

## QUESTION ON NOTICE

### Councillor Mary Couros will ask the following Question on Notice:

'In light of recent public reporting that the City of Adelaide declined a Freedom of Information (FOI) request relating to communications between Council Administration and SA Police concerning an elected member, I seek clarification on the following matters:

1. Under which specific provisions of the Freedom of Information Act 1991 (SA) was access refused, and was the refusal full or partial?
  2. Was the exemption relied upon mandatory or discretionary?
  3. Was the determination made under delegation, and if so, by whom?
  4. Was legal advice obtained in relation to this determination? If so, on what date was that advice obtained and at what cost?
  5. Was a public interest test required under the exemption relied upon, and if so, what public interest factors were identified and how were they assessed?
  6. Can Administration confirm whether the correspondence from SA Police is related to matters arising in connection with the elected member's official capacity?
  7. What protocol or policy governs communications between Council Administration and SA Police where those communications concern elected members?
  8. Was the elected member advised that Council Administration had received correspondence from SA Police? If so:
    - a. On what date was notification provided?
    - b. In what form was the notification made (e.g. written correspondence or verbal briefing)?
  9. Was the elected member provided access to, or an opportunity to review, the relevant correspondence received from SA Police?
  10. Has the City of Adelaide ever received similar correspondence from law enforcement agencies concerning elected members in the past five years and if so how were those matters managed?
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# REPLY

1. Two applications for access were made by the same applicant.  
Access was refused in respect of both applications, in full, as the documents sought were exempt documents in accordance clause 6(2) of Schedule 1 to the *Freedom of Information Act 1991*.  
The first application was the subject of external review by the Ombudsman. The Ombudsman upheld the Council's decision, in full.  
The applicant for the second application remains entitled to an external review by the Ombudsman.
2. In accordance with Section 20(1)(a) of the *Freedom of Information Act 1991*, Council may refuse access to a document if it is an exempt document.
3. Section 14(1) of the *Freedom of Information Act 1991* requires applications for access to be dealt with on behalf of Council by an accredited FOI officer. The determination was made by Council's Chief Executive Officer, who is an accredited FOI officer for the purposes of the Act.
4. No.
5. No.
6. The Lord Mayor has determined that this question not be answered on the basis that it is improper in accordance with Regulation 9(6) of the *Local Government (Procedures at Meetings) Regulations 2013*.
7. No formal protocol or policy governs communications between Council Administration and SA Police.
8. The Lord Mayor has determined this question not be answered on the basis that it is improper in accordance with Regulation 9(6) of the *Local Government (Procedures at Meetings) Regulations 2013*.
9. The Lord Mayor has determined this question not be answered on the basis that it is improper in accordance with Regulation 9(6) of the *Local Government (Procedures at Meetings) Regulations 2013*.
10. The Lord Mayor has determined this question not be answered on the basis that it is vague in accordance with Regulation 9(6) of the *Local Government (Procedures at Meetings) Regulations 2013*.

Staff time in receiving and preparing this reply	To prepare this reply in response to the question on notice took approximately 5.5 hours.
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