



DEW F0001739603 and F0001739602

Your ref: online form 6936973

Date: 3 OCT 2018

Office of the Group
Executive Director, People
and Performance

81-95 Waymouth Street
Adelaide SA 5000

GPO Box 1047
Adelaide SA 5001
Australia

Ph: 08 8204 9473

www.environment.sa.gov.au

Tom Koutsantonis MP



Dear Mr Koutsantonis

I refer to your application pursuant to the *Freedom of Information Act 1991* (the Act) received by the Department for Environment and Water (DEW) on 21 May 2018 seeking access to:

"1. All correspondence, minutes, memos, advice, documents, briefings, emails, sms and meeting notes relating to a list of all public sector employees employed in a ministerial office.

2. All draft correspondence, minutes, advice, documents, briefings, emails, sms and meeting notes relating to a list of all public sector employees employed in a ministerial office.

3. All correspondence, minutes, memos, advice, documents, briefings, emails, sms and meeting notes held relating to a request or instruction to create or access a list of all public sector employees employed in a ministerial office.

4. All draft correspondence, minutes, memos, advice, documents, briefings, emails, sms and meeting notes held relating to a request or instruction to create or access a list of all public sector employees employed in a ministerial office.

5. The names of all Public Sector employees assigned to a Ministerial Office in DEWNR/DEW over the last five years.

6. All correspondence, minutes, memos, advice, documents, briefings, emails, sms and meeting notes relating to a list, creation of a list or access to a list of all public sector employees employed in a ministerial office between the ministerial office of the Hon David Speirs MP and the Chief Executive of the DEWNR or the DEW.

7. All draft correspondence, minutes, memos, advice, documents, briefings, emails, sms and meeting notes relating to a list, creation of a list or access to a list of all public sector employees employed in a ministerial office between the ministerial office of the Hon David Speirs MP and the Chief Executive of the DEWNR or the DEW.

8. *The dates, time and agendas of all meetings scheduled between the Chief Executive of the DEWNR or the DEW and the office of the Hon David Speirs MP, the names of public sector employees who attended and were invited, all meeting notes, advice, briefings, memos, minutes and action items resulting from those meetings and prepared for those meetings and all documents relating to those meetings including any drafts.*

9. *Any other relevant information relating to the creation, request, access, direction or instruction regarding a list of public sector employees employed in a Ministerial Office supported by the DEWNR or the DEW."*

On 23 May 2018, you advised the DEW FOI Unit to separate the original request into four (4) separate requests. This determination relates to two (2) of these which were registered on that date as follows:

"Since 17 March 2018 - All correspondence, minutes, memos, advice, documents, briefings, emails, sms and meeting notes relating to a list, creation of a list or access to a list of all public sector employees employed in a ministerial office between the ministerial office of the Hon David Speirs MP and the Chief Executive of the DEWNR or the DEW (including draft versions)."

And

"Since 17 March 2018

*a. The dates, time and agendas of all meetings scheduled between the Chief Executive of the DEWNR or the DEW and the office of the Hon David Speirs MP,
b. the names of public sector employees who attended and were invited,
c. all meeting notes, advice, briefings, memos, minutes and action items resulting from those meetings and prepared for those meetings and all documents relating to those meetings including any drafts."*

As the agency did not determine the application within 30 days of receiving it, by the operation of section 19(2)(b) of the FOI Act, the agency is taken to have determined the application by refusing access.

However, section 19(2a) of the FOI Act, provides that an agency may give access to a document on an application after the period within which it was required to deal with the application (and any such determination is to be taken to have been made under this Act).

DETERMINATION

Searches of the Department's records have found 19 documents held by this agency within scope of your request.

As a DEW Accredited FOI Officer, I have determined to grant you full access to six (6) documents, partial access to seven (7) documents and refuse access to six (6) documents. Section 20 of the Act provides that an agency may refuse access to a document if it is an exempt document under the Act.

The documents, or parts of the document to which I am refusing access and the reasons for the refusal are summarised in the attached document schedule and explained in more detail below.

Document number 19

Information not relating to meetings between the Chief Executive and the Minister's office has been marked as out of scope of your request.

