



TRS19D1296

Hon Stephen Mullighan MP
Member for Lee
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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 13 May 2019.

Your application seeks access to:

“All minutes, briefings and correspondence titled ‘Late Payment of Government Debt (Interest)’ as described on the Objective document management system, between 12 July 2018 and 13 May 2019.”

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. I refer to my letter dated 26 May 2019 where I sought additional time to make my determination.

The purpose of this letter is to advise you of my determination. An extensive search was conducted within this office. A total of 1 document was identified as answering the terms of your application.

I grant you access in part to 1 document; a copy of which is enclosed.

The briefing which was prepared by DTF in relation to consequential changes to Treasurer’s Instructions 8 – Financial Authorisations and 11 – Payment of Creditors’ Accounts were required as a result of the expected commencement of the *Late Payment of Government Debts (Interest) (Automatic Payment of Interest) Amendment Act 2018*.

I determine that the attached draft Treasurer’s Instructions (Attachment 2) to the briefing be exempt pursuant to clause 10 of the FOI Act, as it was drafted by Parliamentary Counsel and as such considered legal advice.

Please note that the latest versions of Treasurer's Instruction 8 – Financial Authorisations and Treasurer's Instruction 11 – Payment of Creditors' Accounts are publicly available on the DTF website.

Exemptions

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.*

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 8226 9769.

Yours sincerely



Hon Rob Lucas MLC
Principal Officer

6 January 2020

MINUTE

30/10/18
T18/033
TRS I&D 2167



MINUTES forming ENCLOSURE

File T&F17/0222

Doc No A952417

To The Treasurer

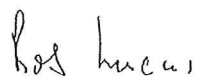
LATE PAYMENT OF GOVERNMENT DEBT (INTEREST)

Timing: URGENT — A decision is required before 31/10/2018

Recommendations/Issues: It is recommended that you:

- note that consequential changes to the Treasurer's Instructions are required as a result of the expected commencement of the *Late Payment of Government Debts (Interest) (Automatic Payment of Interest) Amendment Act 2018* on 1 November 2018.
- approve the revised Treasurer's Instruction 8 – Financial Authorisations with an effective date of 1 November 2018 (Attachment 1).
- approve the revised Treasurer's Instruction 11 – Payment of Creditors' Accounts with an effective date of 1 November 2018 (Attachment 2).

Noted and Approved/Not Approved



Hon Rob Lucas MLC
Treasurer

30/10/18

Key Points:

- As part of the Government's commitment to paying its bills on time, the *Late Payment of Government Debts (Interest) (Automatic Payment of Interest) Amendment Act 2018* (the Amendment Act) is expected to commence on 1 November 2018. Refer to associated Minute sent to you – document number B263368.
- As a result of the Amendment Act commencing, consequential changes are proposed to existing Treasurer's Instructions as follows:



- o Treasurer's Instruction 8 – Financial Authorisations (Attachment 1). To enable an authorised employees of Shared Services (and other service provider public authorities) to approve payments of interest on behalf of its client public authorities in accordance with the amended *Late Payment of Government Debts (Interest) Act 2013*. This will allow Shared Services SA employees to make automatic payments of interest if a public authority does not pay its undisputed invoice on time; and
- o Treasurer's Instruction 11 – Payment of Creditors' Accounts (Attachment 2) consequential amendments to:
 - remove requirements referring to the payment of interest to small business;
 - outline the requirements for a correctly rendered invoice in accordance with Clause 5(1)(c) of the amended Act;
 - update reporting requirements in relation to the amount of interest paid by public authorities; and
 - remove associated definitions that no longer apply.
- It is noted that a further amendment to TI 11 is proposed to remove the requirement for annual reporting by Public Authorities as it is duplicative and no longer necessary due to monthly reporting requirements. The annual reporting requirement for 2017-18 was maintained only to ensure that the Government had a complete time-series of payments data.
- If approved, the revised Treasurer's Instruction 8 and 11 should become effective on the same day the Amendment Act commences, which is expected on 1 November 2018.
- The Accounting Services branch has worked with Shared Services SA and ex-Parliamentary Counsel Richard Dennis on the drafting of the proposed changes to the Treasurer's Instructions.




Kevin Cantley
EXECUTIVE DIRECTOR, ACCOUNTING SERVICES

26 October 2018

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Supported / Not Supported


David Reynolds
CHIEF EXECUTIVE
Department of Treasury and Finance
Date 29.10.18