



File: T&F19/1269  
A1290104

State Administration Centre  
200 Victoria Square  
Adelaide SA 5000  
GPO Box 1045  
Adelaide SA 5001  
DX56205  
Tel 08 8226 9500  
Fax 08 8226 3819  
<http://www.treasury.sa.gov.au>  
ABN 19 040 349 865

27 November 2019

Mr Peter Malinauskas  
Leader of the Opposition  
GPO Box 572  
ADELAIDE SA 5000

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

Dear Mr Malinauskas

### **Freedom of Information – Treasurer’s Instruction 13**

I refer to your application under the *Freedom of Information Act 1991* (FOI Act), received by the Department of Treasury and Finance (DTF) on 2 September 2019.

Your application specifically requested:

*‘[Date Range: 03/12/2018 – 02/09/2019] All documents including memos, briefings, emails and correspondence relating to amendments to Treasurer’s Instruction 13 and exemptions from the prohibition on the purchase of alcohol for Ministers and Ministerial officers.’*

Under the Act, an agency has 30 days to respond to a freedom of information request. As DTF did not respond to your request within the time frame required, the department is 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 time frame had been met.

The purpose of this letter is to advise you of my determination.

A total of 10 documents were identified as answering the terms of your application and I have determined as follows:

- I grant you access in full to 6 documents, copies of which are enclosed, and
- I grant you access in part to 4 documents, copies of which are enclosed.

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 2 and 6-10

## **Documents released in part**

Documents 1, 3 and 4

These documents contain sections of information that are not within the scope of your request, and the information has been redacted accordingly.

Document 3

This document contains drafting instructions for Parliamentary Counsel. Under clause 10(1) of Schedule 1 to the FOI Act, information is exempt from disclosure if it would be privileged from production in proceedings on the ground of legal professional privilege. Drafting instructions for Parliamentary counsel is protected by legal professional privilege, and I have therefore determined to exempt this information pursuant to clause 10(1).

Documents 4 and 5

These documents contains the mobile number for a staff member. Under clause 6(1) of Schedule 1 to the FOI Act, a document is exempt if its disclosure would involve the 'unreasonable disclosure of information concerning the personal affairs of any person'. Whilst mobile numbers used for work purposes are not considered personal affairs, in this instance, the mobile number is not listed in the staff directory nor is it listed in the staff member's signature block. I have therefore determined to exempt this information from release pursuant to clause 6(1).

## **Exemptions**

### ***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).*

### ***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), 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.

## Appeal Rights

If you are aggrieved with this determination, you have a right to apply for internal review under subsection 29(1) of the FOI Act. Pursuant to subsection 29(2), your application must:

- be in writing
- be addressed to the principal officer, and
- be lodged at an office of DTF, or emailed to [freedomofinformation2@sa.gov.au](mailto:freedomofinformation2@sa.gov.au) within 30 days after the day on which you receive this letter or within such further time as the principal officer may allow.

If you require any further information, please phone Inthira Stocker on (08) 8429 0839.

Yours sincerely



Matthew Hawkins

ACCREDITED FREEDOM OF INFORMATION OFFICER

### Schedule of Documents

T&F19/1269 - Mr Peter Malinauskas, Opposition Leader - " *All documents including memos, briefings, emails and correspondence relating to amendments to Treasurer's Instruction 13 and exemptions from the prohibition on the purchase of alcohol for Ministers and Ministerial officers.*[Date Range: 03/12/2018 - 02/09/2019]."

Doc. No.	Date	Description of Document	No. of pages	Determination	Exemption Clause
1	01/02/2019 5:45pm	Email - DTF Extra - 2019 Professional Development Calendar, Recent Updates to the Treasurer's Instructions & Updates to Accounting Guidance.	3	Released in part	Sections not relevant
2	18/03/2019 12:09pm	Email - Multiple Documents - Treasurer's Instructions	1	Released in full	
3	18/03/2019	Minute - Review of Treasurer's Instructions (attachment to document 2)	68	Released in part	10(1) - Subject to legal professional privilege Sections not relevant
4	29/08/2019 10:02am	Email - TI13	4	Released in part	6(1) - Unreasonable disclosure of personal affairs Sections not relevant
5	29/08/2019 10:15am	Email - RE: TI13	2	Released in part	6(1) - Unreasonable disclosure of personal affairs
6	1/12/2018	Minute - RE: Changes to Treasurer's Instruction 13 - Prohibition on the Purchase of Alcohol by Ministers and Ministerial Staff (attachment to document 5)	6	Released in full	
7	29/08/2019 12:52pm	Email - TI13 - quote in minute	1	Released in full	
8	29/08/2019 1:10pm	Email - Minute to Treasurer - TI 13 - Prohibiting the purchase of alcohol	1	Released in full	
9	8/11/2018	Minute - Treasurer's Instruction 13 - Expenditure by Ministers and Ministerial Staff - Prohibition on the Purchase of Alcohol (attachment to document 8)	2	Released in full	
10	undated	Open and Accountable Government: A strong plan for real change (attachment to document 9)	12	Released in full	

**Lardner, Helen (DTF)**

---

**From:** Van Der Hoek, Harry (DTF)  
**Sent:** Monday, 18 March 2019 12:09 PM  
**To:** Lardner, Helen (DTF)  
**Cc:** de Laine, Rebecca (DTF); Cantley, Kevin (DTF); Della-Torre, Kym (DTF)  
**Subject:** Multiple Documents - "0. Treasurer's Instructions - MASTER" (A560929), "A830018 - Minute to Treasurer's seeking approval to draft Cabinet Submission for new TIs" (A830018)  
**Attachments:** 0. Treasurer's Instructions - MASTER.pdf; A830018 - Minute to Treasurer's seeking approval to draft Cabinet Submission for new TIs.pdf

Hi Helen

Please find attached the above for the CE's "support" prior to sending to the Treasurer for approval.

Note Kym Della-Torre has been in contact with Stuart re marks to complete the final version.

