

# ANNUAL REPORT

YEAR ENDED  
JUNE  
2005

## Freedom of Information Act 1991



Government  
of South Australia

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This Annual Report has been issued pursuant to Section 54 of the *Freedom of Information Act 1991*.

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**The Hon Michael Wright MP**

**MINUTE**

MINUTES forming ENCLOSURE to

File 05SF00006/MOA

Reg 05/03341

To HON MIKE RANN MP  
PREMIER



**Government  
of South Australia**

**Minister for  
Administrative Services  
Minister for  
Industrial Relations  
Minister for  
Recreation, Sport  
and Racing  
Minister for  
Gambling**

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**Subject**

**TABLING OF ANNUAL REPORT IN PARLIAMENT – FREEDOM OF  
INFORMATION**

Pursuant to the *Freedom of Information Act 1991*, I enclose three copies of the Freedom of Information 2004/2005 Annual Report for tabling in both Houses of Parliament by no later than 22 November 2005. Thank you for your assistance.

A handwritten signature in black ink, appearing to read "Michael Wright".

Michael Wright MP  
**MINISTER FOR ADMINISTRATIVE SERVICES  
MINISTER FOR INDUSTRIAL RELATIONS  
MINISTER FOR RECREATION, SPORT & RACING  
MINISTER FOR GAMBLING**

15/11 2005

Enc.



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## FOREWORD

This reporting year was both an exciting and challenging one for agencies with the implementation of the *Freedom of Information (Miscellaneous) Amendment Act 2004* and the completion of the across Government Freedom of Information Management System.

The *Freedom of Information (Miscellaneous) Amendment Act 2004* came into operation on 1 January 2005. The amendments to the *Freedom of Information Act 1991* (the FOI Act) were significant and included such changes as increasing the power of external reviewing authorities, and strengthening the Objects of the Act to promote openness and accountability with an emphasis on disclosure of information over non-disclosure. There were also significant changes to some exemption clauses in Schedule 1 of the FOI Act including amendments in relation to the availability of contract documents and Cabinet and Executive Council documents and added protection for documents relating to personal affairs. Further detail in relation to these amendments is provided in the body of this report.

The implementation of the amendments occurred relatively smoothly across State Government, Local Government and the Universities. To ensure that all FOI officers from the three sectors were fully conversant with the amendments, State Records undertook an extensive communications program to ensure that all agencies subject to the FOI Act were informed of the amendments. Letters were sent to all principal officers and ten briefing sessions were conducted for approximately 900 officers from State Government, Local Government and Universities. Information about the amendments was published on the State Records website.

The development of the Freedom of Information Management System more commonly referred to as FOIMS was also completed in the later part of the reporting year. FOIMS is a web-based database for recording and managing FOI applications. When fully implemented the system will provide a mechanism for more accurate and responsive reporting. From March 2005 to June 2005, 188 people were trained in how to operate the system.

This year 11 483 FOI applications for access were received by all agencies bound by the FOI Act. This was 233 more than the previous reporting year. The following report shows that 76% of applications across all agencies bound by the FOI Act were finalised within the 30 day time frame and that within State Government agencies full access to the documents was granted in 83% of cases. These figures are an improvement on last reporting year and I feel confident that the commitment to making information readily accessible within acceptable time frames will continue as agencies adopt a more open and accountable approach that is consistent with the Objects of the Act. It is pleasing to note that, where appropriate, agencies have continued to make more information available outside the FOI process.

The increased focus in FOI over the last 12 months has lead to a greater need for State Records to support FOI officers through various forums and training programs. Accredited FOI Training and General Awareness training has continued and specific FOI workshops have also been conducted with the support from the Offices of the Ombudsman and the Crown Solicitor.

With a continued emphasis on training and assistance to FOI officers, the approach to processing FOI applications has become more consistent and overall more efficient. This is reflected in the statistics provided in this report.

I would like to thank the staff of State Records of South Australia for the ongoing support and services they offer to both myself and agencies. I would also like to express my gratitude to all FOI officers across government involved in the processing of FOI applications. Agencies have embraced the amendments and shown enthusiasm for improving skills and knowledge in FOI and in meeting new reporting requirements through the use of the new Freedom of Information Management System.

The Hon Michael Wright MP  
**MINISTER FOR ADMINISTRATIVE SERVICES**



## THE YEAR IN REVIEW

### Introduction

State Records of South Australia provides support to the Minister for Administrative Services in the administration of the *Freedom of Information Act 1991* (the FOI Act). This support includes preparation of the FOI Annual Report on the Minister's behalf.

In order to produce the Annual Report all State Government entities, including statutory authorities and government business enterprises, Local Government and South Australian Universities are required to complete a Freedom of Information (FOI) annual statistical return and make those returns available to State Records for the purpose of preparing this report. Statistics collected include the number and type of FOI requests made to agencies and the outcome of those requests.

### Agencies bound by the FOI Act

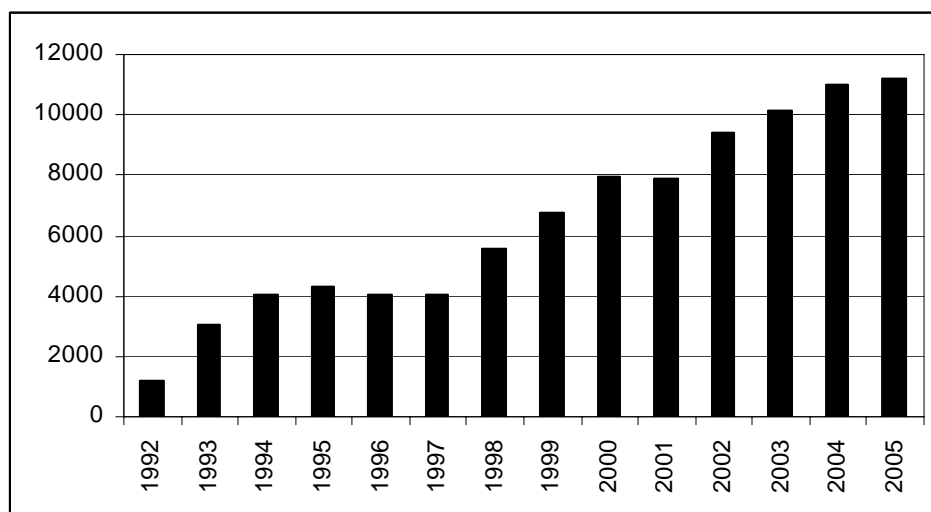
Section 4 defines which agencies are bound by the FOI Act. The definition is inclusive of most State Government entities, Local Government (Municipal and District Councils) and the South Australian Universities. *The Freedom of Information (Exempt Agencies) Regulations 1993* defines those agencies exempt from the FOI Act (refer to Appendix E).

Throughout this report reference to agencies refers to those entities bound by the FOI Act in the three sectors, ie State Government, Local Government and the Universities.

### State Government

The *Freedom of Information Act 1991* (the FOI Act) commenced on 1 January 1992. Since that time, from the statistics provided by agencies, there have been 90 822 applications made to South Australian State Government agencies. Chart 1 below shows the breakdown of these applications over the last 14 years. It should be noted that in 1992, the Act only operated for six months.

Chart 1 – Applications made to State Government agencies since 1 January 1992



### Local Government and Universities

The statistics in this report demonstrate that Local Government continue to make more information available to the public than in previous years. This can be seen by a 21% increase in the number of

FOI applications requesting documents that could be provided outside of the FOI process. It should be noted that where this occurs agencies usually refuse the application or provide restricted access to those documents. This reporting year, similar to last, Universities are providing full access to documents requested under FOI in most cases.

