



A2910792

**Treasurer**

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200 Victoria Square  
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Adelaide SA 5001  
DX 56203 Victoria Square  
Tel 08 8226 1866  
treasurer.dtf@sa.gov.au

Mr Matt Cowdrey OAM MP  
Member for Colton  
2A / 130 Valetta Road  
FULHAM GARDENS SA 5024

[colton@parliament.sa.gov.au](mailto:colton@parliament.sa.gov.au)

Dear Mr Cowdrey

**APPLICATION UNDER THE *FREEDOM OF INFORMATION ACT 1991***

I refer to your application made under the Freedom of Information Act 1991 (the Act), dated 26 May 2023, and your Internal Review Application dated 5 July 2023.

Your application seeks access to:

*“A copy of all documents (including but not limited to hard copy or electronic briefings, minutes, reports, emails, letters (including draft versions), meeting agendas, diary entries and any other correspondence) in relation to the setting of State Government fees and charges for FY 23/24.”*

**Determination under review**

My office did not make a determination on your initial application within the 30-day time period required by the Act. Accordingly, my office was deemed to have refused access in full to all documents relevant to your application.

**Outcome of internal review**

Under section 29(3) of the Act, on an application for internal review, as Principal Officer, I may confirm, vary or reverse the determination under review.

I am varying the original determination of a deemed refusal.

An extensive search was conducted within this office, with a total of four (4) documents found that fall within scope of your application:

- I refuse you access in full to two (2) documents.
- I grant you access in part to two (2) documents; copies of which are enclosed.

## **Refused in Full**

I have refused access to document 2 under clause 1(1)(a) of Schedule 1 of the FOI Act.

### **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*

Document 2 is a Cabinet Submission prepared and considered by Cabinet, therefore, exempt pursuant to clause 1(1)(a).

I have also refused access to document 4, as the Government Gazette, published on 18 May 2023, is publicly available.

## **Released in Part**

I have granted partial access to document 1 under clause 1(1)(e) of Schedule 1 of the FOI Act.

### **Clause 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;*

Document 1 contains dates submissions were before Cabinet. Disclosure would be unreasonable as they would divulge information concerning a deliberation of Cabinet. 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.

I therefore determine document 1 partially exempt pursuant to clause 1(1)(e) to the FOI Act.

I have granted partial access to document 3 under clause 6(1) of Schedule 1 of the FOI Act.

### **Clause 6 – Documents affecting personal affairs**

- (1) *A document is an exempt document if it contains matter the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).*

Information redacted in document 2 refers to mobile phone numbers which appears in the email signature blocks. Whilst the mobile numbers appear in the public servant's signature block, it is difficult to determine whether the mobile number is used solely for work purposes or mixed employment and personal use. The ability for an individual to be contacted outside of their ordinary work hours is unreasonable.

Moreover, the Ombudsman has ruled that mobile numbers constitute the personal affairs of the individuals concerned<sup>1</sup>. Therefore, in line with the Ombudsman's determination, the mobile numbers are exempt pursuant to clause 6(1) of Schedule 1 to the FOI Act.

I therefore determine document 3 partially exempt pursuant to clause 6(1) of Schedule 1 of the FOI Act.

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 (DTF) 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.

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

15 July 2023

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<sup>1</sup> Ombudsman Reference: 2019/01163; 2019/01165; 2019/01206; 2019/01207 [44]

## Schedule of Documents

A2910792 - Mr Matt Cowdrey OAM MP

"A copy of all documents (including but not limited to hard copy or electronic briefings, minutes, reports, emails, letters (including draft versions), meeting agendas, diary entries and any other correspondence) in relation to the setting of State Government fees and charges for FY 23/24."

Doc. No.	Description of Document	Determination Recommendation	Exemption Clause
1	EMAIL	Released in part	1(1)(e) - Contains information concerning deliberation or decision of Cabinet or Cabinet committee
2	CABINET SUBMISSION	Refused in full	1(1)(a) - Prepared for Cabinet or Cabinet committee
3	GOVERNMENT GAZETTE	Released in part	6(1) - Unreasonable disclosure of personal affairs
4	ATTACHMENT TO DOC 2	Refused in full	Publicly Available - Refer to Government Gazette



**From:** [Atkinson, John \(DTF\)](#)  
**To:** [Vernocchi, Alanah \(DTF\)](#)  
**Subject:** FW: Fees and charges approved submission  
**Date:** **Clause 1(1)(e)**  
**Attachments:** [image001.png](#)  
[image002.jpg](#)  
[image003.jpg](#)  
[image004.jpg](#)  
[image005.jpg](#)  
[image006.jpg](#)  
[Approved Fees and charges submission.pdf](#)

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**OFFICIAL: Sensitive//SA CABINET**

