



A2740198

Hon. David Speirs MP
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Dear Mr Speirs *David*

APPLICATION UNDER THE *FREEDOM OF INFORMATION ACT 1991*

I refer to your internal review application made pursuant to the *Freedom of Information Act 1991* (the Act) on 17 February 2023 in response to this agency's initial determination of a deemed refusal. As a determination was not finalised before the statutory 30-day time period required by the FOI Act, the original application was deemed refused under Section 9(2)(b) of the Act.

Your original application sought access to:

"Please provide all documents, including but not limited to emails, text messages, and any other forms of correspondence, pertaining to overseas travel (planned or actual) by the Minister and/or their staff in 2023. Between 1 July 2022 and 13 January 2023."

I have made the following determination on internal review.

I have determined to refuse access to the documents that fall within the scope of your application. The reasons I have refused access to the documents are explained in more detail below.

Section 20 of the Act provides that an agency may refuse access to a document if they relate to any opinion, advice or recommendation that has been obtained prepared or recorded or any consultation or deliberation that has taken place, in the course of, or for the purpose of, the decision-making function of the Government, a Minister or an agency and if they informed the preparation of a Cabinet Submission and disclosure of the documents would divulge information concerning a deliberation of Cabinet.

Clause 1 – Cabinet Documents

Disclosure of the documents would be unreasonable as they informed the preparation of a Cabinet Submission, therefore, pursuant to clause 1(1)(f) are considered exempt.

Cabinet requires absolute candour and frankness in the confidential information presented to properly consider, deliberate and make a decision about the best option for Government.

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.*

In accordance with Premier and Cabinet Circular PC035 – *Proactive Disclosure of Regularly Requested Information* (PC035), Ministers must proactively publish overseas travel reports to the public via departmental websites. Details of the travel will be publicly available at treasury.sa.gov.au/Our-services/proactive-disclosure, subsequent to the reconciliation of expenditure.

If you are unhappy with this determination you are entitled to exercise your rights of external review with the Ombudsman SA. Alternatively, you can apply to the South Australian Civil and Administrative Tribunal (SACAT). If you wish to seek a review, you must do so within 30 calendar days of receiving this internal review determination.

For more information about seeking a review, please contact the Ombudsman SA on telephone (08) 8226 8699 or SACAT on 1800 723 767.

Yours sincerely



Hon. Stephen Mullighan MP
Treasurer
Principal Officer

2 March 2023