



**Government
of South Australia**

TRS19D1301

Hon Stephen Mullighan MP
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Dear Mr Mullighan

APPLICATION UNDER THE FREEDOM OF INFORMATION ACT 1991

I refer to your application made under the *Freedom of Information Act 1991* (FOI Act), dated 13 May 2019.

Your application seeks access to:

"All minutes, briefings and correspondence titled 'Compliance with Premier and Cabinet Circular 027 – Disclosure of Government Contracts' as described on the Objective document management system, between 12 July 2018 and 13 May 2019."

The legislative prescribed timeframe to determine this application has expired and is now deemed to have refused you access to all documents relevant to your application. I refer to my letter dated 26 May 2019 where I sought additional time to make my determination.

The purpose of this letter is to advise you of my determination. An extensive search was conducted within this office. A total of 1 document was identified as answering the terms of your application.

I grant you access in full to 1 document; a copy of which is enclosed.

Please note, in compliance with Premier and Cabinet Circular PC045 - *Disclosure Logs for Non-Personal Information Released through Freedom of Information* (PC045), the Department of Treasury and Finance is now required to publish a log of all non-personal information released under the *Freedom of Information Act 1991*.

In accordance with this Circular, any non-personal information determined for release as part of this application, may be published on the DTF website. A copy of PC045 can be found at the following address: <https://dpc.sa.gov.au/resources-and-publications/premier-and-cabinet-circulars>. Please visit the website for further information.

As I am determining this application as Principal Officer, Section 29(6) of the Act does not provide for an internal review. If you are dissatisfied with my determination you are entitled to exercise your rights of external review with the Ombudsman.

Alternatively, you can apply to the South Australian Civil and Administrative Tribunal. If you wish to seek a review, Section 39(3) of the Act states you must do so within 30 calendar days of receiving the determination.

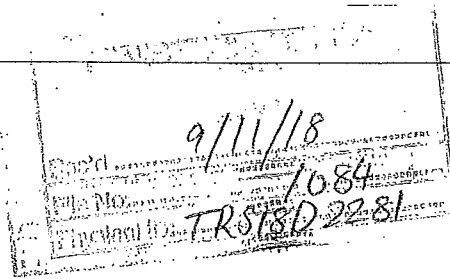
If you require any further information, please contact Vicky Cathro on 8226 9769.

Yours sincerely

A handwritten signature in cursive script that reads "Rob Lucas".

Hon Rob Lucas MLC
Principal Officer

8 September 2019



Government
of South Australia
Department of Treasury
and Finance

MINUTES forming ENCLOSURE

File DPC:16/3232
Doc No DPC18D02191

To: The Treasurer

**COMPLIANCE WITH PREMIER AND CABINET CIRCULAR 027 - DISCLOSURE OF
GOVERNMENT CONTRACTS**

Timing: ROUTINE for Noting

Recommendations/Issues: It is recommended that you note:

- The existing obligations on public authorities to comply with Premier and Cabinet Circular 027 - Disclosure of Government Contracts (PC027); and
- Proposed actions to provide greater assurance that public authorities are complying with the requirements of PC027.

Noted

Hon Rob Lucas MLC
Treasurer

19/11/18

Key Points:

- Premier and Cabinet Circular 027 – Disclosure of Government Contracts (PC027) requires all public authorities subject to the *Public Finance and Audit Act 1987* to publicly disclose eligible contracts involving government expenditure and the sale of government assets.
- The policy prescribes that Chief Executives are responsible for ensuring the contract information is publicly disclosed on the South Australian Government's Tenders and Contracts website (link: [contracts awarded](#)). Chief Executives may exclude the publication of certain contracts under specified circumstances, however the reasons for non-disclosure must be published on the website.
- The PC027 disclosure requirements are included in the State Procurement Board's (Board) Assurance Program which reviews whether procurement policies, procedures and operational practices are effectively implemented and maintained in public authorities.


- The Assurance Program also identifies areas for improvement and follows up on any associated actions. The Assurance Program applies to all public authorities defined in the *State Procurement Act 2004 (Act)* with each public authority reviewed under the program once every four years. A new cycle of assurance reviews is scheduled to commence in the next few months, the scope of which will be amended to specifically incorporate an assessment of compliance with PC027.
- As of 2017-2018, General Government Sector agencies are also required to report on all consultants and contractors engaged in their annual reports, as specified in Premier and Cabinet Circular 013 – Annual Reporting Requirements (PC013). Furthermore, those public authorities that are defined in the *State Procurement Act 2004* and have a procurement authority greater than \$220,000, must report annually on in-scope contracting activity under the Board's Procurement Reporting Policy (including contract disclosure).
- To provide further assurance that public authorities are complying with PC027, a letter will be sent from the Department of Treasury and Finance to the Chief Executives of all public authorities (as listed in Part B of the Auditor General's annual report for 2017-18) to remind them of their obligations under PC027. This letter will be sent by 14 November 2018
- The letter will require the completion of an assurance activity to check the list of contracts disclosed by the public authority on the Tenders and Contracts website during 2017-18 against:
 - The list of contractor and consultant engagements included in their 2017-2018 annual report (as per PC013);
 - The contracting activity included in their 2017-2018 annual procurement report submitted to the Board (where applicable); and
 - Records or registers containing information on contracts executed with the public authority in 2017-2018 that are in scope for PC027, but are not captured by the Board's annual procurement report or PC013 reporting requirements. This will include construction contracts, grant agreements and other funding arrangements.
- Chief Executives will be required to provide written confirmation that they have completed this assurance activity, provide details on their current level of compliance, and what action will be undertaken to ensure ongoing compliance with PC027. It is anticipated that this activity can be substantively completed by 31 December 2018.
- A further briefing on this matter, including a summary of the compliance responses received from public authorities, will be provided to your office in January 2019. Depending on the reported results, a decision can then be made as to whether this compliance review should be undertaken on an annual basis (including quantification of the associated work effort).



Mark Carey
A/EXECUTIVE DIRECTOR
GOVERNMENT SERVICES

7/11/2018

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Supported / Not Supported

David Reynolds <u>CHIEF EXECUTIVE</u>
Department of Treasury and Finance
Date.....8/11/18.....