll@sa.gov.au



SCHEDULE OF DOCUMENTS – FREEDOM OF INFORMATION APPLICATION
NUMBER – SKNOLL180481

Document Number	Description	Date	Release Determination	Schedule Clause
1	Letter from Dr Vincent	13/11/18	Release	
2	Letter to Dr Vincent	25/3/19	Release	

FREEDOM OF INFORMATION ACT 1991

YOUR RIGHTS TO REVIEW AND APPEAL

INTERNAL REVIEW

If you are dissatisfied or concerned with the decision of this Department 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 Department. 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 Department 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 Department, you are unable to request an Internal Review but you can apply for an External Review by the Ombudsman, or the District Court.

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 OR THE POLICE COMPLAINTS AUTHORITY

After an Internal Review has been completed, or where you have been unable to apply for an Internal Review, and you are still dissatisfied with the decision you can apply for an External Review by the Ombudsman.

You may also request an External Review by the Ombudsman if you have no right to an Internal Review.

The application for review by the Ombudsman should be lodged within 30 days after the date of a determination. The Ombudsman's Office, at their discretion, may extend this time limit.

Investigations by the Ombudsman are free. Further information is available from the Office of the Ombudsman by telephone on 8226 8699 or toll free 1800 182 150 (within SA).

APPEAL TO THE SOUTH AUSTRALIAN CIVIL AND ADMINISTRATIVE TRIBUNAL (SACAT)

If you are still dissatisfied with the decision made by the State Government Agency, Local Government Council or University after an Internal Review or after a review by the Ombudsman or, you can appeal to SACAT.

You must exercise your right of appeal to SACAT within 30 calendar days after being advised of the determination or the results of the 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



Government of South Australia

Office of the Commissioner for
Equal Opportunity

13 November 2018

Mr Stephan Knoll MP
Minister for Transport, Infrastructure and Local Government
Department of Planning, Transport and Infrastructure
GPO Box 1533
Adelaide SA 5001

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45 Pirie Street
Adelaide SA 5000

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Dear Mr Knoll,

Re: Overland Adelaide to Melbourne train service

As South Australia's Commissioner for Equal Opportunity, I administer the South Australian *Equal Opportunity Act 1984* (the Act). The Act prohibits discrimination on a number of grounds including disability and age, in a range of public areas including the provision of goods and services. My key responsibilities are to examine and respond to complaints of discrimination, promote equality of opportunity, and foster informed and unprejudiced community attitudes, with a view to eliminating discrimination on the grounds to which the Act applies.

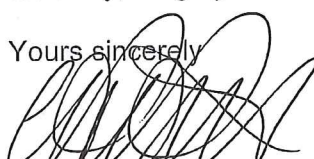
Each year disability discrimination is consistently the most common type of complaint I receive. In the 2017-18 financial year it comprised 33 per cent of all accepted complaints at the Equal Opportunity Commission. Complaints of age discrimination increased in the 2017-18 financial year compared to the previous year, comprising 10 per cent of all accepted complaints. Age discrimination is now the third most common ground of complaint. For this reason, I take a keen interest in issues relating to disability, age, and access and inclusion.

I was recently contacted by a member of the public who expressed concern regarding the South Australian Government ending its financial support for the Overland train service between Adelaide and Melbourne. They felt that the loss of the service will negatively impact on the many seniors and people with disability who use wheelchairs and walking frames and who do not want to fly or be cooped up in a car or coach.

The Victorian Government is now fully funding the service for an additional 12 months, however we are concerned that the future of the service still remains at risk beyond this 12 month commitment. While the South Australian Government may believe the needs of current regional Overland travellers will be met by other transport options such as aeroplane and bus travel, I hold particular concerns for those people who, because of their health, disability or age, will be unable to access these alternative services.

As a recognised service provider under the *Equal Opportunity Act 1984* (SA), the State Government may expose itself to potential claims of indirect disability discrimination, as the decision to cut the Overland service will have a disproportionate negative impact on people with disability who cannot utilise alternative modes of transport. To fulfil the State Government responsibilities under the Act to provide equality of access to transport services for people with disability, I urge you to reconsider your decision to cease funding for the Overland.

Yours sincerely



Dr Niki Vincent PhD
Commissioner for Equal Opportunity

18MTIL3955



**Government
of South Australia**

**The Hon Stephan Knoll MP
Member for Schubert**

Dr Nikki Vincent PhD
Commissioner for Equal Opportunity
GPO Box 464
ADELAIDE SA 5000

Dear Dr Vincent

Thank you for your letter regarding the Overland rail service. I appreciate you raising the concern expressed to you by a member of the public and your concern for seniors and people with a disability who prefer the rail service over other travel options.

Please be assured that I have given careful consideration to the funding arrangement between the South Australian Government and Great Southern Rail regarding the provision of the Overland services and its role in providing benefits for regional South Australia. In challenging fiscal times, the Government needs to carefully prioritise its funding to maximise benefits for all South Australians.

Due to the low passenger levels for the service, particularly within regional South Australia, and availability of other transport options for these regional communities, I have concluded that an extension to the current funding agreement is unable to be justified when assessed against other funding priorities.

The Government places a high priority on the growth of regional South Australia. With almost one quarter of our population living outside the metropolitan area, it is vital we have a transport system that supports the diverse needs of all regional South Australians. The Government is therefore prioritising available funding towards projects that will bring greater benefits to regional South Australia.

The Government is also establishing the South Australian Public Transport Authority (SAPTA), which will be responsible for all operational and customer service matters across urban and regional areas. Through genuine and ongoing engagement, SAPTA will plan for operations with a customer focus, including for seniors and people with disability.

I trust the above information is of assistance.

A handwritten signature in blue ink, appearing to read 'Stephan Knoll', written over a large, light blue circular scribble.

**HON STEPHAN KNOLL MP
MINISTER FOR TRANSPORT, INFRASTRUCTURE AND LOCAL GOVERNMENT
MINISTER FOR PLANNING**

 March 2019

Minister for Transport, Infrastructure and Local Government
Minister for Planning

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