Documents number 2, 3, 8, 9, 12, 17 and 18

Schedule 1, Clause 1(1) of the Act states:

1 – Cabinet Documents

(1) A document is an exempt document—

- (a) if it is a document that has been specifically prepared for submission to Cabinet (whether or not it has been so submitted);*
- (b) if it is a preliminary draft of a document referred to in paragraph (a); or*
- (c) if it is a document that is a copy of or part of, or contains an extract from, a document referred to in paragraph (a) or (b); or*
- (e) if it contains matter the disclosure of which would disclose information concerning any deliberation or decision of Cabinet; ...*

Documents 2, 3, 8, 9, 12, 17 and 18 include matters relating to cabinet business the disclosure of which would disclose information concerning deliberations of Cabinet, therefore are exempt pursuant to Schedule 1, Clause 1(1)(c) and Clause 1(1)(e) of the FOI Act.

Documents 2, 3, 5, 6, 8, 9, 11, 12, 14, 15, 17 and 18

Schedule 1, Clause 5 states:

5—Documents affecting inter-governmental or local governmental relations

(1) A document is an exempt document if it contains matter—

- (a) the disclosure of which—*
 - (i) could reasonably be expected to cause damage to intergovernmental relations; or*
 - (ii) would divulge information from a confidential intergovernmental communication; and*
- (b) the disclosure of which would, on balance, be contrary to the public interest.*

Schedule 1, Clause 7 states:

7 — Documents affecting business affairs

(1) A document is an exempt document—

- a) if it contains matter the disclosure of which would disclose trade secrets of any agency or any other person;*
- c) if it contains matter—*
 - (i) consisting of information (other than trade secrets or information referred to in paragraph (b)) concerning the business, professional, commercial or financial affairs of any agency or any other person; and*
 - (ii) the disclosure of which—*
 - (A) could reasonably be expected to have an adverse effect on those affairs or to prejudice the future supply of such information to the Government or to an agency; and*
 - (B) would, on balance, be contrary to the public interest.*

Clause 5(1) and 7(1)(c) of Schedule 1 of the Act requires me to weigh up the public interest when determining to allow access to the above information.

Factors I have considered in favour of the public interest from any such release are:

- It would support the object of the Act which promotes public access to documents.
- The importance of transparency and openness and the interest the public has in the operations of agencies and Government.

Factors I have considered contrary to the public interest for any such release are:

- The disclosure of the documents will prejudice the management function of the Minister and the Chief Executive to discuss confidential information in the future.
- The release of the documents will negatively impact the business and professional affairs of the both the Department and the Minister.
- The release of the documents would impede the Office of the Minister and Department working closely and co-operatively to manage the Environment portfolio.
- The release of the documents is likely to cause damage to the decision making processes for both the Minister and the Chief Executive.
- The release of documents would adversely affect the continued level of trust and co-operation in existing relationships between the Ministers office and the Department, impair the flow of information and advice between the Office of the Minister and the Department and affect the administration of the Chief Executive's management functions.
- The disclosure of documents could reasonably be expected to detrimentally affect full and frank deliberations between the agency and the Office of the Minister.

In making my determination, I have considered the public interest factors in favour of disclosure, particularly the objects of the Act which promote full disclosure of documents.

I have also considered the factors contrary to the public interest and that there are real grounds for the expectation that disclosure would have an adverse effect on the relationship with inter-governmental agencies. The disclosure of the documents will prejudice the management function of the Department, including its cooperative relationship with the Minister for Environment to effectively manage the Environment portfolio.

Based on the above considerations, I determine parts of documents 2, 3, 5, 6, 8, 9, 11, 12, 14, 15, 17 and 18 are considered exempt, pursuant to clause 5(1) and 7(1) of the Act, as disclosure would, on balance, be contrary to the public interest and pursuant to clause 7(1)(c) of the Act.

As advised in the determination letter for application number F0001731501, I determined that some documents discovered by the Acting Chief Executive which may also relate to the scope of the request for application number F0001731501 fell primarily within the scope of the request for this determination. As such, and to avoid duplication, those documents discovered by the Acting Chief Executive are provided to you in this determination.

DISCLOSURE LOG

In accordance with [PC045 – Disclosure logs for Non-personal information](#) once a determination has been provided, the agency is required to make available on our website information and documents that have been disclosed. Information will be publicized online at <http://www.environment.sa.gov.au/about-us/freedom-of-information/foi-disclosure-log>.

FEES AND CHARGES

There is no charge for processing this application.

YOUR APPEAL RIGHTS

If you are dissatisfied with this determination, you are entitled to exercise your rights to internal review and appeal as outlined in the attached documentation, by completing the attached Application for Review of Determination. If you decide to apply to exercise your rights to review, the completed form must be returned within 30 days to:

Chief Executive
Department for Environment and Water
GPO Box 1047
ADELAIDE SA 5001

If you have any queries in relation to the above please contact a Freedom of Information Officer on telephone (08) 8463 6625 or email DEW.FOI@sa.gov.au.