### **Freedom of Information (Miscellaneous) Amendment Act 2004**

In 2002, following a review of the Freedom of Information regime in South Australia, the Government introduced a number of amendments to the FOI Act. After significant debate and amendment by both Houses of Parliament the *Freedom of Information (Miscellaneous) Amendment Act 2004* was passed and came into force on 1 January 2005. The more significant amendments to the FOI Act included:

- changing the Objects of the Act to strengthen the focus of disclosure of information to the public;
- allowing greater access to documents of Cabinet and Executive Council under the FOI Act;
- clarifying that a document is not an exempt document merely because it has been attached to a Cabinet or Executive Council submission. It must have been specifically prepared for Cabinet or Executive Council to be exempt;
- increasing the powers of external reviewing authorities to issue a new determination, thereby resulting in a more timely and efficient appeal process;
- removing the ability to issue Ministerial and Agency Certificates that render a document beyond the scope of the FOI Act;
- requiring that contracts be disclosed unless a Minister (or an agency) approve the use of a confidentiality clause or term to declare the contract, or parts of the contract, exempt from disclosure; and
- removing the 30 year mandatory sunset clause affecting personal information ensuring that this information is protected from unreasonable disclosure regardless of its age.

One of the resolutions that secured the amendments to the FOI Act was to raise the fee free threshold for access by Members of Parliament from \$350 to \$1000. The *Freedom of Information (Fees and Charges) Regulations 2003* were amended to reflect this increase and came into force on 14 November 2004.

State Records undertook an extensive communications program to ensure that all agencies subject to the FOI Act were informed of the amendments to the FOI Act. This included letters to all principal officers of all agencies subject to the FOI Act, the provision of information explaining the changes on the State Records website, and ten briefing sessions that were attended by approximately 900 officers from state and local government, as well as the three universities in South Australia.

## **Freedom of Information Management System (FOIMS)**

Over the last 18 months State Records has developed an electronic across government Freedom of Information Management System known as FOIMS.

FOIMS is a web-based database that provides an accurate and efficient recording system for all agencies to manage their FOI applications.

By the end of the reporting year a majority of agencies were registered on FOIMS and ready to commence using the system by 1 July 2005, being the planned implementation date. From March 2005 to June 2005, State Records conducted 34 training sessions in the use of FOIMS. Altogether, 188 people were trained in how to operate the system including recording determinations, calculating fees and charges and creating reports for their agency.

FOIMS training will continue throughout the 2005-06 reporting year to ensure all agencies are registered and using the system by the end of the 2005-06 financial year.

When fully implemented FOIMS will provide the Government with a system to allow accurate and more responsive reporting on the operation of the FOI Act in South Australia.

## **FOI Information Line**

State Records provides an information service for members of the public seeking advice on how to access information held by agencies bound by the FOI Act. State Records also provides advice to agencies in relation to the operation and administration of the FOI Act. Over the 2004-05 period State Records answered approximately 700 requests directly related to FOI.

## **Accredited FOI Officers**

Section 4 of the FOI Act establishes the principal officer of an agency as an Accredited FOI Officer. It also allows them to designate other officers within their agency as an Accredited FOI Officer provided the officer has attended the approved training and is either:

- employed in an executive level position under the *Public Sector Management Act 1995* or in a position that usually reports to an executive; or
- a Police Officer with the South Australian Police Department; or
- an officer of a University or a Local Government employed in a position that usually reports to the principal officer or his or her deputy or immediate delegate.

Accredited FOI Officers are responsible for dealing with FOI applications on behalf of their agency and must make a determination within 30 calendar days of the agency receiving an application. Determinations must be dealt with independently and free from any influence from within or outside the agency.

In 2004-05, 7 Accredited FOI Officer training sessions, attended by 130 participants, were conducted by the Australian Government Solicitors Office.

## **General Awareness Training**

Seven FOI General Awareness training sessions were conducted by State Records and attended by 132 participants. A combined Records Management and FOI General Awareness training session was also delivered by State Records in Port Lincoln and attended by 17 participants.

## **FOI Workshops**

Three *FOI Writing a Determination* Workshops were conducted jointly by the Ombudsman of South Australia and the Crown Solicitors Office. Two of the workshops were provided to State Government agencies with the third workshop conducted specifically for Local Government. The Local Government workshop also included the internal review process, third party consultation and the public interest test, with a specific focus on local government issues. In total 60 participants attended these workshops.

## **FOI Officers Forum**

State Records hosted a Freedom of Information Officers Forum on 16 March 2005, which was attended by 160 participants.

The purpose of FOI Officers Forums is to improve the skill levels of FOI Officers and to keep them informed of any changes to the FOI Act including the administration of the Act. The forum also serves to strengthen the network between the FOI Officers for support and advice.

To assist with the organisation of the FOI Officers Forum, an Advisory Group establishes the agenda for the next forum. The following agencies are currently represented on the Advisory Group:

- The Department of Health;
- The Justice Portfolio;
- Department for Transport and Urban Planning;
- Local Government; and
- The South Australian Universities.

The forum of the 16 March 2005 included presentations by:

- State Records on the recent amendments to the FOI Act;
- The Office of the State Ombudsman on the external review process and the impact of recent amendments to the FOI Act;
- State Records on the new strategic focus of State Records on Government Recordkeeping practices and the importance of good recordkeeping to Freedom of Information; and
- State Records on the new Freedom of Information Management System (FOIMS).

## **FOI Process Guides**

The general FOI Process Guide provides guidelines for FOI Officers when processing FOI applications and was updated to reflect the recent amendments to the FOI Act.

Early in the reporting year a FOI Process Guide specifically for Minister's offices was also developed and is now available to FOI Officers in Ministers' offices.

## **Reporting to the Minister**

Throughout the year regular reporting is provided to the Minister on FOI applications received by the major State Government agencies on non-personal FOI requests only. Excluded from these reports are Hospitals and smaller agencies such as Health Services.

## **Contracts with Approved Confidentiality Clauses**

The recent amendments to the FOI Act amended clauses 7 and 13 of Schedule 1. These amendments affect contracts entered into by the Crown, a State Government agency, Local Government or a University.

Business Affairs or Confidential Material exemptions can no longer be claimed for a contract document merely because it is a contract. A contract, or part of a contract, can only be considered exempt from release (unless another exemption applies) if it contains a confidentiality clause that has been approved by a Minister, a Minister's delegate, or in the case of Local Government and Universities, approved by the agency itself.

Clause 13 also requires the number of contracts entered into by the Crown or an agency that contain approved confidentiality clauses to be reported annually to Parliament (refer to Appendix D for a description of the exemption Clause 13).

These amendments came into force on the 1 January 2005 with this being the first year that confidentiality clauses in contracts are reported.

For the period 1 January 2005 to 30 June 2005, agencies subject to the FOI Act reported 62 contracts containing an approved confidentiality clauses as described in Clause 13 of Schedule 1 of the Act.

Of the 62 contracts which contained an approved confidentiality clause as described in Clause 13:

- State Government agencies reported entering into 5 contracts.
- Local Government reported entering into 18 contracts.
- Universities reported entering into 39 contracts.

## **Documents provided outside the FOI process**

Consistent with the Objects of the Act, agencies are encouraged to provide access to information outside of FOI wherever possible. Access is usually provided through inspection, purchase or through free access. A description of the types of documents that may be available can be found in the agency's Information Statement. Information Statements must be published either in their Annual Report or on their website.

This reporting year, statistics collected from both State Government and Local Government suggest that agencies are becoming more proactive in the disclosure of particular types of information.

In 142 FOI applications, State and Local Government agencies refused or provided restricted access because the documents, or information, could be provided outside of the FOI process. This represents an 22% increase compared to the previous reporting year when State and Local Government agencies reported 116 cases where access to documents was available outside of FOI.

## **Ministerial and Agency Certificates**

The ability to issue a Ministerial or Agency certificate was removed from the FOI Act by the recent amendments to the Act that came into force on 1 January 2005.

There were no Ministerial or Agency certificates issued this year.

### **Correction for 2003-04 Annual Report**

Under the heading Statistical Summary on page 6 of the Freedom of Information Annual Report for the year ending June 2004, the figures quoted were incorrectly referred to as FOI applications received. These figures were the FOI Applications processed during 2003-04.

For comparison with figures for this reporting year the following depicts the FOI applications received for the 2003-04 reporting year:

- 11 250 FOI applications received by all agencies bound by the FOI Act as follows:
  - 11 030 by State Government agencies;
  - 212 by Local Government agencies; and
  - 8 by Universities.

The following pages contain a statistical report on the administration of the FOI Act in South Australia.

