



Government
of South Australia

TRS18D1286

Treasurer

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Hon Kyam Maher MLC
Parliament House
NORTH TERRACE SA 5000


Dear Mr Maher

APPLICATION UNDER THE *FREEDOM OF INFORMATION ACT 1991*

I refer to your application made under the *Freedom of Information Act 1991* (FOI Act), dated 17 July 2018.

Your application seeks access to:

"Since 17 March 2018, copies of any and all documents (including but not limited to physical, electronic, or written briefs, minutes, emails, diary entries and any other correspondence) regarding the Treasurer's review of government funding and/or Treasurer's review of government expenditure."

The legislative prescribed timeframe to determine this application has expired and is now deemed to have refused you access to all documents relevant to your application. However, I have determined to process the request as if the statutory timeframe had been met.

The purpose of this letter is to advise you of my determination. An extensive search was conducted within this office.

A total of 4 documents were identified as answering the terms of your application and I have determined as follows:

I refuse you access to all 4 documents.

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

Documents refused in full

Document 1

This briefing contains information which, if released, would disclose information prepared for Cabinet. I have therefore determined to exempt this information pursuant to Schedule 1 clause 1(1)(f) of the FOI Act.

Documents 2 - 3

Both of these briefings contain advice obtained from the Crown Solicitor's Office. I have determined to exempt this information pursuant to Schedule 1 clause 10(1) of the FOI Act.

Documents 2 - 4

These documents contain details of grant agreements and loan agreements provided to companies in South Australia. It contains information relating to their business affairs and it would be contrary to the public interest to release details of these grants. I have determined to exempt this information pursuant to Schedule 1 clause 7(1)(c) of the FOI Act.

Documents 2 - 4

These documents are internal working documents and contain advice prepared by Crown Solicitor's Office for the Government. Confidential information is included in the document which cannot be released without breaching confidentiality.

I have therefore determined to exempt this information pursuant to Schedule 1 clause 9(1) of the FOI Act.

Exemptions

Clause 1 – Cabinet documents

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

(f) if it is a briefing prepared for use of Minister regarding matter submitted to Cabinet.

Clause 7 – Documents affecting business affairs concerning

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

(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.*

Clause 9 — Internal Working Documents

(1) *a document is an exempt document if it contains matter—*

(a) that relates to—

- (i) any opinion, advice or recommendation that has been obtained, prepared or recorded; or*
 - (ii) any consultation or deliberation that has taken place, in the course of, or for the purpose of, the decision-making functions of the Government, a Minister or an agency; and*
- (b) the disclosure of which would, on balance, be contrary to the public interest.*

Clause 10 - Legal Professional Privilege

- (1) *A document is an exempt document if it contains matter that would be privileged from production in legal proceedings on the ground of legal professional privilege.*

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: <http://dpc.sa.gov.au/what-we-do/services-for-government/premier-and-cabinet-circulars> Please visit the website for further information.

As I am determining this letter as Principal Officer, there is no right to internal review. If you are dissatisfied with my determination you have the option of external review via the Ombudsman or SACAT.

If you require any further information, please contact Vicky Cathro on (08) 8226 1866.

Yours sincerely



Hon Rob Lucas MLC
Principal Officer

16 September 2018

Att.

Schedule of Documents

TRS18D1286 - MAHER - "TREASURER'S REVIEW OF GOVERNMENT FUNDING / GOVERNMENT EXPENDITURE."

Doc. No.	Date	Description of Document	# of pages	Determination Recommendation	Exemption Clause	Reason
1	16/07/2018	Briefing from Budget and Performance Branch to the Treasurer	9	Refused in full	1(1)(f) - Briefing prepared for use of Minister regarding matter submitted to Cabinet	
2	24/05/2018	Briefing from Budget and Performance Branch to the Treasurer	4	Refused in full	10(1) - Subject to legal professional privilege 9(1)(a)(i) - Contains matter relating to opinion, advice or recommendation prepared for decision-making of the Government, a Minister or an agency & contrary to public interest 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	

Schedule of Documents

Doc. No.	Date	Description of Document	# of pages	Determination Recommendation	Exemption Clause	Reason
3	9/05/2018	Briefing from Budget and Performance Branch to the Treasurer	9	Refused in full	10(1) - Subject to legal professional privilege 9(1)(a)(i) - Contains matter relating to opinion, advice or recommendation prepared for decision-making of the Government, a Minister or an agency & contrary to public interest 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	18/04/2018	Briefing from Chief Executive to the Treasurer and attachments	15	Refused in full	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 9(1)(a)(i) - Contains matter relating to opinion, advice or recommendation prepared for decision-making of the Government, a Minister or an agency & contrary to public interest	