

OFFICIAL



**Government
of South Australia**

Administration of the
Freedom of Information Act 1991
2023-24 Annual Report

Administration of the *Freedom of Information Act 1991*

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To:

Hon Kyam Maher MP

Attorney-General

Minister for Aboriginal Affairs

Minister for Industrial Relations and Public Sector

This annual report will be presented to Parliament to meet the statutory reporting requirements of the *Freedom of Information Act 1991* (FOI Act) and the requirements of Premier and Cabinet Circular *PC013 Annual Reporting*.

This is the thirty third freedom of information Annual Report to be tabled in Parliament since the commencement of the FOI Act in January 1992.

This report is verified to be accurate for the purposes of annual reporting to the Parliament of South Australia.

Submitted on behalf of State Records of South Australia on the Administration of the *Freedom of Information Act 1991* by:

Stephanie Coleman
Director, State Records

Date 11 October 2024

Signature



From the Attorney General

This report provides an overview on the administration of the *Freedom of Information Act 1991* (FOI Act) and details FOI application data for the 2023-24 financial year, as reported by agencies subject to the FOI Act. Agencies include South Australian state and local government agencies and universities.

This year agencies reported receiving 14 070 FOI applications, a 3% increase on the FOI applications received in 2022-23. This is a result of applications submitted to local government councils and universities rising by 27% and 283% respectively. State government agency application numbers remained relatively similar to the previous financial year.

Applications for personal information increased by 5% due to applications submitted by members of the public rising by 9%. In addition, non-personal applications (often more complex and time consuming) decreased by 7% as a result of applications submitted by Members of Parliament (MPs) reducing by 11% and from the media by 23%.

Determinations of applications within legislated timeframes improved by 15% in 2023-24, this could be attributed to the reduction in non-personal applications and an increase of 23% of staff working on FOI applications. Formal extensions of time for an agency to make a determination also increased by 13%.

Determinations where access was refused in full and applications for internal review reduced by 2% and 6% respectively.

I thank the agency staff, in particular those designated as Accredited FOI Officers and other FOI support staff, as they continue to assist and serve the community by providing access to government information.

Hon Kyam Maher MP

Attorney-General

Contents

Overview: *Freedom of Information Act 1991* 5

 Objects..... 5

 Administration 5

 Agencies subject to the FOI Act..... 6

Performance 7

 Contribution to whole of government objectives..... 7

 Specific objectives and performance 7

Reporting required under the Act..... 8

 FOI Act statistical information 2023-24 8

Overview: *Freedom of Information Act 1991*

Objects

The objects of the FOI Act include a responsibility to:

- promote openness in government and accountability of Ministers and other agencies and thereby enhance respect for the law and further good government in South Australia, and
- facilitate more effective participation by members of the public in the processes involved in the making and administration of laws and policies.

This is achieved by:

- ensuring that information concerning the operations of government is readily available to members of the public, Members of Parliament and the media
- conferring on members of the public a legally enforceable right of access to documents held by South Australian state and local government and universities, subject only to such restrictions that are consistent with the public interest and the preservation of personal privacy
- enabling each member of the public to apply for the amendment of government records concerning their personal affairs if those records are incomplete, incorrect, out-of-date or misleading.

The FOI Act and its subordinate regulations can be accessed via the South Australian legislation website at www.legislation.sa.gov.au.

Administration

State Records of South Australia (State Records) is a business unit within the Attorney-General's Department and has within its remit responsibility for supporting the Minister (the Attorney-General) in the administration of the FOI Act.

This support includes:

- provision of policy and legislative advice to agency FOI enquiries
- development of information sheets and guidelines
- preparation of the FOI annual report
- management and support for FOI reporting
- provision of regular and ad hoc reports to the Minister
- provision of FOI training and advice to agencies
- responding to public FOI enquiries.

To produce the FOI annual report, all agencies subject to the FOI Act are required to make available to State Records statistical information relating to FOI applications and determinations as well as the number of contracts entered into containing approved confidentiality clauses.

Agencies subject to the FOI Act

Section 4 of the FOI Act defines those agencies that are subject to the FOI Act. The definition of 'agency' is inclusive of most South Australian state government agencies and statutory authorities, local government councils (municipal and district) and universities.

Schedule 2 of the FOI Act and the *Freedom of Information (Exempt Agency) Regulations 2008* prescribe those agencies that are exempt from the FOI Act.

