Your Ref:

Our Ref: 21/0099

Enquiries:

Telephone: 7322 3347

Facsimile: 7322 4180

Ms Alison Sandy Seven Network 560 Sir Samuel Griffith Drive MOUNT COOT-THA QLD 4066

Email: asandy@seven.com.au

Dear Ms Sandy

Re: Freedom of Information Act application

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

"Documents, specifically reports and AV material such as CCTV/video footage and photos, of offences committed relating to COVID-19 since 1 March, 2020 to the date of this application. I'm specifically seeking access to documents containing the following information: - The number and amount in \$ of COVID-19 related fines issued; - A breakdown of the types of offences and where and when they occurred; - Of those, how many were paid and how many are overdue. If a summary document, please limit my application to that and related AV material. Please exclude duplicates, documents that have already been publicly released, media reports/articles/releases and correspondence with media. Please note, I do not consent to documents being deemed irrelevant without consultation and I do consent to edited copies of documents with exempt material redacted or blurred/pixilated."

In relation to the following part of your application:

"...offences committed relating to COVID-19 since 1 March, 2020 to the date of this application. I'm specifically seeking access to documents containing the following information: - The number and amount in \$ of COVID-19 related fines issued; - A breakdown of the types of offences and where and when they occurred; - Of those, how many were paid and how many are overdue..."

It is determined to **refuse access** to this data pursuant to s20(1)(b) of the Freedom of Information Act 1991 which relevantly states:-

"An agency may refuse access to a document if it is a document that is available for inspection at that or some other agency (whether as part of a public register or otherwise) in accordance with Part 2, or in accordance with a legislative instrument other than this Act, whether or not inspection of the document is subject to a fee or charge;"

Data that falls within the scope of your request is published and can be found at https://data.sa.gov.au/data/dataset/expiation-notice-system-data



On perusal of the data you will see that *Expiation Offences Codes* appear under *Column I* of the spreadsheets and these codes correlate with specific legislated offence sections under the Emergency Management (EM) Act 2004. This information has been included below to assist you identify the information you seek.

Section Number	Offence Description	Expiation Offence Code
s28(1) EM Act	Person refuse/fail to comply with requirement or direction during major incident or emergency	L031
S28(2) EM Act	Body corporate refuse/fail to comply with requirement or direction during major incident or emergency	L049

In relation to the following part of your application:

"...Documents, specifically reports and AV material such as CCTV/video footage and photos, of offences committed relating to COVID-19 since 1 March, 2020..."

In order to discover documents that fell within this part of the scope of your request the first twenty (20) expiated matters were searched to identify Expiation Notices that had associated Body Worn Video. The documents located are numbered and described in the following schedule. The schedule contains the details of the determination in compliance with section 23. In particular, note the grounds on which access has been refused, including the reasons which are contained in the schedule. This determination was made on 22 September 2020.

SA POLICE - FREEDOM OF INFORMATION UNIT SCHEDULE						
No.	Document Description	Status	Act	Reason		
1	Expiation Notice dated 05/05/2020 and consisting of 1 page.	Part Release	Clauses: 6(1) 12(1)	The redacted text is the personal affairs of parties other than Ms Alison Sandy. The information relates to details such as names, date of birth, home and work address and other identifying information. I am of the view, in all of the circumstances, that disclosure of such information is unreasonable. Pursuant to clause 12(1) of the FOI Act disclosure of the redacted text would constitute an offence against Section 31A of the Emergency Management Act 2004 and Section 5 of the Emergency Management Regulations 2009.		

2	Body Worn Video related to Document 1.	Part Release	Clause: 6(1) 12(1)	The redacted images and sound are the personal affairs of parties other than Ms Alison Sandy. The redacted images and sound relates to the image of the place of offence as well as the image and voice of a third party; including details such as name, date of birth, address, occupation, place of offence and other identifying information. I am of the view, in all of the circumstances, that disclosure of such information is unreasonable.
	z			Pursuant to clause 12(1) of the FOI Act disclosure of the redacted vision would constitute an offence against Section 31A of the Emergency Management Act 2004 and Section 5 of the Emergency Management Regulations 2009.
3	Expiation Notice dated 28/05/2020 and consisting of 1 page.	Part Release	Clause: 6(1) 12(1)	The redacted text is the personal affairs of parties other than Ms Alison Sandy. The information relates to details such as names, date of birth, home and work address and other identifying information. I am of the view, in all of the circumstances, that disclosure of such information is unreasonable.
	,			Pursuant to clause 12(1) of the FOI Act disclosure of the redacted text would constitute an offence against Section 31A of the Emergency Management Act 2004 and Section 5 of the Emergency Management Regulations 2009.
4	Body Worn Video related to Document 3.	Part Release	Clause: 6(1) 12(1)	The redacted images and sound are the personal affairs of parties other than Ms Alison Sandy. The redacted images and sound relates to images and voices of third parties; including details such as personal circumstances, occupation and other identifying information. I am of the view, in all of the circumstances, that disclosure of such information is unreasonable. Pursuant to clause 12(1) of the FOI
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vision would constitute an offence against Section 31A of the Emergency Management Act 2004 and Section 5 of the Emergency Management Regulations 2009.

CLAUSES FOR REFUSAL

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)."

Clause 12(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 constitute an offence against an Act."

In accordance with the requirements of Premier and Cabinet Circular PC045, details of your FOI application, and the documents to which you are given access, will be published on the SAPOL website Disclosure Log. A copy of PC045 can be found at https://www.dpc.sa.gov.au/ data/assets/pdf file/0019/20818/PC045-Disclosure-Log-Policy.pdf. If you disagree with publication, please advise the undersigned in writing by 6 November 2020.

Your rights to review

If you are dissatisfied with the determination for access to SAPOL records, 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 days from the date of this determination with a fee of \$37.50. Such a fee may be waived in the event of an exemption being claimed.

Yours sincerely,

Senior Sergeant First Class Tracy Gentgall

Officer in Charge

Freedom of Information Unit

(Accredited Freedom of Information Officer)

→ September 2020

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