



File: T&F21/0978
A2079697

5 November 2021

Hon Tom Koutsantonis
Member for West Torrens
229 Henley Beach Road
TORRENSVILLE SA 5031

State Administration Centre
200 Victoria Square
Adelaide SA 5000
GPO Box 1045
Adelaide SA 5001
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Tel 08 8226 9500
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<http://www.treasury.sa.gov.au>
ABN 19 040 349 865

Sent via email: westtorrens@parliament.sa.gov.au

Dear Mr Koutsantonis

**Freedom of Information Internal Review — Staff complaints at Mitchell and Gibson
Electorate Offices**

I refer to your Freedom of Information application received by the Department of Treasury and Finance on 7 September 2021 and your Internal Review application received on 22 October 2021.

Your applications specifically requested:

“A copy of all documents that relate to allegations of intimidation, staff complaints and concerns, conflict or dispute avoidances, request for transfers, worker compensation claims or mediation raised by staff in the Member for Mitchell’s or Member for Gibon’s (sic) Electorate Office [Date range: 1/4/2014 to 7/9/2021].”

Determination under review

A total of 28 documents were located as a result of your application. In the original determination, the FOI officer determined that you be given access in full to 1 document and refused access to 27 documents. Access was refused to these documents pursuant to clause 6(1), clause 6(2) and clause 7(1)(c) of Schedule 1 of the FOI Act.

Outcome of internal review

Under section 29(3) of the FOI Act, on an application for internal review, as principal officer I may confirm, vary or reverse the determination under review. In doing so, I am required to give fresh consideration to the decision under the FOI Act

I have determined to **vary** the original determination dated 22 October 2021.

A total of 28 documents were identified as answering the terms of your application and I have determined as follows:

- I grant you access in full to 1 document, a copy of which is enclosed
- I grant you access in part to 6 documents, copies of which are enclosed, and
- I refuse you access to 21 documents.

Please refer to the attached schedule that describes each document and sets out my determination and reasons in summary form.

Document released in full

Document 5

Documents released in part

Documents 1, 6, 14, 18, 22, 25

In light of your application for internal review, I have referred to FOI determinations T&F21/0295 and T&F21/0296. While I acknowledge that information was disclosed to the applicant in those cases, I also note that 234 documents were exempt under clause 6(1), clause 6(2) and clause 12(1) across both applications. In considering your application, I have endeavoured to apply an approach consistent with the earlier determinations, based on an evaluation of the relative sensitivity of the information and the 'unreasonableness' of its disclosure.

On that basis, of the documents previously exempt in full, I have determined to release documents 1, 6, 14, 18, 22 and 25 in part. In my view, the remainder of those documents contains information of comparable sensitivity to information exempted in T&F21/0295 and T&F21/0296. I consider that it would be unreasonable to release the information as, even with names redacted, its disclosure would be likely to cause harm to the parties involved. I have therefore determined to exempt the information pursuant to clause 6(1) of schedule 1 to the FOI Act.

Documents refused in full

Documents 2 - 4, 7 - 12, 15 - 17, 19 - 21, 23 - 24, 26 and 28

These documents consist of emails and attachments containing detailed personal information of a former staff member. Document 27 is an email and attached resignation letter of a former staff member. These documents consist of the staff member's personal information.

Having given fresh consideration to these documents and sought consistency with determinations T&F21/0295 and T&F21/0296, I consider that disclosure of these documents would be likely to cause harm to the former staff member due to the detailed information within, and it would be unreasonable to disclose them. I have therefore determined to exempt the documents under clause 6(1) of Schedule 1 of the FOI Act.

Document 27 also contains unsubstantiated matters, and I have determined this information to be exempt pursuant to clause 6(2) of Schedule 1 of the FOI Act. I acknowledge that sections of the letter were read out in Parliament, however that is the privilege of Members of Parliament to disclose that information.

I also note that documents were exempt from both T&F21/0295 and T&F21/0296 pursuant to clause 6(2).

As you did not request review of the original determination in relation to Document 13, it has not been considered.

Exemptions

Clause 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).*
- (2) *A document is an exempt document if it contains allegations or suggestions of criminal or other improper conduct on the part of a person (living or dead) the truth of which has not been established by judicial process and the disclosure of which would be unreasonable.*

Please note, in compliance with Premier and Cabinet Circular PC045 - *Disclosure Logs for Non-Personal Information Released through Freedom of Information* (PC045), DTF is now required to publish a log of all non-personal information released under the *Freedom of Information Act 1991*.