Throughout this report a reference to agencies includes all entities subject to the FOI Act across the three sectors, i.e. state government, local government and universities.

Performance

Contribution to whole of government objectives

Key objective	Agency's contribution
Open and Transparent Government	<ul style="list-style-type: none"> • Provide access to government information in accordance with the FOI Act • Provide training, resources and advice to agencies to enable them to comply with the requirements of the FOI Act

Specific objectives and performance

Agency objectives	Indicators	Performance
Agencies and members of the public receive FOI advice	Agency staff and the community have timely access to information and assistance relevant to accessing government information.	State Records responded to 525 FOI enquiries.
Guidelines and information sheets are published	FOI Information sheets, brochures and forms are maintained.	A review of State Records website , included the conversion of several information sheets to webpages, was completed in February 2024.
Accredited training for FOI officers is delivered	Accredited and non-Accredited officer training is offered and conducted.	107 participants completed the Accredited and non-Accredited Officer training (including 7 interactive webinars) in 2023-24. This participation is consistent with the previous year.
FOI education – FOI General Awareness and FOI Refresher education is available	Centralised education is available to support FOI officers undertake their roles.	The online FOI General Awareness and FOI Refresher courses were accessed 342 times during the reporting year, a slight reduction on last year. These courses have now been made available for agencies to upload into their internal training systems.
Submission and payment for online FOI applications	An online mechanism is available for the community to lodge and pay for FOI applications.	State government agencies received 5 222 applications through the online FOI Application Form, a decrease of 9% compared to 2022-23.

Reporting required under the Act

Freedom of Information Act 1991

Section 54 – Reports to Parliament

- (1) The Minister administering this Act must –
- a. as soon as practicable after 30 June and in any case before 31 October in each year prepare a report on the administration of this Act for the 12 months ending on 30 June; and
 - b. cause a copy of the report to be laid before both Houses of Parliament within six sitting days after preparation of the report is completed.
-

FOI Act statistical information 2023-24

Pursuant to Section 54AA of the FOI Act, FOI reporting requirements were gazetted on 26 June 2022. Agencies are required to manage their own FOI statistical information.

State Records has produced resources to assist agencies with the management of their reporting requirements.

The data collated by agencies, including the costs incurred by agencies in the administration of the FOI Act, is provided to State Records via an online form at the completion of the reporting period. The accuracy of the data is reliant on agencies.

Statistical information is available in Attachment 1 to this report and also on Data.SA.

Freedom of Information Annual Report 2023-24 FOI Statistical Data

The following statistical data has been compiled by State Records of South Australia from information provided by South Australian state and local government agencies and universities bound by the *Freedom of Information Act 1991* (FOI Act).

FOI data sets for prior financial years can also be found at Data.SA, and in past FOI annual reports on the State Records website.

Access applications received in 2023-24

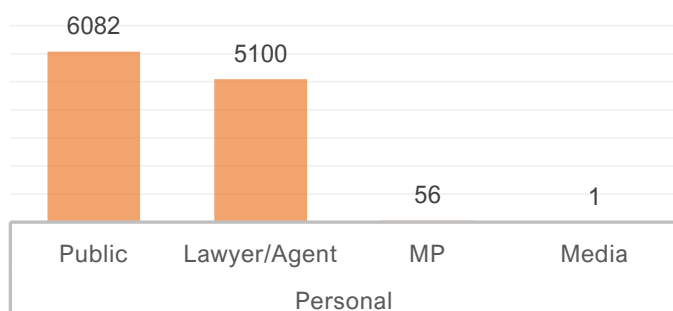
TABLE 1 Access applications received in 2023-24

Application	State		Local		University		All Sectors	
	2023-24	2022-23	2023-24	2022-23	2023-24	2022-23	2023-24	2022-23
Personal	11 027	10 487	176	148	36	19	11 239	10 654
Non-Personal	2 292	2 671	483	372	56	5	2 831	3 048
Total	13 319	13 158	659	520	92	24	14 070	13 702

