



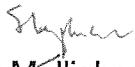
**Government
of South Australia**

TRS19D1801

Hon Stephen Mullighan MP
Member for Lee
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SEMAPHORE SA 5019

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Dear Mr 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 17 July 2019.

Your application seeks access to:

"A current index of all briefs held on the Objective document management system (a) Received by the Treasurer's Office; (b) Requested by the Treasurer's Office; (c) Generated by the Treasurer's Office; and (d) Returned to the Department after consideration by the Treasurer or Treasurer's Office staff, between 23 February 2019 and 17 July 2019."

Determination under review

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.

A total of 1 document was identified as answering the terms of your application and I have determined as follows:

I grant you access in part to the document. However, certain information has been redacted relating to any personal information on first home owners grant and payroll tax objections, pursuant to clause 12(1) of the FOI Act. Information on briefings which have been provided to myself for use in Cabinet or a Cabinet Committee meeting, or containing Cabinet decisions have been redacted, pursuant to clause 1 of the FOI Act.

Businesses who have applied for Government grants and/or funding have also been removed, pursuant to clause 7(1)(c) of the FOI Act.

A number of briefings are also internal working documents (clause 9(1)(a)(i)) so specific information has been redacted as these documents were prepared internally and contain opinion, advice or recommendations which were considered for the purpose of decision making relating to the functions of Government. On balance, it is not in the public interest to disclose the content of these documents as it is important for the agency to receive frank and comprehensive advice and opinions, including the expression of views which may be contentious.

Personal information relating to sensitive matters relating to payments and settlement issues, involving members of the general public have been redacted pursuant to clause 6(1).

There are also a number of confidential briefings which are subject to legal privilege and the disclosure of which would constitute an offence. This information has been redacted pursuant to clause 10(1) and clause 12(1).

Any briefings relating to intergovernmental relations has also been redacted, pursuant to clause 3(a)(b) and 5(1)(a)(ii).

Exemptions

Clause 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).*

Clause 3 – Intergovernmental Communications

A document is an exempt document if —

- (a) *It contains information from an intergovernmental communication to the Government of South Australia or a council.*

Clause 5 – Documents affecting inter-governmental or local governmental relations

- (1) *A document is an exempt document if it contains matter—*
- (a) *the disclosure of which—*
 - (i) *could reasonably be expected to cause damage to intergovernmental relations; or*
 - (ii) *would divulge information from a confidential intergovernmental communication; and*
 - (b) *the disclosure of which would, on balance, be contrary to the public interest.*

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.*

Clause 7 – Documents affecting business affairs concerning

- (1) *A document is an exempt document—*
- (b) *if it contains matter—*
 - (i) *consisting of information (other than trade secrets) that has a commercial value to 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; or*
 - (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 – Documents subject to legal professional privilege

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

Clause 12 – Secrecy Provisions

(1) A document is an exempt document if it contains matter the disclosure of which would constitute an offence against an Act.

Clause 77 of the TAA – Prohibition of certain disclosures by tax officers

A person who is or has been a tax officer must not disclose any information obtained under or in relation to the administration or enforcement of a taxation law, except as permitted by this Part.

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 (08) 8226 9769.

Yours sincerely



Hon Rob Lucas MLC
Principal Officer

31 August 2019

INDEX (EXTRACT FROM OBJECTIVE)

