



File: T&F21/0978
A2058579

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22 October 2021

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

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

Dear Mr Koutsantonis

Freedom of Information – Staff complaints at Mitchell and Gibson Electorate Offices

I refer to your application under the *Freedom of Information Act 1991* (FOI Act), received by the Department of Treasury and Finance (DTF) on 7 September 2021.

Your application 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].'

Under the Act, an agency has 30 days to respond to a freedom of information request. As DTF did not respond to your request within the time frame required, the department is deemed to have refused you access to all documents relevant to your application. However, I have determined to process the request as if the statutory time frame had been met.

The purpose of this letter is to advise you of my determination.

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, and
- I refuse you access to 27 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 refused in full

Documents 1-4, 6-12 and 14-28 consist of information relating to the personal affairs of third parties. Under clause 6(1) of Schedule 1 to the FOI Act, a document is exempt if its disclosure would involve the 'unreasonable disclosure of information concerning the personal affairs of any person'. This information falls within the definition of personal affairs under the

Act and is therefore exempt from release pursuant to clause 6(1) of schedule 1 to the FOI Act.

Pursuant to clause 6(2) of schedule 1 to the FOI Act, *“a document is exempt from disclosure if it contains allegations or suggestions of criminal or improper conduct of any person (living or dead) the truth of which has not been established by a judicial process and the disclosure of which would be unreasonable.”*

Document 27 contains opinions or allegations or suggestions of improper conduct, the truth of which have not been substantiated. I have therefore determined to exempt this information pursuant to clause 6(2).

Document 13 consists of information concerning the business affairs of a third party which, if disclosed, may have an adverse effect. In applying the public interest test, I have considered the objects of the FOI Act, which favour release. However, I have determined that this is outweighed by the public interest in ensuring that a party's business affairs are not adversely affected by disclosure. I have therefore determined to exempt this document pursuant to clause 7(1)(c) of Schedule 1 to the FOI Act.

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.*

Clause 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.*

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.

Appeal Rights

If you are aggrieved with this determination, you have a right to apply for internal review under subsection 29(1) of the FOI Act. Pursuant to subsection 29(2), your application must:

- be in writing
- be addressed to the principal officer, and
- be lodged at an office of DTF, or emailed to freedomofinformation2@sa.gov.au within 30 days after the day on which you receive this letter or within such further time as the principal officer may allow.

If you require any further information please phone Russell Withers on (08) 8429 3631.

Yours sincerely



Maria Ross
ACCREDITED 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	Refused in full	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	Refused in full	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
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	Refused in full	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
17	27/11/2017	Email	3	Refused in full	6(1) - Unreasonable disclosure of personal affairs
18	28/11/2017	Email	4	Refused in full	6(1) - Unreasonable disclosure of personal affairs
19	29/11/2017	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
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	Refused in full	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	Refused in full	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

OFFICE MANAGER – MITCHELL ELECTORATE OFFICE

JOB DESCRIPTION

Position Summary

The Office Manager is responsible for the overall operation of the Mitchell Electorate Office, including responsibility for the supervision of other staff members and being the site contact in relation to a broad range of operational functions including management of Human Resources, Work Health and Safety, Global Allowance allocation, Accommodation and Security. The Office Manager may be required to represent the Member within the Electorate and is the primary contact and reference point for electorate matters and community issues.

Reporting/Working Relationship

The Office Manager reports directly to the Member for Mitchell and has supervisory responsibility for the trainee in the Mitchell Electorate Office.

Special Conditions

- Some out of hours work will be required (Please note salary is inclusive of 15% allowance for work undertaken outside of ordinary working hours)
- Attendance at meetings/events and some intrastate travel may be required
- The incumbent may be required to enter into a performance management agreement

Statement of Key Outcomes

- Accountable for the effective operation of the Mitchell Electorate Office including responsibility for workflow management and the accurate and timely completion of tasks
- Responsible for the management and supervision of other staff in the Mitchell Electorate Office including recruitment, training and development
- Manage the Global Allowance allocation including setting an annual budget, tracking expenditure and keeping the Member and other staff informed of budget related matters
- Provide a support service to constituents, including assisting with community enquiries, referral services, preparation of constituent correspondence
- Provide an interface between the Member for Mitchell, other Members, their staff, Ministerial Offices, Government offices, Community organisations and the public
- Coordinating community engagement and communication strategies in relation to Mitchell Electorate community issues
- Undertake research/project activities as directed by the Member for Mitchell

PERSONAL ATTRIBUTES

- High level customer service skills and the ability to communicate clearly and effectively with a wide variety of people from different backgrounds, showing empathy and understanding
- Ability to build relationships across the community with multiple and diverse stakeholders
- High level dispute resolution skills and the ability to remain calm and composed when faced with difficult people or stressful situations
- Capability to handle multiple tasks, determine appropriate priorities and respond quickly and efficiently