

Date: 21 December 2018

Our Ref: SN906

Dr Susan Close MP
Member for Port Adelaide
Unit 1, 111 Lipson Street
PORT ADELAIDE SA 5015

Via email: ptadelaide@parliament.sa.gov.au

Dear Dr Close

Freedom of Information – Determination

I refer to your application pursuant to the South Australian *Freedom of Information Act, 1991* ("the Act") received by SA Water on 19 November 2018, seeking access to:

"Any documents, including briefings, sent by SA Water to the Minister for Environment and Water relating to the opening up of drinking water reservoirs for recreational use."

SA Water has identified nine documents that fall within the scope of your request, as outlined in the attached document schedule. Based on my assessment of the documents, I have determined to provide you with partial access to three documents and refuse access to six documents.

Section 20 of the Act provides that an agency may refuse access to a document, or sections of a document, if the information is considered exempt pursuant to the provisions listed under Schedule 1 to the Act. The documents, and sections of the documents, which I consider exempt and the reasons for their exemption are explained in more detail below.

Clause 1 of the Act states:

1—Cabinet documents

(1) *A document is an exempt document—*

...

- (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.*

Clause 1 exists to protect the confidentiality of deliberations of Cabinet which is considered necessary for the effective decision making of government.

Document 1 is a briefing prepared for the Minister for Environment and Water regarding a matter to be submitted to Cabinet. Sections of document 3 contain extracts of information which have been deliberated by Cabinet. Based on the protections provided by clause 1, I have determined that access to document 1 and sections of document 3 are exempt pursuant to clause 1(f) and 1(e) of Schedule 1 to the Act.

Clause 17(c) of the Act states:

17—Documents subject to contempt etc

A document is an exempt document if it contains matter the public disclosure of which would, but for any immunity of the Crown—

...

(c) *infringe the privilege of Parliament.*

Documents 4 and 5 are briefings to the Minister containing a draft Estimates Committee Parliamentary Briefing Note and a draft Parliamentary Briefing Note (respectively) and documents 6, 7 and 8 are briefings to the Minister providing responses to three Estimates Committee questions taken on notice. I consider the disclosure of these documents, which contain notes prepared for the Minister for their use in Parliament, to be an infringement of the privilege of Parliament. Therefore, I have determined to refuse access to these documents based on their exempt status under clause 17(c) of Schedule 1 to the Act.

If you are dissatisfied with this determination, you are entitled to exercise your rights to internal review and appeal as outlined under Section 29 of the Act. To apply for an internal review you must lodge an internal review application form with SA Water within 30 days of this determination. Internal review applications can be addressed to the Principal Officer, GPO Box 1751, Adelaide SA 5001.

In accordance with the requirements of the Premier and Cabinet Circular PC045 - Disclosure Logs for Non-Personal Information Released through Freedom of Information, details of your FOI application, a copy of this notice of determination, a schedule of documents and the documents to which you have been given access, will be published on the SA Water website FOI disclosure log. A copy of PC045 can be found at <http://dpc.sa.gov.au/what-we-do/services-for-government/premier-and-cabinet-circulars>.

If you have any queries in relation to the above, or if you wish to obtain a copy of the internal review application form, please contact me on telephone (08) 7424 1777 or via email at freedomofinformation@sawater.com.au.

Yours sincerely



Ben Roberts

ACCREDITED FREEDOM OF INFORMATION OFFICER

Freedom of Information application: SN906 - Susan Close MP - Open reservoirs

Any documents, including briefings, sent by SA Water to the Minister for Environment and Water relating to the opening up of drinking water reservoirs for recreational use

