



DPC19/0294

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9 September 2019



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, 'Disclosure of Cabinet documents 10 years or older', seeking access to:

Date	Departmental Docket Number	Cabinet Submission Title	Minister
10/12/2007	AGO0150/06CS	Criminal Law Consolidation (General) Variation Regulations 2007	The Hon Michael John Atkinson

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

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 instructions or recommendations relating to the drafting or approval of regulations or legislation and the advice that these instructions or recommendations would impact or effect. It is considered that this information is exempt pursuant to clause 10(1).

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 draft regulations from 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 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.*

This document contains a report to the Legislative Review Committee, which is a Committee of the Parliament of South Australia. The disclosure of this document would infringe the privilege of Parliament and I have therefore determined to exempt the report pursuant to clause 17(c) of Schedule 1 to the Act.

***Clause 17 – Documents subject to contempt etc***

*A document is an exempt document if it contains matter the public disclosure of which would, but for any immunity of the Crown—*

- (c) infringe the privilege of Parliament*

**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](mailto: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, FOI Officer, on 8429 5489 or at [damian.gilbert@sa.gov.au](mailto:damian.gilbert@sa.gov.au)

Yours sincerely



Georgia Lygoe  
**ACCREDITED FOI OFFICER**