## STATISTICAL SUMMARY

This year there were 11 483 FOI applications for access received by all agencies bound by the FOI Act. Determinations were issued for 11 116 of those applications, which represents an increase of 142 applications or 1% compared to the previous reporting year.

Included in this figure are 425 applications brought forward from the 2003-04 reporting year.

Of the 11 483 applications received:

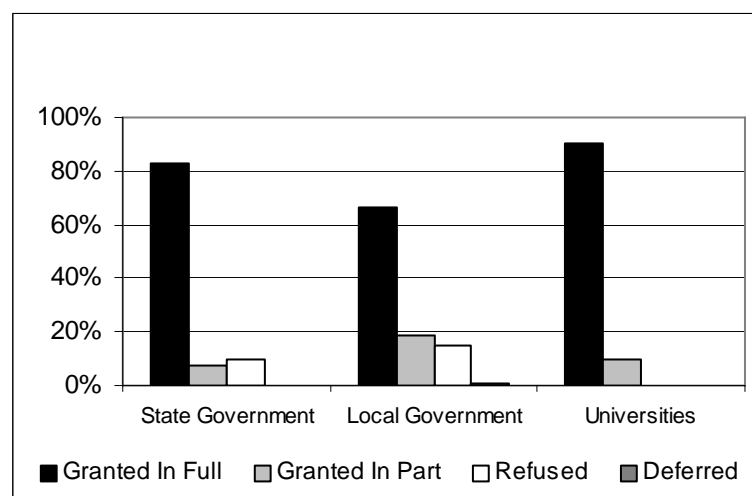
- 11 229 were received by State Government agencies (an increase of 199 applications) with 11 101 of these applications processed and 10 881 successfully determined;
- 244 were received by Local Government (an increase of 32 applications) with 239 of these applications processed and 225 successfully determined; and
- 10 were received and processed by the South Australian Universities (an increase of 2 applications) with all 10 applications successfully determined.

The above increases may be attributed to an increased focus on FOI following the review and recent amendment of the FOI Act in South Australia resulting in an increased interest in information held by government.

Chart 2 (below) shows that in 83% of FOI applications made to State Government agencies, full access was granted to the documents requested. Local Government reported that in 66% of cases full access was granted and Universities 90%. The outcome of access determinations for all sectors is detailed in tables 12-14 in Appendix B.

Compared to 2003-04, State Government agencies are providing full access to documents in 3% more cases and Local Government in 6% more cases.

*Chart 2 – Outcome of Access Applications - All Sectors*



## State Government Summary

For the 2004-05 reporting year there were 11 229 FOI applications for access received by State Government agencies. Of these, agencies processed 11 101 and determined 10 881. These figures represent a 1% increase in FOI applications processed compared to 2003-04.

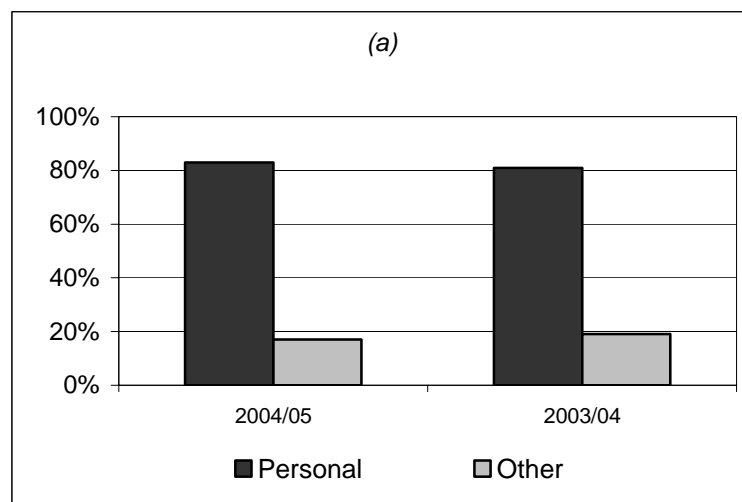
Key findings from the statistics provided by State Government agencies include:

- 77% of applications processed in 2004-05 were finalised within 30 days, which is 6% more than the last reporting year.
- The number of personal affairs applications determined increased by 5% compared to last year (see Chart 3a).
- The number of applications made where full access was given has remained similar to the results from the previous reporting year (see Chart 3b).
- Applications for non-personal information decreased by 10% in contrast to the 26% increase reported last year.
- 1116 extensions were granted this year compared to 1940 extensions the previous year, representing a decrease of 42%.
- A total 541 unfinished applications are to be carried over to the 2005-06 reporting year. This was an increase of 16% compared to the previous year.
- A 13% increase in the number of applications received from Members of Parliament from 456 applications last year to 519 applications this year.

For the period 1 January 2005 to 30 June 2005, State Government agencies reported having entered into five contracts that contained an approved confidentiality clause as defined by Clause 13 of Schedule 1 of the FOI Act.

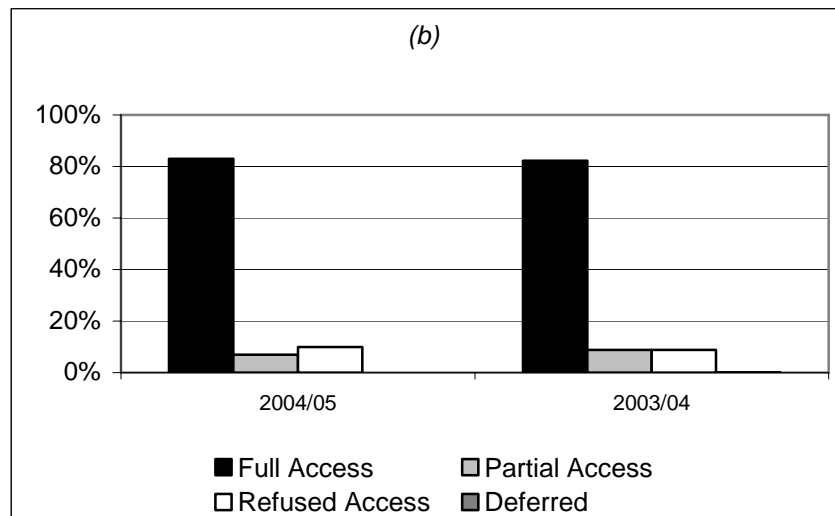
Chart 3a shows the proportion of access applications determined for personal information compared to non-personal applications and Chart 3b shows the outcome of those applications in State Government agencies.

*Chart 3a - Personal and non-personal access applications determined - State Government (10 881 determined applications 2004-05)*





*Chart 3b – Outcome of determinations - State Government  
(10 881 determined access applications 2004-05)*



Note: The one application that was deferred by State Government could not be depicted on the above chart due to its scale.

### **Local Government Summary**

This reporting year there were 244 FOI applications for access received by Local Government. This represents a 15% increase compared to the previous reporting year. Local Government processed 239 applications of which 225 were determined.

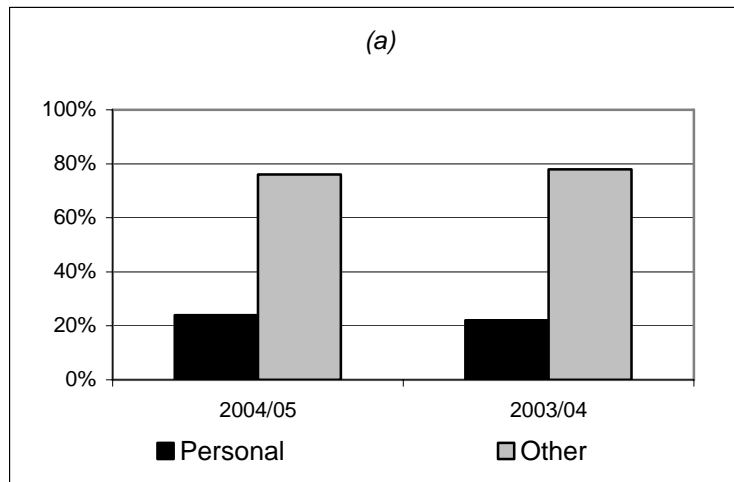
Key findings from the statistics provided by Local Government include:

- 83% of access applications in 2004-05 were processed within 30 days.
- A 6% increase in personal affairs applications received compared to the previous reporting year.
- An 18% increase in non-personal affairs applications received compared to the previous reporting year.
- A 12% decrease in the number of applications that required the time limit to be extended. There were 38 extensions granted this year compared to 43 extensions in the previous year.
- A total of 17 unfinished applications are to be carried over to the 2005-06 reporting year. This was the same as for the previous year.
- 4 applications were received from Members of Parliament compared to 5 in the previous year.

