



**Government
of South Australia**

Treasurer

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Hon Stephen Mullighan MP
Member for Lee
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Stephen
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 9 April 2020.

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 14 November 2019 and 9 April 2020."

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

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 land tax objections and stamp duty 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.

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).

One briefing was prepared internally and contains advice and recommendations which were considered for the purpose of decision making relating to the functions of Government, and has been redacted pursuant to clause 9(1)(a).

There is also a briefing which relates to a decision of the South Australian Employment Tribunal. This information has been redacted pursuant to clause 11(a).

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 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 11 – Judicial Functions

A document is an exempt document if it contains matters—

(b) prepared for the purposes of proceedings (including any transcript of the proceedings) that are being heard or are to be heard before a court or tribunal.

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

8 May 2020

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