In accordance with this Circular, any non-personal information determined for release as part of this application, may be published on the DTF website. A copy of PC045 can be found at the following address: <https://www.dpc.sa.gov.au/resources-and-publications/premier-and-cabinet-circulars> Please visit the website for further information.

External review

If you remain dissatisfied with this determination, you have the right to apply to the Ombudsman for external review under section 39 of the FOI Act. You have 30 days from the date on which you receive this letter to apply for an external review. If you have any questions about an application to the Ombudsman, please contact the office on (08) 8226 8699.

Yours sincerely

David Reynolds
PRINCIPAL FREEDOM OF INFORMATION OFFICER

OFFICIAL**Schedule of Documents**

T&F21/0978 - HON TOM KOUTSANTONIS MP - "A copy of all documents that relate to allegations of intimidation, staff complaints and concerns, conflict or dispute avoidances, request for transfers, worker compensation claims or mediation raised by staff in the Member for Mitchell or Member for Gibson Electorate Office. [Date Range: 01/04/2014 to 07/09/2021]."

| Doc. No. | Date | Description of Document | # of pages | Determination | Exemption Clause |
|-----------------|-------------|--------------------------------|-------------------|----------------------|--|
| 1 | 13/06/2017 | Email | 4 | Released in part | 6(1) - Unreasonable disclosure of personal affairs |
| 2 | 13/06/2017 | Email | 3 | Refused in full | 6(1) - Unreasonable disclosure of personal affairs |
| 3 | 15/06/2017 | Email | 2 | Refused in full | 6(1) - Unreasonable disclosure of personal affairs |
| 4 | 19/06/2017 | Email | 2 | Refused in full | 6(1) - Unreasonable disclosure of personal affairs |
| 5 | 19/06/2017 | Attachment to 4 | 1 | Released in full | |
| 6 | 14/11/2017 | Email | 5 | Released in part | 6(1) - Unreasonable disclosure of personal affairs |
| 7 | 14/11/2017 | Attachment to 6 | 3 | Refused in full | 6(1) - Unreasonable disclosure of personal affairs |
| 8 | | Attachment to 7 | 1 | Refused in full | 6(1) - Unreasonable disclosure of personal affairs |
| 9 | 14/11/2017 | Attachment to 6 | 2 | Refused in full | 6(1) - Unreasonable disclosure of personal affairs |
| 10 | 14/11/2017 | Attachment to 6 | 4 | Refused in full | 6(1) - Unreasonable disclosure of personal affairs |
| 11 | 17/11/2017 | Notes | 3 | Refused in full | 6(1) - Unreasonable disclosure of personal affairs |
| | | | | | 7(1)(c)(i)(ii)(A)(B) - Contains information concerning the business, professional, commercial or financial affairs of any agency or person & contrary to public interest |
| 12 | 17/11/2017 | Email | 4 | Refused in full | 6(1) - Unreasonable disclosure of personal affairs |
| 13 | 17/11/2017 | Attachment to 11 | 14 | Refused in full | 7(1)(c)(i)(ii)(A)(B) - Contains information concerning the business, professional, commercial or financial affairs of any agency or person & contrary to public interest |
| 14 | 17/11/2017 | Email | 10 | Released in part | 6(1) - Unreasonable disclosure of personal affairs |
| 15 | 21/11/2017 | Email | 5 | Refused in full | 6(1) - Unreasonable disclosure of personal affairs |
| 16 | 22/11/2017 | Email | 2 | Refused in full | 6(1) - Unreasonable disclosure of personal affairs |

