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Our Ref: 23-0865
Enquiry:
Telephone: 7322 3347



Email: [Redacted]

Dear [Redacted]

Re: Freedom of Information Act application

In reference to your application made pursuant to the *Freedom of Information Act 1991* (FOI Act), access was sought to:

“a) All documents that evidence personal incentives, financial gains, or any other reward-based programs that may motivate an SA Police Officer to issue an Expiation Notice. b) All documents that evidence SA Police Officers may be required to meet Expiation Notice targets during a predetermined time frame c) All documents that evidence any Expiation Notice targets for SA Police departments d) All documents that the SA Police Commissioner relied on to make an informed decision to mandate mask wearing e) All documents SA POLICE received that evidence masks stop the spread of COVID19 which lead to the SA Police Commissioners Direction to enforce mask wearing f) All documents that evidence SA Police police by consent g) The document that lists all the different specific reasons an Expiation Notice may be withdrawn h) All documents that evidence an Expiation Withdrawal Notice is not required to specify the reason for its withdrawal i) All documents that evidence the definition of the word SPECIFY as used in the Expiation of Offences Act 1996 j) All documents that evidence that the word MUST when used in the Expiation of Offences Act 1996 has a definition different to the definition defined in the Legislation Interpretation Act 2021, Section 11 (3) k) All documents that evidence an SA Police Officer has the authority to specifically demand a Driver's Licence as a form of identification in a non-traffic related incident l) All documents that evidence a wo/man is obligated to present a Driver's Licence as a form of identification, to an SA Police



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Officer, in a non-traffic related incident m) All documents that evidence an SA Police Officer has the authority to remove, without prior consent from the holder, property from the holder, who at the time of removal is not under arrest, nor is presented with a Section of an Act that grants the officers authority to remove the property n) All documents that evidence that the notice "Use of this permit/licence for identification purposes, other than for policing road traffic laws, is not intended or authorised (sic), and is solely at the risk of the user", on the rear of the SA Driver's Licence is void, has no standing, and is to be ignored by all SA Police Officers o) All documents that evidence SA Police Officers are acting within the law or have the authority to repeatedly and specifically demand for a Driver's Licence in a non-traffic related incident, especially after the holder expressed to the Police Officer that the matter is not a traffic related incident and noticed the Police Officer that the rear of the licence states they don't have to present this to the Police Officer p) All documents that evidence a wo/man must obey the demand of an SA Police Officer if the Police Officer states "you have to because I told you to", whilst not expressing nor presenting any legislation or section of an act to evidence their authority during the matter q) All documents that evidence the penalty for unlawful possession of personal property if guilty of such offence r) All documents that evidence how SA Police Offices (sic) must conduct themselves when addressing the public s) All documents that evidence an SA Police Officer must state the legislation that grants their authority, if that Police Officer is presented with a reasonable excuse for non-compliance, before they continue to enforce that authority t) All documents that evidence an SA Police Officer does not have to identify themselves when asked for a form of identification after a Police Officer has demanded personal details from a wo/man u) All documents that evidence when an SA Police Officer is asked for a form of identification they do not have to respond and are merely required to point at their shoulder number v) All documents that evidence how an SA Police Officer must identify themselves."

In relation to these parts of your request:

"...d) All documents that the SA Police Commissioner relied on to make an informed decision to mandate mask wearing e) All documents SA POLICE received that evidence masks stop the spread of COVID19 which lead to the SA Police Commissioners Direction to enforce mask wearing...."

On 25 October 2022, South Australia Police (SAPOL) advised you that the scope of these parts of your request was considered an unreasonable diversion of the agencies resources. On the same day you responded via email and narrowed the scope of your request to;

*"d) The document that grants the SA Police Commissioner authority to direct a wo/man to wear a mask for a medical reason
e) Any single document that evidences SA Police received a study that proves masks stop the spread of COVID19, before the SA Police Commissioner enforced mask wearing*

Time range for d & e documents is a period of between June 2019 and Oct 2022."

In relation to these parts of your request:

"a) All documents that evidence personal incentives, financial gains, or any other reward-based programs that may motivate an SA Police Officer to issue an Expiation Notice. b) All documents that evidence SA Police Officers may be required to meet