SAFA - [REDACTED] Execute Deed of Variation	7 (1) (c)
Office of the Public Sector - Upcoming Expiration of Statutory Appointment as Commissioner for Public Sector Employment - Ms Erma Ranieri	
Commonwealth Grants Commission 2019 Update	
Budget and Performance - Payment and Closure of Stole Generations Community Reparations fund and Overdrawn Deposit Account	
Commercial and Economics - SAHMRI 2 Project - Steering Committee Meeting 20 February 2019	
Commercial and Economics - Motor Vehicle Registry Commercialisation Project - Steering Committee Meeting Update - 14 February 2019	
SAFA - [REDACTED] Claims Settlement	6 (1)
Electorate Services - Parliamentary Remuneration Act 1990, Deed for Payment of Global Allowance	
Regulation of the Crown as a self-insured employer audit report for department for Education	
Budget and Performance - SA Water Board Meeting - February 2019	
Budget and Performance - January 2019 - Monthly Monitoring Report for [REDACTED]	1 (1) (d)
Commercial and Economics - Administrative Allocation of Responsibility - Land Services Commercialisation Documents and Transition Activities	
Accounting Services - Public Finance and Audit Act Delegations	
CTP Regulator - Briefing after meeting with [REDACTED]	12 (1)
HomeStart Finance - HomeStart Finance Board Meeting - February 2019	
Safework SA - The Asbestos Safety and Radiation Agency's (ASEA) National Strategic Plan for Asbestos Management and Awareness 2019 -2023	
SAFA - SAFA Advisory Board Papers	
Super SA - Super SA Board and Southern Select Super Corporation - Audit Risk and Finance Committee Papers - 13 February 2019	
ReturntoWorkSA - Account Payment Performance Record Detail Report - February 2019	
Commercial and Economics - MAC Book Retained Premium - Developing Local Funds Management	
SAFA - [REDACTED] Payment of Future Job Fund Grant	7 (1) (c)
ReturnToWork SA - Accreditation of Impairment Assessors	
Industrial Relations and Policy - Cabinet Submission - [REDACTED]	
Motor Accident Commission - I Work for SA - Your Voice Survey: Progress Update and Briefing of Minister	
Project Agreement for Small Business Regulatory Reform - SA Schedules	
SAFA - [REDACTED] Dispute Claim	7 (1) (c)
SAFA - Question without Notice - Cryptocurrencies	
RevenueSA - Payroll Tax - Feature Film - [REDACTED]	12 (1)
SAFA - [REDACTED] Execution of New Deed of Priority	7 (1) (c)
Industrial Relations and Policy Branch - Enterprise Bargaining: Assistants to Members of South Australian Parliament Enterprise Agreement	
SAFA - 2019 Local Government Authority of South Australia - Borrowing Limit	
Funds SA - Agency Level Results for the I Work For SA - Your Voice Survey	
SAFA - SA Venture Capital Fund Management Committee Minutes - February 2019	
ReturnToWork SA - Regulation of the Crown as a Self-Insured Employer Audit Report for Department for Health and Wellbeing	
Safework SA - Easter Monday 2019 - Shop Trading Hours Exemption	
CTP Regulator - Online CTP Claim Forms	

Electorate Services - Establishing New Wright Electorate Office Update
Commercial and Economics - Education Works New Schools Refinancing
SAFA - [REDACTED] - Claim Settlement Approval 6(1)
SAFA - [REDACTED] - Medical Malpractice Claim Settlement 6(1)
SAFA - [REDACTED] 12(1)
Accounting Services - Authority to Issue Treasurer's Instructions (Accounting Policy Statements)
CTP Regulator - Compulsory Third Party Regulator - Premium Setting Process
SA Schools PPP - Request for Proposals (RFP) - related file TRS19D0820
Lotteries Commission of South Australia - Lotteries Commission of South Australia: Financial Report
Commercial and Economics - Motor Vehicle Registry Commercialisation Project - Steering Committee Meeting Update: 14 March 2019
Budget and Performance - Payroll Tax Reform Communications Campaign
Budget and Performance - [REDACTED] S(1)(a)(ii)
Commercial and Economics - ACTU Living Wage
ReturnToWork SA - Redemptions - Advisory Committee Meeting
Industrial Relations and Policy - Remuneration Tribunal - 2019 Review of Remuneration - Statutory office holders
Electorate Services - Temporary Co-Location of the Member for Wright at the Ramsay Electorate Office
Safework SA - The South Australian Government Explosive Reserve (SAGER)
Treasurer 2019 T11 Accounts Payable Reporting
Motor Accident Commission - Motor Accident Commission - Transition Process
Budget and Performance - Independent Inquiry into Water Pricing in South Australia
SAFA - Transfer of Northern and Playford Land to Flinders Power
Safework SA - [REDACTED] - Development Application for [REDACTED] 7(1)(c)
Return to Work SA - Employee Assistance Programs for Workers and Workplaces Impacted by Silicosis
Commercial and Economics - SAHMRI 2 Project - A1092792 - Implications for Financial Close Under Revised Approach
SAFA - SAFA Advisory Board Papers - February 2019
South Australian Employment Tribunal - Proposed appointment of a South Australian Civil and Administrative Tribunal member to the South Australian Health Practitioners Tribunal
Safework SA - Summary of Types and Uses of Elevating Work Platforms
Return to Work SA - Publication of the Premium Provisions and Orders in the Government Gazette for the 2019-20 Financial Year
Unfunded Superannuation Liability Analysis
Government Services - Master Code for Heavy Vehicles - Procurement Implications
Budget and Performance - Economic and Business Growth Fund - Updated Administrative Arrangements
Industrial Relations and Policy Branch - Health Care Act 2008 - Employment - Employing Authority Issues
2018-19 Performance Agreement - Mid-Cycle Review
Budget and Performance - South Australian Film Corporation Post Production, Digital and Visual Effects Rebate Contingency Drawdown (March 2019)
Electorate Services - Ministerial Chauffeur Service Delivery
Accounting Services - Treasurer's Quarterly Statements for December 2018
SAFA - [REDACTED] 7(1)(c)