Discovery document re fees and charges FOI

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**From:** March, James (DPC) <James.March@sa.gov.au>  
**Sent:** **Clause 1(1)(e)**  
**To:** Close, Susan (DIIS) <Susan.close@sa.gov.au>; Michaels, Andrea (AGD) <Andrea.Michaels@sa.gov.au>; Boyer, Blair (Education) <blair.boyer@sa.gov.au>; Picton, Chris (Health) <chris.picton@sa.gov.au>; Scriven, Clare (PIRSA) <clare.scriven@sa.gov.au>; Brock, Geoff (DIT) <Geoff.brock@sa.gov.au>; Szakacs, Joe (DCS) <Joe.szakacs@sa.gov.au>; Hildyard, Katrine (DCP) <Katrine.Hildyard@sa.gov.au>; Maher, Kyam (AGD) <Kyam.Maher@sa.gov.au>; Cook, Nat (DHS) <Nat.cook@sa.gov.au>; Champion, Nick (DTI) <nick.champion@sa.gov.au>; Koutsantonis, Tom (DIT) <tom.koutsantonis@sa.gov.au>; Bettison, Zoe (DPC) <Zoe.bettison@sa.gov.au>; Malinauskas, Peter (DPC) <Peter.Malinauskas@sa.gov.au>; Mullighan, Stephen (DTF) <stephen.mullighan@sa.gov.au>  
**Cc:** Smith, Andrea (DPC) <Andrea.Smith2@sa.gov.au>; Brown, Elspeth (DPC) <Elspeth.Brown2@sa.gov.au>; Green, Robyn (DPC) <Robyn.Green@sa.gov.au>; Agness, James (DTI) <James.Agness@sa.gov.au>; Atkinson, John (DTF) <John.Atkinson@sa.gov.au>; Bistrovic, John (DPC) <John.Bistrovic@sa.gov.au>; Eldridge, Kim (AGD) <Kim.Eldridge@sa.gov.au>; Geytenbeek, Peter (DPC) <Peter.Geytenbeek@sa.gov.au>; Hicks, Michael (DHS) <Michael.Hicks2@sa.gov.au>; Kimberley, Nic (Education) <Nic.Kimberley@sa.gov.au>; Labropoulos, Peter (DIT) <Peter.Labropoulos@sa.gov.au>; Paech, Gemma (Health) <Gemma.Paech@sa.gov.au>; Petrovski, Mick (DIT) <Mick.Petrovski@sa.gov.au>; Rich, Cheyne (DPC) <Cheyne.Rich@sa.gov.au>; Ryan, Tim (DIIS) <Tim.Ryan@sa.gov.au>; Sibley, Ruth (DCP) <Ruth.Sibley2@sa.gov.au>; Spencer, Meagan (PIRSA) <Meagan.Spencer@sa.gov.au>; Wemmer, Joel (AGD) <Joel.Wemmer@sa.gov.au>; Wills, Daniel (DCS) <Daniel.Wills@sa.gov.au>  
**Subject:** Fees and charges approved submission

**OFFICIAL: Sensitive//SA CABINET**

Good morning,

The attached submission was approved this morning at a special Cabinet meeting.

The submission can also be accessed via Shrike.

Regards

**James March**  
Cabinet Officer, Cabinet Business and Systems

Cabinet Office  
Department of the Premier and Cabinet

T (08) 8429 7331 | E [james.march@sa.gov.au](mailto:james.march@sa.gov.au) | W [dpc.sa.gov.au](http://dpc.sa.gov.au)

Level 14, State Administration Centre, 200 Victoria Square (Tarndanyangga), ADELAIDE SA 5000  
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We acknowledge this land. The Dreaming is still living. From the past, in the present, into the future, forever.

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**From:** [Vernocchi, Alanah \(DTF\)](#)  
**To:** [ADVISERS](#); [Salter, Jennifer \(DPC\)](#)  
**Cc:** [Tomlinson, Elicea \(DTF\)](#)  
**Subject:** RE: Fees & Charges - Government Gazette - 18-5-23  
**Date:** Thursday, 18 May 2023 4:36:00 PM  
**Attachments:** [image001.png](#)  
[2023\\_032.pdf](#)

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Hi All,

Please see supplementary Gazette with the fees and charges.

Thanks!

**Alanah Vernocchi**

Cabinet/Administration Officer | Office of the Treasurer, the Hon. Stephen Mullighan MP

State Administration Centre, Level 8, 200 Victoria Square ADELAIDE SA 5000  
t 8226 1802 | m **CLAUSE 6(1)** | e [Alanah.Vernocchi@sa.gov.au](mailto:Alanah.Vernocchi@sa.gov.au) | w [treasury.sa.gov.au](http://treasury.sa.gov.au)



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**From:** Vernocchi, Alanah (DTF)  
**Sent:** Thursday, May 18, 2023 2:54 PM  
**To:** ADVISERS <[treasurersadvisers@sagov.onmicrosoft.com](mailto:treasurersadvisers@sagov.onmicrosoft.com)>  
**Cc:** Tomlinson, Elicea (DTF) <[Elicea.Tomlinson@sa.gov.au](mailto:Elicea.Tomlinson@sa.gov.au)>  
**Subject:** Government Gazette - 18-5-23 (supplementary to come)

OFFICIAL

Hi Team,

Please find attached Government Gazette released today – supplementary will be released about 3.30pm with all the fees and charges, its currently being checked.

Thanks!

**Alanah Vernocchi**

Cabinet/Administration Officer | Office of the Treasurer, the Hon. Stephen Mullighan MP

State Administration Centre, Level 8, 200 Victoria Square ADELAIDE SA 5000  
t 8226 1802 | m **CLAUSE 6(1)** | e [Alanah.Vernocchi@sa.gov.au](mailto:Alanah.Vernocchi@sa.gov.au) | w [treasury.sa.gov.au](http://treasury.sa.gov.au)



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