



**Government
of South Australia**

TRS20D2637

Hon Stephen Mullighan MP
Member for Lee
Unit 1, 62 Semaphore Road
SEMAPHORE SA 5019

Treasurer
Level 8
State Administration Centre
200 Victoria Square
Adelaide SA 5000
GPO Box 2264
Adelaide SA 5001
DX 56203-Victoria Square
Tel 08 8226 1866
treasurer.dtf@sa.gov.au

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Stephen
Dear Mr Mullighan

APPLICATION UNDER THE *FREEDOM OF INFORMATION ACT 1991*

I refer to your application made under the *Freedom of Information Act 1991* (the Act), dated 6 August 2020.

Your application seeks access to:

"All minutes, briefings and correspondence titled 'Approval of Ex-Gratia payments and non-recourse grants' as described on the Objective document management system, between 9 April and 5 August 2020."

The prescribed legislative timeframe to determine this application has expired and is now deemed as refused access to documents relevant to your application. I refer to my letter dated 18 August 2020 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 6 documents were identified as answering the terms of your application.

I grant you access in full to 2 documents; copies of which are enclosed.
I refuse you access in full to 4 documents.

Documents Released in Full

Documents 4 and 6

Documents Refused in Full

Documents 1, 2, 3 and 5

Documents Refused in Full

Documents 1, 2, 3 and 5 contains information concerning a Cabinet decision. I therefore determine these documents exempt pursuant to clause 1(1)(e).

Documents 2 and 3 contain payment amounts to individual non-government Registered Training Organisations (RTO) which if disclosed would identify the commercial value of the RTOs.

Exemptions

Clause 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).*
- (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 7 – Documents affecting business affairs concerning

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

- (b) *if it contains matter—*
 - (i) *consisting of information (other than trade secrets) that has a commercial value to any agency or any other person; and*
 - (ii) *the disclosure of which—*
 - (A) *could reasonably be expected to have an adverse effect on those affairs or to prejudice the future supply of such information to the Government or to an agency; and*
 - (B) *would, on balance, be contrary to the public interest; or*
- (c) *if it contains matter—*
 - (i) *consisting of information (other than trade secrets or information referred to in paragraph (b)) concerning the business, professional, commercial or financial affairs of any agency or any other person; and*
 - (ii) *the disclosure of which—*
 - (A) *could reasonably be expected to have an adverse effect on those affairs or to prejudice the future supply of such information to the Government or to an agency; and*
 - (B) *would, on balance, be contrary to the public interest.*

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 Act.

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 Ms Vicky Cathro, Ministerial Liaison Officer, by telephone on 8226 9769 or by email to vicky.cathro@sa.gov.au.

Yours sincerely



Hon Rob Lucas MLC
Principal Officer

12 December 2020

Att.

Schedule of Documents

TRS20D2637 - Approval of Ex-Gratia Payments and Non-Recourse Grants

Doc. No.	Date	Description of Document	# of pages	Determination Recommendation	Exemption Clause	Reason
1	20/04/2020	Briefing to Treasurer from Chief Executive DTF	2	Refused in full	1(1)(e) - Contains information concerning deliberation or decision of Cabinet or Cabinet committee	
2		Attachment 1 to Document 1 - Non-Recourse Payments	5	Refused in full	1(1)(e) - Contains information concerning deliberation or decision of Cabinet or Cabinet committee	
					7(1)(c)(i)(ii)(A)(B) - Contains information concerning the business, professional, commercial or financial affairs of any agency or person & contrary to public interest	
3		Attachment 2 to Document 1 - Ex-Gratia Payments	1	Refused in full	1(1)(e) - Contains information concerning deliberation or decision of Cabinet or Cabinet committee	
					7(1)(c)(i)(ii)(A)(B) - Contains information concerning the business, professional, commercial or financial affairs of any agency or person & contrary to public interest	
4		Attachment 3 to Document 1 - Funded Activities Annexure	3	Released in full		

Schedule of Documents

Doc. No.	Date	Description of Document	# of pages	Determination Recommendation	Exemption Clause	Reason
5		Attachment A to Document 1 - Minute to Treasurer from Acting Chief Executive, Department for Innovation and Skills (DIS)	2	Refused in full	1(1)(e) - Contains information concerning deliberation or decision of Cabinet or Cabinet committee	
6	21/04/2020	Attachment 4 to Document 1 - Minute to Acting Chief Executive (DIS) from Treasurer	1	Released in full		