SAFA - [REDACTED] 7(1)(c)
Review of the Treasurer's Instructions
SAFA - [REDACTED] 7(1)(c)
Deed of Guarantee 9(1)(a)(f) or 3(a)(b)
Budget and Performance - [REDACTED] 7(1)(b)
Commercial and Economics - [REDACTED]
SAFA - Addition of Holden Acadia to MP Vehicle List
RevenueSA - Land Tax - [REDACTED] 7(1)(c)
Industrial Relations and Policy - Monthly Briefings to the Treasurer re Industrial Issues - March 2019
SafeworkSA - Industrial Relations Consultative Council Meeting (IRCC)
Commercial and Economics - SAHMRI 2 Project - Progress and Massachusetts General Hospital
SAFA - [REDACTED] 7(1)(c)
Office of the Industry Advocate - Cabinet Submission - [REDACTED] 1(1)(a)
Budget and Performance - February 2019 - Monthly Monitoring Report for [REDACTED] 1(1)(a)
CTP Regulator - Recent Media Activity on Rideshare and Taxi Premium Classes on 29 March 2019
Budget and Performance - Payments from Contingency - [REDACTED] 7(1)(c)
SAFA - Reinsurance Credit Risk Control Policy
Commercial and Economics - SAHMRI 2 Project - Steering Committee Meeting 3 April 2019
HomeStart Finance - HomeStart Finance Board Meeting - March 2018
Commercial and Economics - Commonwealth Bank Data - Boxing Day Analysis Results
Budget and Performance - ESL - 2019-20 Timetable and Preliminary Rate Setting Information
Revenue SA - Emergency Services Levy and Land Tax - Aged Debt
SafeWork SA - 2019/20 Work Health and Safety Fee Funding Split
SAFA - [REDACTED] 7(1)(c)
SA Schools PPP - Request for Proposal (RFP)
Lifetime Support Authority - Lifetime Support Authority (LSS) - 2018-19 Levy
Industrial Relations and Policy - [REDACTED] 9(1)(a)(i)
Commercial and Economics - Veracity of Finity Report's Claim on Strong Wages Growth
Commercial and Economics - Motor Vehicle Registry Commercialisation Project - Steering Committee Meeting Update: 3 April 2019
Industrial Relations and Policy - State Wage Case
Entering into Human Capital Management Panel Agreements
Super SA - Superannuation - Proposed Waiver of SA Judges Pension - [REDACTED] 6(1)
Budget and Performance - Final Allocation of Road Safety Responsibilities
SAFA - Setting of Guarantee Fees for the 2019-20 Financial Year Update to the Government Guarantee Fee Pricing Policy
Accounting Services - Revenue Recognition of Grant Payments on Transition to New Accounting Standards
CTP Regulator - Compulsory Third Party Insurance (CTP) Premium Band Determination Effective 1 July 2019
Budget and Performance - SA Water Board Meeting - March 2019
SafeWork SA - Penalty Handed Down to South Australia Police