OFFICIAL**Schedule of Documents**

| Doc. No. | Date | Description of Document | # of pages | Determination | Exemption Clause |
|-----------------|-------------|--------------------------------|-------------------|----------------------|--|
| 17 | 27/11/2017 | Email | 3 | Refused in full | 6(1) - Unreasonable disclosure of personal affairs |
| 18 | 28/11/2017 | Email | 4 | Released in part | 6(1) - Unreasonable disclosure of personal affairs |
| 19 | 29/11/2017 | Email | 2 | Refused in full | 6(1) - Unreasonable disclosure of personal affairs |
| 20 | 29/11/2017 | Email | 4 | Refused in full | 6(1) - Unreasonable disclosure of personal affairs |
| 21 | 30/11/2017 | Email | 1 | Refused in full | 6(1) - Unreasonable disclosure of personal affairs |
| 22 | 30/11/2017 | Email | 6 | Released in part | 6(1) - Unreasonable disclosure of personal affairs |
| 23 | 30/11/2017 | Attachment to 21 | 3 | Refused in full | 6(1) - Unreasonable disclosure of personal affairs |
| 24 | 1/12/2017 | Email | 2 | Refused in full | 6(1) - Unreasonable disclosure of personal affairs |
| 25 | 2/01/2018 | Email | 3 | Released in part | 6(1) - Unreasonable disclosure of personal affairs |
| 26 | 2/01/2018 | Attachment to 24 | 2 | Refused in full | 6(1) - Unreasonable disclosure of personal affairs |
| 27 | 8/01/2018 | Email | 2 | Refused in full | 6(1) - Unreasonable disclosure of personal affairs |
| | | | | | 6(2) - Contains allegations/suggestions not established by judicial process and disclosure would be unreasonable |
| 28 | 9/01/2018 | Letter | 1 | Refused in full | 6(1) - Unreasonable disclosure of personal affairs |

Withers, Russell (DTF)

From: Tatarelli, Paul (DPC)
Sent: Tuesday, 13 June 2017 9:52 AM
To: Samarzia, Lisa (DPC); Koch, Kylie (DPC)
Subject: FW: Health.

Note there is a meeting tomorrow at 12noon at Mitchell.

Paul Tatarelli

Clause 6(1)

Clause 6(1)

Withers, Russell (DTF)

From: Sorensen, Lee (DPC)
Sent: Tuesday, 14 November 2017 2:37 PM
To: Tatarelli, Paul (DPC)
Cc: Dikirr, Lynn (DPC); Samarzia, Lisa (DPC)
Subject: FW: **Clause 6(1)** - Assistant to the Member for Mitchell

Thanks Paul,

Will await to hear from you further. In the interim, Lynn will commence putting together some suggested speaking notes for the meeting.

Clause 6(1)

Thanks,

Lee Sorensen
Manager, HR Strategy
People and Culture
Department of the Premier and Cabinet

Mob: 0466 411 644
Tel: 08 8429 5746
lee.sorensen@sa.gov.au

Level 14, State Administration Centre
200 Victoria Square, Adelaide



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Clause 6(1)

Clause 6(1)

From: Dikirr, Lynn (DPC)
Sent: Thursday, 9 November 2017 5:24 PM
To: Samarzia, Lisa (DPC) <Lisa.Samarzia@sa.gov.au>
Cc: Tatarelli, Paul (DPC) <Paul.Tatarelli@sa.gov.au>; Sorensen, Lee (DPC) <Lee.Sorensen@sa.gov.au>
Subject: RE: **Clause 6(1)** - Assistant to the Member for Mitchell

Thanks Lisa – let us know if you require any assistance from us at any point.

Regards,

Lynn

Clause 6(1)

Clause 6(1)

Clause 6(1)

Withers, Russell (DTF)

From: Sorensen, Lee (DPC)
Sent: Friday, 17 November 2017 5:03 PM
To: Tatarelli, Paul (DPC); Dikirr, Lynn (DPC)
Cc: Samarzia, Lisa (DPC)
Subject: RE: **Clause 6(1)** - Assistant to the Member for Mitchell

Noted - thanks Paul.

Happy to discuss Monday.

Regards,
 Lee

Clause 6(1)

-----Original Message-----

From: Sorensen, Lee (DPC)
 Sent: Wednesday, 15 November 2017 4:59 PM
 To: Dikirr, Lynn (DPC) <Lynn.Dikirr@sa.gov.au>; Tatarelli, Paul (DPC) <Paul.Tatarelli@sa.gov.au>
 Cc: Samarzia, Lisa (DPC) <Lisa.Samarzia@sa.gov.au>
 Subject: RE: **Clause 6(1)** - Assistant to the Member for Mitchell

Paul,

As referred to in Lynn's email, she commenced leave from COB Tuesday, so unfortunately we did not have the opportunity to review the draft meeting notes together.

Therefore, if you can please advise me of when the intended meeting is planned to occur with as mucho notice as possible, then I will review the draft notes to finalise in preparation. As previously discussed, I will also be provide some suggested wording for the intended meeting request as required.

If you can keep me informing of your discussions with Corey that would be great.

Should you wish to discuss, please let me know.