Regards

Harry

Harry van der Hoek  
Office Manager | Accounting Services  
t 08 8226 9592 | e [harry.vanderhoek@sa.gov.au](mailto:harry.vanderhoek@sa.gov.au) | w [treasury.sa.gov.au](http://treasury.sa.gov.au)

Information contained in this e-mail message may be confidential and may also be the subject of legal professional privilege or public interest immunity. If you are not the intended recipient, any use, disclosure or copying of this document is unauthorised.



**Government  
of South Australia**

Office of the Treasurer  
Level 8  
State Administration Centre  
200 Victoria Square  
Adelaide SA 5000  
GPO Box 2264  
Adelaide SA 5001  
Tel 08 8226 1866

MINUTES *forming* ENCLOSURE to:

Physical ID: TRS18D2402

**TO: ALL MINISTERS**

---

**RE: CHANGES TO TREASURER'S INSTRUCTION 13 – PROHIBITION  
ON THE PURCHASE OF ALCOHOL BY MINISTERS AND  
MINISTERIAL STAFF**

As you would be aware, as part of the Government's commitment to openness and accountability, we promised to introduce stricter rules for Ministerial spending.

Consistent with this commitment, I have approved changes to Treasurer's Instruction 13 "Expenditure incurred by Ministers and Ministerial staff" (TI13). From 1 January 2019, TI13 prohibits Ministers and Ministerial officers from spending public money on alcohol except in the limited circumstances outlined in guidelines titled *Exemptions from the prohibition on the purchase of alcohol for Ministers and Ministerial officers*.

Attached are copies of both the amended Treasurer's Instruction 13 and the associated guidelines for your information.

Please ensure that your Ministerial staff are aware of these new requirements.

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

**Hon Rob Lucas MLC**  
*Treasurer*

| December 2018

cc: All Chiefs of Staff



## GUIDELINES ON TREASURER'S INSTRUCTION 13

# Exemptions from the prohibition on the purchase of alcohol for Ministers and Ministerial officers

## Background

### *Public Finance and Audit Act 1987*

Section 41 of the Public Finance and Audit Act 1987 (the Act) provides the Treasurer with the power to make instructions regulating matters related to the receipt, expenditure or investment of public money, the acquisition or disposal of property, or the incurring of liabilities, by the Treasurer and Public Authorities.

### *Treasurer's Instruction 13 – Expenditure incurred by Ministers and Ministerial Staff*

Treasurer's Instruction 13 (TI 13) regulates matters relating to the expenditure incurred by Ministers and Ministerial Staff.

Clause 13.15 prohibits the purchase of alcohol by a Minister or Ministerial Officer. However, there are some circumstances where this prohibition should not apply.

Clause 13.16 provides the Treasurer the power to make exemptions to this prohibition.

Consistent with the TI 13, in this guideline:

**alcohol** has the same meaning as **liquor** under the *Liquor Licensing Act 1997*;

**public money** means money in the custody or under the control of the public authority; or money in the custody or under the control of personnel on behalf of the public authority; including money that is held for 'administered' purposes.

### ***Exemptions***

In accordance with TI 13.16, Ministers and Ministerial staff are exempt from the prohibition on the purchase of alcohol with public money in the following circumstances:

1. State receptions and functions arranged by the Protocol Section of the Department of the Premier and Cabinet.
2. Functions associated with intergovernmental meetings where the Minister is representing the State.
3. Functions for stakeholders groups associated with the Minister's portfolio and hosted by the Minister.
4. Departmental functions for special events hosted by a Minister.
5. Any other hospitality event approved by the Treasurer.

### ***Approval by the Treasurer***

A request from a Minister for an approval pursuant to Exemption 5 should be in writing and submitted to the Treasurer at [treasurer.dtf@sa.gov.au](mailto:treasurer.dtf@sa.gov.au).



## TREASURER'S INSTRUCTION 13

### EXPENDITURE INCURRED BY MINISTERS AND MINISTERIAL STAFF

Reissued: 1 January 2019

Effective: 1 January 2019

#### Scope

- 13.1 This instruction applies to:
- 13.1.1 each Minister; and
  - 13.1.2 each person employed pursuant to section 71 of the *Public Sector Act 2009*, and each person employed pursuant to the *Constitution Act 1934*, as a member of a Minister's personal staff (referred to in this instruction as "Ministerial Officers").
- 13.2 Treasurer's Instruction 12 *Government Purchase Cards and Stored Value Cards* shall not apply to those to whom this instruction applies.

#### Objective

- 13.3 To specify requirements for the documentation of expenditure incurred by Ministers and Ministerial Officers.
- 13.4 To specify a policy for the use of purchase and other credit cards by Ministers and Ministerial Officers.
- 13.4A To prohibit the purchase of alcohol by Ministers and Ministerial Officers.

#### Interpretation and Definition

- 13.5 This instruction should be interpreted and applied in accordance with Treasurer's Instruction 1 *Interpretation and Application*.
- 13.6 For the purposes of this instruction "Purchase card" has the same meaning as defined in Treasurer's Instruction 12 *Government Purchase Cards and Stored Value Cards* and means a purchase card available for the purchase of generic goods and services for use by public authorities, and their employees, through any purchase card arrangement, including a whole of government arrangement.