Lotteries Commission of South Australia - Financial Report - 1 March 2019 to 31 March 2019
 RevenueSA - Briefing Note - South Australian Civil and Administrative Tribunal - First Home Owner Grant - 12 (1)
 ReturnToWorkSA - Treasurer's Instruction 11 Report for March 2019
 Industrial Relations and Policy - SAET Full Bench Decision - PSA Appeal
 Industrial Relations and Policy - Treasurer's Instruction 10 - Approval Conditions - Industrial and Employment Related Matters
 Budget and Performance - 2019-20 Budget - 1 (1) (a)
 ReturnToWorkSA - Request to Gazette Updated Fee schedules for Medical, Allied Health, Public and Private Hospital Services for 2019-20
 Work for SA - Your Voice Survey: Progress Update and Provision of Harassment and Bullying Data
 SAFA - 7 (1) (c)
 March 2019 T111 Accounts Payable Reporting
 SAFA - Variation of Intercreditor Deed 7 (1) (c)
 SafeWorkSA - 12 (1)
 Commercial and Economics - Motor Vehicle Registry Commercialisation Project - Next Steps
 Accounting Services - Changes to Auditor-General's Approach to the Controls Opinion
 Budget and Performance - 2019-20 Budget: Glenthorne Farm Arrangements
 RevenueSA - Expansion of Payroll Tax Compliance Audits
 SAFA - Future Jobs Fund - 7 (1) (c)
 South Australian Employment Tribunal - SAET - Re-Appointment of Independent Medical Assessors - Return To Work Act 2014
 Industrial Relations and Policy Branch - SAET Decision - Country incentives for teachers
 RevenueSA - Rewrite of the Stamp Duties Act 1923
 Government Services - Pilot of BzPay Payment Acceleration Solution
 Commercial and Economics - 2018-19 MAC Payment to the State Government's Highway Fund
 Commercial and Economics - Transfer of Domiciliary Equipment Service to the Non-Government Sector - Expression of Interest matters for consideration
 Compliance and Enforcement - SafeWorkSA - 6 (1)
 SAFA - Industry Assistance Framework - Administration
 ReturnToWorkSA - Industry Premium Rates for 2019-20
 ReturnToWorkSA - Charter & Performance Statement: Quarter 3 Report for 2018-2019 as at 31 March 2019
 RevenueSA - Job Accelerator Grant - 7 (1) (c)
 Commercial and Economics - Motor Vehicle Registry Commercialisation Project - Steering Committee Meeting Update: 24 April 2019
 RevenueSA - Labour Hire Taskforce Meetings - 19SWSA0250
 RevenueSA - First Home Owner Grant - Reviewability of Decisions Regarding Penalty
 Budget and Performance - Government Business - Dividend Payout Ratio Increase to 100 per cent
 Industry Advocate - Far North Aboriginal Economic Collective Request for Agency Forward Procurement Plans
 Electorate Services - Funding Supplementation and Expenditure Authority for the Relocation of the Mawson Electorate Office
 Budget and Performance - 2019-20 Budget - Impacting data adjustments and carryovers
 Office of the Commissioner for Public Sector Employment - 2019 Review of Remuneration for Public Sector Executives
 Industrial Relations and Policy Branch - Monthly briefings to the Treasurer re Industrial Issues - May 2019

10 (1) + 12 (1)

