



**Environment Protection Authority**

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FOI-22-34

Hon. Heidi Girolamo MLC

Parliament House

ADELAIDE SA 5000

via email:

[Girolamo.office@parliament.sa.gov.au](mailto:Girolamo.office@parliament.sa.gov.au)

Dear Ms. Girolamo,

I refer to your application under the *Freedom of Information Act 1991* (the FOI Act), received by the Environment Protection Authority (EPA) on 04 October 2022 for access to:

*Please provide copies of all Audit Management Letters and their corresponding audit reports from 30 June 2022 Auditor-General's Department Audit period.*

Following a search of EPA records, 1 document falls within the scope of your application. I have considered the document and have made the following determination.

**Determination**

I determine to:

- Refuse Access to document 1 and its attachment (1a) as detailed in the attached document schedule.

The reasons I have refused access to document 1 is summarised in the attached schedule and explained in more detail below.

**Clause 9 of Schedule 1 of the FOI Act, Internal working documents:**

- (1) A document is an exempt document if it contains matter—
  - (a) that relates to—
    - (i) any opinion, advice or recommendation that has been obtained, prepared or recorded; or
    - (ii) any consultation or deliberation that has taken place, in the course of, or for the purpose of, the decision-making functions of the Government, a Minister or an agency; and
  - (b) the disclosure of which would, on balance, be contrary to the public interest.

**Clause 16 of Schedule 1 of the FOI Act, Documents concerning operations of agencies**

(1) A document is an exempt document if it contains matter the disclosure of which—

(a) could reasonably be expected—

- (i) to prejudice the effectiveness of any method or procedure for the conduct of tests, examinations or audits by an agency; or
- (ii) to prejudice on the attainment of the objects of any test, examination or audit conducted by an agency; or
- (iii) to have a substantial adverse effect on the management or assessment by an agency of the agency's personnel; or
- (iv) to have a substantial adverse effect on the effective performance by an agency of the agency's functions; or
- (v) to have a substantial adverse effect on the conduct of industrial relations by an agency; and

(b) would, on balance, be contrary to the public interest.

**Public interest factors considered**

In making my determination, I have taken the following public interest factors into account:

**Pro release**

- Pro-release of the documents meets the objectives of the FOI Act.
- Whether the documents provide insight into the regulatory operations and accountability of the EPA.
- Particulars relating to these documents that are already in the public domain.

**Against release**

- Information is of direct interest to the public
- The possibility of misleading the public by releasing invalidated information
- Satisfying the elements of exemption clause 9 and clause 16 of Schedule 1 of the FOI Act:
  - Audit working documentation of the Auditor-General represents the body of information and documentation requested or gathered during the course of undertaking audits or examinations, upon which the Auditor-General or his Department will review, consider and assess, and which may give rise to audit findings that will be subject to natural justice, and subsequently communicated in audit management letter correspondence to agencies and/or reporting to Parliament. The release of audit working documentation would be detrimental to the independence, integrity and effectiveness of the statutory audit and reporting responsibilities of the Auditor-General under the *Public Finance and Audit Act 1987*.

On balance, the reasoning against release of this document outweighed the public interest factors for release.

The reason I have refused access to attachment 1a is summarised in the attached schedule and explained in more detail below.

**Section 20 of the FOI Act**

In accordance with s20(1)(b) of the FOI Act, the EPA may refuse access to documents under the FOI Act.

- if the documents are otherwise available,

- If it is a document that is required by law to be published but is yet to be published; or
- it is a document that has been prepared for presentation to Parliament but is yet to be presented;

On 18 October 2022 the Auditor General published the audited financial statements of the EPA and all other government agencies at <https://www.audit.sa.gov.au/reports/annual-report-auditor-general-year-ended-30-june-2022>. The EPA audited financial statements will also be made available on the EPA website.

### **Right of appeal**

If you are dissatisfied with this determination you are entitled to apply for an internal review in accordance with section 29 of the FOI Act. To make an internal review application, please either write a letter or send the attached form to the Acting Chief Executive of the Environment Protection Authority, Mr Keith Baldry, within 30 (calendar) days after you receive this letter. Should you submit an application for an Internal Review, please include an application fee of \$39.00, or request a fee waiver.

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, may be published in the EPA's disclosure log. A copy of PC045 can be found at <https://www.dpc.sa.gov.au/resources-and-publications/premier-and-cabinet-circulars>

For any queries about this determination please contact Luciano Palumbo, Freedom of Information and Public Register Administrator on 8204 9128 or email [epa.publicregister@sa.gov.au](mailto:epa.publicregister@sa.gov.au)

Yours sincerely



Anton Lagna

*Accredited Freedom of Information Officer*  
Principle Adviser Risk and Governance.

**Environment Protection Authority**

Date: 8/12/2022