Government of South Australia
Department of the Premier and Cabinet

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DPC19/0224

17 July 2019

[redacted]

Sent by email: [redacted]

Dear [redacted]

Freedom of information application

I refer to your application to the Department of the Premier and Cabinet (DPC) under DPC Circular PC031, 'Freedom of Information Release of Cabinet Documents under the Ten Year Rule', seeking access to:

Date	Departmental Docket Number	Cabinet Submission Title	Minister
01/02/2007	N/A	Investigation into Allegations concerning Prisoner within Yatala Labour Prison	N/A

One document was identified as answering the terms of your application and I have determined to refuse release of this document in full, pursuant to clauses 4(2)(a)(i) and 16(1)(a)(iv).

Under clause 4(2)(a)(i) of Schedule 1 to the *Freedom of Information Act 1991* (the Act), information is exempt if it contains matter the disclosure of which could reasonably be expected to prejudice the investigation or possible contravention of the law whether generally or in a particular case and would, on balance, be contrary to the public interest. This document contains details of an investigation which took place within the Yatala Labour Prison, and contains allegations that were not proven at the time of writing.

In applying the public interest component of this exemption, I considered (on balance) several factors. Firstly there is the importance of transparency and openness and the interest the public has in the maintenance of prisoners within our State's prisons. Secondly the importance of the Department of Correctional Service's (DCS) function in protecting the public, and thirdly maintaining the good management and order of the institution pursuant to the *Correctional Services Act*. In balancing these factors, I consider that disclosure of the document would be contrary to the public interest.

Under clause 16(1)(a)(iv), information is exempt if the disclosure would prejudice the effectiveness of assessments, investigations or procedures used by Government employees when performing the DCS's functions. I have determined that releasing the information would reasonably be expected to interfere with prisoner management and the good order of the institution pursuant to the *Correctional Services Act*. In applying the public interest test, I have considered the objects of the Act, which favour release. However, I have determined the substantial and adverse effect on the effective

performance of the agency by releasing the information would, on balance, be contrary to the public interest.

Clause 4 – Documents affecting law enforcement and public safety

…

(2) A document is an exempt document if it contains matter the disclosure of which—

(a) could reasonably be expected—

(i) to prejudice the investigation of any contravention or possible contravention of the law (including any revenue law) whether generally or in a particular case; and

…

(b) would, on balance, be contrary to the public interest.

Clause 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 -

…

(iv) to have substantial adverse effect on the effective performance by an agency of the agency's functions; and

(b) would, on balance, be contrary to the public interest.

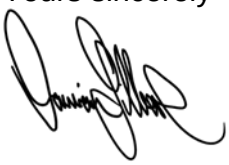
Right to internal review

If you are aggrieved with this determination, you have a right to apply for internal review under subsection 29(1) of the *Freedom of Information Act 1991* (the Act). Pursuant to subsection 29(2) of the Act, your application must:

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

If you have any questions in relation to this matter, please contact Denise Cranwell, Freedom of Information Officer, on 8429 5299 or at denise.cranwell@sa.gov.au

Yours sincerely



Damian Gilbert
ACCREDITED FOI OFFICER