Budget and Performance - Industr Assistance Audit - Update on contract negotiations
ReturnToWorkSA - 10 (1)
Commercial & Economics Branch - Central Government Building Precinct (CGBP)
ReturnToWorkSA - Decision of the Supreme Court on confidentiality provision of Return to Work Act 10 (1) + 12 (1)
Budget and Performance - Northern Territory's 2019-20 Budget
Accounting Services - Review of the Unclaimed Moneys Act 1891 - Consultation process
Grant Funding Deed 7 (1) (c)
SAFA - Local Government Finance Authority of SA (LGFA) - Borrowing and derivative activity for six months ending 31 March 2019
Government Services - Shared Services SA Benchmarking Outcomes
Budget and Performance - Variation to Treasurer's Instruction 8
Treasury and Finance Administered Items Account - Additional Expenditure for Unclaimed Monies in 2018-19
Budget and Performance - March 2019 - Quarterly Monitoring Report for 1 (1) (o)
Budget and Performance - SA Water Board Meeting - April 2019
Budget and Performance - Western Australia's 2019-20 Budget
SAFA - Grant Deed Execution 7 (1) (c)
Commercial and Economics - South Australian Centre for Economic Studies - Corporate Briefing Program
Accounting Services - Treasurer's Instruction variations for cover bank accounts
Commercial and Economics - Motor Vehicle Registry Commercialisation Project - Steering Committee meeting update; 9 May 2019
Industrial Relations and Policy Branch - ForestrySA Enterprise Agreement 2018
Super SA - Bluedoor Variation
Lifetime Support Authority - Lifetime Support Authority charter 2019-20
Lotteries Commission of South Australia - Financial Report
CTP Insurance Regulator - Compulsory Third Party (CTP) Insurer premium rate filings to apply from 1 July 2019
Industrial Relations and Policy Branch - Policy - Execution of grant deed 7 (1) (c)
SAFA - Request for 7 (1) (c)
CTP Insurance Regulator - Compulsory Third Party (CTP) Insurer contacts for release to CTP insurers for execution
Commercial and Economics Branch - APRA residential lending standards
Government Services - Compliance Review - Premier and Cabinet Circular 27
Industrial Relations and Policy - South Australian Metropolitan Fire Service Enterprise Agreement 2017 - Productivity and Efficiency Review 2019
Budget and Performance - Emergency Services Levy - Statement to the Economic and Finance Committee
Budget and Performance - Adjustment to Ministerial Office staff and Budget Allocations for 2019-20
Budget and Performance - Request for Variation of Treasurer's Instruction - Treasurer's Instruction 8 - Financial Authorisations
Organisation and Governance - April 2019 TI11 Accounts Payable Reporting
Budget and Performance - 2019-20 Agency Statements - Minister Sign-Off
SAFA - 7 (1) (c)
Budget and Performance - Tasmania's 2019-20 Budget

SAFA - Execution of Loan Facility Documents 7 (1) (c)
ReturnToWorkSA - Revised Draft Charter and Performance Statement 2019-2020
Office of the Commissioner for Public Sector Employment - Document Review Project
Budget and Performance - Victoria's 2019-20 Budget
Industry Advocate - Industry Advocate response to SA Productivity Commission Inquiry into Government Procurement (Stage 1)
SAFA - SA Venture Capital Fund
HomeStart Finance - HomeStart Finance Board Meeting - May 2019
SAFA - Uninsured Customers 6 (1)
ReturnToWorkSA - Community Awareness Campaign - Prescription Opioids
CTP Insurance Regulator - Legislative Instruments for approval under the Motor Vehicles (Compulsory Third Party Insurance) Amendment Act 2019
SAFA - Electricity Lessor Corporation Board Papers
SAFA - Approval for increased 12 (1) ÷ 6 (1)
SAFA - Execution of Grant Deed - Approval to Vary Grant deed 7 (1) (c)
SAFA - Future Jobs Fund Loan Drawdown 7 (1) (c)
IRAP - SA Schools and Preschool Enterprise Agreement - Recruitment & Selection of Teaching Staff- Advanced Skills Teacher 2 Classification; Face to Face Teaching time in Preschools 7 (1) (c)
Industry Advocate - Results of the Independent Audit by
Industry Advocate - Pre-registration system - Standardised non-contract categories
ReturnToWorkSA - Return To Work Act reform - Stakeholder views
Budget and Performance - SA Water Board Meeting - May 2019
Budget and Performance - Cash Alignment Policy - Transfer of Surplus Cash to Consolidated Account
CTP Insurance Regulator - Compulsory Third Party (CTP) revised QBE premium rates to apply from 31 July 2019
SAFA Advisory Board performance appraisal
Budget and Performance - South Australian Housing Authority - Approval of Intra Government Transfer in 2018-19
Industrial Relations and Policy Branch - Industrial Action - PSA Rally - Thursday 13 June 2019
RevenueSA - Information and Statistics Available for Real Property (or land) in South Australia that is owned by foreigners
Government Services - COAG Commitment - 20 calendar day payment terms for small business
Budget and Performance - Australian Capital Territory's 2019-20 Budget
Budget and Performance - Payments from Contingency Provisions
Accounting Services - Appropriation Housekeeping 2018-19
Office of the Public Sector - South Australian Innovation Lab
Super SA - Appointment of Member and Presiding Member to the Super SA Board
SAFA - SAFA Advisory Board Papers
Industry Advocate - Meeting with Intract Indigenous Contractors and McMahon Services 9 (1) (a) (i) or 3 (a) (b)
Budget and Performance -
Industrial Relations and Policy (IRAP) 9 (1) (a) (i)
CTP Regulator - Taxi Premium Class Determination for 2018-19 and 2019-20
Commercial and Economics Branch - Motor Vehicle Registry Commercialisation Project - Steering Committee meeting update: 6 June 2019

