Our Ref: MER2019/0465

Government of South Australia

Department for Energy and Mining

[redacted]

Dear [redacted]

I am writing in relation to your application made under the *Freedom of Information Act 1991* (FOI Act) in which you requested access to the following documents:

"Access or copies of photographs and other relevant paperwork sent in, of the trench for irrigation/water pipe at [redacted] These were supplied to the Dept of Energy and Mining by [redacted] These photos and I am guessing an email was sent to Mr Wayne Bennetts. We have no issue at all with the department or Mr Bennetts. We believe that [redacted] obtained these photographs by trespassing illegally on to our property at [redacted]"

In accordance with Premier and Cabinet Circular PC045, if you are given access to documents as a result of this FOI application, details of your application, and the documents to which access is given, may be published in the agency's disclosure log. A copy of PC045 can be found at http://dpc.sa.gov.au/what-we-do/services-for-government/premier-and-cabinet-circulars.

A search has been conducted and three (3) documents were located that are within the scope of your application. In respect of these documents, I have determined as follows:

Documents 1 and 2

I have determined that these documents should be released in part. With regard to these documents, the parts to which I have not granted you access contain mobile telephone numbers of employees and information relating to the personal affairs of a third party. Under clause 6(1) of Schedule 1 to the FOI Act, a document is exempt if its disclosure would involve the 'unreasonable disclosure of information concerning the personal affairs of any person'. This information falls within the definition of personal affairs under the FOI Act and is therefore exempt from released pursuant to clause 6(1).

Exemptions *– Freedom of Information Act 1991*

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 (living or dead).

Document 3

I have determined that this document is exempt in full. Under clause 12(1) of Schedule 1 to the FOI Act, a document is exempt if it contains the disclosure of which would constitute an offence against an Act. In submitting a "Request for investigation" with the Office of the Technical Regulator, it is done confidentially, in particular, the form states: "The confidentiality of any information provided will be maintained in accordance with section 12 of the *Water Industry Act 2012* and any other relevant legislative instruments and laws.

Exemptions – *Freedom of Information Act 1991*

Clause 12 – Documents the subject of secrecy provisions

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

Exemptions – *Water Industry Act 2012*

Clause 12 – Obligation to preserve confidentiality

(1) The Technical Regulator must preserve the confidentiality of information gained by the Technical Regulator (including information gained by an authorised officer under this Act) that –

...

(3) Information classified by the Technical Regulator as confidential is not liable to disclosure under the Freedom of Information Act 1991.

Appeal Rights

If you are dissatisfied with this decision, you are entitled to exercise your rights of review and appeal as outlined in the attached documentation.

Should you have any enquiries in relation to this matter, please do not hesitate to contact me on [redacted] or email DEM.FOI@sa.gov.au.

Yours sincerely

Julianne Cirson
Accredited FOI Officer

21 February 2019

SCHEDULE OF DOCUMENTS

Freedom of Information application by [redacted] – *"Access or copies of photographs and other relevant paperwork sent in, of the trench for irrigation/water pipe at [redacted] These were supplied to the Dept of Energy and Mining by [redacted] These photos and I am guessing an email was sent to Mr Wayne Bennetts. We have no issue at all with the department or Mr [redacted] We believe that [redacted] obtained these photographs by trespassing illegally on to our property at [redacted]"*

Doc No	Description	Exemption Clause(s)	Determination
1	Email and attachment dated 24 January 2019	6(1) – Personal affairs	Released in part
2	Email dated 7 January 2019	6(1) – Personal affairs	Released in part
3	Email and attachments dated 2 January 2019	12(1) – Secrecy provisions	Exempt in full

Bennetts, Wayne (DEM)

From: Bennetts, Wayne (DEM)
Sent: Thursday, 24 January 2019 3:29 PM
To: [redacted]
Subject: RE: [redacted] [SEC=UNOFFICIAL]

Hi [redacted]
Due to privacy constraints the Office of Technical Regulator(OTR) cannot comment on the issuing of a COC for another property .
I can confirm the outcome of the investigation is to the satisfaction of the OTR

Regards

From: [redacted]
Sent: Tuesday, 22 January 2019 1:17 PM
To: Bennetts, Wayne (DEM) <Wayne.Bennetts@sa.gov.au>
Subject: [redacted] [SEC=UNOFFICIAL]

Dear Mr Bennetts

Thank you for your investigation, since I first submitted the request for investigation, additional work was performed on 13th of January, 2019.

Has [redacted] now provided you with a Certificate of Compliance for all work to date?

Kind regards
[redacted]

On 7 Jan 2019, at 8:13 am, Bennetts, Wayne (DEM) <Wayne.Bennetts@sa.gov.au> wrote:

[redacted]
With regards the Request for Investigation form lodged by yourself with our office .
I have spoken to [redacted] regards the installation of water pipework on his property.
[redacted] has confirmed a licenced plumber will certify the work with a Certificate of Compliance within the next 2 weeks.
At this stage the pipework is for irrigation only (watering of plants to establish growth) and is not connected to a dwelling.

Regards

Wayne Bennetts
Plumbing Operations Coordinator

Office of the Technical Regulator Plumbing
Department of Energy and Mining

11 Waymouth Street, Adelaide

GPO Box 1264 ,Adelaide SA 5001

T 08 **82265516**
[redacted]
wayne.bennetts@sa.gov.au
www.sa.gov.au/otrplumbing

Celentano, Carmelina (DEM)

From: Bennetts, Wayne (DEM)
Sent: Monday, 7 January 2019 8:14 AM
To: [redacted]
Cc: Celentano, Carmelina (DEM)
Subject: [redacted]SEC=UNOFFICIAL]

Security Classification:
Unofficial

Mr [redacted]
With regards the Request for Investigation form lodged by yourself with our office .
I have spoken to [redacted] regards the installation of water pipework on his property.
[redacted] has confirmed a licenced plumber will certify the work with a Certificate of Compliance within the next 2 weeks.
At this stage the pipework is for irrigation only (watering of plants to establish growth) and is not connected to a dwelling.

Regards

Wayne Bennetts
Plumbing Operations Coordinator

Office of the Technical Regulator Plumbing
Department of Energy and Mining

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