Yours sincerely



Diana Forgione
ACCREDITED FREEDOM OF INFORMATION OFFICER
DEPARTMENT FOR ENVIRONMENT AND WATER



Freedom of Information application: F0001739603 - Tom Koutsantonis - Meeting with CE and Ministers office

Since 17 March 2018

- a. The dates, time and agendas of all meetings scheduled between the Chief Executive of the DEWNR or the DEW and the office of the Hon David Speirs MP,
b. the names of public sector employees who attended and were invited,
c. all meeting notes, advice, briefings, memos, minutes and action items resulting from those meetings and prepared for those meetings and all documents relating to those meetings including any drafts.

No	Date	Author	Document Description	Determination	Clause	Reason
1	4/04/2018	Minister Speirs	Meeting booking	Full Release		
2	4/04/2018	DEW	Agenda	Partial Release	1 (1) 5 (1) 7 (1)	Cabinet documents Documents affecting inter-governmental relations Documents affecting business affairs
3	4/04/2018	DEW	Action Items	Refuse	1 (1) 5 (1) 7 (1)	Cabinet documents Documents affecting inter-governmental relations Documents affecting business affairs
4	9/04/2018	Minister Speirs	Meeting booking	Full Release		
5	9/04/2018	DEW	Agenda	Partial Release	5 (1) 7 (1)	Documents affecting inter-governmental relations Documents affecting business affairs
6	9/04/2018	DEW	Action Items	Refuse	5 (1) 7 (1)	Documents affecting inter-governmental relations Documents affecting business affairs
7	16/04/2018	Minister Speirs	Meeting booking	Full Release		
8	16/04/2018	DEW	Agenda	Partial Release	1 (1) 5 (1) 7 (1)	Cabinet documents Documents affecting inter-governmental relations Documents affecting business affairs
9	16/04/2018	DEW	Action Items	Refuse	1 (1) 5 (1) 7 (1)	Cabinet documents Documents affecting inter-governmental relations Documents affecting business affairs
10	23/04/2018	Minister Speirs	Meeting booking	Full Release		
11	23/04/2018	DEW	Agenda	Partial Release	5 (1) 7 (1)	Documents affecting inter-governmental relations Documents affecting business affairs
12	23/04/2018	DEW	Action Items	Refuse	1 (1) 5 (1) 7 (1)	Cabinet documents Documents affecting inter-governmental relations Documents affecting business affairs

No	Date	Author	Document Description	Determination	Clause	Reason
13	30/04/2018	Minister Speirs	Meeting booking	Full Release		
14	30/04/2018	DEW	Agenda	Partial Release	5 (1) 7 (1)	Documents affecting inter-governmental relations Documents affecting business affairs
15	30/04/2018	DEW	Action Items	Refuse	5 (1) 7 (1)	Documents affecting inter-governmental relations Documents affecting business affairs
16	14/05/2018	Minister Speirs	Meeting booking	Full Release		
17	14/05/2018	DEW	Agenda	Partial Release	1 (1) 5 (1) 7 (1)	Cabinet documents Documents affecting inter-governmental relations Documents affecting business affairs
18	14/05/2018	DEW	Action Items	Refuse	1 (1) 5 (1) 7 (1)	Cabinet documents Documents affecting inter-governmental relations Documents affecting business affairs
19	Multiple dates	DEW (J Schutz)	notes extracted from CE notebook	Partial Release	out of scope	information not relating to meetings between CE and the Ministers office marked as out of scope of request

Subject: Minister & CE Meeting (John Schutz + Lynne Hare) [DLM=For-Official-Use-Only]
Location: Minister's office

Start: Wed 4/04/2018 4:00 PM
End: Wed 4/04/2018 4:45 PM

Recurrence: (none)

Meeting Status: Accepted

Organizer: Bailey, Cullen (DEWNR)
Required Attendees: Speirs, David (DEWNR); Schutz, John (DEWNR); Hare, Lynne (DEWNR)

Security Classification: For Official Use Only

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Sensitive – Cabinet in Confidence