SABA - SABA's Strategic and Business Plan 2019-20 to 2021-22
SABA - SABA Basis Risk Limit Review - Liquidity Portfolio
DPC - Terms of Reference - Government Communications Advisory Committee
Commercial and Economics Branch - Press release - Berkshire Hathaway (BH) office in Adelaide
RevenueSA - Rewrite of the Stamp Duties Act 1923 - YourSay Survey Engagement
Budget and Performance - Queensland's 2019-20 Budget
SafeWork SA - ABC 7:30 report request for statement regarding silicosis claims and medical screening
Electorate Services - Updated Global Allowance Guidance Notes
SABA - SABA Advisory Board Report - May 2019
Budget and Performance - South Australian Housing Authority - Revised Funding Arrangements
Industrial Relation and Policy - State Theatre Company of South Australia Enterprise Agreement Management Agenda
Accounting Services - Amendments to Treasurer's Instruction 11 to include all NFP organisations under the Regime Set-out in the late payment of Government Debts(Interest)Act 2013
SafeWork SA - Authorisation of an inspector under the expiration of Offences Act 1996
Industrial Relations and Policy [redacted] 9(1)(a)(i)
Industrial Relations and Policy [redacted] 1(1)(a)
Budget and Performance - 2019-20 Budget [redacted] 7(1)(b)
Super SA - [redacted] 7(1)(c)
Budget and Performance - South Australian Film Corporation Post Production, Digital and Visual Effects Rebate Contingency Drawdown (June 2019)
SABA - SABA's Annual Funding Program - 2019/20
CTP Regulator - Compulsory Third Party (CTP) revised AAMI premium rates to apply from 18 August 2019
Super SA - Review of final implementation cost of Super SA's ICT Transformation Project ("Project Bluedoor")
Organisation and Governance - 2019-20 Ministerial Authorisations [redacted] 7(1)(c)
SABA - SA Venture Capital Fund - [redacted] 7(1)(c)
Budget and Performance - Employment Termination Payment Approval under Treasurer's Instruction 14
Budget and Performance - Section 5 Appropriation Transfer and Contingency Payment
SABA - SA Venture Capital Fund - Management Committee Minutes [redacted] 7(1)(c)
SABA - Execution of Regional Growth Fund Grant Deed [redacted] 7(1)(c)
SABA - Execution of Regional Growth Fund Grant Deed [redacted] 5(1)(a)(ii)
Budget and Performance - Board of Treasurers - [redacted]
SABA - SABA Distribution for 2018-19
Budget and Performance - Supplementary Local Road Funding for SA - Approval for the Local Government Finance Authority (LGFA) to Accept Deposits
Commercial and Economics Branch - Motor Accident Commission (MAC): Charter (as at 1 July 2019) and other matters
SABA - Treasurer's Borrowings from SABA from 2018-19 [redacted] 6(1)
Budget and Performance - [redacted]
SABA - Ministerial Chauffeur Fleet
Commercial and Economics - SAHMRI 2 Project - Steering Committee Meeting 29 May 2019
Budget and Performance - April 2019 - Monthly Monitoring Report for [redacted] 1(1)(a)

