



Our ref: CORP F2024/000009
Receipt No: 18792012

CORPORATE SERVICES
Level 15
25 Grenfell Street
Adelaide SA 5000
GPO Box 1671
Adelaide SA 5001
DX 667
Tel 8429 0422
www.pir.sa.gov.au

12 January 2024

The Hon Heidi Girolamo MLC
Member of the Legislative Council
Parliament House
ADELAIDE SA 5000

Dear Ms Girolamo

Determination under the *Freedom of Information Act 1991*

I refer to your application made under the *Freedom of Information Act 1991* which was received by the Department of Primary Industries and Regions (PIRSA) on 3 January 2024, seeking access to the following:

"Correspondence related to the consultation of FOI #18303287 (internal review)"

Timeframe: 1/09/2023 to 1/01/2024

The internal review to which your application relates refers to video captured by aerial culling teams on 25/3/2023 (PIRSA ref: CORP F2023/000707).

Accordingly, the following determination has been finalised.

I have located one document that is captured within the scope of your request.

Determination

I have determined that access to the following document is **granted in part**:

Doc No.	Description of document	No. of Pages
1	Email thread between PIRSA Senior Freedom of Information Advisor and HeliSurveys dated 1/11/2023 re Consultation under the <i>Freedom of Information Act 1991</i>	5

The information removed from the above document is pursuant to Clause 6(1) of Schedule 1 of the Freedom of Information 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)."

The information removed consists of the following:

- Name of employee of HeliSurveys
- Position title of employee of HeliSurveys
- Mobile telephone number of employee of HeliSurveys

Consultation was undertaken with HeliSurveys and consent was not provided to release the personal information of the employee of HeliSurveys.

As a mobile telephone number allows a person to be contacted outside of business hours and is information that is not ordinarily available to the public, the information is taken to concern the personal affairs of an individual.

Accordingly, it is considered that disclosure of this information would be an unreasonable intrusion into the privacy rights of the individual concerned with an expectation that their personal information would not be released in this way.

If you are dissatisfied with this determination, you are entitled to exercise your right of review and appeal as outlined in the attached documentation [Making a Freedom of Information Application | State Records of South Australia \(archives.sa.gov.au\)](#), by completing the "FOI Application Form for Internal Review of a Determination" and returning the completed form to:

Freedom of Information Principal Officer
Department of Primary Industries and Regions
GPO Box 1671
ADELAIDE SA 5001

or via email PIRSA.FOI@sa.gov.au

In accordance with the requirements of Premier and Cabinet Circular PC045, details of your application, and the documents to which you are given access, will be published in PIRSA's disclosure log. A copy of PC045 can be found at http://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 within fourteen calendar days from the date of this determination.

Should you require further information or clarification with respect to this matter, please contact Ms Lisa Farley, Senior Freedom of Information Advisor on 8429 0422 or email PIRSA.FOI@sa.gov.au.

Yours sincerely



Michelle Griffiths

Accredited Freedom of Information Officer
DEPARTMENT OF PRIMARY INDUSTRIES AND REGIONS

Farley, Lisa (PIRSA)

From: PIRSA:FOI
Sent: Wednesday, 1 November 2023 1:46 PM
To: Clause 6(1)
Subject: RE: Consultation under the Freedom of Information Act 1991 - Heli Surveys - PIRSA ref: CORP F2023/000707 IR

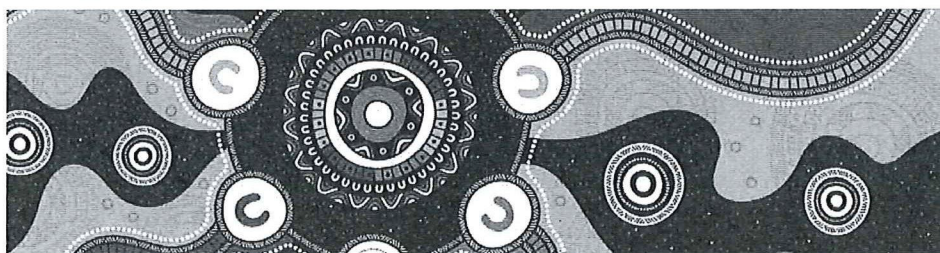
Hi Clause 6(1)

Thank you for responding so promptly.

Based on the information you have provided, it will be proposed to the Principal Officer of PIRSA reviewing the original determination that the two documents remain exempt.

Kind regards

Lisa Farley | Senior Freedom of Information Advisor
 Corporate Services Division | **Department of Primary Industries and Regions**
 Government of South Australia | Level 15, 25 Grenfell Street, Adelaide
 GPO Box 1671 Adelaide SA 5001
T: +61 8 8429 0422 | **E:** lisa.farley@sa.gov.au
pir.sa.gov.au



Government of South Australia
 Department of Primary Industries
 and Regions

Artwork by Ngarrindjeri artist Jordan Lovegrove.

The Department of Primary Industries and Regions respects Aboriginal people as the state's first people and nations. We recognise Aboriginal people as traditional owners and occupants of South Australian land and waters. We pay our respects to Aboriginal cultures and to Elders past, present and emerging.

Disclaimer: The information in this email may be confidential and/or legally privileged. Use or disclosure of the information by anyone other than the intended recipient is prohibited and may be unlawful.

From: Clause 6(1) <info@helisurveys.com.au>
Sent: Wednesday, 1 November 2023 1:14 PM
To: PIRSA:FOI <PIRSA.FOI@sa.gov.au>
Subject: Re: Consultation under the Freedom of Information Act 1991 - Heli Surveys - PIRSA ref: CORP F2023/000707 IR

Hi Lisa,

Thanks for the opportunity to respond to this request.