## Instruction

- 13.7 Each Minister is entitled to be issued with a purchase card referred to in Treasurer's Instruction 12 *Government Purchase Cards and Stored Value Cards*.
- 13.8 A Minister may elect to use a credit card, other than a Government purchase card, for official purposes.
- 13.9 Ministerial Officers employed as Chiefs of Staff, Ministerial Advisers, Policy Advisers and/or Media Advisers are entitled to be issued with a Government purchase card only when they are accompanying Ministers on intrastate, interstate and/or overseas travel. The purchase card must be surrendered immediately on return to Adelaide.
- 13.10 Where it will facilitate the conduct of everyday business in Ministerial Offices, Ministers may approve the issue of one Government purchase card per office to a Ministerial Officer employed solely to carry out administrative or office management duties.
- 13.11 No account in respect of any credit card may be reimbursed by the responsible authority unless the expenses being claimed were incurred on official business and no other claims have been made or will be made for such expenses from other sources.
- 13.12 All claims for reimbursement submitted by a Minister and all purchases made using a Government purchase card must be certified by that Minister.
- 13.13 All claims for reimbursement submitted by a Ministerial Officer and all purchases made by a Ministerial Officer using a Government purchase card must be certified by that officer and approved by the responsible Minister or a person authorised by the Minister to approve such claims or purchases.
- 13.14 All claims submitted for reimbursement and all purchases made using a Government purchase card with a value of \$50 (GST exclusive) or more are required to be accompanied by appropriate supporting documentation. Supporting documentation includes a tax invoice if the GST exclusive value of the purchase exceeds \$75, except where otherwise determined by the Australian Taxation Office.
- 13.14.1 Where a fringe benefit has been provided, details relating to the fringe benefit are required to enable the public authority to correctly calculate its FBT liability. The documentation that is required is dependant on the circumstances.
- For entertainment or tax exempt body meal entertainment the number of persons that receive the benefit is required and the number of those persons who are SA Government employees and their associates is also required.
  - For other taxable fringe benefits, documentation such as declarations, travel diaries and log books may be required.

- 13.14.2 In rare circumstances, where supporting documentation is unavailable, the Minister or Ministerial Officer can provide written details regarding the reimbursement or purchase.

### Expenditure on alcohol

- 13.15 Subject to clause 13.16, a Minister or Ministerial Officer –

13.15.1 must not use Government funds to purchase any alcohol; and

13.15.2 is not entitled to be reimbursed for the cost of any alcohol.

- 13.16 Clause 13.15 does not apply in circumstances outlined in guidelines which have been approved by the Treasurer.

- 13.17 In this instruction, *alcohol* has the same meaning as *liquor* under the *Liquor Licensing Act 1997*.

**Van Der Hoek, Harry (DTF)**

---

**From:** de Laine, Rebecca (DTF)  
**Sent:** Thursday, 29 August 2019 12:52 PM  
**To:** Karasoulos, Sally (DTF)  
**Cc:** Della-Torre, Kym (DTF)  
**Subject:** TI 13 - quote in minute

Hi Sally,

Please find the link to the source of the quote you are seeking a reference for. Page 4

<https://strongplan.com.au/wp-content/uploads/2018/03/146-OPEN-AND-ACCOUNTABLE-GOVERNMENT.pdf>

Regards,

Rebecca

**Van Der Hoek, Harry (DTF)**

---

**From:** Karasoulos, Sally (DTF)  
**Sent:** Thursday, 29 August 2019 1:10 PM  
**To:** Robertson, Julian (DTF)  
**Cc:** Della-Torre, Kym (DTF)  
**Subject:** A868047 - Minute to Treasurer - TI 13 - prohibiting the purchase of alcohol (A868047)  
**Attachments:** A868047 - Minute to Treasurer - TI 13 - prohibiting the purchase of alcohol#2.pdf

Dear Julian,

Please find attached a link to the source document used for the quote on page two of the attached Minute.

<https://strongplan.com.au/wp-content/uploads/2018/03/146-OPEN-AND-ACCOUNTABLE-GOVERNMENT.pdf>

The quote is from page four of the plan.

If you require anything further, please feel free to contact me.

Kind regards,

Sally Karasoulos  
 Senior Project Officer | Advisory & Professional Development | Accounting Services

State Administration Centre, Level 6, 200 Victoria Square ADELAIDE SA 5000  
 t 8207 1865 w dtfextra.sa.gov.au

Information contained in this e-mail message may be confidential and may also be the subject of legal professional privilege or public interest immunity. If you are not the intended recipient, any use, disclosure or copying of this document is unauthorised.

Karasoulos, Sally has sent you a copy of "A868047 - Minute to Treasurer - TI 13 - prohibiting the purchase of alcohol" (A868047) v11.0 from Objective.

MINUTE

MINISTER'S OFFICE

Rec'd 2/11/2018.

File No.

File T&F16/0222/9

m/4p?

Government  
of South AustraliaDepartment of Treasury  
and Finance

MINUTES forming ENCLOSURE

File T&amp;F16/0222

Doc No A868047

To The Treasurer

# TREASURER'S INSTRUCTION 13 – EXPENDITURE BY MINISTERS AND MINISTERIAL STAFF – PROHIBITION ON THE PURCHASE OF ALCOHOL

Timing: ROUTINE — For Decision

## Recommendations/Issues: It is recommended that you:

- note the Government's election commitment to being open and accountable included issuing a Treasurer's Instruction to ban the expenditure on alcohol by Ministers and Ministerial staff;
- approve the changes to *Treasurer's Instruction 13 – Expenditure by Ministers and Ministerial Staff* (attachment 1) that prohibits the purchase of alcohol except in circumstances that are specified in guidelines approved by you, as the Treasurer, with a commencement date of 1 December 2018; 1 January 2019
- approve the *Guidelines on Treasurer's Instruction 13* (attachment 2), which outlines the circumstances where a Minister or Ministerial Officer are exempt from the prohibition of the purchase of alcohol using public money; and
- note that if approved, the Department of Treasury and Finance will arrange publishing of the instruction as soon as practicable and co-ordinate with your office regarding the dissemination of this information to all Ministers and their staff.