Minister : CE Meeting

Wednesday 4 April, 2018

4:00 – 4.45 pm

Minister's Conference Room, Level 10 Waymouth Street

	Item
1	Minister's items <ul style="list-style-type: none"> • Election commitment delivery •
2	CE's items 5 - Documents affecting inter-governmental and local government relations, 7 - Documents affecting business affairs
3	Cabinet Business 1 - Cabinet Document
4	Parliamentary Business
5	Media <ul style="list-style-type: none"> • Maree Man
6	Boards and Committees 5 - Documents affecting inter-governmental and local government relations, 7 - Documents affecting business affairs



Government of South Australia
 Department for Environment and Water

Helping South Australians conserve, sustain and prosper

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Subject: Minister & CE Meeting (John Schutz + Lynne Hare) [DLM=For-Official-Use-Only]
Location: Minister's office

Start: Mon 9/04/2018 4:15 PM
End: Mon 9/04/2018 5:00 PM

Recurrence: Weekly
Recurrence Pattern: every Monday from 2:00 PM to 3:00 PM

Meeting Status: Accepted

Organizer: Speirs, David (DEWNR)
Required Attendees: Schutz, John (DEWNR); Hare, Lynne (DEWNR); Bailey, Cullen (DEWNR)

Security Classification: For Official Use Only

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Sensitive – Cabinet in Confidence

Minister : CE Meeting

Monday 9 April, 2018

4:15pm–5.00 pm

Minister's Conference Room, Level 10 Waymouth Street

	Item
1	Minister's items <ul style="list-style-type: none"> • Election commitment delivery •
2	CE's items 5 - Documents affecting inter-governmental and local government relations, 7 - Documents affecting business affairs
3	Cabinet Business
4	Parliamentary Business
5	Media
6	Boards and Committees <ul style="list-style-type: none"> •



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Subject: 3.15 Minister & CE Meeting (John Schutz + Lynne Hare) [DLM=For-Official-Use-Only]
Location: Minister's office

Start: Mon 16/04/2018 3:15 PM
End: Mon 16/04/2018 4:00 PM

Recurrence: Weekly
Recurrence Pattern: every Monday from 2:00 PM to 3:00 PM

Meeting Status: Accepted

Organizer: Speirs, David (DEWNR)
Required Attendees: Schutz, John (DEWNR); Hare, Lynne (DEWNR); Bailey, Cullen (DEWNR)

Security Classification: For Official Use Only

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SENSITIVE - CABINET IN CONFIDENCE

Minister : CE Meeting

Monday 16 April, 2018

3:15pm-4.00 pm

Minister's Conference Room, Level 10 Waymouth Street

	Item
1	Minister's Items <ul style="list-style-type: none"> • Election commitment delivery
2	CE's items 5 - Documents affecting inter-governmental and local government relations, 7 - Documents affecting business affairs
3	Cabinet Business 1 - Cabinet Document
4	Parliamentary Business
5	Media
6	Boards and Committees 5 - Documents affecting inter-governmental and local government relations, 7 - Documents affecting business affairs



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Subject: Minister & CE Meeting (John Schutz + Lynne Hare) [DLM=For-Official-Use-Only]
Location: Minister's office

Start: Mon 23/04/2018 4:15 PM
End: Mon 23/04/2018 5:00 PM

Recurrence: Weekly
Recurrence Pattern: every Monday from 2:00 PM to 3:00 PM

Meeting Status: Accepted

Organizer: Speirs, David (DEWNR)
Required Attendees: Schutz, John (DEWNR); Hare, Lynne (DEWNR); Bailey, Cullen (DEWNR)

Security Classification: For Official Use Only

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Sensitive – Cabinet in Confidence

Minister : CE Meeting

Monday 23 April, 2018

4:15pm–5.00 pm

Minister's Conference Room, Level 10 Waymouth Street

	Item
1	Minister's items <ul style="list-style-type: none"> • Election commitment delivery •
2	CE's items 5 - Documents affecting inter-governmental and local government relations, 7 - Documents affecting business affairs
3	Cabinet Business
4	Parliamentary Business
5	Media 5 - Documents affecting inter-governmental and local government relations, 7 - Documents affecting business affairs
6	Boards and Committees 5 - Documents affecting inter-governmental and local government relations, 7 - Documents affecting business affairs



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Subject: Minister & CE Meeting (John Schutz + Lynne Hare) [DLM=For-Official-Use-Only]
Location: Minister's office

Start: Mon 30/04/2018 4:30 PM
End: Mon 30/04/2018 5:15 PM

Recurrence: Weekly
Recurrence Pattern: every Monday from 2:00 PM to 3:00 PM

Meeting Status: Accepted

Organizer: Speirs, David (DEWNR)
Required Attendees: Schutz, John (DEWNR); Hare, Lynne (DEWNR); Bailey, Cullen (DEWNR)