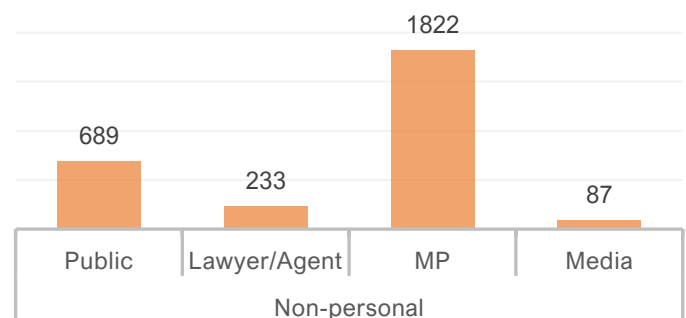
TABLE 2 Access applications received by applicant type

Applicant type	State		Local		University		All sectors	
	2023-24	2022-23	2023-24	2022-23	2023-24	2022-23	2023-24	2022-23
Member of the Public	6 271	5 758	431	410	69	22	6 771	6 190
Lawyer / Agent	5 269	5 222	62	70	2	1	5 333	5 293
Member of Parliament	1 697	2 067	164	37	17	0	1 878	2 104
Media	82	111	2	3	4	1	88	115

Personal applications



Non-personal applications



Freedom of Information Annual Report 2023-24

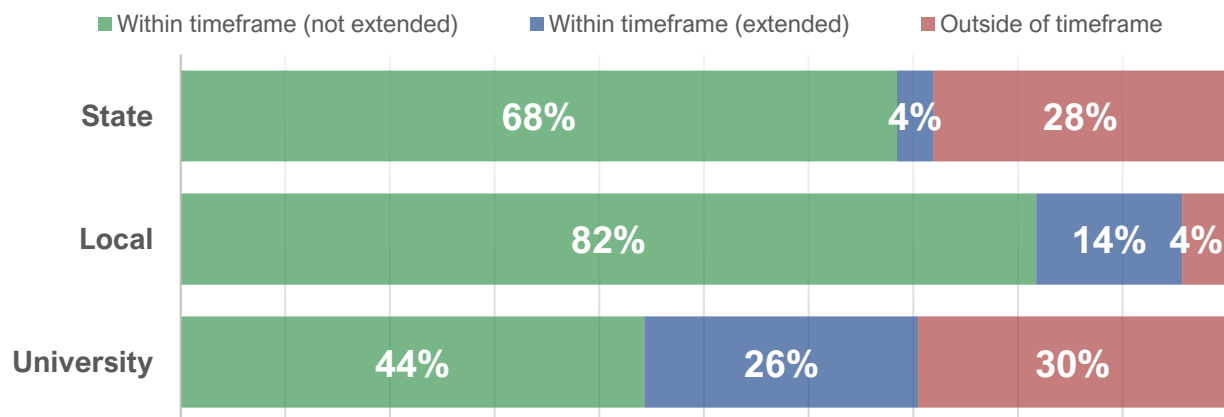
FOI Statistical Data

Access application response times and formal extensions

TABLE 3 Response times

Time	State 2023-24	Local 2023-24	University 2023-24	All Sectors 2023-24	All Sectors 2022-23
Within timeframe (not extended)	8 503	515	39	9 057	7 907
Within timeframe (extended)	430	88	23	541	534
Outside of timeframe (deemed refusal)	3 489	27	26	3 542	4 159

Response Times


TABLE 4 Formal extensions of time

Extension reason	State	Local	University	All Sectors 2023-24	All Sectors 2022-23
Section 14(1)(a) – searching	359	43	30	432	463
Section 14(1)(b) – consultation	185	69	12	266	155
Total	544	112	42	698	618

