



Government
of South Australia

TRS20D2625

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Hon Stephen Mullighan MP
Member for Lee
Unit 1, 62 Semaphore Road
SEMAPHORE SA 5019

lee@parliament.sa.gov.au


Dear Mr Mullighan

APPLICATION UNDER THE *FREEDOM OF INFORMATION ACT 1991*

I refer to your application made under the *Freedom of Information Act 1991* (the Act), dated 5 August 2020.

Your application seeks access to:

"All minutes, briefings and correspondence titled 'Overpayment of senior visiting Dental Specialists in central Adelaide Local Health Network' as described on the Objective document management system, between 9 April and 5 August 2020."

The prescribed legislative timeframe to determine this application has expired and is deemed as refused access to documents relevant to your application. I refer to my letter dated 18 August 2020 where I sought additional time to make my determination.

The purpose of this letter is to advise you of my determination. An extensive search was conducted within this office. A total of 7 documents were identified as answering the terms of your application.

I refuse you access in full to 7 documents.

Documents Refused in Full

Documents 1, 2, 3, 4, 5, 6 & 7.

Documents 3 and 4 contain personal information relating to employee names and numbers exempted from release pursuant to clause 6(1).

Documents 5 and 6 contain legal advice from Crown, while documents 1, 2 and 7 make reference to and contain legal advice from a private law firm, which is subject to legal professional privilege and exempt in full pursuant to Clause 10(1).

Documents 1 to 7 contain matter regarding current engagement with the Visiting Dental Specialists in the SA Dental service, Central Adelaide Health Network. These documents contain matter the disclosure of which could reasonably be expected to have a substantial adverse effect on the conduct of industrial relations by the agency as the information contained within the documents is sensitive of nature and include not only of the topic matter but also of staff involved. It is my view that this information should not be released to the public as, whilst full disclosure would provide an opportunity for the government to be scrutinised, the full disclosure would infringe the ongoing negotiations as well as information of the staff members involved. I therefore also determine Documents 1 – 7 exempt pursuant to Clause 16(1)(a)(v).

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.*

Clause 10 – Documents subject to legal professional privilege

- (1) *A document is an exempt document if it contain matter that would be privileged from production in legal proceedings on the ground of legal professional privilege.*

Clause 16 – Agency operations

16—Documents concerning operations of agencies

- (1) *A document is an exempt document if it contains matter the disclosure of which—*
- (a) could reasonably be expected—*
 - (v) to have a substantial adverse effect on the conduct of industrial relations by 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), the Department of Treasury and Finance is now required to publish a log of all non-personal information released under the Act.

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://dpc.sa.gov.au/resources-and-publications/premier-and-cabinet-circulars>. Please visit the website for further information.

As I am determining this application as Principal Officer, section 29(6) of the Act does not provide for an internal review. If you are dissatisfied with my determination you are entitled to exercise your rights of external review with the Ombudsman.

Alternatively, you can apply to the South Australian Civil and Administrative Tribunal. If you wish to seek a review, section 39(3) of the Act states you must do so within 30 calendar days of receiving the determination.

If you require any further information, please contact Ms Vicky Cathro, Ministerial Liaison Officer, by telephone on 8226 9769 or by email to vicky.cathro@sa.gov.au.

Yours sincerely



Hon Rob Lucas MLC
Principal Officer

18 September 2021