



T&F23/1253
A3200733

13 October 2023

Hon David Speirs MP
Parliament House
North Terrace
ADELAIDE SA 5000

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

Sent via email: leaderoftheopposition@parliament.sa.gov.au

Dear Mr Speirs

Freedom of Information – Current Projects being conducted by the Commercial and Economics Branch

I refer to your application under the *Freedom of Information Act 1991* (FOI Act), received by the Department of Treasury and Finance (DTF) on 18 September 2023.

Your application specifically requested:

Documents including but not limited to, reports, briefings, performance dashboards, memorandums and/or emails regarding current projects being conducted by the Commercial and Economics Branch. We are not seeking individual project correspondence including email, legal advice and/or intra /inter department correspondence regarding individual projects but higher-level reporting documents. [Date Range: 01/05/2023 - 15/09/2023]

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

A total of 2 documents were identified as answering the terms of your application and I have determined as follows:

- I refuse you access to 2 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.

- Contains information that was prepared for and presented to Cabinet to provide a breakdown of the project workstream for a project Commercial and Economics are conducting.

This document was specifically prepared for submission to Cabinet and is therefore exempt from release pursuant to clause 1(1)(a) of Schedule 1.

Document 2.

- Contains information prepared for the Treasurer's and Department of Treasury and Finance's representatives use during the Estimates Committee proceeding.

Information within this document falls into the definition of business of Parliament. Disclosure would be considered an infringement of the privilege of Parliament and is therefore exempt from release pursuant to clause 17(c) of Schedule 1.

Exemptions

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*
 - (b) *if it is a preliminary draft of a document referred to in paragraph (a); or*
 - (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); or*
 - (e) *if it contains matter the disclosure of which would disclose information concerning any deliberation or decision of Cabinet; or*
 - (f) *if it is a briefing paper specifically prepared for the use of a Minister in relation to a matter submitted, or proposed to be submitted to Cabinet.*

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—

- (a) *constitute contempt of court; or*
- (b) *contravene any order or direction of a person or body having power to receive evidence on oath; or*
- (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 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://www.dpc.sa.gov.au/resources-and-publications/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 accompanied by the application fee of \$40.75 (unless fee waiver applicable) – payment options available on request
- be addressed to the Principal Officer
- be mailed to GPO Box 1045, Adelaide SA 5001, or emailed to 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 contact Kate Tonkin on (08) 7133 8080 or by email at freedomofInformation2@sa.gov.au.

Yours sincerely



Tonia Roache
ACCREDITED FREEDOM OF INFORMATION OFFICER

OFFICIAL
Schedule of Documents

T&F23/1253 - Hon David Speirs MP - *"Documents including but not limited to, reports, briefings, performance dashboards, memorandums and/or emails regarding current projects being conducted by the Commercial and Economics Branch. We are not seeking individual project correspondence including email, legal advice and/or intra /inter department correspondence regarding individual projects but higher-level reporting documents. [Date Range: 01/05/2023 - 15/09/2023]"*

Doc. No.	Date	Description of Document	# of pages	Determination	Exemption Clause
1		Cabinet Report	1	Refused in full	1(1)(a) - Prepared for Cabinet or Cabinet committee
2	21/06/2023	Estimates Briefing Note	4	Refused in full	17(c) - Disclosure would infringe the privilege of Parliament