Freedom of Information Annual Report 2023-24

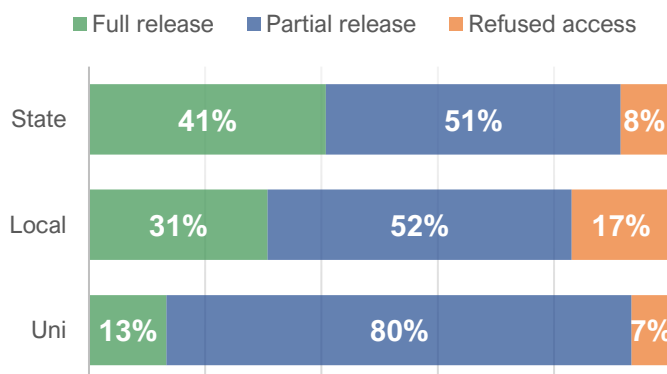
FOI Statistical Data

Access application outcomes

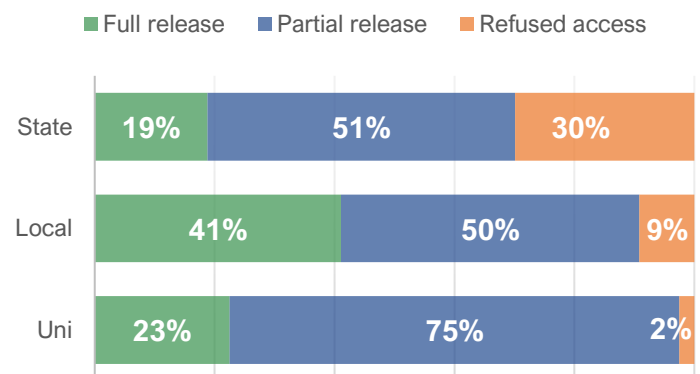
TABLE 5 Access application outcomes

Sector	Full Release		Partial Release		Refused in full	
	2023-24	2022-23	2023-24	2022-23	2023-24	2022-23
PERSONAL APPLICATIONS						
State	3 697	3 922	4 605	4 054	773	814
Local	47	80	80	61	26	15
Universities	4	2	24	13	2	1
All Sectors	3 748	4 004	4 709	4 128	801	830
NON-PERSONAL APPLICATIONS						
State	346	451	945	729	550	682
Local	166	100	201	135	37	35
Universities	9	2	30	3	1	0
All Sectors	521	553	1 176	867	588	717

Personal Applications



Non-personal Applications


TABLE 6 Access application outcomes (cont.)

Outcome	State	Local	University	All Sectors 2023-24	All Sectors 2022-23
Transferred	277	2	0	279	264
Withdrawn/closed	1 229	71	18	1 318	1 237
Total	1 506	73	18	1 597	1 501

Freedom of Information Annual Report 2023-24

FOI Statistical Data

Access refusals and exemptions

TABLE 7 Reasons for rejecting or refusing access

REJECTING	State	Local	Uni	Total 2023-24	Total 2022-23
Section 20(1)(b)(c)(d) – Documents otherwise available *	93	25	1	119	165
Document does not exist/lost	614	50	12	676	693
REFUSING					
Section 15 - Application incomplete/wrongly directed*	16	0	0	16	51
Section 18(1) - Unreasonable diversion of an agency's resources *	24	2	1	27	116
Section 18(2(a)) - Abuse of right of access *	15	7	0	22	78
Section 18(3) - Fees not paid	65	3	1	69	145
Section 19(2) - Deemed refusal - over 30 days to respond	239	3	0	242	220
Section 20(1) - Exempt *	2 688	205	23	2 916	3 310
Exempt agency	16	1	0	17	56

* The number of applications where the reason for rejection/refusal has been applied.

TABLE 8 Exemptions

Most commonly applied exemptions	2023-24	2022-23
Clause 1&2 – Cabinet and/or Executive Council documents	134	132
Clause 4 – documents affecting law enforcement and public safety	399	517
Clause 6 – documents affecting personal affairs	2 915	3 140
Clause 7 – documents affecting business affairs	337	225
Clause 9 – internal working documents	272	392
Clause 10 – documents subject to legal professional privilege	87	98
Clause 11 – documents relating to judicial functions	36	137
Clause 12 – documents the subject of secrecy provisions	245	455
Clause 13 – documents containing confidential material	404	298
Clause 16 – documents concerning the operations of agencies	269	351

Freedom of Information Annual Report 2023-24

FOI Statistical Data

Amendment applications and contracts containing confidentiality clauses

TABLE 9 Amendment applications

Outcome	2023-24	2022-23
New applications	114	76

TABLE 10 Amendment application outcomes

Outcome	2023-24	2022-23
Amendment in full	18	9
Partial amendment	12	6
Notation added	2	13
Amendment refused	66	36
Withdrawn/closed*	13	10

TABLE 11 Amendment application response times

Time	2023-24	2022-23
Within timeframe	101	55
Outside of timeframe	10	19

TABLE 12 Contracts reported with approved confidentiality clauses

Sector	2023-24	2022-23
State Government	119	129
Local Government	120	76
Universities	0	2
Total	239	207