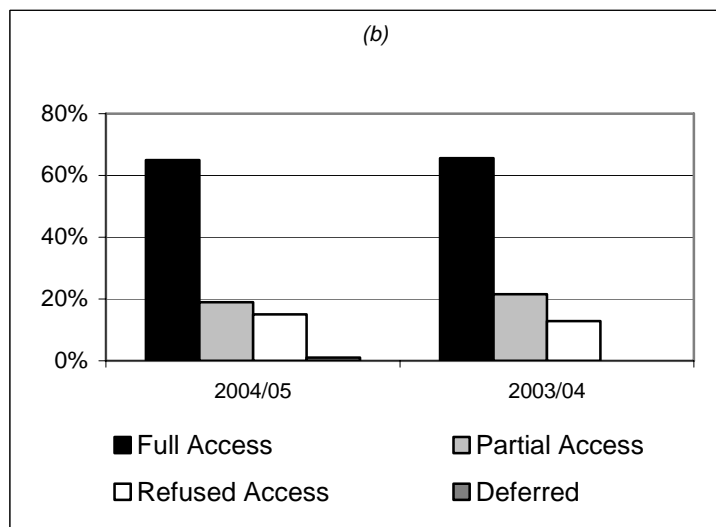
For the period 1 January 2005 to June 2005, Local Government reported having entered into 18 contracts that contained an approved confidentiality clause as defined by Clause 13 of Schedule 1 of the FOI Act.

Chart 4a shows the proportion of access applications determined for personal information compared to non-personal applications and Chart 4b shows the outcome of those applications in Local Government.

*Chart 4a - Personal and non-personal access applications determined - Local Government  
(Total of 225 determined applications 2004-05)*



*Chart 4b – Outcome of access determinations -Local Government  
(Total of 225 determined access applications 2004-05)*



## Universities Summary

South Australian Universities reported receiving 10 access applications, which represents a 25% increase in applications compared to the previous year.

Key findings relating to statistics provided by Universities include:

- All 10 applications were processed within the 30-day time frame.
- 9 personal affairs applications were received compared to 5 in the previous reporting year.
- 1 non-personal affairs application received compared to 3 in the previous reporting year.
- 1 application was received from a Member of Parliament.

For the period 1 January 2005 to June 2005, Universities reported having entered into 39 contracts that contained an approved confidentiality clause as defined by Clause 13 of Schedule 1 of the FOI Act.

Chart 5a shows the proportion of access applications determined for personal information compared to non-personal applications and Chart 5b shows the outcome of those applications in State Government agencies.

*Chart 5a - Personal and non-personal access applications determined - Universities (10 determined applications 2004-05)*

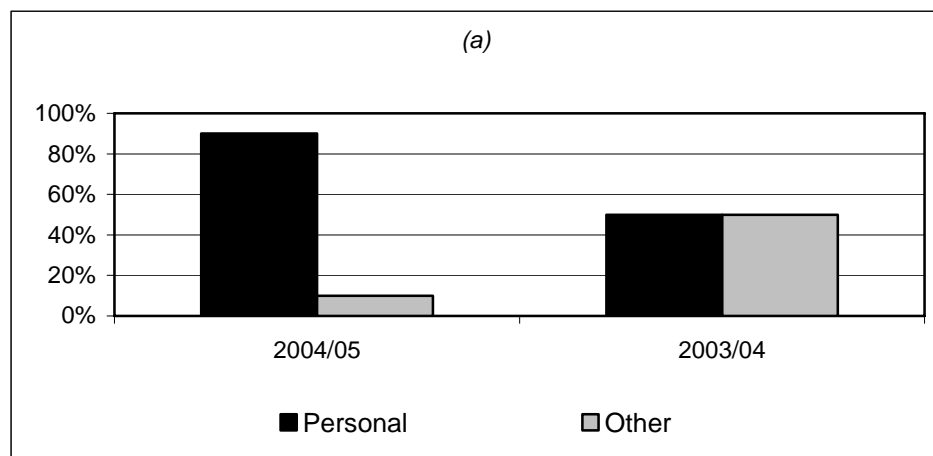
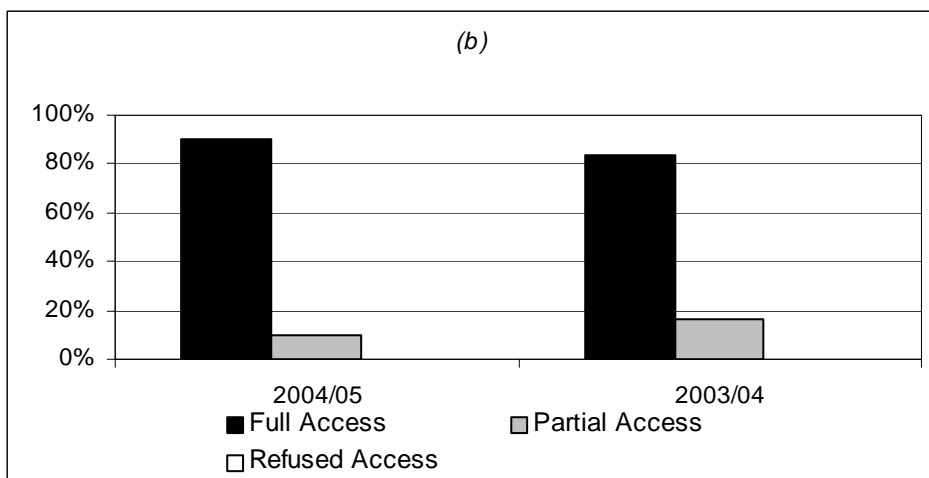


Chart 5b – Outcome of determinations -Universities  
(10 determined access applications 2004-05)



## ACTIVITY UNDER THE FOI ACT

### Applications received for access

#### *Volume*

The combined results of annual statistical returns for all agencies bound by the FOI Act show there were 11 483 FOI applications received during the reporting year.

Since 1999-2000 the top five agencies in terms of volume of applications have been reported in detail for this report. The examination of those same agencies has continued for each subsequent year. In 2002, a sixth agency, the Lyell McEwin Hospital, was included due to a marked increase in the volume of applications received. For the 2004-05 reporting year these top six agencies represent 69% of the total applications received by agencies across the three sectors bound by the FOI Act.

*Table 1 – Percentage increase / decrease of applications received by the top six agencies*

<i>Agency</i>	<i>2004-05</i>	<i>2003-04</i>	<i>% Change</i>
Royal Adelaide Hospital	2875	2735	5%
South Australian Police (SAPOL)	2457	2737	(10%)
Lyell McEwin Hospital	746	698	7%
Queen Elizabeth Hospital	723	832	(13%)
Flinders Medical Centre	701	678	3%
Children Youth and Women's Health Service (Women's and Children's Hospital)	412	424	(3%)

Of the 225 agencies that provided statistics for the 2004-05 Annual Report, 20% (44) of State Government agencies and 48% (30) of Local Government received no FOI applications during 2004-05.

#### *Type*

Agencies are asked to distinguish between access applications relating to the applicant's personal affairs and those relating to other material.

Applications for material relating to personal affairs can include:

- Applicants seeking access to their own personal information.
- Parents seeking access to their child's information.
- Requests from people who are acting on behalf of another for access to personal information, where consent is given without requiring the agency to consult the person concerned. This can include solicitors, personal representatives, insurance agencies and guardians.
- Next of kin seeking access to personal information about a deceased person.

- Applicants applying for their own information as well as other information.

Those applications relating to other material can include:

- An applicant applying for the personal information of another person without consent.
- Applications for policy or administrative documents.

