



Government  
of South Australia

TRS21D2805  
TRS21D2806

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Mr Gabriel Polychronis  
The Advertiser  
31 Waymouth Street  
ADELAIDE SA 5000

[gabriel.polychronis@news.com.au](mailto:gabriel.polychronis@news.com.au)

*Gabe*  
Dear Mr Polychronis

**APPLICATION UNDER THE *FREEDOM OF INFORMATION ACT 1991***

I refer to your applications made under the *Freedom of Information Act 1991* (the Act), dated 27 October, 2021.

Your application seeks access to:

*"Any correspondence and documents that refers to complaints, concerns or grievances expressed by employees who have worked in the office of the Member for Reynell, about the behaviour of the Member for Reynell." From 15 March 2014 to 27 October 2021.*

*"Any correspondence and documents that refers to Workers' Compensation claims by employees who have worked in the office of the Member for Reynell arising out of complaints or concerns expressed about the Member for Reynell." From 15 March 2014 to 27 October 2021.*

The legislative prescribed timeframe to determine this application has expired and is now 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 timeframe has been met.

The purpose of this letter is to advise you of my determination. An extensive search was conducted within this office. A total of 5 documents were identified as answering the terms of your applications.

I grant you access in full to 2 documents; copies of which are enclosed.  
I refuse you access in full to 3 documents.

**Documents Released in Full**

Document 1 and 2.

## **Documents Refused in Full**

Documents 3, 4 and 5.

Document 3 is a copy of documents that relate to a FOI determination (T&F21/0296) provided by the Department of Treasury and Finance (DTF). The document is exempt in full as publicly available on the DTF website.

Documents 4 and 5 are documents that were determined as exempt in T&F21/0296 DTF determination under clause 6(1), 6(2) and clause 12 due to Part 12, s185 of the *Return to Work 2014 Act*.

As documents contain information relating to the personal affairs of third parties and contain allegations or suggestions of improper conduct, the truth of which has not been established by a judicial process and disclosing this information would be unreasonable. I have therefore determined to exempt this information pursuant to clause 6(1) and 6(2) of the Act.

Information obtained in relation to the administration or enforcement of the *Return to Work Act 2014*, the release of which would be an offence in accordance with Part 12, section 185 of the *Return to Work 2014 Act*. I have therefore determined these documents to also be exempt pursuant to clause 12 of the Act.

There have been no change or new information to amend DTFs determination.

## **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.*
- (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 12 – Secrecy Provisions**

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

### **Section 185 of the Return to Work Act —Confidentiality to be maintained**

- (1) *A person must not disclose information (except as permitted by subsection (3)) if—*
  - (a) *the person obtained the information in the course of carrying out functions in, or in relation to, the administration, operation or enforcement of this Act; and*
  - (b) *the information is—*
    - i. *about commercial or trading operations; or*
    - ii. *about the physical or mental condition, or the personal circumstances or affairs, of a worker or other person; or*

iii. information provided in a return or in response to a request for information under this Act.

Maximum penalty: \$10 000.

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 Vicky Cathro on (08) 8226 9769.

Yours sincerely



**Hon Rob Lucas MLC**  
Principal Officer

18 March 2022

Att.



RELEASE

**Tonkin, Kate (DTF)**

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**From:** Haigh, Natalie (DTF)  
**Sent:** Thursday, 17 June 2021 3:13 PM  
**To:** De Gennaro, Gino (DTF)  
**Cc:** Wilson, Claire (DTF); Cathro, Vicky (DTF); Mesisca, Luigi (DTF); Tonkin, Kate (DTF)  
**Subject:** FOI determination for noting - T&F21/0296- Member for Reynell  
**Attachments:** T&F21\_0296 - For noting.pdf

Good afternoon

Please find attached determination minute, draft letter and release documents to be noted.

Comments sought by 3pm Monday 21 June 2021

Thank you

### **Natalie Haigh**

FOI Officer | Information Management | Organisation and Governance

State Administration Centre, 200 Victoria Square ADELAIDE SA 5000

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**Government of South Australia**

Department of Treasury  
and Finance



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MINUTES forming ENCLOSURE to

File T&F21/0296  
A1854005

To Chief Executive

**FREEDOM OF INFORMATION DETERMINATION – EMPLOYEE COMPLAINTS MEMBER FOR REYNELL**

Timing: DETERMINATION TO BE RETURNED TO FOI TEAM BY 11 June 2021

**Recommendations/Issues:** It is recommended that you note the attached determination of the FOI application from Mr Gabriel Polychronis at The Advertiser regarding employee complaints at the office of the Member for Reynell.

Noted




Chief Executive

15/6/21

**Key Points:**

- Mr Polychronis specifically sought:  
*'Any document that refers to complaints or concerns expressed by employees who have worked in the office of the Member for Reynell about the behaviour of the current Member for Reynell. And, any document that refers to Workers Compensation claims by employees who have worked in the office of the Member for Reynell arising out of complaints or concerns expressed about the behaviour of the current Member for Reynell.'*
- A search of the department's databases and information stores identified 239 documents that are within scope of the request. I have determined to release 6 documents in full, release 1 document in part and refuse access in full to 232 documents.
- The assistance and advice of Electorate Services and Work Injury Services was sought in making this determination. The determination will be sent to the applicant on 16 June 2021

  
Julie-Anne BurgessEXECUTIVE DIRECTOR, ORGANISATION AND GOVERNANCE

11 June 2021

cc: Chief of Staff, Office of the Treasurer

Contact Officer: Natalie Haigh

Telephone: 90839

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