Approved/Not Approved

Hon Rob Lucas MLC  
Treasurer

11/11/18

## Key Points:

- The election commitment was that:

*"A Marshall Liberal Government will immediately issue a Treasurer's Instruction relating to such spending on alcohol. It will ban Ministers and Ministerial staff spending taxpayers' money on alcohol for themselves, their ministerial staff, public servants and guests. The expectation will be that Ministers and Ministerial staff pay for all alcohol purchases themselves.*

*The Treasurer's Instruction will only allow for very limited exceptions where Ministers would be able to seek reimbursement if approved by the Treasurer. All such exceptions would be proactively disclosed."*

- Section 41 of the *Public Finance and Audit Act 1987* (the PFA Act) provides you as the Treasurer the power to make instructions regulating matters related to the receipt, expenditure or investment of public money, the acquisition or disposal of property, or the incurring of liabilities by the Treasurer and public authorities.
- Treasurer's Instruction 13 provides rules around the expenditure of public monies by Ministers and Ministerial Staff.
- The proposed amendment to Treasurer's Instruction 13 provides you, as the Treasurer, the ability to approve exemptions to this prohibition through the establishment of guidelines that specify the circumstances when a Minister or Ministerial staff member may purchase alcohol with government monies. See attachment 2.



Tim Burfield  
A/EXECUTIVE DIRECTOR, ACCOUNTING SERVICES

8 November 2018

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

# OPEN AND ACCOUNTABLE GOVERNMENT

**A STRONG PLAN  
FOR REAL CHANGE.**





**We're ready.**

Over the last four years, we've been working hard developing our vision for the future of South Australia.

Not just policies, but a series of achievable milestones that have been crafted for the long-term benefit of our state.

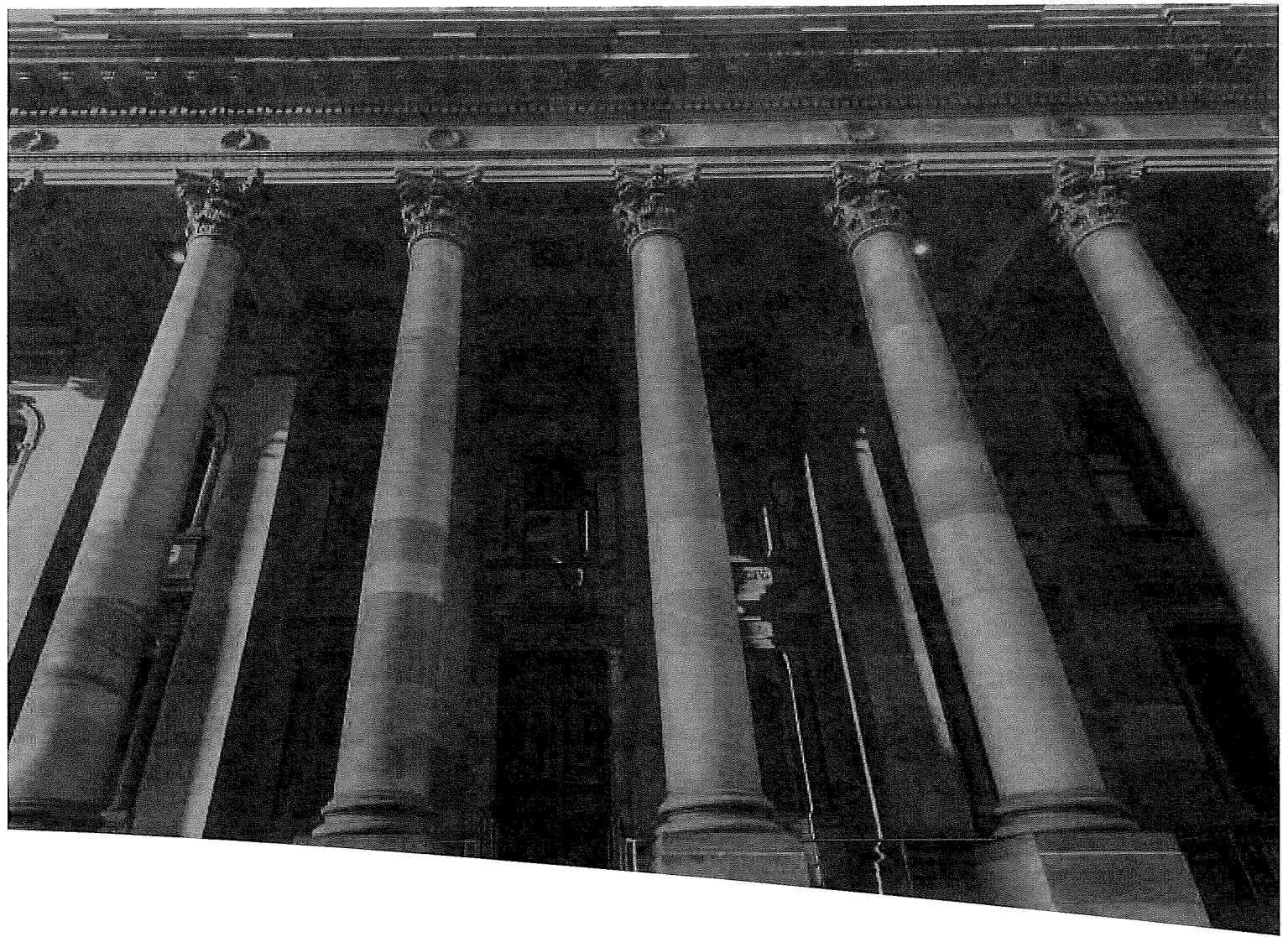
*Our focus will be*

**MORE JOBS.  
LOWER COSTS.  
BETTER SERVICES.**

We've got a strong plan for real change.

A stylized, handwritten signature in white ink, appearing to read "John Howard", is positioned in the lower right quadrant of the page. The signature is fluid and cursive, with a large initial 'J' and 'H'.





## WHAT WE'LL DO

Through comprehensive reform, a Marshall Liberal Government will restore open and accountable government for all South Australians.