Regards,
 Lee Sorensen
 Manager, HR Strategy
 People and Culture
 Department of the Premier and Cabinet

Mob: 0466 411 644
 Tel: 08 8429 5746
 lee.sorensen@sa.gov.au

Level 14, State Administration Centre
 200 Victoria Square, Adelaide

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-----Original Message-----

From: Dikirr, Lynn (DPC)
 Sent: Wednesday, 15 November 2017 8:46 AM
 To: Tatarelli, Paul (DPC) <Paul.Tatarelli@sa.gov.au>
 Cc: Samarzia, Lisa (DPC) <Lisa.Samarzia@sa.gov.au>; Sorensen, Lee (DPC) <Lee.Sorensen@sa.gov.au>

Subject: RE: **Clause 6(1)** - Assistant to the Member for Mitchell

Hi Paul

As per Lee's email I have put together some speaking points to assist during the meeting. I would have liked to spend a bit more time on this than I did yesterday but as I was starting leave last night, I didn't have enough time to go through the emails and I link in the relevant examples so hopefully Lisa can do this prior to the meeting. It is only a rough outline – apologies for not being able to do more due to time constraints but hopefully it helps.

Regards,

Lynn

From: Sorensen, Lee (DPC)
Sent: Tuesday, 14 November 2017 2:37 PM
To: Tatarelli, Paul (DPC) <Paul.Tatarelli@sa.gov.au>
Cc: Dikirr, Lynn (DPC) <Lynn.Dikirr@sa.gov.au>; Samarzia, Lisa (DPC) <Lisa.Samarzia@sa.gov.au>
Subject: FW: **Clause 6(1)** - Assistant to the Member for Mitchell

Thanks Paul,

Will await to hear from you further. In the interim, Lynn will commence putting together some suggested speaking notes for the meeting.

Clause 6(1)

Thanks,

Lee Sorensen
Manager, HR Strategy
People and Culture
Department of the Premier and Cabinet

Mob: 0466 411 644
Tel: 08 8429 5746
lee.sorensen@sa.gov.au<mailto:lee.sorensen@sa.gov.au>

Level 14, State Administration Centre
200 Victoria Square, Adelaide

<< Message: Fwd: Weekly report >> [cid:image001.png@01D31FD5.F3123C30]

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Clause 6(1)

Clause 6(1)

From: Dikirr, Lynn (DPC)
Sent: Thursday, 9 November 2017 5:24 PM
To: Samarzia, Lisa (DPC) <Lisa.Samarzia@sa.gov.au<mailto:Lisa.Samarzia@sa.gov.au>>
Cc: Tatarelli, Paul (DPC) <Paul.Tatarelli@sa.gov.au<mailto:Paul.Tatarelli@sa.gov.au>>; Sorensen, Lee (DPC) <Lee.Sorensen@sa.gov.au<mailto:Lee.Sorensen@sa.gov.au>>
Subject: RE: **Clause 6(1)** - Assistant to the Member for Mitchell

Thanks Lisa – let us know if you require any assistance from us at any point.

Regards,

Lynn

Clause 6(1)

Clause 6(1)

Clause 6(1)

Withers, Russell (DTF)

From: Sorensen, Lee (DPC)
Sent: Tuesday, 28 November 2017 6:16 PM
To: Tatarelli, Paul (DPC)
Cc: Samarzia, Lisa (DPC)
Subject: RE: Clause 6(1)

Hi Paul,

Apologies I was unable to draft the proposed response as discussed, however I was pulled away onto another urgent matter.

I will provide through as soon as I am able.

Regards,
Lee

Clause 6(1)

Clause 6(1)

Withers, Russell (DTF)

From: Dikirr, Lynn (DPC)
Sent: Thursday, 30 November 2017 9:50 AM
To: Tatarelli, Paul (DPC)
Cc: Samarzia, Lisa (DPC); Sorensen, Lee (DPC)
Subject: RE: **Clause 6(1)** - Assistant to the Member for Mitchell

Hi Paul

As per Lee’s email I have put together some speaking points to assist you during the meeting. I would have liked to spend a bit more time on this than I did yesterday but as I was starting leave last night, I didn’t have enough time to go through the emails and I link in the relevant examples so hopefully Lisa will have some capacity to do this prior to the meeting. It is only a rough outline – apologies for not being able to do more due to time constraints but hopefully it helps.



