



Government
of South Australia

TRS20D0206

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

lee@parliament.sa.gov.au

Dear Mr ^{Stephen}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 5 February 2020.

Your application seeks access to:

"All minutes, briefings and correspondence titled 'Request for variation to Treasurer's Instruction 8 for ReturnToWorkSA' as described on the Objective document management system, between 17 July 2019 and 5 February 2020."

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.

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

22 May 2020

RELEASE

MINUTE

31/07/2019
T&F 17/0223
7611701963



MINUTES forming ENCLOSURE

File T&F17/0223

Doc No A1201732

To The Treasurer

REQUEST FOR VARIATION TO TREASURER'S INSTRUCTION 8 FOR RETURNTOWORKSA

Timing: ROUTINE — Comments sought by 16/08/2019

Recommendations/Issues: It is recommended that you:

- approve a variation to Treasurer's Instruction 8.11.1 to allow the ReturnToWorkSA Board (or delegate) to enter into contracts valued up to \$6 million (GST inclusive) without seeking Ministerial approval.
- note that this variation reflects an increase in the monetary value of a previous approved variation to WorkCover (now known as ReturnToWorkSA), which is consistent with a general increase in the monetary values contained in *Treasurer's Instruction 8 – Financial Authorisations* on 1 May 2017.

Approved / Not approved

Hon Rob Lucas MLC
Treasurer

13/8/19

Key Points:

- On 9 July 2019, Mr Rob Cordiner, Chief Executive, ReturnToWorkSA, submitted a request to extend an existing variation to Treasurer's Instruction 8.11.1 to allow the Board of ReturnToWorkSA to enter into contracts valued up to \$6.0 million (GST inclusive) without seeking Ministerial approval (see attachment 1).
- Attachment 2 is a copy of the existing variations to Treasurer's Instructions for ReturnToWorkSA that were approved on 21 April 2009. This includes a variation to Treasurer's Instruction 8.11.1 to enable the ReturnToWorkSA Board (or delegate) to enter into contracts of up to \$4.4 million (including GST).




- This variation was provided to eliminate most of the administrative burden for ReturnToWorkSA on its core activities and achieved consistency with variations provided to other public corporations.
- On 1 May 2017, the monetary thresholds contained in Treasurer's Instruction 8 were indexed. ReturnToWorkSA are requesting that its current variation in relation entering into contracts is increased from \$4.4 million to \$6.0 million. The proposed change is a 37% increase, which is consistent with the 1 May 2017 increase to the limit applying to Chief Executives under TI 8. That limit increased from \$1.1 million to \$1.5 million.
- The ReturnToWorkSA Board has been established on a 'proper commercial footing' and has authority to make substantial commercial decisions under the *Return to Work Corporation of South Australia Act 1994*. Further, the Auditor-General's annual report for the year ended 30 June 2018 highlighted ReturnToWorkSA as having 'a well-developed and established legal compliance framework'.
- Treasury and Finance have undertaken a review of the current Treasurer's Instructions (see document reference A830018). As part of the transitional arrangements, within six months of the redrafted Treasurer's Instructions commencing, public authorities would be required to review its existing variations and where appropriate and necessary request approval for a variation.
- It is anticipated that existing variations similar to this Treasurer's Instruction 8 variation for ReturnToWorkSA would be appropriate subsequent to the commencement of the redrafted Treasurer's Instructions and, in considering these requests, the monetary threshold reviewed for consistency with other thresholds contained in the redrafted Treasurer's Instructions.
- Treasury and Finance supports this request by ReturnToWorkSA.



Kevin Cantley
EXECUTIVE DIRECTOR, ACCOUNTING SERVICES

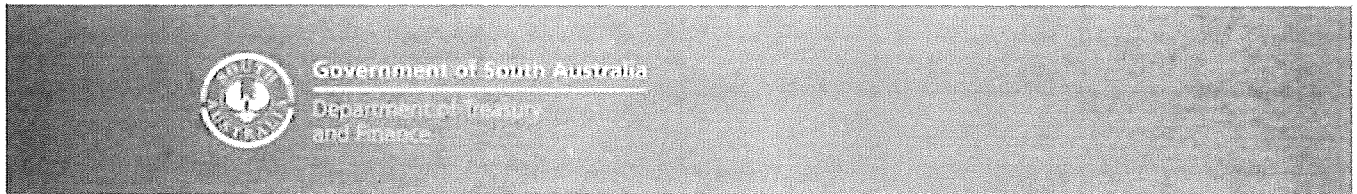
30 July 2019

Contact Officer:	Rebecca de Laine
Telephone:	8204 1727
Email address:	rebecca.delaine@sa.gov.au

Supported / Not Supported

Stuart Hocking
A/ DEPUTY CHIEF EXECUTIVE
Department of Treasury and Finance
Date...31/7/2019...

Lardner, Helen (DTF)

From: no-reply@forms.sa.gov.au
Sent: Tuesday, 9 July 2019 1:36 PM
To: DTF:Financial Management Team
Subject: Treasurer's Instructions Request- Request Number (7478036): Approved by Rob Cordiner, ReturnToWorkSA.



This request regarding the Treasurer's Instructions has been approved by Rob Cordiner, ReturnToWorkSA.

