



Our ref: CORP F2019/000001

RECORDS & INFORMATION
MANAGEMENT
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Adelaide SA 5001
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22 February 2019

Dear [REDACTED]

Determination under the *Freedom of Information Act 1991*

I refer to your application made under the *Freedom of Information Act 1991* received by Primary Industries and Regions SA (PIRSA) on 27 December 2018 requesting access to the following:

"Information relating to poultry producers that require food safety accreditation and have more than 1000 birds on their property. For each of these producers, I am requesting the: (1) Property Identification Code (PIC); (2) Location (suburb) of facility or facilities where poultry are raised; (3) Name of the business or ABN; (4) Species produced; (5) whether the poultry are produced for meat or eggs; and (6) Number of birds."

Timeframe: 1/1/2018 to 27/12/2018

I apologise for the delay in responding to your application and understand that PIRSA's Freedom of Information and Privacy Officer has contacted you in this regard.

Accordingly, the following determination has been finalised.

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

Determination

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

| Doc No. | Description of document | No. of Pages |
|---------|--|--------------|
| 1 | List of Accredited On Farm Poultry Producers | 3 |
| 2 | List of Accredited Egg Producers | 1 |

The information removed from the above documents is pursuant to Clause 7(1)(c) and Clause 12(1) of Schedule 1 of the Freedom of Information Act and Section 58 of the *Livestock Regulations 2013*.

The information removed consists of the following:

Documents 1 and 2:

- Property Identification Code
- Location (Main suburb)
- Name of business (Trading Name)
- ABN numbers

Document 2:

- Selection of figures relating to the number of birds. These figures have been removed to ensure the larger businesses cannot be identified by the volume of birds.

Section 58(1), (2) and (4) of the Livestock Regulations states:

“58—Register of PICs and pig tattoo codes

- (1) The Chief Inspector must maintain a register of PICs including, for each PIC —*
 - (a) details of the name and address of the responsible person for the PIC; and*
 - (b) details of the land identified by the PIC; and*
 - (c) details of any associated pig tattoo code.*
- (2) The register may contain other information that the Chief Inspector considers appropriate, such as further contact details of the responsible person or the identity and contact details of the registered proprietor of the land or the species or number of livestock kept on the land.*
- (4) The Chief Inspector may make information in the register available—*
 - (a) to the NLIS database manager for the purposes of the database; or*
 - (b) to South Australia Police, South Australian Country Fire Service or South Australian State Emergency Service; or*
 - (c) to a Natural Resources Management Board for the purposes of the performance of functions under the Natural Resources Management Act 2004 relating to the containment of livestock; or*
 - (d) to an agency or instrumentality of another State or a Territory of the Commonwealth for the purposes of the administration of a corresponding law; or*
 - (e) otherwise for the purposes of the administration of the Act or these regulations.”*

In compliance with Section 58 of the Livestock Regulations, the Chief Inspector must maintain a register of PICs. Pursuant to subclause (4), there are only certain criteria whereby the information in the register can be made available.

Section 58(1) indicates the PIC register must contain the name and address of the responsible person for the PIC and details of the land identified by the PIC. In compliance with the Regulations, the identifying information removed from Documents 1 and 2 cannot be released.

Clause 12(1) of Schedule 1 of the Freedom of Information Act states:

“12—Documents the subject of secrecy provisions

- (1) A document is an exempt document if it contains matter the disclosure of which would constitute an offence against an Act.”*

Accordingly, pursuant to Clause 12(1) of Schedule 1 of the Freedom of Information Act, the release of this information would constitute an offence against an Act (Regulations).

Clause 7(1)(c) of Schedule 1 of the Freedom of Information Act 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”*

In addressing the first two elements of Clause 7(1)(c), it is considered that:

- the collection of information contained in the documents is the “business affairs” of the companies concerned;
- disclosure could reasonably be expected to have an adverse affect on those affairs; and
- disclosure could reasonably be expected to prejudice the future supply of such information to the Government, in particular to PIRSA.

In addressing the public interest test requirement for this 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, openness and accountability of Government.
- High level of public interest in the welfare of animals.

Contrary to the public interest:

- Knowledge of the names and other identifying information of the businesses concerned could lead to the potential for illegal trespassing on the properties of the poultry producers. Potential livestock theft and breaching of biosecurity protocols when illegally entering poultry facilities could put the health of the birds at risk, as well as the entire poultry meat and egg industries in South Australia and Australia, resulting in devastating effects on the economy and the businesses concerned.

- The Livestock Regulations require a register of PICs to be maintained with certain information. Section 58(2) of the Regulations indicates that the register *may* contain other information that the Chief Inspector considers appropriate. It is this additional information where the businesses may be reluctant to provide to PIRSA in the future.
- Disclosure of this information would have the potential to harm business relationships with PIRSA and hamper future dealings with the agency for the betterment of the poultry meat and egg industries in South Australia.

I have determined that disclosure of this information would, on balance, be contrary to the public interest.

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

Yours sincerely



Deanna Fleming
Accredited Freedom of Information Officer
PRIMARY INDUSTRIES AND REGIONS SA

ACCREDITED ON FARM POULTRY PRODUCERS

Doc 1

[illegible]

| | | |
|--|--|---------------------------|
| | chicken | Information not collected |
| | chicken | Information not collected |
| | chicken | Information not collected |
| | chicken | Information not collected |
| | chicken, geese, turkey, pheasant, guinea fowl | Information not collected |
| | chicken | Information not collected |
| | chicken | Information not collected |
| | chicken | Information not collected |
| | chicken | Information not collected |
| | chicken | Information not collected |
| | chicken | Information not collected |
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| | | | | chicken | Information not collected |
| | | | | pheasant | Information not collected |
| | | | | chicken | Information not collected |
| | | | | chicken | Information not collected |
| | | | | turkey | Information not collected |
| | | | | duck | Information not collected |
| | | | | chicken | Information not collected |
| | | | | duck | Information not collected |
| | | | | chicken, duck, geese | Information not collected |
| | | | | chicken | Information not collected |
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| | | | | chicken | Information not collected |
| | | | | turkey | Information not collected |
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| | | | | chicken | Information not collected |
| | | | | chicken | Information not collected |
| | | | | chicken, duck, quail | Information not collected |
| | | | | | |

ACCREDITED EGG PRODUCERS

Doc 2

| Trading Name | ABN | Main Suburb | PIC | Species | No of Birds |
|--------------|-----|-------------|-----|---------|-------------|
| | | | | chicken | 4,000 |
| | | | | chicken | 8,000 |
| | | | | chicken | 9,000 |
| | | | | chicken | |
| | | | | chicken | 2,700 |
| | | | | chicken | 27,000 |
| | | | | chicken | 5,400 |
| | | | | chicken | |
| | | | | chicken | 4,000 |
| | | | | chicken | 12,000 |
| | | | | chicken | |
| | | | | chicken | 4,000 |
| | | | | chicken | 1,800 |
| | | | | chicken | 30,000 |
| | | | | chicken | 38,000 |
| | | | | chicken | 38,000 |
| | | | | chicken | 9,700 |
| | | | | chicken | 8,000 |
| | | | | chicken | 32,000 |
| | | | | chicken | 1,800 |
| | | | | chicken | 2,000 |
| | | | | chicken | |
| | | | | chicken | 1,600 |
| | | | | chicken | |
| | | | | chicken | 1,900 |
| | | | | chicken | 1,000 |
| | | | | chicken | 2,000 |
| | | | | chicken | 1,500 |
| | | | | chicken | |
| | | | | chicken | 1,400 |
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