Tables 2, 3 and 4 show the number and percentage of applications made for access to information relating to both personal affairs and other material.

*Table 2 – Breakdown of Applications received – State Government*

<b>Type of applications</b>	<b>2004-05</b>	<b>2003-04</b>	<b>% Change</b>
Personal affairs	9309	8891	5%
Other	1920	2139	(10%)
<b>Total applications</b>	<b>11 229</b>	<b>11 030</b>	<b>2%</b>

*Table 3 – Breakdown of Applications received – Local Government*

<b>Type of applications</b>	<b>2004-05</b>	<b>2003-04</b>	<b>% Change</b>
Personal affairs	51	48	6%
Other	193	164	18%
<b>Total applications</b>	<b>244</b>	<b>212</b>	<b>15%</b>

*Table 4 – Breakdown of Applications received – Universities*

<b>Type of applications</b>	<b>2004-05</b>	<b>2003-04</b>	<b>% Change</b>
Personal affairs	9	5	80%
Other	1	3	(67%)
<b>Total applications</b>	<b>10</b>	<b>8</b>	<b>25%</b>

#### ***Applications carried over into the next reporting year***

Not all applications were finalised within the reporting year. Unfinished applications are carried over into the next reporting year.

413 unfinished applications were carried forward into the 2004-05 reporting year by State Government agencies. Local Government carried 12 applications forward. There were no applications carried forward by the Universities.

A total of 558 applications remained undetermined at 30 June 2005 and have been carried over into the 2005-06 reporting year. Of this total number:

- 541 were made to State Government agencies.
- 17 were made to Local Government.

Of the 541 applications carried over by State Government agencies, 232 of these were carried over by South Australian Police.

At the close of the reporting year 235 of the 541 unfinished applications received by State Government agencies were still within the 30 day time frame for issuing a determination.

Of the 17 applications made to Local Government, 11 applications were still within the 30 day time frame for issuing a determination.

### ***Extensions***

Section 14A of the FOI Act allows agencies to extend the time period to deal with an application.

Pursuant to Section 14A, the principal officer of an agency that is dealing with an application can extend the 30 day period if the application is for access to:

- a large number of documents, or requires a search to be conducted through a large quantity of information which would unreasonably divert the agencies resources from their use in the exercise of its function, or
- a document in relation to which consultation is required under Part 3 Division 2 of the FOI Act and, it will not be reasonably practicable to comply within the time period.

Overall 1154 applications were extended with 90% extended by 28 days or more.

Of the total number of applications extended:

- 1116 (10%) were to State Government.
- 38 (17%) were to Local Government.
- No applications processed by Universities were extended.

State Government agencies reported a decrease of 824 (42%) extensions granted. Out of the 1116 extensions reported by State Government agencies, 1000 extensions were granted to the Royal Adelaide Hospital. This was 800 less extensions than previous reporting year despite receiving 5% more applications in 2004-05.

Of the 38 extensions reported by Local Government, 15 extensions were granted to the City of Charles Sturt with the remaining 23 extensions spread evenly across a number of councils.

The most frequently cited reasons by State and Local Government agencies for obtaining extensions to deal with applications were:

- Consultation with third parties.
- Conducting large searches for requested information.
- Complexity of applications that often required legal advice.

### **Reasons for Refusal**

The FOI Act allows for the refusal or restriction of access to certain documents.

Table 5 shows the breakdown of the reasons given by agencies across all sectors for the restriction or refusal of access to documents. Complete Tables for each specific sector can be found in Tables 9-11 in Appendix B.

Table 5 illustrates that access was restricted or refused in the majority of cases by State and Local Government and Universities because the document being sought was determined to be exempt.

*Table 5 – Reasons cited for restricting or refusing access - All Sectors*

<i>Details</i>	<i>State</i>	<i>Local</i>	<i>Uni</i>
Application incomplete/wrongly directed	20	2	0
Unreasonable diversion of an agency's resources	18	4	0
Abuse of right of access (Section 18(2)(a))	13	0	0
Fees not paid	31	4	0
Deemed refusal (over 30 days to respond)	9	0	0
Exempt document	1296	55	1
Otherwise available	132	10	0
Documents created prior to 1 January 1987	1	0	0
Ministerial/Agency Certificate (Section 20(3))	0	0	0
Exempt agency	25	0	0
Document does not exist/lost	360	10	0
<b>Total</b>	<b>1905</b>	<b>85</b>	<b>1</b>



## Exemptions claimed

Further analysis, demonstrated in Table 6, shows that documents affecting personal and business affairs, and documents affecting law enforcement and public safety, were reported as the most claimed exemption categories.

*Table 6 – Number of applications refused under Schedule 1 of the FOI Act – All Sectors*

<i>Clause</i>	<i>Details</i>	<i>State</i>	<i>Local</i>	<i>Unis</i>
1 & 2	Cabinet and/or Executive Council	183	0	0
3	Exempt documents communicated by another government	1	0	0
4	Law enforcement / public safety	363	4	0
5	Intergovernmental / Local Government relations	2	0	0
6	Personal Affairs	724	45	0
6a	Exempt electoral records	0	0	0
7	Business affairs	433	19	0
8	Conduct of Research	1	0	0
9	Internal working documents	143	8	1
10	Legal professional privilege	86	29	0
11	Judicial functions	97	0	0
12	Secrecy Provisions	231	1	0
13	Confidential information	84	12	1
14 & 15	Economy / financial or property interests	5	0	0
16	Operations of agencies	35	1	0
17	Subject to contempt	37	0	0
18	Companies and Securities	2	0	0
19	Public or archival collections	2	1	0
<b>Total</b>		<b>2429</b>	<b>120</b>	<b>2</b>

## Time Taken to Respond

Since 1 July 2002, all agencies have been required to deal with applications made under the FOI Act as soon as practicable within a 30 day time period. Should the agency take longer than this time to process an application without extending the time period in accordance with Section 14A, it will be determined that the agency has refused to provide access to the documents.

The chart below compares the time taken to respond to applications for access and amendment across the three sectors.

Chart 6 – Time taken to respond - All Sectors

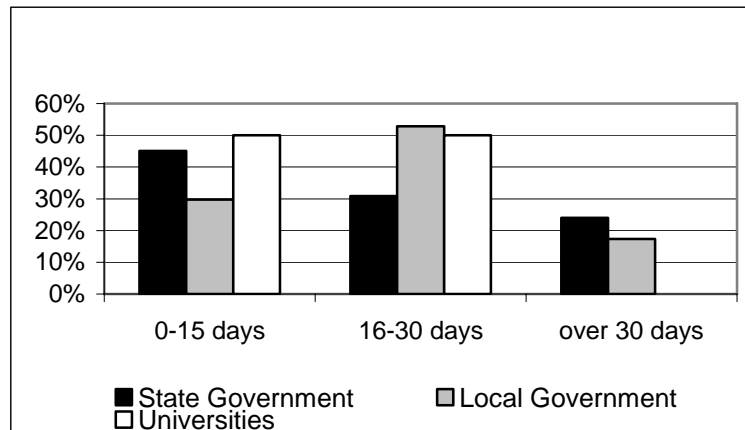


Chart 6 shows that almost half of all applications made to State Government agencies and approximately one third of applications made to Local Government were finalised within the first 15 days. Universities processed all applications within the 30 day timeframe. 76% of determined applications across the three sectors were finalised within the 30 day time frame. Approximately 24% of determined applications across all sectors took over 30 days to process. This is similar to last year where 29% of determined applications took over 30 days to process.

State Government agencies cited consultation difficulties and the size and complexity of the applications as the main reasons for the increase in time to respond to FOI applications.

## Cost of Processing FOI Applications

Agencies are able to mitigate some of the costs involved in processing FOI requests by charging applicants fees and charges in accordance with in the *FOI Fees and Charges Regulations 1993*.

Agencies are asked to report the estimated fees and charges that could be levied for processing FOI applications and the actual amount recovered during the year.