Security Classification: For Official Use Only

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SENSITIVE - CABINET IN CONFIDENCE

Minister : CE Meeting

Monday 30 April, 2018

4:15pm-5.00 pm

Minister's Conference Room, Level 10 Waymouth Street

	Item
1	Minister's items <ul style="list-style-type: none"> • Election commitment delivery
2	CE's items 5 - Documents affecting inter-governmental and local government relations, 7 - Documents affecting business affairs
3	Cabinet Business
4	Parliamentary Business <ul style="list-style-type: none"> • Any content for Government questions required
5	Media
6	Boards and Committees



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Subject: Minister & CE Meeting (John Schutz + Lynne Hare) [DLM=For-Official-Use-Only]
Location: Minister's office, Parliament House

Start: Mon 14/05/2018 3:30 PM
End: Mon 14/05/2018 4:15 PM

Recurrence: Weekly
Recurrence Pattern: Occurs every Monday from 2:00 PM to 3:00 PM effective 26/03/2018. (UTC+09:30) Adelaide

Meeting Status: Accepted

Organizer: Speirs, David (DEWNR)
Required Attendees: Bailey, Cullen (DEWNR); Schutz, John (DEWNR); Hare, Lynne (DEWNR); Bloss, Chrissie (DEWNR)

Security Classification: For Official Use Only

Please note this meeting will now be held at Parliament House - Sharon

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SENSITIVE CABINET IN CONFIDENCE

Minister: CE Meeting

Monday 14 May, 2018

3:30am-4:15am

Minister's office

	<u>Item</u>
1	<p>Minister's Items</p> <ul style="list-style-type: none"> Election commitment delivery <p>1 - Cabinet Document, 5 - Documents affecting inter-governmental and local government relations, 7 - Documents affecting business affairs</p>
2	<p>CE's Items</p> <p>5 - Documents affecting inter-governmental and local government relations, 7 - Documents affecting business affairs</p>
3	<p>Cabinet Business</p> <p>1 - Cabinet Document</p>
4	Parliamentary Business
5	Media
6	<p>Boards and Committees</p> <p>5 - Documents affecting inter-governmental and local government relations, 7 - Documents affecting business affairs</p>



Government of South Australia

Department for Environment
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Minister Speers phone call - 21.3.18
Meet the team & outline his vision to the team
Perhaps Eves early in first instance
One on One initially - CE -> Minister
Team approach then as specific issues require

- Agency Top

Tuesday for Court
" " " " " "
Minister Speers
1.30 - convene in
mid afternoon session
down out agency at
3pm
convert to whole dept
intro myself -
outlay virtual printing - high level
ensure we have the machinery ready
to go.

Guller Bailey - head of media
SA Health - will be tough to progress -
immediate actions
will call -

respect public service - public servants
work in my office - move on and out

Callan - comm - tomorrow afternoon
draft

Michael Garrard - call Callan -

- * send something out 3.15, tomorrow
- * Chat tomorrow morning - 11.30 -
Forum type things - soon
Lynne Michael / Lynne

Chatting for Barbara Penton for HR re staffing

- * - list of staff for interim roles - to Callan. -
previous staff, prof experience if poss.
- * Any staff in Dept that have worked in the Ministers
office over past 5 years. - at some point.
- * Tomorrow afternoon - 3 of us having a chat/working

Tuesday - meet and greet with Edna

Monday afternoon -

Tuesday afternoon

- * Lynne meet you 11.30 - in Joyce
Callan
Callan. Bailey2@SA.GOV.AU

Cullen Bailey catch up 22.3.18

Fannie

- 1 address len
 - 2 move some MLO's —
- SAs/Water have provided their own MLO
org diagram
JAP
Adventures asap. —

Digital Comm's officer
→ DENNR to do this — priority.

Rest of Ex ministerial staff back into agency.
Need to sort out office arrangements asap.