No	Date	Author	Document Description	Determination	Clause	Reason
1	17/04/2018	SA Water	Briefing to the Minister for Environment and Water re: open reservoirs access	Refused access	Clause 1(f)	Cabinet documents
2	26/04/2018	SA Water	Briefing to the Minister for Environment and Water re: response to correspondence concerning open reservoirs access	Partial release	Clause 1(e)	Cabinet documents, personal details redacted as agreed with applicant
3	18/05/2018	SA Water	Briefing to the Minister for Environment and Water re: response to correspondence concerning open reservoirs access	Partial release		Personal details redacted as agreed with applicant
4	31/08/2018	SA Water	Draft Estimates Parliamentary Briefing Note	Refused access	Clause 17(c)	Infringe the privilege of parliament
5	10/10/2018	SA Water	Draft Parliamentary Briefing Note	Refused access	Clause 17(c)	Infringe the privilege of parliament
6	12/10/2018	SA Water	Briefing to the Minister for Environment and Water re: Response to Estimates Committee Question On Notice - reservoirs security	Refused access	Clause 17(c)	Infringe the privilege of parliament
7	12/10/2018	SA Water	Briefing to the Minister for Environment and Water re: Response to Estimates Committee Question On Notice - SA Water program spending	Refused access	Clause 17(c)	Infringe the privilege of parliament
8	18/10/2018	SA Water	Briefing to the Minister for Environment and Water re: Response to Estimates Committee Question On Notice - Reservoirs Taskforce Committee	Refused access	Clause 17(c)	Infringe the privilege of parliament
9	07/11/2018	SA Water	Briefing to the Minister for Environment and Water re: use of land behind Myponga town hall (reservoir land)	Partial release		Personal details redacted as agreed with applicant



Document No.
SN 35970

TO MINISTER FOR ENVIRONMENT AND WATER

FOR NOTING AND APPROVAL

RE: INFORMATION REGARDING OPENING HOPE VALLY RESERVOIR FOR RECREATIONAL ACCESS

Priority: Routine
Critical Date: N/A

1. RECOMMENDATIONS:

That you:

- 1. Note the correspondence received from **Redacted as agreed w/applicant** who wrote to you seeking information regarding the steps towards opening Hope Valley Reservoir land areas for walking tracks.

NOTED

- 2. Approve the response to **Redacted as agreed w/applicant** advising of information and the steps towards opening the Hope Valley Reservoir land areas for walking tracks.

APPROVED / NOT APPROVED

Comments	<p style="text-align: center;">-----</p> <p style="text-align: center;">DAVID SPEIRS MP Minister for Environment and Water / / 2018</p>
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2. PRIORITY:

Normal.

3. BACKGROUND:

On 10 April 2018, Redacted as agreed w/applicant wrote to you to seek a timeline or any information regarding the next steps towards getting the Hope Valley Reservoir land areas open to the community to use as a walking track.

Redacted as agreed w/applicant advised that he represents a group on Facebook named Redacted as agreed w/applicant and would report the information provided back to the group.

4. DISCUSSION:

The government has committed as part of its 'Opening up South Australia's reservoirs: Public access for recreation" policy to open up a number of reservoirs across South Australia for recreational fishing and other leisure activities. Providing recreational access to the Hope Valley reservoir forms part of this commitment.

There are a range of considerations that will need to be managed in meeting this commitment, which relate to maintaining the safety of the public, the security of infrastructure and maintaining drinking water quality.

Hope Valley provides an opportunity to open some of the land for walking, prior to the full access to the water body which will require investment in additional water treatment facilities.

Clause 1 - Cabinet Documents

Further, more detailed information on timing, financial and safety consideration in opening reservoirs for recreational access has been provided with briefing SN35961 that has been prepared for Cabinet's consideration.

5. CONSULTATION:

Broad consultation with community and SA Water customers is required, but particularly those residents adjacent to Hope Valley Reservoir, Kurna communities and local government. Consultation will also need to occur with government regulatory bodies including the Department of Health and Wellbeing, Department of Treasury and Finance, Department for Environment and Water and the Environment Protection Authority.

6. FINANCIAL IMPLICATIONS:


Clause 1 - Cabinet Documents



ATTACHMENTS

Attachment 1 – Draft response to **Redacted as agreed w/ applicant**

26/04/2018

X 

Roch Cheroux
Chief Executive
Signed by: CH003372



File No. SN36018
Document No. 18EW0000586

TO MINISTER FOR ENVIRONMENT AND WATER

FOR NOTING AND APPROVAL

RE: INFORMATION REGARDING OPENING OF MYPONGA RESERVOIR FOR RECREATIONAL ACCESS

Priority: Routine
Critical Date: N/A

1. RECOMMENDATIONS:

That you:

- 1. Note the correspondence received from Redacted as agreed w/ applicant who emailed the Premier, the Hon Steven Marshall MP seeking information regarding the steps towards opening Myponga Reservoir.

