Hon Dan van Holst Pellekaan MP

Government of South Australia

Our Ref: FOI19D0019
Your Receipt: 7582927, 7582932, 7582935

Hon Kyam Maher MLC
Legislative Council
Parliament House
North Terrace
ADELAIDE SA 5000
E-mail: maher.office@parliament.sa.gov.au

Dear Mr Maher

I acknowledge receipt of your internal review application made under the *Freedom of Information Act 1991* (the FOI Act) seeking a review of the following application 7582927, 7582932, 7582935:

<Copies of any and all documents (including but not limited to hard copy or electronic briefings, minutes, reports, emails, letters, meeting agendas, diary entries and any other correspondence) between the Minister and/or Minister's Office staff and the Treasurer and/or the Treasurer's Office in regard to any FOI>.

The initial determination made by the Accredited FOI officer was as below:

> ***Documents 1 - 7***
> *I have considered the documents and determined to release them in part. The sections to which I have not granted you access are outside the scope of your application.*

Internal Review Application
Your application for review of the initial determination indicates that you feel aggrieved by the determination because you do not believe all documents within the scope of the request were included. I note you have also clarified this request should also include documents that have been received as both "cc" and "bcc".

Having reviewed all material provided to me, I have made the following determinations on internal review.

"All documents within the scope of the request"

I have reviewed all documents that were discovered during the original search. I confirm that all documents subject to this FOI application have been identified. I therefore confirm the original determination in relation to this issue.

"received as cc and bcc"

The original search conducted within my office for documents included documents that were received as either "cc" or "bcc". I therefore confirm the original determination in relation to this issue.

Minister for Energy and Mining

Level 17, 25 Grenfell Street Adelaide SA 5000 | GPO Box 974 Adelaide SA 5001 | DX 114
Tel +61 8 8226 1300 | **Email** dem.ministervhp@sa.gov.au | **ABN** 83 768 6839 34

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I have also reviewed the content of documents two, three, four, five and six that were previously provided as part of the original determination. I have determined that sections that were previously redacted as "out of scope" should have in fact been redacted as exempt under Clause 16(1)(a)(iv)(b). I have amended such redactions and the revised documents are attached.

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 a substantial adverse effect on the effective performance by an agency of the agency's functions;

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

Sections of documents two, three, four, five and six contain direct phone numbers or email addresses which are not available to external persons. There are publically available dedicated contact numbers which provides a first point of contact for members of the public where staff can appropriately triage all enquiries. In my view, it is unreasonable to release direct contact numbers or email addresses that may enable the public to circumvent the proper processes put in place to provide appropriate services to members of the public.

If you are unhappy with this determination you are entitled to exercise your rights of external review with the Ombudsman SA. Alternatively, you can apply to the South Australian Civil and Administrative Tribunal (SACAT). If you wish to seek a review, you must do so within 30 calendar days of receiving this internal review determination.

For more information about seeking a review, please contact the Ombudsman SA on telephone (08) 8226 8699 or SACAT on 1800 723 767.

In accordance with the requirements of Premier and Cabinet Circular PC045, details of your FOI application, and the documents to which you are given access, will 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.

Should you require any further information please contact me on telephone 8226 1300.

Yours sincerely

Hon Dan van Holst Pellekaan MP
Minister for Energy and Mining

13 / 11 / 2019

Attachment: Document Schedule and associated documents

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Freedom of Information

DOCUMENT SCHEDULE

File No: FOI19D0019

Minister for Energy and Mining

Copies of any and all documents (including but not limited to hard copy or electronic briefings, minutes, reports, emails, letters, meeting agendas, diary entries and any other correspondence) between the Minister and/or Minister's Office staff and the Treasurer and/or the Treasurer's Office in regard to any FOI.

Doc No	Description	Date	Access	Other	Internal Review Determination
1	Email	7 November 2018	Partial	Out of Scope	Original determination confirmed
2	Email	5 December 2018	Partial	Out of Scope	**Revised – Clause 16(1)(a)(iv)(b)**
3	Email	13 December 2018	Partial	Out of Scope	**Revised – Clause 16(1)(a)(iv)(b)**
4	Email	17 January 2019	Partial	Out of Scope	**Revised – Clause 16(1)(a)(iv)(b)**
5	Email	17 July 2019	Partial	Out of Scope	**Revised – Clause 16(1)(a)(iv)(b)**
6	Email	8 August 2019	Partial	Out of Scope	**Revised – Clause 16(1)(a)(iv)(b)**
7	Email	2 September 2019	Partial	Out of Scope	Original determination confirmed

Hickman, Grant (DEM)

From: Wilson, Claire (DTF)
Sent: Wednesday, 7 November 2018 12:49 PM
To: Out of Scope [redacted] Hickman, Grant (DEM)
Subject: RE: FOI query [DLM=For-Official-Use-Only]

Yes we have. Basically exactly the same as what he asked back in May. I'm not sure why he's asking from the same date (17 March) again though?