The total estimated fees and charges for processing FOI requests was reported to be \$351 996 with agencies recovering \$159 857 or 45% of this amount. The estimated fees and charges and the amount recovered in the 2004-05 reporting year for the three sectors is as follows:

- State Government agencies reported their assessed fees and charges as \$344 585 – of which \$154 974 or 45% was recovered;
- Local Government authorities reported their assessed fees and charges as \$6 993 – of which \$4 837 or 69% was recovered; and
- Universities reported their assessed fees and charges as \$418 – of which \$46 or 11% was recovered.

Other costs associated with processing FOI requests such as those in relation to obtaining legal advice and on-costs have not been included in the above figures.

Agencies also reported a total of 228 staff were involved in processing FOI requests across the three sectors with a total estimated salary cost of \$1.5 M for the reporting year.

### **Fee Waiver**

This year 4430 applications received were eligible for fee waiver, and in a further 728 applications agencies exercised their discretion not to charge the application fee. Therefore, in total, 5158 or 46% of all FOI applications were considered eligible for some form or fee waiver. This number is similar to that of the previous reporting year.

### **Applications from Members of Parliament**

One type of fee waiver provided in the FOI Act concerns applications made by Members of Parliament. Members of Parliament have a fee free threshold of \$1000 before they can be asked to pay a processing charge. This reporting year 524 applications from Members of Parliament received a fee waiver or fee reduction. Of these 519 were made to State Government agencies. This represents an increase of 14% compared to the 2003-04 reporting year.

### **Amendment of Records Relating to Personal Affairs**

The FOI Act provides all members of the public with a mechanism to apply for the amendment of government records about their personal affairs, which they believe are incomplete, incorrect, out-of-date or misleading.

In the event that the agency refuses the amendment application, the applicant has the right to have a notation added to the record. The notation would include why the applicant believes the record should be amended and should also include any information which the applicant believes will make the record complete.

This year State Government agencies and Universities received a total of 113 applications for amendment of records concerning personal affairs. This represents a decrease of 9% compared to last reporting year. Local Government received no applications for amendment.

Of the amendment applications received:

- 111 were received by State Government agencies; and
- 2 were received by Universities.

Table 7 shows that 59 applications for amendment (53% of cases) were refused by State Government agencies. This represents a slight decrease from the 57% of amendment applications refused by State Government in the previous reporting year.

Table 8 shows that, of the 3 applications received by Universities, 2 applications for amendment were refused.

*Table 7 – Amendment of Personal Information – State Government*

<b><i>Outcome of Amendment application</i></b>	<b><i>2004-05</i></b>	<b><i>2003-04</i></b>
Amendment agreed	39	39
Amendment refused	59	70
Partial amendment	10	11
Notation added	13	16

*Table 8 – Amendment of Personal Information - Universities*

<b><i>Outcome of Amendment application</i></b>	<b><i>2004-05</i></b>	<b><i>2003-04</i></b>
Amendment agreed	0	1
Amendment refused	2	0
Partial amendment	0	0
Notation added	1	1

## **Reviews and Appeals**

Any person who is dissatisfied with the outcome of an application for access or amendment can seek an internal or external review.

### ***Internal Review***

Sections 29 and 38 of the FOI Act allow any person aggrieved by a determination made by an agency to seek an internal review of that determination.

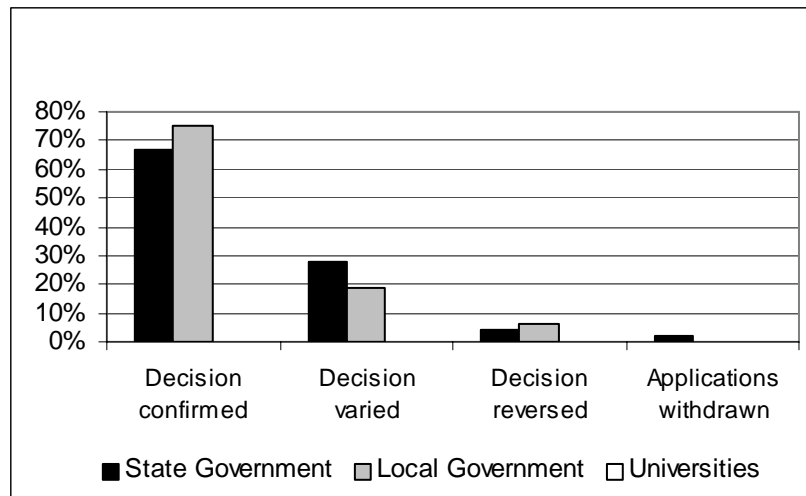
Applications for internal review must be made within 30 days of the original determination and must be dealt with within 14 days.

This reporting year, 219 applications for internal review were received with State Government agencies receiving 203, and Local Government 16. Universities did not receive any.

This represents an 8% increase in internal review applications for 2004-05 compared to 2003-04. This slight increase in internal review applications could be a direct result of the increase in the number of applications determined this reporting year to 11 116 compared to 10 901 last year.

The chart below shows the results of all finalised internal review applications.

*Chart 9 – Results of all finalised internal review applications – All Sectors*



This chart shows that in 67% of cases the determination made on an internal review application confirmed the original decision made by the agency. This is 2% more than the previous reporting year. (Note: Universities received no internal review applications).

### ***External Review***

There are two options available to members of the public who are aggrieved by an internal review decision made by an agency or where the original determination could not be internally reviewed.

One option is to make an application for external review to the Ombudsman or Police Complaints Authority. The Ombudsman conducts all external reviews unless the determination was made by the South Australian Police or the Minister responsible for the South Australian Police, in which case the external review would then be conducted by the Police Complaints Authority.

In the event the person is aggrieved by the outcome of an external review the applicant has the option to appeal to the District Court.

The Ombudsman and the Police Complaints Authority report separately on external reviews as part of their annual reporting requirements.

Agencies reported that eight appeals went before the District Court.

Further appeal against a decision made by the District Court can be made to the Supreme Court in accordance with the rules of that court.



## **APPENDICES**

## **Appendix A – Objectives, Scope and Interpretations**

The objects of the *Freedom of Information Act 1991* (FOI Act) are:

*3(1) (a) to promote openness in government and accountability of Ministers of the Crown and other government agencies and thereby to enhance respect for the law and further the good government of the State; and*

*(b) to facilitate more effective participation by members of the public in the processes involved in the making and the administration of laws and policies.*

### ***Scope***

The FOI Act applies to all South Australian government authorities, except where an exemption applies, all local councils and South Australian universities. This means that FOI applications can be made to all of these organisations.

### ***Interpretations***

#### ***Agency***

The definition of agency is currently defined as:

- a) a Minister of the Crown; or*
- b) a person who holds an office established by an Act; or*
- (b) an administrative unit under the Public Sector Management Act 1995; or*
- (c) South Australia Police; or*
- (d) A council; or*
- (e) Any incorporated or unincorporated body –*
  - i. Established for a public purpose by an Act; or*
  - ii. Established for a public purpose under an Act (other than an Act providing for the incorporation of companies or associations, co-operatives, societies or other voluntary organisations); or*
  - iii. Established or subject to control or direction by the Governor, a Minister or the Crown or any instrumentality or agency of the Crown or a council (whether or not established by or under an Act or an enactment); or*
- (f) A person or body declared by the regulations to be an agency.*

Exempt agencies are listed in Schedule 2 of the FOI Act, and a number of others have been declared exempt by regulation. A list of exempt agencies is attached in Appendix E.



### *Accredited FOI Officer*

The FOI Act requires that an Accredited FOI Officer must deal with application for access and amendment.

