



File: T&F19/0104  
A1087878

9 April 2019

Hon. Stephen Mullighan  
Member for Lee  
1/62 Semaphore Road  
SEMAPHORE SA 5019

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Sent via email: [lee@parliament.sa.gov.au](mailto:lee@parliament.sa.gov.au)

Dear Mr Mullighan

**Freedom of Information Internal Review — Budget Performance of SA Health**

I refer to your Freedom of Information application received by the Department of Treasury and Finance on 22 February 2019 and your Internal Review application received on 26 March 2019.

Your applications specifically requested:

*'[Date Range: 04/09/2018 to 22/02/2019] All minutes, briefings, notes, emails and correspondence from the Department of Treasury and Finance to the Treasurer and the Treasurer's Office from 4 September 2018 to 31 December 2018 regarding the monthly, year-to-date and end-of-year projected outcome budget performance of SA Health.'*

**Determination under review**

DTF did not make a determination on your initial application within the 30-day time period required by the Freedom of Information Act 1991 (the Act). Accordingly, DTF 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 FOI Act, on an application for internal review, as principal officer I may, confirm, vary or reverse the determination under review. In doing so, I am required to give fresh consideration to the decision under the FOI Act

I have determined to **vary** the original deemed refusal determination.

A total of 11 documents were identified as answering the terms of your application and I have determined as follows:

- I grant you access in full to 2 documents, copies of which are enclosed,
- I grant you access in part to 1 document, a copy of which is enclosed, and
- I refuse you access to 8 documents.

Please refer to the attached schedule that describes each document and sets out my determination and reasons in summary form.

### **Documents released in full**

Documents 8 and 10

### **Document released in part**

Document 1

Sections of this document contains an extract of a briefing note that was specifically prepared for use in Parliament. Disclosing such information would infringe the privilege of Parliament and I have determined to exempt the information pursuant to clause 17(c) of Schedule 1 to the FOI Act.

### **Documents refused in full**

Document 2

This document is a briefing note prepared specifically for use in Parliament, the disclosure of which would infringe the privilege of Parliament. I have therefore determined to exempt the document in full pursuant to clause 17(c) of Schedule 1 to the FOI Act.

Documents 3-7

These documents contain information that was specifically prepared for submission to a committee of Cabinet. In accordance with clause 1(3) of schedule 1 of the FOI Act, a reference to Cabinet includes a reference to a committee of Cabinet and to a subcommittee of a committee of Cabinet. Therefore, I have determined to exempt this information pursuant to clause 1(1)(a).

Documents 9 and 11

These documents consist of extracts from documents which were submitted to Cabinet and are therefore exempt pursuant to clause 1(1)(c).

## **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); ...*

(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); ...*

(3) *In this clause, a reference to Cabinet includes a reference to a committee of Cabinet and to a subcommittee of a committee of Cabinet.*

**Clause 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*

Please note, in compliance with Premier and Cabinet Circular PC045 - *Disclosure Logs for Non-Personal Information Released through Freedom of Information* (PC045), DTF 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: <http://dpc.sa.gov.au/what-we-do/services-for-government/premier-and-cabinet-circulars> Please visit the website for further information.

**External review**

If you remain dissatisfied with this determination, you have the right to apply to the Ombudsman for external review under section 39 of the FOI Act. You have 30 days from the date on which you receive this letter to apply for an external review. If you have any questions about an application to the Ombudsman, please contact the office on (08) 8226 8699.

Yours sincerely



David Reynolds  
PRINCIPAL OFFICER

### Schedule of Documents

T&F19/0104 - Hon. Stephen Mullighan - "[Date Range: 04/09/2018 to 22/02/2019] All minutes, briefings, notes, emails and correspondence from the Department of Treasury and Finance to the Treasurer and the Treasurer's Office from 4 September 2018 to 31 December 2018 regarding the monthly, year-to-date and end-of-year projected outcome budget performance of SA Health."

Doc. No.	Date	Description of Document	# of pages	Determination	Exemption Clause
1	13/09/2018 at 10:12am	Email - Estimates - New Briefing	1	Released in part	17(c) - Disclosure would infringe the privilege of Parliament
2		Attachment to document 1 - Parliamentary Briefing Note	2	Refused in full	17(c) - Disclosure would infringe the privilege of Parliament
3	14/09/2018	Report - September 2018 - Quarterly Financial Monitoring	3	Refused in full	1(1)(a) - Prepared for Cabinet or Cabinet committee
4	30/11/2018	Report - October 2018 - Monthly Financial Monitoring	1	Refused in full	1(1)(a) - Prepared for Cabinet or Cabinet committee
5	28/12/2018	Report - November 2018 - Monthly Financial Monitoring	1	Refused in full	1(1)(a) - Prepared for Cabinet or Cabinet committee
6	9/02/2019	2017-19 End of Year Review	4	Refused in full	1(1)(a) - Prepared for Cabinet or Cabinet committee
7	11/02/2019	Report - December 2018 - Quarterly Monitoring Report	4	Refused in full	1(1)(a) - Prepared for Cabinet or Cabinet committee
8	21/11/2018 at 10:50am	Email - Health text - cabsb	1	Released in full	
9		Attachment to document 8	2	Refused in full	1(1)(c) - Copy, part or extract of document prepared for Cabinet or Cabinet committee
10	21/11/2018 at 11:02am	Email - Updated summary	1	Released in full	

### Schedule of Documents

Doc. No.	Date	Description of Document	# of pages	Determination	Exemption Clause
11		Attachment to document 10	1	Refused in full	1(1)(c) - Copy, part or extract of document prepared for Cabinet or Cabinet committee

**Whiteley, Vanessa (DTF)**

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**From:** Whiteley, Vanessa (DTF)  
**Sent:** Thursday, 13 September 2018 10:12 AM  
**To:** Lambetis, Athena (DTF)  
**Cc:** Huynh, Jessica (DTF)  
**Subject:** Estimates - New briefing  
**Attachments:** 17(c) Privilege of Parliament

Good morning Athena,

Please see attached for a copy of the new briefing 17(c) Privilege of Parliament as per request from Trish.

As the Treasurer's Office has not received this briefing yet, we are providing this before Friday.

Please let us know if there are any changes that need to be made.

Kind regards,

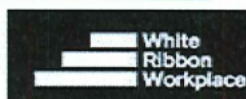
**Vanessa Whiteley**  
Administration Assistant  
Office of the Chief Executive

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19/0104

**Burness, Sandy (DTF)**

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**From:** Burness, Sandy (DTF)  
**Sent:** Wednesday, 21 November 2018 10:50 AM  
**To:** Beveridge, Mark (DTF); Lees, Sue (DTF)  
**Subject:** Health text - cabsub  
**Attachments:** Document2 [Compatibility Mode].docx

Updated draft text as requested.

**Burness, Sandy (DTF)**

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**From:** Burness, Sandy (DTF)  
**Sent:** Wednesday, 21 November 2018 11:02 AM  
**To:** Lees, Sue (DTF)  
**Subject:** Updated Summary  
**Attachments:** monitoring - SB workup.xlsx

Updated full summary also attached.

Thanks

Sandy