Out of Scope [redacted]

Subject: FOI query [DLM=For-Official-Use-Only]

For Official Use Only

Hi team has anyone received an FOI about lists that contain staff names?

Out of Scope [redacted]

[redacted]

[redacted]

[redacted]

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[redacted]

Hickman, Grant (DEM)

From: Wilson, Claire (DTF)
Sent: Wednesday, 5 December 2018 4:22 PM
To: Out of Scope [redacted] Hickman, Grant (DEM); Out of Scope [redacted]
Cc: Cathro, Vicky (DTF)
Subject: FOI - Indoor plants

Good afternoon all

I understand a number of offices received the FOI request from Blair Boyer regarding 'files, reports, documents, notes, briefings and emails detailing the cost of indoor plants.....', for consistency in responding, how are people planning on addressing the period 18 March 2017 - 17 March 2018?. Our office obviously holds no records from the former Government which I presume will be the same across the board - therefor I'm thinking we should all be adopting the same wording for this portion of the request.

In relations to the second date range, the invoice for our plants go to the Department of Treasury and Finance and the cost is split over the whole department and taken from our office budget automatically - I don't receive invoices. This is the same practice as the former Government, we have not added or removed any plants since the election. I would presume then that I could confidently respond that 'this office holds no files, reports, documents, notes, briefings and emails detailing the cost of indoor plants' but I would be interested to know how others plan on wording their responses.

Thanks in advance!

Claire

Claire Wilson
Office Manager
Office of the Treasurer
The Hon Rob Lucas MLC
Level 8 | 200 Victoria Square ADELAIDE SA 5000
Clause 16(1)(a)(iv)(b) [redacted]

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Government of South Australia
Department of Treasury and Finance

Hickman, Grant (DEM)

From: Wilson, Claire (DTF)
Sent: Thursday, 13 December 2018 3:53 PM
To: Out of Scope Hickman, Grant (DEM); Out of Scope
Subject: RE: FOI [DLM=For-Official-Use-Only]

Thanks everyone for your responses. It seems some have been refused the narrowing of scope and some are still waiting to hear. I believe Lucy is going to contact the AGD:FOI email for some advice on where to go from here. Would be good for us all to take the same approach, especially if it's anticipated to be a big one!.

Claire

Out of Scope Clause 16(1)(a)(iv)(b) Out of Scope

Hickman, Grant (DEM) Clause 16(1)(a)(iv)(b) Out of Scope

Out of Scope [redacted]

[redacted]

[redacted]

[redacted]

From: Wilson, Claire (DTF)
Sent: Thursday, 13 December 2018 3:14 PM
To: Out of Scope [redacted] Hickman, Grant
Out of Scope [redacted]
Subject: FOI

Afternoon All!

We have received the following FOI from Michael Brown seeking:

"All documents (including but not limited to reports, briefings, emails, notes, minutes, plans and other documents) mentioning or related to the areas of Para Hills, Para Hills West, Parafield, Parafield Gardens, Mawson Lakes or Greenfields."

We have rung Michael Browns EO and requested he narrow the scope to perhaps include a subject. He has refused. Given we do not register correspondence in Objective using suburbs and also the amount of consultation that would have to occur for each person who wrote to us, I am wanting to know if anyone else received this FOI and if so, what sources did you search and key words etc to ensure you had correctly captured every suburb in the request?

Thanks

Claire

Claire Wilson
Office Manager
Office of the Treasurer
The Hon Rob Lucas MLC
Level 8 | 200 Victoria Square ADELAIDE SA 5000
Clause 16(1)(a)(iv)(b) [redacted]

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Department of Treasury and Finance

Hickman, Grant (DEM)

From: Wilson, Claire (DTF)
Sent: Thursday, 17 January 2019 12:41 PM
To: Out of Scope [redacted] Hickman, Grant (DEM); Out of Scope [redacted]
Subject: Narrowed Scope - M Brown FOI

Afternoon All

Once again, it was great to catch up with everyone this morning! Apologies, but I can't remember who required the attached wording from Terri as narrowed scope for the M Brown FOI. I know there were some offices who didn't receive the FOI and some that have already received a reduced scope - if that applies to you please delete.