Discussion Notes
Clause 6(1)

Regards,

Lynn

From: Sorensen, Lee (DPC)
Sent: Tuesday, 14 November 2017 2:37 PM
To: Tatarelli, Paul (DPC) <Paul.Tatarelli@sa.gov.au>
Cc: Dikirr, Lynn (DPC) <Lynn.Dikirr@sa.gov.au>; Samarzia, Lisa (DPC) <Lisa.Samarzia@sa.gov.au>
Subject: FW: **Clause 6(1)** - Assistant to the Member for Mitchell

Thanks Paul,

Will await to hear from you further. In the interim, Lynn will commence putting together some suggested speaking notes for the meeting.

Clause 6(1)

Thanks,

Lee Sorensen
Manager, HR Strategy
People and Culture
Department of the Premier and Cabinet

Mob: 0466 411 644
Tel: 08 8429 5746
lee.sorensen@sa.gov.au

Level 14, State Administration Centre
200 Victoria Square, Adelaide

<< Message: Fwd: Weekly report >>

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Clause 6(1)

Clause 6(1)

From: Dikirr, Lynn (DPC)
Sent: Thursday, 9 November 2017 5:24 PM
To: Samarzia, Lisa (DPC) <Lisa.Samarzia@sa.gov.au>
Cc: Tatarelli, Paul (DPC) <Paul.Tatarelli@sa.gov.au>; Sorensen, Lee (DPC) <Lee.Sorensen@sa.gov.au>
Subject: RE: **Clause 6(1)** - Assistant to the Member for Mitchell

Thanks Lisa – let us know if you require any assistance from us at any point.

Regards,

Lynn

Clause 6(1)

Clause 6(1)

Clause 6(1)

Withers, Russell (DTF)

From: Samarzia, Lisa (DPC)
Sent: Tuesday, 2 January 2018 4:11 PM
To: Koch, Kylie (DPC)
Subject: FW: Draft Letter - **Clause 6(1)**
Attachments: Letter - **Clause 6(1)** signed final 22122017.pdf

| Tracking: | Recipient | Read |
|-----------|-------------------|-------------------------|
| | Koch, Kylie (DPC) | Read: 2/01/2018 4:37 PM |

FYI -

From: Tatarelli, Paul (DPC)
Sent: Thursday, 21 December 2017 4:15 PM
To: Sorensen, Lee (DPC) <Lee.Sorensen@sa.gov.au>
Cc: Dikirr, Lynn (DPC) <Lynn.Dikirr@sa.gov.au>; Smith, Tony (DPC) <Tony.Smith@sa.gov.au>; Samarzia, Lisa (DPC) <Lisa.Samarzia@sa.gov.au>
Subject: RE: Draft Letter - **Clause 6(1)**

Hi All

The attached letter to be posted in the pm of 22/12/2017.

Hi Lynn, I will be here until **Clause 6(1)** In my absence, Tony Smith will be undertaking the role of Manager Electorate Services and will liaise with you as required.

Regards

Paul Tatarelli

From: Sorensen, Lee (DPC)
Sent: Thursday, 21 December 2017 3:06 PM
To: Tatarelli, Paul (DPC) <Paul.Tatarelli@sa.gov.au>
Cc: Samarzia, Lisa (DPC) <Lisa.Samarzia@sa.gov.au>; Dikirr, Lynn (DPC) <Lynn.Dikirr@sa.gov.au>
Subject: RE: Draft Letter - **Clause 6(1)**

Hi Paul,

Further to our discuss of earlier today, can you email through a signed copy of the letter once you finalise, for our records.

If you require any further assistance on this matter, please refer to Lynn or to Gavin Thredgold.

Have a good break and I will see you in the new year.

Regards,
Lee Sorensen
Manager, HR Strategy
People and Culture
Department of the Premier and Cabinet

Mob: 0466 411 644
Tel: 08 8429 5746
lee.sorensen@sa.gov.au

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200 Victoria Square, Adelaide



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From: Sorensen, Lee (DPC)
Sent: Tuesday, 19 December 2017 1:08 PM
To: Tatarelli, Paul (DPC) <Paul.Tatarelli@sa.gov.au>
Cc: Samarzia, Lisa (DPC) <Lisa.Samarzia@sa.gov.au>; Dikirr, Lynn (DPC) <Lynn.Dikirr@sa.gov.au>
Subject: Draft Letter - **Clause 6(1)**

Paul,

Please find attached a draft letter to **Clause 6(1)** , for your review and consideration.

Clause 6(1)

Regards,
Lee Sorensen
Manager, HR Strategy
People and Culture
Department of the Premier and Cabinet

Mob: 0466 411 644
Tel: 08 8429 5746
lee.sorensen@sa.gov.au

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200 Victoria Square, Adelaide



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Clt