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Expiation Notice targets during a predetermined time frame c) All documents that evidence any Expiation Notice targets for SA Police departments f) All documents that evidence SA Police, police by consent i) All documents that evidence the definition of the word SPECIFY as used in the Expiation of Offences Act 1996 j) All documents that evidence that the word MUST when used in the Expiation of Offences Act 1996 has a definition different to the definition defined in the Legislation Interpretation Act 2021, Section 11 (3) k) All documents that evidence an SA Police Officer has the authority to specifically demand a Driver's Licence as a form of identification in a non-traffic related incident l) All documents that evidence a wo/man is obligated to present a Driver's Licence as a form of identification, to an SA Police Officer, in a non-traffic related incident n) All documents that evidence that the notice "Use of this permit/licence for identification purposes, other than for policing road traffic laws, is not intended or authorised (sic), and is solely at the risk of the user", on the rear of the SA Driver's Licence is void, has no standing, and is to be ignored by all SA Police Officers o) All documents that evidence SA Police Officers are acting within the law or have the authority to repeatedly and specifically demand for a Driver's Licence in a non-traffic related incident, especially after the holder expressed to the Police Officer that the matter is not a traffic related incident and noticed the Police Officer that the rear of the licence states they don't have to present this to the Police Officer p) All documents that evidence a wo/man must obey the demand of an SA Police Officer if the Police Officer states "you have to because I told you to", whilst not expressing nor presenting any legislation or section of an act to evidence their authority during the matter... s) All documents that evidence an SA Police Officer must state the legislation that grants their authority, if that Police Officer is presented with a reasonable excuse for non-compliance, before they continue to enforce that authority

SAPOL is **unable to locate** any documents that fall within these parts of your request.

In relation to these parts of your request:

"d) The document that grants the SA Police Commissioner authority to direct a wo/man to wear a mask for a medical reason e) Any single document that evidences SA Police received a study that proves masks stop the spread of COVID19, before the SA Police Commissioner enforced mask wearing Time range for d & e documents is a period of between June 2019 and Oct 2022.... g) The document that lists all the different specific reasons an Expiation Notice may be withdrawn h) All documents that evidence an Expiation Withdrawal Notice is not required to specify the reason for its withdrawal... m) All documents that evidence an SA Police Officer has the authority to remove, without prior consent form the holder, property from the holder, who at the time of removal is not under arrest, nor is presented with a Section of an Act that grants the officers authority to remove the property... q) All documents that evidence the penalty for unlawful possession of personal property if guilty of such offence r) All documents that evidence how SA Police Offices (sic) must conduct themselves when addressing the public..... t) All documents that evidence an SA Police Officer does not have to identify themselves when asked for a form of identification after a Police Officer has demanded personal details from a wo/man u) All documents that evidence when an SA Police Officer is asked for a form of identification they do not have to respond and are merely required to point at their shoulder number v) All documents that evidence how an SA Police Officer must identify themselves."

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SAPOL has located documents that fall within the scope of your request. The documents are numbered and described in the following schedule. The schedule contains the details of the determination in compliance with section 23. In particular, note the grounds on which access has been refused, including the reasons which are contained in the schedule.

SA POLICE - FREEDOM OF INFORMATION UNIT SCHEDULE				
No.	Document Description	Status	Act	Reason
1	Emergency Management Act 2004	Full Release		
2	Expiations Offences Act 1996	Full Release		
3	COVID-19 Evidence Update dated 15 June 2020	Full Release		
4	Police Complaints and Discipline Act 2016	Full Release		
5	COVID-19 Evidence Update dated 25 June 2020	Full Release		
6	Police Regulations 1999	Full Release		
7	Summary Offences Act 1953	Full Release		
8	Australian Government – Infections Control Expert Group – The use of face masks and respirators in the context of COVID-19	Full Release		
9	World Health Organization – Advice on the use of masks in the context of COVID-19 dated 6 April 2020	Full Release		
10	World Health Organization – Advice on the use of masks in the context of COVID-19 dated 6 April 2020	Full Release		
11	AHPPC statement on the role of face masks to protect individuals and the community from COVID-19 dated 15 November 2021	Full Release		

SA POLICE - FREEDOM OF INFORMATION UNIT SCHEDULE				
No.	Document Description	Status	Act	Reason
12	Local Policy 1 - Withdrawing Expiation Notices dated 20 May 2016	Full Release		

Although SAPOL has provided copies of relevant Acts of Parliament in your FOI request, please be advised Emergency Management Act 2004, Expiations Offences Act 1996, Police Complaints and Discipline Act, SA Police Code of Conduct, Summary Offences Act 1953 and SA Police Regulations are available via the internet at 'Legislation SA'; <https://www.legislation.sa.gov.au/>. The Police Code of Conduct is located in the Police Complaints and Discipline Act 2016, Part 7 and Police Act 1998 at Part 6.

In accordance with the requirements of Premier and Cabinet Circular PC045, details of your FOI application, and the documents to which you are given access, will be published on the SAPOL website Disclosure Log. A copy of PC045 can be found at https://www.dpc.sa.gov.au/_data/assets/pdf_file/0019/20818/PC045-Disclosure-Log-Policy.pdf. If you disagree with publication, please advise the undersigned in writing by 19 November 2022.

Yours sincerely



Senior Sergeant Paul Friend
Freedom of Information Unit
(Accredited Freedom of Information Officer)

18 November 2022