Our agenda for open and accountable government will include:

- Ministerial accountability
- Banning political party officials from being government lobbyists
- Stricter rules for ministerial/ministerial staff spending on alcohol
- Ensuring Ministers provide prompt answers to parliamentary questions
- ICAC – access to Cabinet documents
- Enabling ICAC to hold public hearings and report to Parliament on particular matters
- Greater transparency in the awarding of major government contracts
- Ensuring more effective protection to journalists and their sources
- Regular public disclosure of costs of government advertising and strict controls to prevent abuse of taxpayers' money
- More public information about use of Consultants and Contractors and their cost
- Prompt disclosure of information about Ministerial overseas trips

## MINISTERIAL ACCOUNTABILITY

Premier Weatherill re-defined ministerial accountability when he said in response to the TAFE scandal that there had been no 'dishonesty or illegality' and therefore no grounds for the removal of the responsible minister.<sup>1</sup>

Under Labor, Ministers have been grossly incompetent and evaded any consequences.

Under a Marshall Liberal Government, the lack of ministerial accountability for the TAFE scandal and what happened at Oakden will not be tolerated.

Parliament is not just a place to **call** ministers to account. Calling for ministers to be accountable means nothing if they are not actually **held** to account.

All Ministers in a Marshall Liberal Government will be made fully accountable for the policies, decisions and actions of their departments and agencies.

## LOBBYISTS

Lobbying activities must recognise public expectations of trust, accountability and honesty.

Accordingly, a Marshall Liberal Government will ban officials of political parties from undertaking government lobbying in South Australia.

We will amend the *Lobbyists Act 2015* to prevent any office bearer of the state governing body of a registered political party or an associated entity such as a union from becoming a registered lobbyist in South Australia.

Our prohibition will make it clear that a person can be an official of a political party or a lobbyist, but not both.

This will avoid potential conflicts of interest, either real or perceived.

Under the Lobbyists Act anyone who lobbies a minister or public servant on behalf of a third party for purposes such as influencing the awarding of government contracts, the outcome of legislation or applications for licenses, permits or exemptions, must be registered on the Register of Lobbyists.

## STRICTER RULES FOR MINISTERIAL SPENDING

Ministers need to lead by example in the use of taxpayers' money by ensuring their spending is not wasteful or extravagant.

There have been too many examples of Labor Ministers splurging taxpayers' money on expensive alcohol for themselves, staff and guests.

A Marshall Liberal Government will immediately issue a Treasurer's Instruction relating to such spending on alcohol.

It will ban Ministers and Ministerial staff spending taxpayers' money on alcohol for themselves, their ministerial staff, public servants and guests. The expectation will be that Ministers and Ministerial staff pay for all alcohol purchases themselves.

The Treasurer's Instruction will only allow for very limited exceptions where Ministers would be able to seek reimbursement if approved by the Treasurer. All such exceptions would be proactively disclosed.

## **PROMPT ANSWERS TO PARLIAMENTARY QUESTIONS**

The Weatherill Government has become notorious for its failure to provide timely answers to Parliamentary questions.

We have regularly produced evidence of questions remaining unanswered years after they were asked.

At one stage during 2017, almost 4,000 parliamentary questions were unanswered.

This is despite an assurance by Jay Weatherill soon after he became Premier:

'All of the questions that will be asked of us will be given proper answers.'<sup>2</sup> And a statement in his Ministerial Code of Conduct that it is 'important for information about portfolios to be made available to the public and to Parliament. A Minister has an obligation to be 'open and 'transparent'.

A Marshall Liberal Government will amend Parliamentary Standing Orders to ensure questions on notice receive answers within 30 days.

## **ICAC – ACCESS TO CABINET DOCUMENTS**

The Weatherill Government denied ICAC access to Cabinet documents during the Commissioner's Oakden investigation. If requested by ICAC to provide Cabinet documents in similar circumstances, a Marshall Liberal Government will do so.

## MORE EXTENSIVE POWERS FOR ICAC

In 2012, State Parliament enacted the Independent Commissioner Against Corruption Act which appoints a Commissioner to investigate corruption, maladministration and misconduct by government officials.

This was a key Liberal policy to safeguard and enhance confidence in the integrity of public administration in South Australia.

While having an ICAC is vital for transparency, the current model does not allow investigations into maladministration and misconduct to be undertaken publicly when it is in the public interest to do so.

The inexcusable failings at the Oakden Aged Care Health facility brought to a head the need for transparent justice in South Australia when such serious matters are investigated.

A Marshall Liberal Government will enact legislation enabling the Independent Commissioner Against Corruption to choose to hold a public hearing when investigating matters relating to maladministration and misconduct.

As was demonstrated by the Oakden scandal, maladministration and misconduct can affect large groups of South Australians. It is important that the Commissioner has the power in such circumstances to make hearings open, transparent and accessible to the public.

As the Commissioner reported following his Oakden inquiry:

*"In my opinion, the government's reasons for requiring these investigations to be in private are almost entirely political and are designed to limit the damage that might ensue when its own conduct and processes are subject to scrutiny in public."*<sup>3</sup>

The ICAC Commissioner has also recommended that he be permitted to report to Parliament on a particular matter the subject of assessment, investigation or referral. The Commissioner has advised that while he may identify in the course of investigations issues that should be brought to Parliament's attention, he can only do so 'in the vaguest terms'. By extending his powers in this respect he can 'bring to light issues that might otherwise never be aired. Such issues might garner more widespread consideration and could lead to positive changes across multiple agencies. Such an outcome would benefit the community more broadly.'<sup>4</sup>

A Marshall Liberal Government will amend Section 42 of the Independent Commissioner Against Corruption Act to extend the right of the Commissioner to report matters to Parliament.

## TRANSPARENCY FOR MAJOR CONTRACTS

The Weatherill Government's mismanagement of major projects has cost taxpayers dearly.

The prime example is the new Royal Adelaide Hospital.

It cost taxpayers \$640 million more than the Government promised it would.

The hospital's opening was long delayed and disputes between the government and major investors and contractors in the project have badly affected South Australia's reputation as a good place in which to do business.

The new Royal Adelaide Hospital project was undertaken as a Public-Private Partnership (PPP).

When managed well, PPPs offer the opportunity to achieve better value for money in the development of infrastructure through the public and private sectors working together and sharing resources on major projects.

