



**Government
of South Australia**

TRS19D2880

Hon Stephen Mullighan MP
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Treasurer

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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 October 2019.

Your application seeks access to:

"All minutes, briefings and correspondence titled 'Government Services – Master Code for Heavy Vehicles – Procurement Implications' as described on the Objective document management system, between 23 February 2019 and 16 October 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 3 November 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 part access to 1 document; a copy of which is enclosed.

Released in Part

This document and attachment contains legal advice which is subject to legal professional privilege pursuant to Clause 10 (1).

Exemption

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*.

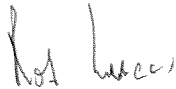
In accordance with this Circular, any non-personal information determined for release as part of this application, may be published on the DTF website. A copy of PC045 can be found at the following address: <https://dpc.sa.gov.au/resources-and-publications/premier-and-cabinet-circulars>. Please visit 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

18 January 2020

RELEASE IN PART

MINUTE

MINUTES forming ENCLOSURE

File DPC17/0068

Doc No B297627

To The Treasurer

MASTER CODE FOR HEAVY VEHICLES – PROCUREMENT IMPLICATIONS

Timing: ROUTINE — for information only

Recommendations/Issues: It is recommended that you:

- Note the advice provided by the Crown Solicitor's Office regarding the Master Code for Heavy Vehicles; and
- Note the proposed education and assurance activities that will be undertaken by Government Services to mitigate risks to the State arising from this code.

Noted

Hon Rob Lucas MLC
Treasurer

1 / 2019

Key Points:

- In November 2018, the Master Code for Heavy Vehicles (the Code) was endorsed by the National Heavy Vehicle Regulator and applies to all transport vehicles greater than 4.5 gross tonnes. The Code seeks to improve road safety by reducing the risk of fatalities and injuries caused by driver fatigue, speeding, vehicle overloading and inadequate vehicle maintenance.
- In seeking to minimise these risks, the Code establishes obligations and responsibilities on all parties involved in the supply chain, covering not only the driver and vehicle owner, but also the consignor (seller) and consignee (buyer) of any goods transported by a Heavy Vehicle.
- Following your meeting with the Australian Logistics Council (ALC) on 24 January 2019 regarding the Code, advice was sought from the Crown Solicitor's Office on the:
 - Obligations and risks placed on the consignee of goods (including the State's Officers); and
 - The impact of the Code in relation to existing and future contracts for the supply of goods.

- Based on the detailed advice from the Crown Solicitor's Office (refer attached), the following key points were noted:



- Based on the advice provided by the Crown Solicitor's Office, the following risk mitigation activities are proposed:



Mark Carey
A/EXECUTIVE DIRECTOR
GOVERNMENT SERVICES

27 March 2019

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| Contact Officer: | Justin Sara |
| Telephone: | 8462 1506 |
| Email address: | Justin.Sara@sa.gov.au |

Supported / Not Supported

David Reynolds
CHIEF EXECUTIVE
Department of Treasury and Finance
Date 28/3/19

Attachments:

- Advice from Crown Solicitor's Office regarding the Master Code for Heavy Vehicles