Heli Surveys would like to object documents 1 and 2 being released under the following parts of the Act:

- Clauses 7(1)(a) and 7(1)(b)
- Clauses 4(1)(a) and 4(2)(a)(i)

We believe that the disclosure of these documents to the public would damage our competitive ability when competing for work of a similar nature, are commercial in confidence and are a trade secret. The video clearly shows our equipment, set up and configuration. These have been developed over years and totaling costs of many hundreds of thousands of dollars. For other commercial operators to be provided with high quality video of these would several affect our ability to be competitive in future tenders and request for quotes. In addition to the video, the audio shows our "patter", communication protocol and SOP's for the operation, again a trade secret developed over years.

The videos also have accurate GPS locations stamped into the videos which would allow for anyone to know the locations where feral deer could be, resulting in illegal hunters endangering the life or physical safety of members of the community

In summary, we agree with your determination to not release the documents originally and object to them being released now.

Many thanks,

Clause 6(1)

Clause 6(1)

Clause 6(1)

Ph - Clause 6(1)

www.helisurveys.com.au



On Wed, 1 Nov 2023 at 12:29, PIRSA:FOI <PIRSA.FOI@sa.gov.au> wrote:

OFFICIAL

To: Heli Surveys

Via email: info@helisurveys.com.au

The Department of Primary Industries and Regions (PIRSA) processed an application made under the *Freedom of Information Act 1991* (the Act) from the Hon Heidi Girolamo MLC seeking video captured by aerial culling teams on 25/3/2023.

Background Information:

The documents (video footage) in scope of the application (as described below), contain information concerning your business affairs.

Document No	Description of document
1	Video footage dated 25/3/2023
2	Thermal camera video footage dated 25/3/2023

PIRSA made a determination to Ms Girolamo refusing access to the documents (video footage), based on the following clauses of the Act:

- Clauses 4(1)(a) and 4(2)(a)(i) – Documents affecting law enforcement and public safety, eg with respect to the locations where feral deer could occur, resulting in illegal hunters endangering the life or physical safety of members of the community
- Clauses 7(1)(a) and 7(1)(b) – Documents affecting business affairs, eg trade secrets, commercial value with respect to the unique thermal imaging camera set-up provided by your business

Consultation was not undertaken with you on these documents, given that PIRSA was not considering to release this information.

Application for Internal Review:

Ms Girolamo has now lodged an application for Internal Review, so PIRSA is required to review the processes undertaken with the original application. Notwithstanding that PIRSA refused access to Documents 1 and 2, as part of the review process, I am contacting you to seek your views on the potential release of these documents (video footage).

Action required:

Section 27 of the Act provides that before the applicant can be given access to the documents, PIRSA must first consult with you to obtain your views as to whether or not you believe the documents are exempt, pursuant to the clauses of Schedule 1 of the Act. An 'exempt document' means a document that the agency may determine not to release to the applicant.

Accordingly, I am providing you with the opportunity to raise any objections to the release of the documents, or parts of the documents. If you object to their release, please advise on what basis you believe they would be exempt, pursuant to the clauses of Schedule 1 of the Act.

Please note that, although it is a legislative requirement that PIRSA consults with you and seeks your views, the agency must make an independent determination as to whether the documents are exempt. If you believe the documents are exempt, but this agency disagrees and determines to provide access to the applicant, you will be notified and given an opportunity to seek a review of this agency's determination.

In accordance with Premier and Cabinet Circular PC045, if the attached documents are disclosed as a result of this FOI application, details of the application, and the documents to which access is given, may be published in PIRSA's disclosure log. A copy of PC045 can be found at:

http://dpc.sa.gov.au/data/assets/pdf_file/0019/20818/PC045-Disclosure-Log-Policy.pdf

It would be appreciated if you could respond to me by return email via PIRSA.FOI@sa.gov.au by close of business, **Monday, 6 November 2023**. I apologise for the short timeframe, in order to meet the legislative due date.

Should you have any queries concerning this matter or if you are unable to meet the timeframe, please contact me on (08) 8429 0422 or via email: PIRSA.FOI@sa.gov.au.

Kind regards

Lisa Farley | Senior Freedom of Information Advisor

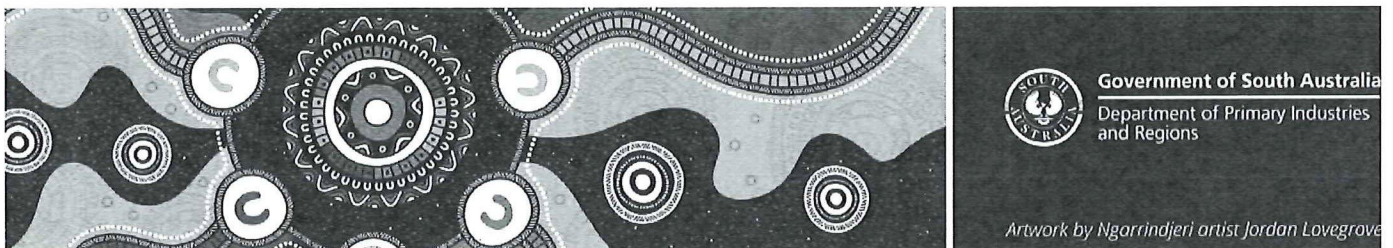
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The Department of Primary Industries and Regions respects Aboriginal people as the state's first people and nations. We recognise Aboriginal people as traditional owners and occupants of South Australian land and waters. We pay our respects to Aboriginal cultures and to Elders past, present and emerging.

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