Freedom of Information Annual Report 2023-24

FOI Statistical Data

Application reviews and applications for Cabinet documents

TABLE 13 Applications for review received

Applications reviewed	2023-24	2022-23
Internal review	493	524
External review - Ombudsman	297	322
External review - South Australian Civil and Administrative Tribunal	26	24
Total	816	870

TABLE 14 Internal review application outcomes

Outcome	2023-24*	2022-23*
Decision confirmed	227	179
Decision varied	190	157
Decision reversed	21	12

* Internal Review application outcomes include applications carried over from the previous reporting year

TABLE 15 Cabinet docs 10 years or older - requests for access

Requests	2023-24	2022-23	2021-22
MPs	12	7	0
Public	8	14	24
Media	0	0	26
Lawyer/Agent	0	10	-
Total	20	31	50

TABLE 16 Cabinet docs 10 years or older – access determinations

Determination	2023-24	2022-23	2021-22
Released in full	11	31	45
Released in part	8	9	27
Refused in full	1	1	7
Withdrawn	0	1	1
Total	20	42	80

Freedom of Information Annual Report 2023-24

FOI Statistical Data

The cost of administering the FOI Act

TABLE 17 Overall cost of administering FOI

Cost category	2023-24 \$	2022-23 \$	2021-22 \$
Salary	\$11 884 569	\$11 275 051	\$14 163 431*
Other expenses	\$919 970	\$273 020	\$521 583
Total	\$12 804 539	\$11 548 071	\$14 685 014

TABLE 18 Staffing

Sector	Number of staff		Full-time equivalent	
	2023-24	2022-23	2023-24	2022-23
State government	323	248	103.5	101.7
Local government	149	124	16.6	14.8
Universities	12	22	2.1	1.1
Total	484	394	122.2	117.6

* As part of a review of FOI annual reporting requirements, the staff included in the cost of administering the FOI Act was simplified to give a more accurate representation. The cost and staffing figures above now only include staff involved in the processing and/or management of FOI applications.

Staff requested to search for documents were not included in this data. Including them created the potential for the number of staff to be disproportionate to the amount of time spent processing FOI applications and the inclusion of staff searchers in agency statistics was not consistently reported.

TABLE 19 Application and processing fees assessed versus collected

Sector	2023-24	2022-23	2021-22**
ASSESSED*			
State government	\$504 869	\$384 749	-
Local government	\$37 158	\$44 009	-
Universities	\$3 255	\$1 709	-
Total	\$545 282	\$430 467	-
COLLECTED			
State government	\$430 478	\$372 811	\$301 648
Local government	\$23 389	\$18 378	\$24 150
Universities	\$1 161	\$1 127	\$649
Total	\$455 028	\$392 316	\$326 447

* Assessed fees and charges is defined in the FOI Annual Reporting Guideline as: Aggregation of all access application fees and charges that could be levied. Excludes exempt fees and charges i.e. application fees for concession card holders and MPs.

** Assessed fees and charges were not reported prior to 2022-23.

Freedom of Information Annual Report 2023-24
FOI Statistical Data

Applications not determined as at 30 June 2024

TABLE 20 Applications open as at 30 June 2024

Sector	Within 30 day timeframe	Outside 30 day timeframe	Total
State government	915	873	1 788
Local government	26	3	29
Universities	6	2	8
Total	947	878	1 825

TABLE 21 Overdue applications open as at 30 June 2024

Sector	Personal	Non-Personal	Total
State government	758	115	873
Local government	1	2	3
Universities	0	2	2
Total	759	119	878

