



OFFICIAL: Sensitive

Our Ref: 26-1761
Your Ref: 22723649
Telephone: 8207 5590



Email: [Redacted]

Dear [Redacted]

Re: Freedom of Information Act application

In reference to your application made pursuant to the *Freedom of Information Act 1991* (FOI Act), access was sought to:

"I seek access to documents held by SA Police relating to the Justice Rehabilitation Fund (JRF) established under Criminal Assets Confiscation Act 2005 s.209A, for the period 1 July 2020 to present. 1. JRF funds received by SAPOL Documents showing all payments or disbursements made from the JRF to or for the benefit of SA Police (including any units or programs within SAPOL), including for each payment: date, amount, recipient unit/program, and stated purpose or description. 2. SAPOL claims or allocations of "costs of administering the Act" Documents identifying any amounts claimed by or allocated to SAPOL as "costs of administering the Act" (within the meaning of s.209A(4)) for each financial year from 2020–21 to 2023–24, including any breakdown of what those costs comprise. 3. SAPOL input to JRF governance or expenditure decisions Any briefings, submissions, or correspondence from SAPOL to the Attorney-General's Department or other agencies regarding: proposed uses of JRF funds, recommendations for JRF-funded projects involving SAPOL, or feedback on JRF guidelines, policies, or governance arrangements. If full document sets are voluminous, I am willing to accept summary records or extracts that identify dates, amounts, purposes, and decision-makers from 1/07/2020 to 20/12/2025."

In relation to the following parts of your request:

- 1. JRF funds received by SAPOL Documents showing all payments or disbursements made from the JRF to or for the benefit of SA Police (including any units or programs within SAPOL), including for each payment: date, amount, recipient unit/program, and stated purpose or description.*
- 2. SAPOL claims or allocations of "costs of administering the Act" Documents identifying any amounts claimed by or allocated to SAPOL as "costs of administering the Act" (within the meaning of s.209A(4)) for each financial year from 2020–21 to 2023–24, including any breakdown of what those costs comprise.*



Enquires made revealed that South Australian Police (SAPOL) do not hold any documents in relation to these parts of your request.

In relation to this part of your request:

3. SAPOL input to JRF governance or expenditure decisions Any briefings, submissions, or correspondence from SAPOL to the Attorney-General's Department or other agencies regarding: proposed uses of JRF funds, recommendations for JRF-funded projects involving SAPOL, or feedback on JRF guidelines, policies, or governance arrangements.

SAPOL has located documents that fall within the scope of this part of your request. The documents are numbered and described in the following schedule. The schedule contains the details of the determination in compliance with section 23 of the FOI Act. In particular, note the grounds on which access has been refused, including the reasons which are contained in the schedule.

SA POLICE - FREEDOM OF INFORMATION UNIT SCHEDULE			
No.	Document Description	Status	FOI Act Clauses
1	Discussion Paper: Statutory Review of the Criminal Assets Confiscation (Prescribed Drug Offenders) Amendment Act 2016	Part Release	4(2)(a)(iii) 4(2)(b) 6(1) 9(1)(a)(i)
2	Minutes forming Enclosure to The Hon the Attorney – General (MLO 0775/21) dated 22/07/2021		9(1)(b) 16(1)(a)(iv) 16(1)(b)
3	Email dated 23/07/2021 – from Minster Liaison Office to Attorney General	Part Release	6(1)

CLAUSES FOR REFUSAL

Clause 4(2)(a)(iii) of Schedule 1 of the FOI Act which states:

“A document is an exempt document if it contains matter the disclosure of which could reasonably be expected to prejudice the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law (including any revenue law).”

Information contained within the documents has been refused as disclosure may be prejudicial to SAPOL’s daily activities. The discussions within these documents highlight methods of evading or circumventing legislation and processes in relation to targeting serious offenders through confiscation of assets which if known could cause serious detriment to the effectiveness of current legislation.

The documents were created to assist the operational effectiveness of investigative processes and contain information directly related to the course of specific investigations. SAPOL’s responsibilities to methods, sources and operational details in relation to conducting such investigations should remain confidential, for the protection of the same.