But that doesn't mean such arrangements should be undertaken without parliamentary scrutiny.

The Weatherill Government did not require Parliament's Public Works Committee to examine the PPP for the new Royal Adelaide Hospital and look what happened.

A Marshall Liberal Government will ensure that PPP projects undergo proper parliamentary scrutiny.

The State Government has a responsibility to the people of South Australia to ensure that it is open and accountable in its dealings and that means PPPs should be examined by parliament.

While the private sector is involved in PPPs, ultimately taxpayers' money is on the line and there has to be some parliamentary oversight. That is what accountability, transparency and good governance mean and a Marshall Liberal Government will apply these standards.

Parliamentary scrutiny won't delay projects and it will protect the right of taxpayers to know that their money is being managed properly.

## WHISTLE BLOWER AND SHIELD LAWS

Whistle blowers have a critical role in exposing official corruption and they must be protected from retribution.

The ICAC Commissioner has recommended legislative measures to enable public servants to disclose information to journalists if there has been a failure to investigate such information.

An ICAC survey of 7000 public servants revealed one in four were reluctant to report corruption, misconduct or maladministration with the most common reason being potential personal and professional repercussions.

A Marshall Liberal Government will legislate to provide protection to whistle blowers.

To maintain a healthy open society, we also need a free media.

Journalists work to hold governments and corporations to account by publishing information that is in the public interest. Often, sources of such information risk their livelihoods by assisting journalists.

In South Australia, our journalists don't have sufficient protection against being compelled to reveal a confidential source in court. This discourages people from sharing information which is in the public interest.

Independent reviews confirm our laws protecting journalists and their sources are not strong enough, but the Weatherill Government has failed to act.

A Marshall Liberal Government will ensure Shield Laws give effective protection to journalists and their sources.

Quite simply, people who alert the media to important public issues embody the core values of an open society which the Liberals strongly uphold.

If journalists are unable to guarantee privacy to their sources, the public will not reap the benefits of openness, and the public debate will be restricted.

The public and journalists are being left behind in South Australia without consistent protection to both journalists and their sources.

A Marshall Liberal Government's Shield Laws will provide protection to journalistic sources by enabling suppression of their identities.

They will encourage an open discussion with and accountability to the public.

They will require a source to be identified in court only if the public interest in revealing such information outweighs the potential detriment to the source. This is an important transparency measure.

Our Shield Laws will not limit protections to only those in professional media. They will be opened to all contractors or freelancers working to promote debate in the public interest.

Our media need our support to comply with their ethical guidelines to protect sources of information which is in the public interest to have revealed.

A Marshall Liberal Government will continue to advance the interests of transparency, openness and informed debate through Shield Laws and other initiatives.

## **DISCLOSING COST OF GOVERNMENT ADVERTISING AND PREVENTING ABUSE OF TAXPAYERS' MONEY**

Government spending on advertising has its place when there is a genuine need to provide information to the public.

But under the Weatherill Government, such spending has got out of control and become blatantly political.

A recent splurge costing taxpayers almost \$10 million included:

- Energy Plan - \$2.6 million
- Education Plan - \$1.8 million
- Job Accelerator Grant Scheme - \$1.5 million plus
- Future Jobs Fund - \$1.3 million
- Jobs EX - \$840,000
- State Budget - \$523,000
- new Royal Adelaide Hospital - \$450,000 plus

As this has been happening, the Government has significantly reduced the information it provides to the public about such spending, in particular removing details from the annual report of the Department of Premier and Cabinet.

Government communications guidelines require that 'public funds should not be used for communications where the activity could be interpreted as political advertising.' We will amend those guidelines to prohibit the use of the face, image or voice of the Premier or a Minister in government funded advertising.

A Marshall Liberal Government will also introduce legislation to add real teeth to the guidelines by imposing significant penalties for a breach.

We will amend the Electoral Act to prohibit the use of the face, image or voice of the Premier or a minister in government funded advertising and provide the Electoral Commissioner with power to determine if taxpayer funded advertising is in breach of the Electoral Act.

Where taxpayer funded advertising is in breach of the Act and deemed to be political, the offending party must refund the cost of the advertising and will face a consequential penalty 20 times the cost.

As we have already introduced legislation to impose such sanctions and the Government has refused to support it, in government we will re-introduce the legislation and make it retrospective to 1 November 2017.

A Marshall Liberal Government will also make a monthly public disclosure of government advertising costs. This will give South Australians the opportunity to judge for themselves whether such spending represents good use of public money.



## **CONSULTANTS AND CONTRACTORS**

The Weatherill Labor Government provides little information in budget papers or departmental annual reports on which contractors are winning contracts and what they are being paid.

There is also a tendency for the Government to reclassify consultants as contractors so as to avoid public reporting requirements for consultants.

Taxpayers therefore have no way of knowing whether they are getting value for money for the hundreds of millions of dollars being spent on contractors.

A Marshall Liberal Government will require that all departments include in their annual reports details on the names of contractors, work being undertaken and the actual payments made.

A Marshall Liberal Government will also require that all departments include in their annual reports the actual payments made to consultants.

## **MINISTERIAL OVERSEAS TRIPS – DISCLOSURE OF INFORMATION**

A Marshall Liberal Government will require that all Ministers proactively disclose within 30 days of returning from an overseas trip a report which describes the reasons for the travel, places visited, cost and outcomes from the trip.

## WHY WE'RE DOING IT

To Labor, open and accountable government means misusing millions of dollars of taxpayers' money to advertise misleading claims about so-called government achievements.

In his first commitment as Premier in 2011, Jay Weatherill said: 'We want to present a Government that is open and accountable.'<sup>5</sup>

This is the same Premier who later insisted there could be no public hearings by the Independent Commissioner Against Corruption (ICAC) to shine a light on the Oakden aged care scandal – the same Premier who has refused to make ministers accountable for a series of massive policy and administrative failures including in child protection, the Gillman land deal, the chemotherapy dosing bungle, the Transforming Health disasters, South Australia's lack of affordable and reliable electricity, the neglect and abuse of aged people in government care at Oakden and the failure of TAFE courses to meet basic standards, threatening the immediate job prospects of more than 800 students.

