



Our ref: CORP F2019/000307

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21 August 2019

Mr Peter Malinauskas MP
Leader of the Opposition
Parliament House
ADELAIDE SA 5000

Dear Mr Malinauskas

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 Primary Industries and Regions SA (PIRSA) on 13 June 2019, seeking access to the following:

"The calendar and/or diary of the Chief Executive of the Department for Primary Industries and Regions SA including the names of any Government attendees at meetings."

Timeframe: 1/03/2018 to 13/06/2019

On 17 June 2019, PIRSA's Freedom of Information and Privacy Officer made contact with your office seeking clarification of your application. It was confirmed that you are happy to receive a "screen dump" of each day of the Chief Executive's calendar that just show the meetings, and not include the attachments that would additionally be captured.

Pursuant to Section 14A of the Freedom of Information Act, an extension to the legislative timeframe in which to provide a determination was extended until 22 August 2019.

Accordingly, the following determination has been finalised.

I have located sixteen documents that are captured within the scope of your request.

Determination 1

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

Doc No.	Description of document	No. of Pages
1	Calendar printout – Chief Executive, PIRSA – March 2018	22
2	Calendar printout – Chief Executive, PIRSA – April 2018	21
5	Calendar printout – Chief Executive, PIRSA – July 2018	19
7	Calendar printout – Chief Executive, PIRSA – September 2018	20

9	Calendar printout – Chief Executive, PIRSA – November 2018	23
14	Calendar printout – Chief Executive, PIRSA – April 2019	21
15	Calendar printout – Chief Executive, PIRSA – May 2019	18
16	Calendar printout – Chief Executive, PIRSA – June 2019 (to 13/6/2019)	8

The information removed from the above documents 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:

- names of PIRSA employees where the information relates to personal matters; and
- personal information pertaining to the Chief Executive.

It is considered that disclosure of this information would be an unreasonable intrusion into the privacy rights of the individuals concerned.

Determination 2

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

Doc No.	Description of document	No. of Pages
3	Calendar printout – Chief Executive, PIRSA – May 2018	18
4	Calendar printout – Chief Executive, PIRSA – June 2018	21
6	Calendar printout – Chief Executive, PIRSA – August 2018	23
8	Calendar printout – Chief Executive, PIRSA – October 2018	23
10	Calendar printout – Chief Executive, PIRSA – December 2018	15
12	Calendar printout – Chief Executive, PIRSA – February 2019	20
13	Calendar printout – Chief Executive, PIRSA – March 2019	20

The information removed from the above documents is pursuant to Clause 6(1) and Clause 7(1)(c) of Schedule 1 of the Freedom of Information Act.

The information removed pursuant to Clause 6(1) consists of personal information pertaining to the Chief Executive and Departmental employees and is identified as follows:

- Document 3: Calendar entries for 8 May 2019 and 15 May 2018
- Document 4: Calendar entries for 4 June 2018, 19 June 2018 (first redaction), 25 June 2018 and 28 June 2018

- Document 6: Calendar entries for 3 August 2018, 6 August 2018, 16 August 2018, 23 August 2018 and 27 August 2018
- Document 8: Calendar entries for 2 October 2018 and 29 October 2018
- Document 10: Calendar entries for 12 December 2018, 19 December 2018 (second redaction) and 21 December 2018
- Document 12: Calendar entries for 14 February 2019, 21 February 2019, 22 February 2019, 26 February 2019 (second redaction) and 28 February 2019
- Document 13: Calendar entries for 1 March 2019, 6 March 2019, 21 March 2019, 22 March 2019 and 27 March 2019

It is considered that disclosure of this information would be an unreasonable intrusion into the privacy rights of the individuals concerned.

