



Government
of South Australia

The Hon Stephan Knoll MP
Member for Schubert

Mr Wayne Hanson
7 Keats Grove
FULHAM GARDENS SA 5024

Email: hebbard307@gmail.com

Dear Mr Hanson

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 12 August 2019.

You have requested access to:

"A copy of the recommendation(s) that the Minister provided the Governor for my removal as a director for the Adelaide Cemeteries Authority. I refer to Sections 13(3) and 13 (4) of the Adelaide Cemeteries Authority Act 2001. More specifically the ground that the Minister considered sufficient."

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 one 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 refuse access to Document 1. This document is an Executive Council document and therefore access is refused in accordance with the following clause of the Act:

2 – Executive Council documents

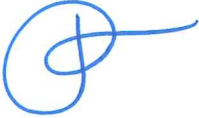
- (1) *A document is an exempt document –*
- (a) *if it is a document that has been specifically prepared for submission to the Executive Council (whether or not it has been so submitted); or*
 - (e) *if it contains matter concerning any deliberation or advice of the Executive Council*

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 Kimberly Davis, Freedom of Information Officer on telephone (08) 7109 7133 or via email at kimberly.davis@sa.gov.au.

Yours sincerely



Jenna Phillips-Wilkinson

Accredited FOI Officer

Office of the Minister for Transport, Infrastructure and Local Government

Minister for Planning

22 / 8 / 2019

Encl Schedule of documents

Your rights to review and appeal this determination

SCHEDULE OF DOCUMENTS – FREEDOM OF INFORMATION APPLICATION NUMBER – SKNOLL17733

| Document Number | Description | Date | Release Determination | Schedule Clause |
|-----------------|------------------|------|-----------------------|--|
| 1 | Cabinet Document | | Refused | 2 (a) & (e) – Executive Council Document |

FREEDOM OF INFORMATION ACT 1991
YOUR RIGHTS TO REVIEW

INTERNAL REVIEW

If you are dissatisfied or concerned with the decision of this Agency regarding access to documents or the request for amendment to your personal records, you can apply for an Internal Review of that decision.

To apply for an Internal Review you must write a letter addressed to the Principal Officer or lodge an Internal Review application form with the Principal Officer of this Agency. The legislated application fee must accompany all applications, unless the fee was waived in the original Freedom of Information application, in which case there would be no fee payable for the application. The application must be lodged within 30 days after being notified of the decision.

The Agency will undertake the Internal Review and advise you of its decision within 14 days of receipt of the application.

Where the decision was made by the Minister or Principal Officer of the Agency, you are unable to request an Internal Review but you can apply for an External Review by the Ombudsman, or SACAT.

You are unable to apply for an Internal Review regarding a decision to extend the time limit for dealing with an application but you can apply for an External Review.

EXTERNAL REVIEW BY THE OMBUDSMAN

If the Agency does not deal with your Internal Review application within 14 calendar days (or you remain unhappy with the outcome of the Internal Review) you are entitled to an External Review by the Ombudsman SA.

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

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

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

REVIEW BY THE SOUTH AUSTRALIAN CIVIL AND ADMINISTRATIVE TRIBUNAL (SACAT)

If you are still dissatisfied with the decision made by this Agency after an Internal Review or after a review by the Ombudsman, you can request a review from SACAT.

You must exercise your right of review to SACAT within 30 calendar days after being advised of the determination or the results of any other Internal or Ombudsman Review. Any costs will be determined by SACAT, where applicable. For more information, contact;

South Australian Civil and Administrative Tribunal (SACAT)
Phone: 1800 723 767 Email: sacat@sacat.sa.gov.au