For anyone else who was interested please find the wording below:

Hi Claire,

I spoke to our FOI department and the scope of our FOI was changed to be:

All documents (including but not limited to reports, briefings, emails, notes, minutes, plans and other documents but excluding correspondence from individuals residing in those areas) mentioning or related to areas of Para Hills, Para Hills West, Parafield, Parafield Gardens, Mawson Lakes or Greenfields from 19/03/2018 to 07/12/2018.

I know that other office where asking for their FOI to be rescoped but I am not whether that happened or not. Sorry I can't be of more assistance. I submitted out FOI on Monday.

Cheers,

Terri Church
Senior Administration Adviser

Office of the Premier of South Australia

Myself, and our FOI officer will talk to the Chief of Staff in the coming days and figure out how we proceed.

Ta

Claire Wilson
Office Manager
Office of the Treasurer
The Hon Rob Lucas MLC
Level 8 | 200 Victoria Square ADELAIDE SA 5000
Clause 16(1)(a)(iv)(b) [redacted]

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Hickman, Grant (DEM)

From: Colegate, Rachael (DTF)
Sent: Wednesday, 17 July 2019 3:17 PM
To: Out of Scope Hickman, Grant (DEM); Out of Scope)
Subject: RE: FOI

Has any office's received FOI's requests regarding James Stevens and Nicolle Flint this afternoon?

Rachael Colegate
Executive Assistant
to the Hon. Rob Lucas MLC
Treasurer
Level 8, 200 Victoria Square | ADELAIDE SA 5000
Clause 16(1)(a)(iv)(b)

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Proudly working with White Ribbon to create a safer workplace
Australia's campaign to stop violence against women

From: Colegate, Rachael (DTF)
Sent: Wednesday, 17 July 2019 12:39 PM
To: Out of Scope Hickman, Grant (DEM) Clause 16(1)(a)(iv)(b) Out of Scope
Subject: RE: FOI

This office has also received it.

Out of Scope

Out of Scope

Out of Scope

Subject: RE: FOI

A second one has come through today regarding Georgina Downer. Did everyone else get this?

Out of Scope

Out of Scope

From: Colegate, Rachael (DTF) Clause 16(1)(a)(iv)(b)
Sent: Wednesday, 17 July 2019 10:16 AM
To: Out of Scope

Hickman, Grant (DEM)

Clause 16(1)(a)(iv)(b) Out of Scope

Out of Scope
Out of Scope

Subject: RE: FOI

Good morning everyone

Yes this office has received the same FOI.

Kind regards

Rachael Colegate
Executive Assistant
to the Hon. Rob Lucas MLC
Treasurer
Level 8, 200 Victoria Square | ADELAIDE SA 5000
Clause 16(1)(a)(iv)(b)

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Proudly working with White Ribbon to create a safer workplace
Australia's campaign to stop violence against women

Out of Scope

Hi everyone
Did anyone else just receive this FOI?

A copy of any current document which lists all staff and/or job titles in the Minister's office, including department staff appointed to the Minister's office AND a copy of the current Confidential Ministers' Directory

Out of Scope

Out of Scope [redacted]

Out of Scope [redacted]

[redacted]

[redacted]

Hickman, Grant (DEM)

From: Wilson, Claire (DTF)
Sent: Thursday, 8 August 2019 3:21 PM
To: Hickman, Grant (DEM)
Subject: RE: FOI

WOWSER!

From: Hickman, Grant (DEM)
Sent: Thursday, 8 August 2019 3:18 PM
To: Wilson, Claire (DTF) Clause 16(1)(a)(iv)(b)
Subject: RE: FOI

Ive attached the FOI for full context, but the scope of the request is also below....