Freedom of Information Annual Report 2023-24

FOI Statistical Data

State government access application breakdown

	Personal	Non-Personal	Total
Attorney-General; Aboriginal Affairs; Industrial Relations and Public Sector	285	237	522
Attorney-General's Department	85	162	247
Courts Administration Authority	33	13	46
Electoral Commission of South Australia	1	12	13
Equal Opportunity SA	1	2	3
Legal Services Commission	4	5	9
The Law Society of South Australia	0	1	1
Office of the Attorney-General, Hon Kyam Maher MLC	3	33	36
Office of the Commissioner for Public Sector Employment	1	2	3
Office of the Public Advocate	1	1	2
ReturnToWorkSA	156	6	162
Child Protection; Women and Domestic Violence; Recreation, Sport and Racing	460	76	536
Department for Child Protection	458	32	490
Office for Recreation, Sport and Racing	1	15	16
Office of the Hon Katrine Hildyard MP	1	29	30
Climate, Environment and Water	8	308	316
Department for Environment and Water	3	132	135
Dog and Cat Management Board	0	2	2
Environment Protection Authority	0	18	18
Green Adelaide	0	14	14
Green Industries SA	1	25	26
Heritage South Australia	0	1	1
Hills and Fleurieu landscape board	1	0	1
Limestone Coast Landscape Board	0	2	2
Murraylands and Riverland Landscape Board	0	1	1
Office of the Deputy Premier	1	65	66
SA Water	1	45	46
South Australian Arid Lands Landscape Board	1	0	1
Native Vegetation Council	0	3	3

Freedom of Information Annual Report 2023-24

FOI Statistical Data

State government access application breakdown

	Personal	Non-Personal	Total
Consumer and Business Affairs; Arts; Small and Family Business	1	50	51
Art Gallery of South Australia	0	4	4
Office of the Hon Andrea Michaels MP	1	35	36
South Australian Museum	0	4	4
State Library of South Australia	0	7	7
Defence and Space Industries	3	12	15
Defence SA	3	12	15
Education, Training and Skills	201	174	375
Department for Education	177	103	280
Education Standards Board	3	6	9
History Trust of South Australia	0	1	1
Office of the Minister for Education, Training and Skills	3	33	36
SACE Board of South Australia	6	16	22
TAFE SA	12	12	24
Teachers Registration Board of SA	0	3	3
Energy and Mining	0	73	73
Australian Energy Market Commission	0	2	2
Department for Energy and Mining	0	51	51
Office of Hydrogen Power SA	0	20	20
Health and Wellbeing	6708	172	6880
Barossa Hills Fleurieu Local Health Network	202	2	204
Central Adelaide Local Health Network	2606	13	2619
Department for Health and Wellbeing	29	51	80
Drug and Alcohol Services SA	27	3	30
Eyre and Far North Local Health Network	79	1	80
Flinders and Upper North Local Health Network	185	0	185
Limestone Coast Local Health Network	255	4	259
Northern Adelaide Local Health Network	1129	13	1142

Freedom of Information Annual Report 2023-24

FOI Statistical Data

State government access application breakdown

	Personal	Non-Personal	Total
Health and Wellbeing (cont.)			
Office of the Minister for Health and Wellbeing	8	50	58
Riverland Mallee Coorong Local Health Network	116	0	116
SA Ambulance Service	339	9	348
Southern Adelaide Local Health Network	1018	13	1031
Women's and Children's Health Network	577	13	590
Yorke and Northern Local Health Network	138	0	138
Housing and Urban Development; Housing Infrastructure; Planning			
Office of the Hon Nick Champion MP	2	39	41
Renewal SA Urban Renewal Authority	0	28	28
Human Services			
Department of Human Services	54	26	80
Office of the Minister for Human Services	2	188	190
SA Housing Authority	77	53	130
Industry, Innovation and Science			
Department for Industry, Innovation and Science	2	25	27
Infrastructure and Transport			
Department for Infrastructure and Transport	18	109	127
Office of the Hon Tom Koutsantonis MP	2	88	90
Police, Emergency Services and Correctional Services			
Department for Correctional Services	486	5	491
South Australia Police	2626	64	2690
South Australian Country Fire Service	31	14	45
South Australian Fire and Emergency Services Commission	2	3	5
South Australian Metropolitan Fire Service	4	20	24
South Australian State Emergency Services	4	3	7
Office of the Hon Dan Cregan MP	4	7	11

Freedom of Information Annual Report 2023-24

FOI Statistical Data

State government access application breakdown

	Personal	Non-Personal	Total
Primary Industries and Regional Development; Forest Industries	2	128	130
Department of Primary Industries and Regions	2	67	69
ForestrySA	0	2	2
Office of the Hon Clare Scriven MLC	0	59	59
Tourism; Multicultural Affairs	2	46	48
Office of the Hon Zoe Bettison MP	2	38	40
South Australian Tourism Commission	0	8	8
Minister for Trade and Investment; Veterans Affairs; Local Government	28	42	70
Department for Trade and Investment	5	42	47
Office of the Hon Geoff Brock MP	23	0	23
Premier and Cabinet	2	129	131
Department of Premier and Cabinet	2	64	66
Infrastructure SA	0	1	1
Office of the Hon Peter Malinauskas MP	0	48	48
Premier's Delivery Unit	0	10	10
South Australian MotorSport Board	0	1	1
Cross Border Commissioner	0	5	5
Treasurer	13	173	186
Department of Treasury and Finance	10	103	113
Essential Services Commission of SA	2	3	5
Lifetime Support Authority	0	2	2
Office of the Hon Stephen Mullighan MP	0	63	63
State Superannuation Office (Super SA)	1	2	3

