



File: T&F18/0644  
A955660

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7 November 2018

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

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

Dear Mr Mullighan

### **Freedom of Information – Productivity Commission establishment**

I refer to your application under the *Freedom of Information Act 1991* (FOI Act), received by the Department of Treasury and Finance (DTF) on 10 September 2018.

Your application specifically requested:

*'All minutes, briefings, notes, emails and correspondence from the Department of Treasury and Finance to the Treasurer or Treasurer's office regarding the establishment and membership of the South Australian (SA) Productivity Commission between 31/05/2018 and 31/08/2018'*

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

- I grant you access in full to 1 document, a copy of which is enclosed, and
- I refuse you access to 3 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**

Document 3

### **Documents refused in full**

Document 1

This document contains excerpts from the briefing note prepared specifically for use in Parliament, and I have therefore exempted this information pursuant to clause 17(c). Sections not relevant to the application have been exempted.

## 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 Act.

## Document 4

This document is a briefing paper specifically prepared for the use of the Minister in relation to a matter submitted to Cabinet. I have therefore exempted the document pursuant to Clause 1(1)(f) of the FOI Act.

## Exemptions

### **Clause 1 – Cabinet documents**

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

...  
(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.*

### **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.

## 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 Natalie Haigh on (08) 8429 0839.

Yours sincerely



Matthew Hawkins  
ACCREDITED FREEDOM OF INFORMATION OFFICER

## Schedule of Documents

T&F18/0644 - Mr Stephen Mullighan - " All minutes, briefings, notes, emails and correspondence from the Department of Treasury and Finance to the Treasurer or Treasurer's office regarding the establishment and membership of the South Australian (SA) Productivity Commission between 31/05/2018 and 31/08/2018"

Doc. No.	Date	Description of Document	# of pages	Determination	Exemption Clause
1	19/06/2018	Email - RE: Parliamentary Briefing SAPC Bill 2018	3	Refused in full	17(c) - Disclosure would infringe the privilege of Parliament
					Sections not relevant have been removed
2	19/06/2018	Parliamentary Briefing note	13	Refused in full	17(c) - Disclosure would infringe the privilege of Parliament
3	5/07/2018	Email - RE: PC Bill	2	Released in full	
4	7/08/2018	Minute	3	Refused in full	1(1)(f) - Briefing prepared for Cabinet or Cabinet committee

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## Hosie, Tina (DTF)

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**From:** Siow, David (DTF)  
**Sent:** Thursday, 5 July 2018 9:43 AM  
**To:** Gay, Brad (DTF)  
**Subject:** RE: PC Bill

Hi Brad,

Unlikely but will confirm later with you today.

Regards.  
David

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**From:** Gay, Brad (DTF)  
**Sent:** Thursday, 5 July 2018 7:57 AM  
**To:** Siow, David (DTF) <David.Siow@sa.gov.au>  
**Subject:** Re: PC Bill

Hi David  
Just double checking - Bill unlikely to get to debate today?  
Regards, Brad

Sent from my iPhone

On 3 Jul 2018, at 1:56 pm, Siow, David (DTF) <[David.Siow@sa.gov.au](mailto:David.Siow@sa.gov.au)> wrote:

Hello Brad,

We have listed it as a priority for this week. As of today there is no debate however I will keep you posted.

Regards.  
David

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**From:** Gay, Brad (DTF)  
**Sent:** Monday, 2 July 2018 5:50 PM  
**To:** Siow, David (DTF) <[David.Siow@sa.gov.au](mailto:David.Siow@sa.gov.au)>  
**Cc:** Robertson, Julian (DTF) <[Julian.Robertson@sa.gov.au](mailto:Julian.Robertson@sa.gov.au)>; Gay, Brad (DTF) <[Brad.Gay@sa.gov.au](mailto:Brad.Gay@sa.gov.au)>  
**Subject:** PC Bill

Hi David  
Just checking in on potential timings this week.

I'd like to attend debate to hear any speeches on the Bill (to anticipate Committee questions / amendments which may be sought). Also, to make sure I am available for subsequent Committee stage.

We had a briefing with the Treasurer last week which went well. We will bring an additional table comparing the timing of publishing reports in other jurisdictions (but don't propose to re-issue the substantive briefing pack).

Do you have any sense of timing?

Regards, Brad

**Brad Gay**

Executive Director | Commercial & Economics Branch

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