Clause 6(1) of Schedule 1 of the FOI Act which states:

“A document is an exempt document if it contains matter the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).”

SA POLICE - FREEDOM OF INFORMATION UNIT SCHEDULE

The redacted text is the personal affairs of third parties. The information relates to details such as telephone numbers and email addresses. I am of the view that disclosure of such information is unreasonable given the need to protect the person's privacy and personal information.

Clause 9(1)(a)(i) Schedule 1 of the FOI Act which states:

"A document is an exempt document if it contains matter that relates to any opinion, advice or recommendation that has been obtained, prepared or recorded in the course of, or for the purpose of, the decision-making functions of the Government, a Minister or an agency."

The documents contain opinions, advice and recommendations provided as part of the decision-making functions of South Australian police officers, obtained through observation or information collation, specifically in relation to a review of current legislation relating to criminal confiscation, any weaknesses in the legislation and suggestions regarding how the legislation could be amended to strengthen police powers.

The documents contain information relating to live investigations, known weaknesses and loopholes in the current legislation. This information is given with the intention of briefing the Attorney General and applicable parliamentarians so that legislation can be strengthened where applicable, the documents were not written with the intent that they would be made available to the public for scrutiny or to assist offenders. If such opinions are released to the public at large this may create a risk of such opinions not being forthright, being guarded or not being committed to formal documentation in the future.

Officers need to feel safe to express their professional judgments, concerns, and strategic insights without fear that their words will be scrutinised or misinterpreted. If they believe their opinions might be disclosed, they may become hesitant or overly cautious, which may hinder effective decision-making.

Clause 16(1)(a)(iv) of Schedule 1 of the FOI Act which states:

"A document is an exempt document if it contains matter the disclosure of which could reasonably be expected to have a substantial adverse effect on the effective performance by an agency of the agency's functions"

The documents contain information relating to police operations specifically the administration of this legislation. Release of their methodology and thought processes could adversely affect SAPOL's functions or operations by hindering the agency's ability to carry out their statutory duties and thereby compromising service delivery.

Public Interest Test:

Clause 4(2)(b) of Schedule 1 of the FOI Act which states:

Clause 9(1)(b) Schedule 1 of the FOI Act which states:

Clause 16(1)(b) of Schedule 1 of the FOI Act which states:

"A document is an exempt document if it contains matter the disclosure of which would, on balance, be contrary to the public interest."

Having determined that a part of a document is exempt under the above clauses, satisfaction must also be shown that that the exemptions are in the interest of the public generally.

Access to the information contained within these documents would promote the objects of the FOI Act in relation to being of interest to the community.

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However, there is a strong public interest argument that legislation is put in place to protect the public at large and ensure justice is served on those who breach that legislation. The public generally entrust the administration of those functions to SAPOL and in doing so gives consideration to the need for confidentiality in aspects of its decision making and briefing to ensure legislation is updated for the good of the public generally.

The protection of individuals and ensuring public safety and administration of legislation far outweighs the public's interest in the information and therefore it is considered that release of this information is contrary to the public interest.

Disclosure Log

A disclosure log is published on the SAPOL website in accordance with Premier and Cabinet Circular PC045 – Disclosure Logs for Non-Personal Information Released through Freedom of Information and lists documents that have been disclosed in response to a request for access to non-personal information pursuant to the FOI Act. The disclosure log can be found at <https://www.police.sa.gov.au/about-us/proactive-disclosure>.

If you disagree with publication, please advise the undersigned in writing by 9 March 2024.

Your rights to review

If you are dissatisfied with this determination, you are entitled to exercise your right of internal review in accordance with section 29(1) of the FOI Act by completing a PD362 Application for Internal Review form, which can be downloaded from <https://www.police.sa.gov.au/services-and-events/freedom-of-information> or available upon request at your nearest police station. Alternatively, an application may be made in writing to the SAPOL Freedom of Information Unit. This application must be lodged within 30 (calendar) days after you receive this letter. The fee of \$43.30 (if applicable) can be paid in person at any South Australian police station or by posting a money order.

Yours sincerely,



Senior Sergeant Christian Ainley
Freedom of Information Unit
(Accredited Freedom of Information Officer)

19 February 2026