The details of the request are summarised below. Any supporting documents that was provided will be attached to this email.

Request	
Treasurer's Instructions (TI)	General
Treasurer's Instruction (TI) General Application for :	Variation under clause TI 1.11
Request Details	
Application for variation of TI under clause TI 1.11	
TI's to vary	
Treasurer's Instruction number	8 Financial Authorisations
Instruction to modify the operation or application	Amend existing approved variation to clause 8.11.1 to allow the Board of ReturnToWorkSA to enter into contracts valued up to \$6.0 million (GST inclusive) without seeking Ministerial approval. [The current approved variation, in force since 2009, allows the Board to enter into contracts valued up to \$4.4 million.]
Effective Period: proposed start date	1/08/2019
Effective Period: proposed end date	30/06/2022
Justification of variation	
Brief summary of request (Refer to TI 1.11)	The Board has been established on a 'proper commercial footing' and has authority to make substantial commercial decisions under the Return to Work Corporation of South Australia Act 1994. The Auditor-General's annual report for the year ended 30 June 2018 highlighted ReturnToWorkSA as having 'a well-developed and established legal compliance framework'. The requested increase from \$4.4 million to \$6.0 million is proportional with the early increase within TI 8 to the limit applying to Chief Executives which increased from \$1.1 million to \$1.5 million.
Attach supporting documents containing details of your request	
Requestor's details	



Name of public authority	ReturnToWorkSA
Given name	Des
Family name	Quirk
Job title	Chief Financial Officer
Work email	des.quirk@rtwsa.com
Preferred phone	08 8233 2075

Chief Executive/ Authorised Delegate to approve submission of the request

Name of public authority	ReturnToWorkSA
Given name	Rob
Family name	Cordiner
Is the approver a	Chief Executive
Work email	rob.cordiner@rtwsa.com
Preferred phone	08 8233 2371



Government
of South Australia

Hon Kevin Foley MP

Deputy Premier

Treasurer

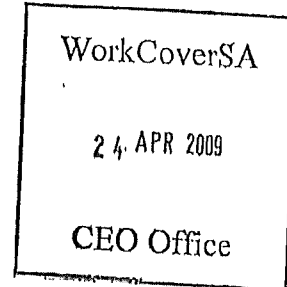
Minister for Industry and Trade

Minister for Federal/State Relations

TF09D02214

Date: 21/4/09

Ms Julia Davison
Chief Executive Officer
WorkCover SA
100 Waymouth Street
ADELAIDE SA 5000



Dear Ms Davison

Further to your letter to the Under Treasurer dated 10 March 2009 in relation to Public Finance and Audit Act 1987 Treasurer's Instructions (TIs), the Treasurer has considered your request, and approved a number of exemptions and variations as set out in Attachment 1.

In granting the relevant approvals, the Treasurer was conscious of ensuring that they are consistent with the recent legislative reforms applying *Public Finance and Audit Act 1987* requirements to WorkCover Corporation, which reflected a desire by the Government and the Parliament that the Corporation be subject to similar financial governance requirements as apply to other statutory corporations.

As a result, the exemptions or variations to TI requirements have been provided where there are clearly unique circumstances applicable to WorkCover and it is considered that the costs of compliance with them would outweigh the benefits.

Yours sincerely

Paul Holloway
Acting Deputy Premier
Acting Treasurer

Attachment 1

The following approvals have been granted in response to WorkCover's request for exemptions and/or variations to Treasurer's Instructions:

Ongoing approval has been given to:

- variation to clause 5.15 of Treasurer's Instruction 5 to allow Workcover to write off debts to SA Government employees where it is not reasonable for Workcover to know that the debtor is a SA Government employee;
- exemption to clauses 11.12 to 11.14 of Treasurer's Instruction 11 until 30 June 2010;
- variation to clause 8.11.1 of Treasurer's Instruction 8 to allow the Board of Workcover to enter into contracts valued up to \$4.4 million (GST inclusive) without seeking Ministerial approval;
- variation to clause 17.12.1 of Treasurer's Instruction 17 to allow the Board of Workcover to endorse proceeding with public sector initiatives with a project cost of up to \$4.4 million (GST inclusive) without seeking Ministerial approval;
- exemption to clause 8.8.3 of Treasurer's Instruction 8 to allow the Workcover Board to delegate financial authorisation to non-government employees as part of any outsourcing arrangements for claim administration, provided that the Workcover Board is satisfied that there are appropriate contractual and internal controls in place with respect to these authorisations; and
- exemption to clause 23.9 of Treasurer's Instruction 23 provided that Workcover implements an investment strategy that has been approved in accordance with its Charter and Performance Statement (ie approved by the Treasurer and Workcover's Minister).

Where it is impractical for Workcover to implement variations to clause 8.11.1, clause 8.8.3 and 23.9 immediately, an exemption from those clauses is granted until 30 June 2009.

Ongoing approval has **not** been given to:

- variation or exemption to the clauses 8.12.2, 8.12.3, 8.13, 8.15, 17.11, 17.13, 17.14, 5.14 and 5.24, except that an exemption is granted until 30 June 2009 to enable Workcover to ensure appropriate policies, procedures and practices are in place.