Dear Mr Maher

NOTICE OF DETERMINATION – REQUEST FOR ACCESS TO DOCUMENTS UNDER THE FREEDOM OF INFORMATION ACT 1991

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 13 December 2018.

You have requested access to:

“Since 17 March 2018, copies of any and all documents (including but not limited to physical, electronic or written briefs, minutes, emails, internal correspondence and any other correspondence) regarding the Aboriginal Affairs Action Plan from 17 March 2018 until 13 December 2018”.

The legislative prescribed timeframe to determine this application has expired and the agency is now deemed to have refused you access to all documents relevant to your application by section 19(2)(b) of the Act. However, I have determined to process the request as if the statutory time frame has been met.

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 7 documents have been identified within the scope of your request.

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

I have determined to grant partial access to document 007 and have removed the personal contact details within those documents that I have determined are exempt, in accordance with clause 6 (1) of the Act which states:

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.)
Documents 001 to 002 I have determined to refuse you access. These documents contain matter that relate to a deliberation of Cabinet, and as such are exempt in accordance with the following clauses of the Act:

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.

Documents 003, 004 and 005 I have also determined to refuse you access. These documents contain matter that are a briefing paper specifically prepared for the use of the Minister in relation to a matter submitted or proposed to be submitted to Cabinet, and as such are exempt in accordance with the following clauses of the Act:

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

I have determined to release Document 006 in full.

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.

If you have any questions in relation to the matter, please contact Rachel Stone, Freedom of Information Officer on telephone (08) 7109 8430 or via email at rachel.stone@sa.gov.au

Yours sincerely

Jenna Phillips-Wilkinson
Accredited FOI Officer
Office of the Minister for Transport, Infrastructure and Local Government
Minister for Planning

19 February 2019

Encl
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
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The Honourable Steven Marshall MP  
Premier of South Australia

has the pleasure of inviting The Honourable Stephan Knoll MP  

to attend the launch of the Aboriginal Affairs Action Plan 2019-2020

When:  Monday, 10 December 2018  
Where:  Ayers House, 288 North Terrace, Adelaide  
Time:  3.15 pm for 3.30 pm start, concluding at 5.00 pm  (light refreshments will be provided)  
Dress:  Smart casual

RSVP by Thursday, 6 December to Diplomatic Relations and Protocol,  
Department of the Premier and Cabinet | Phone: 8429 5135 or dpcprotocolrsyp@sa.gov.au

Invitations are not transferable
On behalf of the Hon Stephan Knoll MP, thank you for the invitation to attend the launch of the Aboriginal Affairs Action Plan on Monday 10 December, unfortunately due to other commitments Minister Knoll is unable to attend.

Regards

A/Personal Assistant to the Minister
Minister Knoll's Office
Department of Planning, Transport and Infrastructure
PO Box 1533, Adelaide SA 5001 • DX 171 • www.dpti.sa.gov.au

We acknowledge and respect Aboriginal peoples as South Australia's first peoples and nations, we recognise Aboriginal peoples as traditional owners and occupants of land and waters in South Australia and that their spiritual, social, cultural and economic practices come from their traditional lands and waters; and they maintain their cultural and heritage beliefs, languages and laws which are of ongoing importance; We pay our respects to their ancestors and to their Elders.

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