Accredited FOI Officers are defined as;

- a) *the principal officer of the agency; or*
- b) *an officer of the agency who –*
  - i. *has completed training of a type approved by the Minister for an accredited FOI officer; and*
  - ii. *has been designated by the principal officer of the agency as an accredited FOI officer of the agency; and*
  - iii. *–*
    - A *in relation to an administrative unit under the Public Sector Management Act 1995 – is employed in an executive position under that Act or in a position that usually reports to an executive; or*
    - B *in relation to the South Australia Police – is an officer in South Australia Police; or*
    - C *in relation to any other agency – is employed in a position that usually reports to the principal officer of the agency or to the deputy or immediate delegate of the principal officer.*

## Appendix B - Tables

*Table 9 – Reasons for the restriction or refusal of access to documents – State Government*

<b><i>Reason for refusing or restricting access</i></b>	<b><i>2004-05</i></b>	<b><i>2003-04</i></b>
Application incomplete / wrongly directed	20	60
Unreasonable diversion of an agency's resources	18	30
Abuse of right of access	13	8
Fees not paid	31	36
Deemed refusal (over 30 days to respond)	9	36
Exempt document	1296	1529
Otherwise available	132	107
Documents created prior to 1 January 1987	1	0
Ministerial / Agency Certificate	0	0
Exempt agency	25	33
Document does not exist / lost	360	204
<b><i>Total</i></b>	<b><i>1905</i></b>	<b><i>2048</i></b>

*Table 10 – Reasons given for the restriction or refusal of access to documents – Local Government*

<b><i>Reason for refusing or restricting access</i></b>	<b><i>2004-05</i></b>	<b><i>2003-04</i></b>
Application incomplete / wrongly directed	2	0
Unreasonable diversion of an agency's resources	4	3
Abuse of right of access	0	0
Fees not paid	4	2
Deemed refusal (over 30 days to respond)	0	0
Exempt document	55	46
Otherwise available	10	9
Documents created prior to 1 January 1987	0	1
Ministerial / Agency Certificate	0	0
Exempt agency	0	0
Document does not exist / lost	10	12
<b><i>Total</i></b>	<b><i>85</i></b>	<b><i>73</i></b>

*Table 11 – Reasons given by Universities for the restriction or refusal of access to documents - Universities*

<b><i>Reason for refusing or restricting access</i></b>	<b><i>2004-05</i></b>	<b><i>2003-04</i></b>
Application incomplete / wrongly directed	0	0
Unreasonable diversion of an agency's resources	0	0
Abuse of right of access	0	0
Fees not paid	0	0
Deemed refusal (over 30 days to respond)	0	0
Exempt document	1	1
Otherwise available	0	0
Documents created prior to 1 January 1987	0	0
Ministerial / Agency Certificate	0	0
Exempt agency	0	0
Document does not exist / lost	0	0
<b><i>Total</i></b>	<b><i>1</i></b>	<b><i>1</i></b>

Table 12 – Completed Applications - State Government

<b><i>Outcome of Application</i></b>	<b><i>2004-05</i></b>	<b><i>2003-04</i></b>
Granted In Full	9028	8803
Granted in Part	808	941
Refused	1044	945
Deferred	1	11
<b><i>Completed applications</i></b>	<b><i>10 881</i></b>	<b><i>10 700</i></b>
<i>Plus</i>		
Transferred in full	103	148
Withdrawn	117	142
<b><i>Total Actually Processed</i></b>	<b><i>11 101</i></b>	<b><i>10 990</i></b>

Table 13 – Completed Applications - Local Government

<b><i>Outcome of Application</i></b>	<b><i>2004-05</i></b>	<b><i>2003-04</i></b>
Granted In Full	149	128
Granted in Part	42	42
Refused	33	25
Deferred	1	0
<b><i>Total completed applications</i></b>	<b><i>225</i></b>	<b><i>195</i></b>
<i>Plus</i>		
Transferred in full	2	0
Withdrawn	12	15
<b><i>Total Actually Processed</i></b>	<b><i>239</i></b>	<b><i>210</i></b>

Table 14 – Completed Applications - Universities

<b><i>Outcome of Application</i></b>	<b><i>2004-05</i></b>	<b><i>2003-04</i></b>
Granted In Full	9	5
Granted in Part	1	1
Refused	0	0
Deferred	0	0
<b><i>Total completed applications</i></b>	<b><i>10</i></b>	<b><i>6</i></b>
<i>Plus</i>		
Transferred in full	0	1
Withdrawn	0	1
<b><i>Total Actually Processed</i></b>	<b><i>10</i></b>	<b><i>8</i></b>

Table 15 – State Government Access Applications Received by Portfolio

<i>Ministerial Portfolio</i>	<i>Personal affairs</i>	<i>Other</i>	<i>Total number of applications</i>
Administrative & Information Services	44	132	176
Education & Children's Services	87	127	214
Environment & Heritage	4	33	37
Further Education, Employment, Science & Technology	7	12	19
Families and Communities	312	17	329
Health (incl. hospitals & health services)	6882	348	7230
Justice	1875	834	2709
Premier & Cabinet	9	46	55
Primary Industries & Resources	1	32	33
Trade and Economic Development	0	14	14
Transport & Urban Planning	11	112	123
Treasury & Finance	5	32	37
Water, Land & Biodiversity Conservation	0	8	8
<i>Land Management Corporation</i>	<i>0</i>	<i>1</i>	<i>1</i>
<i>WorkCover Corporation</i>	<i>129</i>	<i>9</i>	<i>138</i>
<b>Total</b>	<b>9366</b>	<b>1757</b>	<b>11 123</b>

Table 16 – Individual Ministerial Reporting

<i>Individual Ministerial Reporting</i>	<i>Personal affairs</i>	<i>Other</i>	<i>Total number of applications</i>
Hon Kevin Foley	1	10	11
Hon Paul Holloway	0	5	5
Hon Patrick Conlon	0	6	6
Hon Lea Stevens	2	6	8
Hon John Hill	1	81	82
Hon Stephanie Key	0	9	9
Hon Michael Wright	1	14	15
Hon Jay Weatherill	0	11	11
Hon Kaylene Maywald	0	1	1
Hon Carmel Zollo	0	2	2
<b>Total</b>	<b>5</b>	<b>145</b>	<b>150</b>

**Note:** The table above does not list all Ministers. Statistics for the other Ministers Offices are reported as part of the overall portfolio statistics in Table 15.

## **Appendix C – Reasons for Refusing or Restricting Access**

### ***Application incomplete or wrongly directed***

Under Section 15 of the FOI Act, an agency can not refuse to accept an application that does not contain sufficient information, without first taking such steps as are reasonably practicable to assist the applicant to provide the necessary information.

### ***Unreasonable diversion of an agency's resources***

Section 18(1) allows an agency to refuse to deal with an application if it appears that the nature of the application, if carried out, would substantially and unreasonably divert the agency's resources. However, the agency must first endeavour to assist the applicant to amend the application (so that it would no longer divert the agency's resources) before refusing to deal with it.

### ***Abuse of the right of access***

Section 18(2a) allows an agency to refuse to deal with an application if, in the opinion of the agency, the application is part of a pattern of conduct that amounts to an abuse of the right of access or is made for a purpose other than to obtain access to information.

### ***Fees not paid***

Under Section 18(3), an agency may refuse to deal with an application if it has requested payment of an advance deposit and payment of the deposit has not been made within the period specified in the request.

### ***Deemed refusal***

Pursuant to Section 19(2), should an agency fail to determine an application within 30 days, or within the time period if it has been so extended, it is deemed a refusal of access.

### ***Exempt document***

Section 20(a) allows an agency to refuse access to exempt documents, of which there are 19 classes. Refer to Table 6.

### ***Otherwise available***

Section 20(1) allows access to be refused to documents that are available for inspection either at the agency which received the application, or at another agency (whether part of a public register or otherwise) or in accordance with another Act. Access can also be refused if the document is usually and currently available for purchase, was not created by the agency itself, or forms part of library material held by the agency.

### ***Documents created prior to 1987***

Section 20 states that applicants can be denied access to documents that came into existence before 1 January 1987 unless:

- a document contains information concerning the person affairs of the applicant, or
- it is a document that is reasonably necessary to enable some other document (being a document to which the agency has given access under the FOI Act) to be understood, or
- if 20 years have passed since the end of the calendar year in which the document came into existence.

### ***Exempt agency***

Schedule 2 of the FOI Act lists the agencies that are exempt from the application of the FOI Act. Agencies can also be exempt under Regulation. Refer to Appendix E.

### ***Document does not exist or is lost***

Section 23(1)(b) requires that, if an agency does not hold the required document, the agency must advise the applicant to this effect in a notice of determination.

## **Appendix D – FOI Act Schedule 1 Exempt Documents**

### ***Clause 1 - Cabinet documents***

Documents that have been specifically prepared for submission to Cabinet or documents which are official records of Cabinet.

