



Government  
of South Australia

Minister for Child Protection

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19MCP/0624  
7388985

Hon Kyam Maher MLC  
Parliament House  
North Terrace  
ADELAIDE SA 5000

Dear Mr Maher

I refer to your Freedom of Information application received on 13 May 2019 requesting:

*"Since 17 March 2018, copies of any and all documents (including but not limited to physical, electronic, or written briefs, minutes, emails, internal correspondence and any other correspondence) regarding the Buthera Agreement."*

A search was conducted for documents held by the Office of the Minister for Child Protection and two documents were identified as falling within scope of your request.

I have determined to refuse release for both of these documents.

### **Document One - Refusal of Access – 1(1)(e)**

This document was specifically prepared for Cabinet and is exempt pursuant to clause 1(1)(e). Clause 1(1) states that:

#### **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); or

(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; or

(f) if it is a briefing paper specifically prepared for the use of a Minister in relation to a matter submitted, or proposed to be submitted to Cabinet.





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## Document Two – Refusal of Access – Clause 17

It is important to note the majority of this document is out of scope, as it does not pertain to the Buthera Agreement. However, I have determined the document as a whole is exempt under Clause 17.

In considering the contempt clause in this situation, as the document has been drafted for the preparation of the proceedings of Parliament, the release of the information could be considered a contempt, contravening the privilege of Parliament.

### **17—Documents subject to contempt etc**

*A document is an exempt document if it contains matter the public disclosure of*

*(c) infringe the privilege of Parliament.*

Please be aware that in accordance with the Department for Premier and Cabinet Circular PC045, Disclosure Logs for Non-Personal Information Released through Freedom of Information, this agency is required to publish a log of all non-personal information released under the FOI Act.

There are no costs levied for the processing of your application.

If you have any questions regarding this determination, please contact me on telephone (08) 8303 2926.

If you are dissatisfied with this determination, you can seek an Internal Review by writing to the Hon Rachel Sanderson MP, Minister for Child Protection as the Principal Officer. Your request should be sent within 30 days of receipt of this letter.

I have also enclosed a copy of your rights to review and appeal this determination, which explains your review options.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Elizabeth'.

Elizabeth Staniford  
**Accredited Freedom of Information Officer**  
**Office of the Minister for Child Protection**

11 / 06 / 2019