RELEASE

ATTACHMENT 3

FUNDED ACTIVITIES ANNEXURE

Item 1	Minister	Minister for Innovation and Skills A body corporate pursuant to the <i>Administrative Arrangements Act 1994</i> (SA) of Level 10, 1 King William Street, Adelaide SA 5000
Item 2	Recipient	
Item 3	Contract Representative	
	Minister:	Director Traineeship and Apprenticeship Services Department for Innovation and Skills (DIS) Level 4, 11 Waymouth Street ADELAIDE SA 5000 Email: DIS.SkillsContracts@sa.gov.au Phone: 1800 673 097
	Recipient:	
Item 4	Funded Activity Details	
	Funded Activity Name:	VET Market Continuity - Project to Support the Funding for Accredited Training Provider X
	Contract ID:	JF-000XXX
	Fund Source Indicator:	Not Applicable
	RTO Code:	<Merge>
	Funded Activity Requirements:	As specified in Part E of the Project Activities Schedule, specifically to support continuity of training for RTOs.
	Commencement Date:	The date of execution of this Funded Activities Annexure by the Minister's Contract Representative or his/her delegate.
	Enrolment End Date:	Not Applicable
	Training Activity Completion Date:	Not Applicable
	Project Activity Completion Date:	30 June 2020
	Expiry Date:	31 August 2020
	Delivery Location(s):	Not Applicable
Item 5	Purpose/Project	To assist RTOs to develop and implement delivery modes and technology that diversify capability and support training continuity to enable the maintenance of student and employer connections to training.
Item 6	Outcomes	Supporting Delivery Models: The one-off payment is intended to be used by RTOs to develop and implement delivery modes and technology that diversify capability and support training continuity to enable the maintenance of student and employer connections to training. This could include: <ul style="list-style-type: none"> • purchase of online delivery technologies/software and to scale up access and delivery • engagement of expertise to redevelop delivery modes to support physical and online delivery

FUNDED ACTIVITIES ANNEXURE

- investment in workplace simulation equipment/tools
- virtual reality / AI capability, or
- new assessment strategies.

Continuity Payments: The monthly top-up payment is to be used to assist RTOs to maintain capability and ensure the continuity of the delivery of training by supporting operational business costs, including:

- staff salaries and wages
- facility costs
- materials and equipment
- supplier costs.

There is an ongoing requirement that RTOs will continue to enter and maintain accurate enrolment and training activity to support the actual monthly AVETMISS Data Submission claim process.

The Department will continue to actively review claim processes, and the Auditor-General may audit RTO records to validate the use of this funding. The RTO may re-pay any funds paid that fail to meet the conditions of this annexure.

Where an RTO ceases to trade between 1 April 2020 and 30 June 2020, the RTO may be required to re-pay any funding received under this Annexure.

Item 7	Funding	Funded Activity	Maximum Value (ex GST)
		One-Off Project Allocation	<\$XXX.00
		Monthly subsidy payment maximum allocation	<\$XXX.00>
Item 8	Participant Eligibility Criteria	Not Applicable	
Item 9	Entitlement Criteria	Not Applicable	
Item 10	Reporting	RTOs will be required to complete and submit a Monthly Activity Report by the 21 st day of May, June and July respectively.	
		The Minister reserves discretion to request evidence from the Recipient (such as receipts, invoices or reports) showing use of the Funding to support the Outcomes. Where requested, the Recipient must supply this evidence to the Minister within 5 Business Days of written notice.	
		RTOs will continue to enter and maintain accurate enrolment and training activity to support the monthly claim process, paying particular attention to 26.2 Part B of the Training Schedule and the submission of data no more than 30 days after the UoC activity is completed.	
Item 11	Milestones	Not Applicable	

FUNDED ACTIVITIES ANNEXURE

Item 12 Payment

The Recipient will be paid under the following terms:

1. In April 2020, a one-off payment to the value of the average monthly claim in 2019-20 as calculated by the Department; and
2. For the period April-June 2020, monthly subsidy payments based on the difference between delivery calculated through the actual monthly AVETMISS Data Submission claim process and estimated delivery pre-COVID-19 as determined by the Department.

The Department will issue Recipient Created Tax Invoices (RCTI) for this Funding.

Item 13 Accountable Officer(s) Not Applicable

Item 14 Approved Sub-contractor(s) Not Applicable

SIGNED for and on behalf of the **MINISTER** by the Minister's Contract Representative or his/her delegate:

SIGNED for and on behalf of the **RECIPIENT** by the Recipient's Contract Representative or his/her delegate:

.....
Contract Representative signature

.....
Contract Representative signature

.....
Contract Representative name

.....
Contract Representative name

Date:

Date:



**Government
of South Australia**

Office of the
Treasurer

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MINUTES *forming* ENCLOSURE to:

TRS20D1027

**TO: MR ADAM REID, A/CHIEF EXECUTIVE
DEPARTMENT FOR INNOVATION AND SKILLS**

**RE: REQUEST FOR APPROVAL OF NON-RECOURSE GRANTS AND EX
GRATIA PAYMENTS**

I refer to your Minute dated 15 April 2020, requesting approval of non-recourse grants in accordance with *Treasurer's Instruction 15 – Grants (TI 15)* and ex gratia payments in accordance with *Treasurer's Instruction 14 – Ex gratia payments (TI 14)*, as per attachment 1 and 2 respectively.

Pursuant to clause 15.12 of TI 15, I have approved the issue of non-recourse grants as advised in attachment 1 to your minute.

Pursuant to clause 14.4.2 of TI 14, I have approved ex gratia payments as advised in attachment 2 to your minute.

If you have any questions in relation to these approvals, please contact Sally Karasoulos, Senior Project Officer, Department of Treasury and Finance on 0455 952 500.

A handwritten signature in black ink, appearing to read 'Rob Lucas'.

Hon Rob Lucas MLC
Treasurer

21 April 2020