



OFFICIAL: Sensitive

Your Ref : 20429931
Our Ref: 25-1199
Telephone: 8207 5555



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 copy of all correspondence provided by SAPOL to either the Premier, or Department of Premier and Cabinet relating to the findings and recommendations of the Premier’s taskforce into the South Australia Police Recruitment and Retention, as well as a copy of the final report provided by SAPOL to either the Premier or Department of Premier and Cabinet.”

On 7 November 2024, in response to my email, you confirmed our interpretation of “all correspondence” as “any report or briefing document where the findings and recommendations are documented and provided to either the Premier, or Department of Premier and Cabinet.”

South Australia Police (SAPOL) has located documents that fall within the scope of your request. The document is 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	Clauses
1	20230516 –Premier’s Task Force SAPOL Submission	Access Refused	1(1)(e) 9(1)(a)(i) 9(1)(b)
2	Draft Premier’s Taskforce on Police Resources	Access Refused	1(1)(b) 1(1)(e) 9(1)(a)(i) 9(1)(b)



CLAUSES FOR REFUSAL

Clause 1(1)(b) and 1(1)(e) of Schedule 1 of the FOI Act which states:

“(1) A document is an exempt document—
(a) if it is a document that has been specifically prepared for submission to Cabinet (whether or not it has been so submitted); or
(b) if it is a preliminary draft of a document referred to in paragraph (a); or
(c) if it is a document that is a copy of or part of, or contains an extract from, a document referred to in paragraph (a) or (b); or
(e) if it contains matter the disclosure of which would disclose information concerning any deliberation or decision of Cabinet; or
(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.”

Clause 9(1)(a)(i) Schedule 1 of the FOI Act which states:

“A document is an exempt document if it contains matter that relates to any opinion, advice or recommendation that has been obtained, prepared or recorded in the course of, or for the purpose of, the decision-making functions of the Government, a Minister or an agency”.

Clause 9(1)(b) Schedule 1 of the FOI Act which states:

“A document is an exempt document if it contains matter the disclosure of which would, on balance, be contrary to the public interest”.

The reason for the refusal is based on the following facts:

- The Premier’s Taskforce produced a final report which is confirmed as having been submitted to Cabinet. Doc 2 is the preliminary version of the Premier’s Taskforce final report and as an unfinalised version of the document, I consider this document to be a draft by definition. As a draft version of a document that was submitted to Cabinet, I deem this document exempt from disclosure pursuant to Clause 1(1)(b) of Schedule 1 of the FOI Act.
- The two scheduled documents are so comparable to the Premier’s Taskforce final report and heavily intertwined to such a close degree that disclosing the documents would also tend to reveal Cabinet deliberations. I therefore deem these documents exempt from disclosure pursuant to Clause 1(1)(e) of Schedule 1 of the FOI Act.
- The two scheduled documents were prepared for the sole purpose of detailing opinion, advice and recommendations to Cabinet via the Premier’s Taskforce in respect of a sustainable staffing model for SAPOL. The documents contain matter relating to deliberations that have occurred and continue to occur for the purpose of the Government’s decision-making functions.

In consideration of public interest factors, I am of the opinion that whilst there should be a degree of transparency in government functions and decision making, government officers must be free to provide frank and candid advice in order to promote good government decision making. The information contained within these documents is subject to Cabinet consideration. Disclosure of this information has the potential to undermine the decision-making process at a Parliamentary level. In addition, release of the information has the potential to cause confusion and unnecessary debate resulting from disclosure of possibilities considered. I therefore deem release of these documents to be against the public interest and consider them exempt from disclosure pursuant to Clause 9(1)(a)(i) & 9(1)(b) of Schedule 1 of the FOI Act.

Your rights to review

If you are dissatisfied with this determination, you are entitled to exercise your right of internal review in accordance with section 29(1) of the FOI Act by completing a PD362 Application for Internal Review form, which can be downloaded from <https://www.police.sa.gov.au/services-and-events/freedom-of-information> or available upon request at your nearest police station. Alternatively, an application may be made in writing to the SAPOL Freedom of Information Unit. This application must be lodged within 30 (calendar) days after you receive this letter with a fee of \$42.00, if applicable.

Disclosure Log

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-Logs.pdf.

If you disagree with publication, please advise the undersigned in writing by 16 December 2024.

Yours sincerely



Senior Sergeant Kelly Johnson
Freedom of Information Unit
(Accredited Freedom of Information Officer)

15 November 2024