Freedom of Information Annual Report 2023-24

FOI Statistical Data

Local government access application breakdown

	Personal	Non-Pers	Total
Adelaide Plains Council	3	3	6
Alexandrina Council	0	24	24
Anangu Pitjantjatjara Yankunytjatjara	16	0	16
Barunga West Council	2	0	2
Berri Barmera Council	1	4	5
Campbelltown City Council	2	4	6
City of Adelaide	1	37	38
City of Burnside	2	18	20
City of Charles Sturt	11	39	50
City of Holdfast Bay	0	12	12
City of Marion	0	17	17
City of Mitcham	8	19	27
City of Mount Gambier	4	5	9
City of Onkaparinga	24	21	45
City of Playford	0	17	17
City of Port Adelaide Enfield	17	8	25
City of Port Lincoln	0	6	6
City of Prospect	2	2	4
City of Salisbury	5	11	16
City of Tea Tree Gully	17	24	41
City of Unley	2	7	9
City of Victor Harbor	0	7	7
City of West Torrens	0	19	19
City of Whyalla	0	9	9
Clare & Gilbert Valleys Council	1	0	1
Copper Coast Council	0	41	41
Corporation of the Town of Walkerville	1	18	19
District Council of Ceduna	5	2	7
District Council of Cleve	0	6	6
District Council of Elliston	1	2	3
District Council of Franklin Harbour	1	0	1
District Council of Grant	5	2	7

Freedom of Information Annual Report 2023-24

FOI Statistical Data

Local government access application breakdown

	Personal	Non-Pers	Total
District Council of Karoonda East Murray	0	1	1
District Council of Lower Eyre Peninsula	0	2	2
District Council of Loxton Waikerie	0	3	3
District Council of Mount Remarkable	0	4	4
District Council of Orroroo Carrieton	0	3	3
District Council of Peterborough	1	2	3
District Council of Robe	1	1	2
District Council of Streaky Bay	2	0	2
District Council of Tumby Bay	0	9	9
District Council of Yankalilla	2	2	4
Kangaroo Island Council	0	6	6
Kingston District Council	0	3	3
Mid Murray Council	2	1	3
Mount Barker District Council	4	7	11
Municipal Council of Roxby Downs	1	1	2
Naracoorte Lucindale Council	1	4	5
Northern Areas Council	0	1	1
Port Augusta City Council	0	4	4
Port Pirie Regional Council	7	2	9
Regional Council of Goyder	0	3	3
Renmark Paringa Council	0	2	2
Tatiara District Council	1	3	4
The Barossa Council	0	4	4
The Flinders Ranges Council	0	2	2
The Rural City of Murray Bridge	3	8	11
Town of Gawler	0	4	4
Wakefield Regional Council	0	3	3
Wattle Range Council	0	2	2
Wudinna District Council	0	2	2
Yorke Peninsula Council	0	3	3

Freedom of Information Annual Report 2023-24

FOI Statistical Data

University access application breakdown

	Personal	Non-Pers	Total
Flinders University	16	5	21
UniSA	16	11	27
University of Adelaide	4	40	44

Freedom of Information Annual Report 2023-24 FOI Statistical Data

Amendment application breakdown

	Total
South Australia Police	70
Department for Child Protection	12
Southern Adelaide Local Health Network	6
Central Adelaide Local Health Network - CE	6
Department for Correctional Services	5
Essential Services Commission of SA	4
Northern Adelaide Local Health Network	4
Department for Education	2
SA Housing Authority	2
SA Ambulance Service	1
Office of the Minister for Education, Training and Skills	1
Limestone Coast Local Health Network	1

** Refer to tables 9 and 10 for totals and outcomes. Note, there were no reported applications to amend personal information submitted to local government councils or universities.*