1. Copies of all documents, correspondence, and reports concerning the risk assessment of Mine Tailings Storage Facilities (TSF) at Olympic Dam. (See TF Disclosure below). 2. Copies of all "Dam Safety Reviews" and "assurance statements on dam integrity" in relation to all TSFs at Olympic Dam. (see ESG Briefing & BHP web site below). 3. Copies of all other documents relating to the evaluation of risks at Olympic Dam TSFs. 4. Copies of all documents relating to BHP's "Tailings Taskforce" or "Stewardship Boards" in relation to Olympic Dam (see BHP web site below). Context: On 7th June 2019, BHP released a report entitled: "Tailings Facilities Disclosure: Response to the Church of England Pensions Board and the Council on Ethics Swedish National Pension Funds". In that report, BHP identified that three tailings facilities at the Olympic Dam Mine had a "hazard categorisation based on consequence of failure" of "extreme". https://www.bhp.com/-/media/documents/environment/2019/190607_coe.pdf Also in June 2019, BHP released a document entitled: "ESG briefing: Tailings dams" https://www.bhp.com/-/media/documents/media/reports-and-presentations/2019/190607_esgbriefingtailingsdams.pdf?la=en. In that document, BHP identifies two Olympic Dam facilities with a "CDA Consequence Classification" of "Extreme". BHP's web site refers to "Dam Safety Reviews: https://www.bhp.com/environment/dams-and-tailings-management

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From: Wilson, Claire (DTF) Clause 16(1)(a)(iv)(b)
Sent: Thursday, 8 August 2019 3:17 PM
To: Hickman, Grant (DEM) Clause 16(1)(a)(iv)(b)
Subject: RE: FOI

No worries, perhaps if you can email me the exact wording I can provide it to our Objective administrator in DTF and seek her advice.

Thanks

Claire

From: Hickman, Grant (DEM)
Sent: Thursday, 8 August 2019 3:14 PM
To: Wilson, Claire (DTF) Clause 16(1)(a)(iv)(b)
Subject: RE: FOI

Hey Claire, no worries, Out of Scope and it can certainly wait till late next week if that is easier.

Ill give you a quick run down now, but yeah it can wait.

Basically Mr Parnell has requested documents of the Minister for Energy and Mining back to 2009 re BHP and "Tailings Dam Storage" (it's a bit more detailed than that). So ive done a search of our stuff since March 2018, and

theres one or two documents, but I was also intending to do a search of documents received by the previous Minister.

Out of Scope [redacted]

We will be seeking an extension re this FOI from Parnell as it is quite detailed.....

From: Wilson, Claire (DTF) Clause 16(1)(a)(iv)(b) [redacted]
Sent: Thursday, 8 August 2019 3:01 PM
To: Hickman, Grant (DEM) Clause 16(1)(a)(iv)(b) [redacted]
Subject: FOI

Afternoon Grant

Apologies it's taken me so long to get back to you, Out of Scope [redacted] I understand that you are after some information that will assist you in responding to an FOI by Parnell?

Rachael wasn't able to give me all the information, is it possible for you to let me know the exact FOI request and what you are after so that I can do some investigating this end on what we are in a position to provide? Rachael mentioned something about an Objective report from the previous Government? This isn't something that we have access too as all electronic records management systems are closed down and held by the Departmental administrators at an election. If I can get a better understanding of what you're after then I'll investigate upon my return if that suits you? She mentioned you were hoping to get an extension.

Thanks so much.

Claire

Claire Wilson
Office Manager
Office of the Treasurer
The Hon Rob Lucas MLC
Level 8 | 200 Victoria Square ADELAIDE SA 5000
Clause 16(1)(a)(iv)(b) [redacted]

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Hickman, Grant (DEM)

From: Wilson, Claire (DTF)
Sent: Monday, 2 September 2019 11:00 AM
To: Hickman, Grant (DEM)
Subject: RE:

[redacted] I'll send her an email and ask that she call me back first thing in the morning.

My correspondence team also informed me that inside each file is a printed consignment list of the contents of that file. Pending advice from Michelle and what the process is for accessing previous governments records under FOI (i.e. should it be referred to the Department) I would suggest that given the nature of the way the subject files are listed and also the FOI request that seeks information to certain things i.e. BHP / Olympic Dam the only thing I could suggest is that you search through the consignment lists provided to you or use the search function on the TIMG website for subject files that mention those things and recall them?

I'll hopefully have something more accurate for you though tomorrow morning!!

Claire

From: Hickman, Grant (DEM)
Sent: Monday, 2 September 2019 10:30 AM
To: Wilson, Claire (DTF) [redacted]
Subject:

Hi Claire, have you heard or had a discussion with Michelle Evans yet re the previous Minister records?