In the last parliamentary sitting before the election, the Weatherill Government demonstrated yet again how shallow its commitment has been to open and accountable government following the tabling of an Auditor-General's report about the Riverbank Development in which the Government has invested \$180 million of taxpayers' money.

In the report, the Auditor-General was highly critical of the Government's 'lack of transparency.' But in response to our questions, the Government refused to explain why it entered a legally binding agreement four days before the 2014 State election caretaker period when, according to the Auditor-General, significant key aspects of the project 'remained outstanding'.<sup>6</sup>

### References:

1. The Advertiser – 7 December 2017
2. House of Assembly – 9 November 2011
3. Oakden – a Shameful Chapter in South Australia's History: A Report by the Hon. Bruce Lander QC, Independent Commissioner Against Corruption – 28 February 2018
4. Annual Report of the Independent Commissioner Against Corruption: 2015-16
5. News Release by Hon Jay Weatherill, Premier – 24 October 2011
6. Report of the Auditor-General: Adelaide Riverbank (Festival Plaza) Development: November 2017



**STEVEN MARSHALL MP**

State Liberal Leader

**[www.strongplan.com.au](http://www.strongplan.com.au)**

Phone: 08 8363 9111

Email: [steven@stevenmarshall.com.au](mailto:steven@stevenmarshall.com.au)

**Van Der Hoek, Harry (DTF)**

---

**From:** DTF:Financial Management Team  
**Sent:** Friday, 1 February 2019 5:45 PM  
**To:** DTF:Financial Management Team  
**Subject:** DTF Extra - 2019 Professional Development Calendar, Recent Updates to the Treasurer's Instructions & Updates to Accounting Guidance

**NEWS EXTRA**

DTF Extra



Government of  
South Australia

**Sections not relevant**

# Sections not relevant

## Recent Updates to the Treasurer's Instructions

Over the past few months there have been a number of changes to the Treasurer's Instructions as a result of the implementation of the Government's election commitments, including:



# Sections not relevant

- *Treasurer's Instruction 13 - Expenditure incurred by Ministers and Ministerial Staff* - Ministers or Ministerial officers cannot use Government funds (or be reimbursed) to purchase alcohol except under limited exemptions.

# Sections not relevant

The updated Treasurer's Instructions can be found on the [Treasury and Finance website](#) and additional information on the above changes can be found on the relevant [DTF Extra guidance page](#).

# Sections not relevant

# Sections not relevant

[dtfextra.sa.gov.au](http://dtfextra.sa.gov.au)

---

MINUTE



Government  
of South Australia  
Department of Treasury  
and Finance

MINUTES forming ENCLOSURE

File T&amp;F17/0222

Doc No A830018

To The Treasurer

## REVIEW OF THE TREASURER'S INSTRUCTIONS

Timing: ROUTINE

Recommendations/Issues: It is recommended that you:

- note that the Department of Treasury and Finance has worked with the Crown Solicitor's Office and Richard Dennis (former Parliamentary Counsel) to review the Treasurer's Instructions with the objective of consistent and unambiguous legal drafting (see Attachment 1).

# Out of scope

- note that there are a number of amendments to the attached draft new Treasurer's Instructions that have already been identified for inclusion prior to their final approval. These changes are also discussed in more detail in this briefing.

# Out of scope

Approved

Hon Rob Lucas MLC  
Treasurer

/ /

# Out of scope

(Pages 2-6)



# Out of scope

Additional work to finalise the new Treasurer's Instructions

# Out of scope

*Recent changes to the Treasurer's Instructions*

# Out of scope

- *Treasurer's Instruction 13 - Expenditure* incurred by Ministers and Ministerial Staff - Ministers or Ministerial officers can not use Government funds (or be reimbursed) to purchase alcohol except under limited exemptions.

# Out of scope

# Out of scope

# Out of scope



Kevin Cantley  
EXECUTIVE DIRECTOR, ACCOUNTING SERVICES

18 March 2019

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

# 10 Legal professional privilege

(pages 10-67)

*Additional changes proposed under the new Treasurer's Instructions*

# Out of scope

**Van Der Hoek, Harry (DTF)**

---

**From:** Della-Torre, Kym (DTF)  
**Sent:** Thursday, 29 August 2019 10:02 AM  
**To:** Robertson, Julian (DTF)  
**Cc:** de Laine, Rebecca (DTF); Cantley, Kevin (DTF); Kyriakides, Nora (DTF)  
**Subject:** TI13

Hi Julian,

As requested,

Treasurer Approved – TI 13 and Policy on 11/11/2018  
 Ministers were notified by minuted dated 1/1/2018  
 DTF Extra (for internal Government users) was updated 28/12/2018  
 DTF Website (public) – TI 13 went live on 3/01/2019.

The wayback machine shows that the guidelines were on the site on its 28/02/2019 snapshot -  
<https://web.archive.org/web/20190228033018/https://treasury.sa.gov.au/budget/compliance-and-resources/treasurers-instructions>

My mobile is **Clause 6(1)** if you wish to discuss.