Cullen & Michael 22.3.18

Department of Environment (a water)

Want a regular template for Minister's updates to agency

Forums/meets - next couple of weeks to meet people

Tuesday 26/27/28 - Murray Trust
— break up groups - no more than 40
30 - 40 minutes

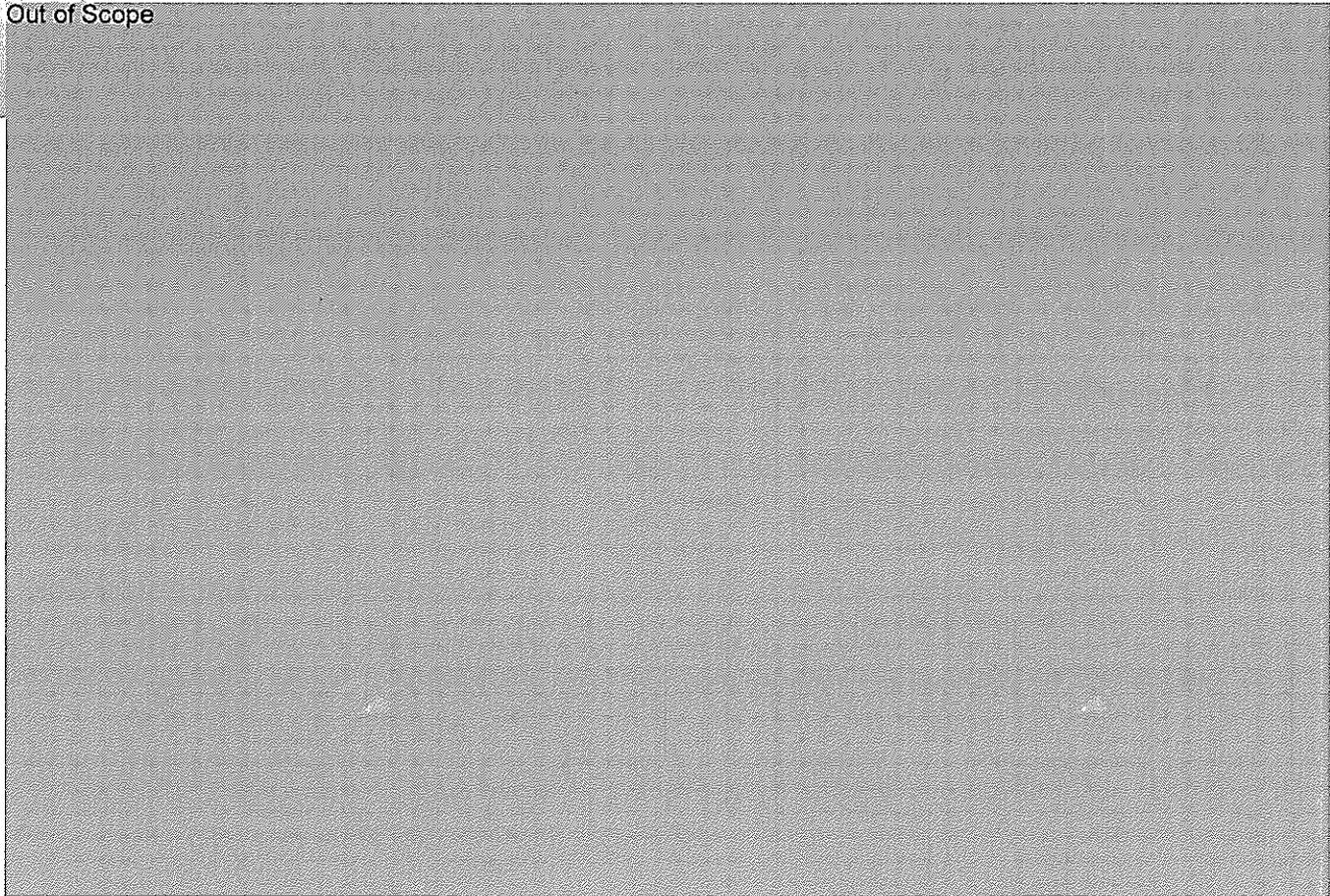
Minister's come → 5 minute chat, informal
Kitchens morning tea

Tue, Wed, Thurs, - metro

Week 4, 5, 6, — regional

Face book

Zero Waste / Green Industries.



Cullen - 23.3.18
H

Minister's mtg - 1 hr weekly

Minister, Cullen, JES, Lyanna -
well prepared agenda

Monday afternoon? 2.30 - 1hr.

Cabinet agenda -

2 business days before provide agenda to Sharon

Minister to Canberra on Wednesday -
meet with Sen Ruston

Briefing style by Monday -

Records - electronic

Forums - next week -

• 5 year list of employees

• HR - Lynne Daniels - Cullen Munday

• Corporate Structure - org charts ✓

• Exec contracts -

• QED presentation

Out of Scope