



DPC19/0018

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1 March 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 |
|------------|----------------------------|---------------------------------------|----------------------|
| 19/11/2007 | AGO0063/07CS | Serious and Organised Crime Bill 2007 | Hon Michael Atkinson |

One document was identified as answering the terms of your application and I have determined to refuse this document in full.

Under clause 4(2)(a)(iii) of Schedule 1 to the *Freedom of Information Act 1991* (the Act), a document is exempt if it contains matter the disclosure of which could reasonably be expected to prejudice the effectiveness of any lawful method or procedures for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law. This document contains significant details relating to the operations of the South Australian Police (SAPOL). The release of this information could prejudice the effectiveness of carrying out current and future strategies.

In applying the public interest test, I have considered the objects of the Act, which favour release. I acknowledge the strong public interest in knowing and understanding how SAPOL and the government plan to effectively and efficiently address tackling serious and organised crime; however the release of this information could be expected to jeopardise the government's ability to enforce these laws. The public release of information about internal processes surrounding implementation could significantly affect the administration of this legislation and the effectiveness of the overall process.

Under clause 10(1) of Schedule 1 to the Act, information is exempt from disclosure if it would be privileged from production in proceedings on the ground of legal professional privilege. This document contains drafting instructions for Parliamentary Counsel; this information is protected by legal professional privilege, and I have therefore determined it to be exempt pursuant to clause 10(1).

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—

...

(iii) to prejudice the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law (including any revenue law); and

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

Clause 10 – Legal Professional Privilege

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

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 Damian Gilbert, Freedom of Information Officer, on 8429 5489 or at damian.gilbert@sa.gov.au

Yours sincerely



Wayne Hunter
ACCREDITED FOI OFFICER