Clause 7(1)(c) states:

“7 – Documents affecting business affairs

(1) A document is an exempt document –

(c) if it contains matter –

- (i) consisting of information (other than trade secrets or information referred to in paragraph (b)) concerning the business, professional, commercial or financial affairs of any agency or any other person; and*
- (ii) the disclosure of which –*
 - (A) could reasonably be expected to have an adverse effect on those affairs or to prejudice the future supply of such information to the Government or to an agency; and*
 - (B) would, on balance, be contrary to the public interest”*

The information removed pursuant to Clause 7(1)(c) consists of the following:

- Document 3: Calendar entry for 8 May 2018
- Document 4: Calendar entries for 12 June 2018 and 19 June 2018 (second redaction)
- Document 6: Calendar entry for 10 August 2018
- Document 8: Calendar entry for 19 October 2018
- Document 10: Calendar entry for 19 December 2018 (first redaction)
- Document 12: Calendar entry for 26 February 2019 (first redaction)
- Document 13: Calendar entry for 7 March 2019

In addressing the public interest test requirement for the Clause 7 exemption, I have balanced the following factors:

In favour of the public interest:

- Meeting the objects of the Act favouring access to documents.
- The importance of transparency and openness and the interest that the public has in the decision-making processes of Government.

Contrary to the public interest:

- The need to preserve confidentiality of the names of organisations when undertaking commercial discussions.
- The recent age of the information was considered and the continuing relevance of the matters.
- If the information was released, the organisations may be reluctant to transact with PIRSA for fear of their identities being exposed.
- Disclosure of this information may compromise the manner in which information is recorded for the decision-making processes of Government.
- The release of this information would have the potential to harm business relationships with PIRSA and hamper future dealings with the agency for the betterment of South Australia.

Having considered the various factors weighing for and against disclosure, I have determined that disclosure of this information would, on balance, be contrary to the public interest.

Determination 3

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

Doc No.	Description of document	No. of Pages
11	Calendar printout – Chief Executive, PIRSA – January 2019	13

The information removed from the above document is pursuant to Clause 6(1) and Clause 9(1) of Schedule 1 of the Freedom of Information Act.

Clause 9(1) states:

“9 – Internal working documents

(1) A document is an exempt document if it contains matter –

(a) that relates to –

- (i) any opinion, advice or recommendation that has been obtained, prepared or recorded; or***
- (ii) any consultation or deliberation that has taken place, in the course of, or for the purpose of, the decision-making functions of the Government, a Minister or an agency; and***

(b) *the disclosure of which would, on balance, be contrary to the public interest.*"

The information removed pursuant to Clause 9(1) refers to deliberations that have taken place and is located in the calendar entries for 7 January 2019 and 8 January 2019.

In addressing the public interest test for the Clause 9 exemption, I have balanced the following factors:

In favour of the public interest:

- Meeting the objects of the Act favouring access to documents.
- The importance of transparency and openness and the interest that the public has in the decision-making processes of Government.

Contrary to the public interest:

- The need to preserve confidentiality of certain information regarding the agency's business.
- The need to preserve confidentiality of discussions undertaken in relation to commercial transactions.
- The recent age of the information was considered and the continuing relevance of the matters.
- Disclosure of this information may compromise the manner in which information is recorded for the decision-making processes of Government.

Having considered the various factors weighing for and against disclosure, I have determined that disclosure of this information would, on balance, be contrary to the public interest.

The remaining information removed is pursuant to Clause 6(1) and consists of personal information pertaining to the Chief Executive and Departmental employees.

Please note that the following dates have not been provided while the Chief Executive took recreational leave:

- 21 to 25 May 2018 inclusive
- 18 to 20 July 2018 inclusive
- 24 December 2018 to 4 January 2019 inclusive
- 21 to 28 January 2019 inclusive
- 26 April 2019

The following dates have not been provided when the Chief Executive travelled as part of a trade mission to Israel:

- 24 May 2019 to 3 June 2019 inclusive

If you are dissatisfied with this determination, you are entitled to exercise your right of review and appeal as outlined in the attached documentation, by completing the "Application for Review of Determination" and returning the completed form to:

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

In accordance with the requirements of Premier and Cabinet Circular PC045, details of your application, and the documents to which you are given access, 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

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, Freedom of Information and Privacy Officer on 8429 0422 or email PIRSA.FOI@sa.gov.au.

Yours sincerely



Michelle Griffiths
Accredited Freedom of Information Officer
PRIMARY INDUSTRIES AND REGIONS SA