Clause 1 was amended by the *Freedom of Information (Miscellaneous) Amendment Act 2004* with the inclusion of sub-section (2a) which allows for Cabinet documents as described above, to be released under FOI where a Minister has certified that Cabinet have approved the document as a document to which access may be given under FOI. This amendment came into force on 1 January 2005.

### ***Clause 2 - Executive Council documents***

Documents that have been specifically prepared for submission to the Executive Council or documents which are official records of the Executive Council.

Clause 2 was amended by the *Freedom of Information (Miscellaneous) Amendment Act 2004* with the inclusion of sub-section (3) which allows for Executive Council documents as described above, to be released under FOI where a Minister has certified that Executive Council have approved the document as a document to which access may be given under FOI. This amendment came into force on 1 January 2005.

### ***Clause 3 – Exempt documents communicated by another government***

Documents containing information communicated to agencies bound by the FOI Act either by the Commonwealth or another State Government, and, where notice has been received that this information is exempt under corresponding Freedom of Information laws.

### ***Clause 4 - Documents affecting law enforcement and public safety***

Documents, which contain matter, the disclosure of which could reasonably be expected to:

- prejudice the investigation of any contravention of the law; or
- identify any confidential source of information in relation to the enforcement of the law; or
- endanger the life and physical safety of any person, or the security of any building, structure or vehicle; or
- prejudice the effectiveness of any law enforcement measure; or
- prejudice the fair trial of any person or the impartial adjudication of any case; or
- prejudice any system or procedure for the protection of persons or property; or
- facilitate the escape from lawful custody of any person.



### ***Clause 5 - Documents affecting inter-governmental or local governmental relations***

Documents the disclosure of which could damage relations between the Government of South Australia and the Commonwealth Government or another State and Territory Government – and also to documents, which, if disclosed, would divulge information, communicated in confidence by other Governments.

### ***Clause 6 - Documents affecting personal affairs***

Documents, which if disclosed, would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead). Documents that contain allegations or suggestions of criminal or other improper conduct where the truth of those allegations or suggestions has not been established by judicial process, or which contain information about an elector (obtained in the course of the administration of the *Electoral Act* but not recorded on the electoral roll) also fall under this category.

Clause 6 was amended by the *Freedom of Information (Miscellaneous) Amendment Act 2004* to state that a document is exempt where it would be unreasonable to do so because it contains personal affairs of a person no matter how old the document is. This amendment came into force on 1 January 2005.

### ***Clause 7 - Documents affecting business affairs***

Documents containing trade secrets of any agency or any other person. It also refers to documents, which consist of information that has a commercial value to any agency or any other person, or information that, if disclosed, could be expected to have an adverse effect on business, professional, commercial or financial affairs.

Clause 7 was amended by the *Freedom of Information (Miscellaneous) Amendment Act 2004* with the inclusion of sub-section (3) which states that a document is not exempt by virtue of this clause if it is a contract entered into by the Crown or an agency. This amendment came into force on 1 January 2005.

### ***Clause 8 - Documents affecting the conduct of research***

Documents relating to the purpose or results of research (including research that has yet to be commenced or completed) and which, if disclosed, could be expected to have an adverse effect on the agency or other person by or on whose behalf the research is being carried out.

### ***Clause 9 - Internal working documents***

Documents containing any opinion, advice or recommendation that has been obtained, prepared or recorded; or any deliberation that has taken place in the course of the decision-making functions of the Government, a Minister or an agency.

### ***Clause 10 - Documents subject to legal professional privilege***

Documents containing matter privileged from production in legal proceedings on the grounds of legal professional privilege.

***Clause 11 - Documents relating to judicial functions, et cetera***

Documents that contain matter relating to the judicial functions of a court or tribunal; or documents that have been prepared for the purposes of proceedings (including any transcript of the proceedings) that are being heard or are to go before a court or a tribunal.

***Clause 12 - Documents the subject of secrecy provisions***

Documents that contain information that, if disclosed, would constitute an offence against an Act.

***Clause 13 - Documents containing confidential material***

Documents which, if disclosed, would found an action for breach of confidence. This also refers to information that is obtained in confidence and which, if disclosed, would be expected to prejudice the future supply of such information to the Government or to an agency, and would be contrary to the public interest.

Clause 13 was amended by the *Freedom of Information (Miscellaneous) Amendment Act 2004* with the inclusion of sub-sections (2) to (7) which state that a contract entered into by the Crown or an agency is not exempt by virtue of this clause unless a confidentiality clause or term is included in the contract and is approved by a Minister, or a Minister's delegate, or in the case of Local Government and Universities, the agency itself. This amendment came into force on 1 January 2005.

***Clause 14 - Documents affecting the economy of the State***

Documents which, if disclosed, would be expected to have a substantial adverse effect on the ability of the Government or an agency to manage the economy, and would be contrary to the public interest.

***Clause 15 - Documents affecting financial or property interests***

Documents which, if disclosed, would be expected to have a substantial adverse effect on the financial or property interests of the State or an agency, and would be contrary to the public interest.

***Clause 16 - Documents concerning operations of agencies***

Documents that, if disclosed, could be expected to prejudice the effectiveness of any method or procedure for the conduct of tests, examinations or audits by an agency and would be contrary to the public interest; or containing matter that, if disclosed, could prejudice the competitiveness of an agency engaged in competitive activities.

***Clause 17 - Documents subject to contempt, etc***

Documents that, if disclosed, would constitute contempt of court or infringe the privilege of Parliament.

***Clause 18 - Documents arising out of companies and securities legislation***

Documents prepared or received by an agency from the Commonwealth or another State for the purposes of the Ministerial Council for Companies and Securities. It also refers to documents that, if disclosed, would reveal the deliberations or decisions of the Ministerial Council for Companies and Securities (other than a document by which a decision of the Council has been officially published). Documents provided by or held by the National Companies and Securities Commission, which relate solely to the Commission's functions in relation to the law of the Commonwealth or State Governments also fall under this category.

***Clause 19 - Private documents in public library or archival collections***

Documents that are held in a public library or archival collection and have a condition imposed which prohibit their disclosure to members of the public. This only refers to private documents placed in a library or archives (not official records).

## Appendix E – Exempt Agencies – State Government

The following is a list of Exempt Agencies that appear in Schedule 2 of the *Freedom of Information Act 1991*.

\* \* \* \* \*

- e) all Royal Commissions;
- f) the Motor Accident Commission in respect of any matter relating to a claim or action under Part 4 of the *Motor Vehicles Act 1959*;

\* \* \* \* \*

- h) the Auditor-General;
- i) the Attorney-General, in respect of functions related to the enforcement of the criminal law;
- j) the Parole Board;
- k) the Solicitor-General, the Crown Solicitor and the Director of Public Prosecutions;
- l) the Ombudsman and the Police Complaints Authority;
- m) the Public Trustee, in respect of functions exercised as executor, administrator or trustee;
- n) the South Australian Government Financing Authority, the Local Government Financing Authority and the South Australian Superannuation Fund Investment Trust;
- o) a Minister of the Crown in respect of the administration of the former South Australian Development Fund or the Industry Investment Attraction Fund (or a fund substituted for the Industry Investment Attraction Fund);
- p) South Australia Police in relation to information compiled by—
  - I. the former Special Branch; or
  - II. the Operations Planning and Intelligence Unit; or
  - III. the Operations Intelligence Section (or a body substituted for the Operations Intelligence Section); or
  - IV. the Anti-Corruption Branch (or a body substituted for the Anti-Corruption Branch);
- q) the Local Government Association.

**The following is a list of additional agencies exempt by *Freedom of Information (Exempt Agency) Regulations 1993***

- (a) the Senior Secondary Assessment Board of South Australia established under the *Senior Secondary Assessment Board of South Australia Act*;
- (b) each electricity corporation within the meaning of the *Electricity Corporations Act 1994*;
- (ba) the South Australian Independent Industry Regulator established under the *Independent Industry Regulator Act 1999*; and
- (c) each State-owned company within the meaning of the *Electricity Corporations (Restructuring and Disposal) Act 1999* that holds a licence under the *Electricity Act 1996*.