Motor Accident Commission (MAC) - Motor Accident Commission transition briefings
Industrial Relations and Policy
Budget and Performance - Additional Appropriation from the Governor's Appropriation Fund
Australian Taxation Office request for transaction documents
Commercial and Economics Branch - Report of the Treasurer's Representative - Motor Accident Commission Board Meeting - 29 March, 3 May and 7 June 2019
Budget and Performance - Request for a Variation to T1.5 for SA Housing Trust
Budget and Performance - Deferral of Payment to SAFA in 2018-19
Organisation and Governance - May 2019 T11.1 Accounts Payable Reporting
Department of Premier and Cabinet - Arts Organisations Transition Period and Government Department Representative on Gov. Communications Advisory Committee (GCAC)
CTP Regulator - Execution of Scheme Documents
Budget and Performance - Additional Appropriation from the Governor's Appropriation Fund for the Department for Innovation and Skills
SAFA - Priority Deed 7(1)(c)
Commercial and Economics - SAHMRI 2 Ground Lease
Budget and Performance - Independent Inquiry into Water Pricing in South Australia
SAFA - Annual review of SAFA's policy manual
Budget and Performance - New South Wales' 2019-20 Budget
Accounting Services - Central General Ledger - Clearing Account
SAFA - Loan update 7(1)(c)
CTP Regulator - Compulsory Third Party (CTP) revised SGIC premium rates to apply from 30 August 2019
Budget and Performance - [redacted] - 2018-19 financial performance 9(1)(a)(i)
SafeWork SA - Authorisation and appointment of a new employee under the Expiration of Offences Act 1996, Explosives Act 1936 and Fair Work Act 1994
Government Services - State Procurement Board Minutes June 2019
Budget and Performance - SA Water weighted average cost of capital
Office of the Commissioner for Public Sector - Remuneration adjustments for Ministers of the Crown
Commercial and Economics - SAHMRI 2 Project - Steering Committee Meeting 26 June 2019
Commercial and Economics - 9(1)(9)(1)
SAFA - Tender process for fleet management and vehicle disposal management services
Budget and Performance - May 2019 - Monthly Monitoring Report for 1(1)(9)
SAFA - Negotiations to [redacted] 7(1)(c)
SAFA - [redacted] settlement 6(1)
Organisation and Governance - Members of Parliament Remuneration Vehicle Scheme - Recovery of Unfair Wear and Tear Costs
SAFA - [redacted] request for 6(1)
SAFA - [redacted] Settlement 6(1)
Approval of CPSE leave and of [redacted] 6(1)
Industrial Relations and Policy - [redacted]
Industrial Relations and Policy Branch - [redacted] 9(1)(9)(i)
Industrial Relations and Policy - [redacted]

7(1)(c)

SAFA - Execution of [redacted] Grant Deed - [redacted]

9(1)(a)(i)

Industrial Relations and Policy - [redacted]

Budget and Performance - SA Pathology Efficiency Program

Commercial and Economics - SAHMRI 2 Project - key issues to financial close

Commercial and Economics - SAHMRI 2 Project - Satisfaction of conditions precedent

RevenuesSA - Emergency Services Levy (Fixed Property); Invoicing Schedule FY 2019-2020

Budget and Performance - 2019-20 Ministerial Office budgets - Advice to Ministers

Industrial Relations and Policy - Traineeships - State Electorate Offices

RevenuesSA - Land tax invoicing Schedule: Financial Year 2019-2020

Budget and Performance - SA Water Board Meeting - June 2019

Budget and Performance - SA Water: Water and Sewerage Charges - Approval Process

Commercial and Economics - Social Impact Investment - Progress and Next Steps

Budget and Performance - Westpac House Tenancies

Commercial and Economics - SAHMRI 2 - Amendment of ground lease

Commercial and Economics - Housing Construction Conditions in South Australia

SAFA - Fourth Deed of Amendment to Consent Deed Flinders Power Regional Development Fund

SAFA - Minister Related Party Disclosures - EOFY 2018-19

Electorate Services - 2018-19 Global Allowance Expenditure - Items Specifically Excluded from Funding

Commercial and Economics - Motor Vehicle Registry Commercialisation Project - Steering Committee Meeting Update - 4 July 2019

SAFA - [redacted] Minute to Execute Grant Deed 12(1)

9(1)(a)(i)

Commercial and Economics - [redacted]