Cheers,

**Kym Della-Torre**

Director | Advisory and Professional Development | Accounting Services  
 Department of Treasury & Finance  
 t (08) 8226 9575

**Committed to workplace flexibility**



**Government of South Australia**  
 Department of Treasury  
 and Finance



**White  
 Ribbon  
 Workplace**

Proudly accredited  
 by White Ribbon

**White Ribbon  
 Australia**

*Information contained in this e-mail message may be confidential and may also be the subject of legal professional privilege or public interest immunity. If you are not the intended recipient, any use, disclosure or copying of this document is unauthorised.*

# Out of scope

Out of scope

13 Expenditure Incurred by Ministers and Ministerial Staff  
5 captures (/web/https://treasury.sa.gov.au/budget/compliance-and-resources/treasurers-instructions)  
12 Aug 2018 - 5 Mar 2019 (https://web.archive.org/web/20190228033018/https://treasury.sa.gov.au/ data/assets/pdf\_file/0003/43797/TI13-1-Jan-2019.pdf) (PDF 89KB) About this capture

Guidelines for Treasurer's Instruction 13

(https://web.archive.org/web/20190228033018/https://treasury.sa.gov.au/ data/assets/pdf\_file/0004/43798/TI13-Guidelines.pdf) (PDF 89KB)

Out of scope

#### SHARE THIS PAGE

##### About

Our purpose and objectives

(https://web.archive.org/web/20190228033018/https://treasury.sa.gov.au/about/our-vision)

Our minister

(https://web.archive.org/web/20190228033018/https://treasury.sa.gov.au/about/our-minister)

##### Contact us

(https://web.archive.org/web/20190228033018/https://www.treasury.sa.gov.au/us2)

##### State Administration Centre

200 Victoria Square, Adelaide SA 5000

##### Postal Address

https://web.archive.org/web/20190228033018/https://treasury.sa.gov.au/budget/compliance-and-resour... 24/09/2019





Table 18826 9500

(<https://web.archive.org/web/20190228033018/tel:+61882269500>)

**Fax:** +61 8 8226.3819

**Fax: +61 8 8226 3819**  
**and resources/treasurers-instructions)**

0

▼ About this capture

(<https://web.archive.org/web/20190228033018/https://treasury.sa.gov.au/about/our-programs>)

(<https://web.archive.org/web/20190228033018/https://treasury.sa.gov.au/about/what-we-stand-for>)

(<https://web.archive.org/web/20190228033018/https://treasury.sa.gov.au/about/working-at-treasury>)

(<https://web.archive.org/web/20190228033018/https://treasury.sa.gov.au/about/acts-and-legislation2>)

(<https://web.archive.org/web/20190228033018/https://treasury.sa.gov.au/about/Corporate-publications>)

(<https://web.archive.org/web/20190228033018/https://treasury.sa.gov.au/about/have-your-say>)

## SACCOMBIO

(<https://web.archive.org/web/20190228033018/https://v>

Disclaimer Privacy Accessibility Sitemap Help [/https://web.archive.org/web/20190228033018/http://w](https://web.archive.org/web/20190228033018/http://w)

The Government of South Australia website is licensed under a Creative Commons Attribution 3.0

Australia Licence <https://web.archive.org/web/20190228033018/http://w>

([https://web.archive.org/web/20190228033018/http://w](https://web.archive.org/web/20190228033018/http://www.)

© Copyright 2016

**Van Der Hoek, Harry (DTF)**

---

**From:** Della-Torre, Kym (DTF)  
**Sent:** Thursday, 29 August 2019 10:15 AM  
**To:** Robertson, Julian (DTF); Cantley, Kevin (DTF)  
**Cc:** de Laine, Rebecca (DTF); Cantley, Kevin (DTF); Kyriakides, Nora (DTF)  
**Subject:** RE: TI13  
**Attachments:** A964329 - Attachment 1 - Minute from Treasurer - Notifying of TI 13 change.pdf

Hi Julian,

It is fair to say that it was uploaded and available to the public from the Treasury and Finance website on 3 January 2019.

I apologise for my typo – Ministers were notified by a minute dated 1 December 2018. Copy attached.

Cheers,

Kym

---

**From:** Robertson, Julian (DTF)  
**Sent:** Thursday, 29 August 2019 10:08 AM  
**To:** Cantley, Kevin (DTF)  
**Cc:** de Laine, Rebecca (DTF) ; Cantley, Kevin (DTF) ; Kyriakides, Nora (DTF) ; Della-Torre, Kym (DTF)  
**Subject:** RE: TI13  
**Importance:** High

Kevin

This does not answer the Treasurer's question from early this morning – the question was “what day was the amended TI uploaded to the TI website”.

Thanks

JR

---

**From:** Della-Torre, Kym (DTF)  
**Sent:** Thursday, 29 August 2019 10:02 AM  
**To:** Robertson, Julian (DTF) <[Julian.Robertson@sa.gov.au](mailto:Julian.Robertson@sa.gov.au)>  
**Cc:** de Laine, Rebecca (DTF) <[Rebecca.Delaine@sa.gov.au](mailto:Rebecca.Delaine@sa.gov.au)>; Cantley, Kevin (DTF) <[Kevin.Cantley@sa.gov.au](mailto:Kevin.Cantley@sa.gov.au)>; Kyriakides, Nora (DTF) <[Nora.Kyriakides@sa.gov.au](mailto:Nora.Kyriakides@sa.gov.au)>  
**Subject:** TI13

Hi Julian,

As requested,

Treasurer Approved – TI 13 and Policy on 11/11/2018  
 Ministers were notified by minutes dated 1/1/2018  
 DTF Extra (for internal Government users) was updated 28/12/2018  
 DTF Website (public) – TI 13 went live on 3/01/2019.

The wayback machine shows that the guidelines were on the site on its 28/02/2019 snapshot - <https://web.archive.org/web/20190228033018/https://treasury.sa.gov.au/budget/compliance-and-resources/treasurers-instructions>

My mobile is <sup>6(1) Personal affairs</sup> if you wish to discuss.

Cheers,

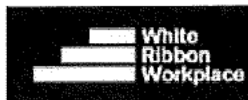
**Kym Della-Torre**

Director | Advisory and Professional Development | Accounting Services  
Department of Treasury & Finance  
t (08) 8226 9575

**Committed to workplace flexibility**



**Government of South Australia**  
Department of Treasury  
and Finance



Proudly accredited  
by White Ribbon



*Information contained in this e-mail message may be confidential and may also be the subject of legal professional privilege or public interest immunity. If you are not the intended recipient, any use, disclosure or copying of this document is unauthorised.*