NOTED

- 2. Approve the response to Redacted as agreed w/applicant advising of information towards opening the Myponga Reservoir.

APPROVED / NOT APPROVED

Comments	<p>-----</p> <p>DAVID SPEIRS MP Minister for Environment and Water / / 2018</p>
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2. PRIORITY:

Normal.

3. BACKGROUND:

Redacted as
agreed w/
applicant

On 27 April 2018, [Redacted] emailed the Premier, the Hon Steven Marshall MP to seek information on the progression of opening of the reservoirs, specifically Myponga reservoir.

4. DISCUSSION:

The government has committed as part of its 'Opening up South Australia's reservoirs: Public access for recreation" policy to open up a number of reservoirs across South Australia for recreational fishing and other leisure activities. Providing recreational access to the Myponga reservoir forms part of this commitment.

There are a range of considerations that will need to be managed in meeting this commitment, which relate to maintaining the safety of the public, the security of infrastructure and maintaining drinking water quality.

Further, more detailed information on timing, financial and safety consideration in opening reservoirs for recreational access has been provided with briefing SN35961 that was prepared for Cabinet's consideration.

5. CONSULTATION:

Broad consultation with community and SA Water customers is required, but particularly those residents adjacent to the Myponga Reservoir, Karna communities and local government.

Consultation will also need to occur with government regulatory bodies including the Department of Health and Wellbeing, Department of Treasury and Finance, Department for Environment and Water and the Environment Protection Authority.

6. FINANCIAL IMPLICATIONS:

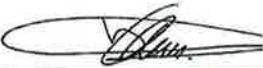
Are there financial implications?

Yes

The financial implications of opening up reservoirs for recreational access have previously been provided to your office for Cabinet's consideration.

ATTACHMENTS

Attachment 1 – Draft response to Redacted as agreed w/
applicant

18/05/2018
X 
Roch Cheroux Chief Executive Signed by: CH003372



Document No. SN36268
Your ref. 18EW0002825

TO MINISTER FOR ENVIRONMENT AND WATER

FOR NOTING AND APPROVAL

RE: USE OF LAND BEHIND MYPONGA TOWN HALL FOR THE TOUR DOWN UNDER

Priority: Routine
Critical Date: N/A

1. RECOMMENDATIONS:

That you:

- 1. Note the briefing,

NOTED

Redacted as agreed w/applicant

- 2. Approve the draft response to the [redacted] regarding use of land behind the Myponga Town Hall

APPROVED / NOT APPROVED

Comments	<p style="text-align: center;">-----</p> <p style="text-align: center;">DAVID SPEIRS MP Minister for Environment and Water / / 2018</p>
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2. PRIORITY:

Routine

3. BACKGROUND:

On 25 October 2018, the [redacted] wrote to you regarding a proposal to use land behind the Myponga Town Hall to hold some of the festivities associated with the Tour Down Under (TDU). The letter was received by your office on 1 November 2018.

Redacted as agreed w/applicant

advises that Stage 5 of the TDU will be held in Myponga on Saturday 19 January 2019, and, upon attending a recent planning meeting for community events in Myponga, is interested in exploring use of this parcel of land.

4. DISCUSSION:

SA Water has previously allowed use of the requested parcel of land behind the Morgan Town Hall during the TDU.

This land comprises a strip approximately 70 metres by 90 metres and is located away from the edge of the reservoir.

The land is available for use for hosting TDU festivities, subject to some limitations that are set by SA Water. Because of the location of the land, access would not be allowed on total fire ban days. Further, the nature of activities on the land would be restricted, with limited vehicle access, no smoking or other fires on the land and no access for animals, including pets.

Access to the land and negotiations on use should be undertaken through SA Water by a representative of the organising group.

5. CONSULTATION:

N/A

6. FINANCIAL IMPLICATIONS:

Are there financial implications?

No

ATTACHMENTS

Attachment 1 - Draft response to

Redacted as agreed w/applicant

7/11/2018

X Roch Cheroux

Roch Cheroux
Chief Executive
Signed by: CH003372