



Government  
of South Australia

TRS20D1811

**Treasurer**

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Hon Stephen Mullighan MP  
Member for Lee  
Unit 1, 62 Semaphore Road  
SEMAPHORE SA 5019

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

*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* (the Act), dated 29 May 2020.

Your application seeks access to:

*"All minutes, briefings and correspondence titled 'Annual fees and charges indexation process 2020-21' as described on the Objective document management system, between 14 November 2019 and 29 May 2020."*

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 12 June 2020 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 to the document in part, as it contains information, which, if released, would disclose details concerning a deliberation or decision of Cabinet. Therefore, I determine this exempt pursuant to clause 1(1)(a) of the Act.

The Ministerial Notices are publically available on the South Australian Government Gazette website. The notices were published on the 4 June 2020.

## 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).

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 Act.

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

26 September 2020

RELEASE IN PART

## MINUTE



Government  
of South Australia

Department of Treasury  
and Finance

## MINUTES forming ENCLOSURE

File TF20/0387

Doc No A1405620

To The Treasurer

## ANNUAL FEES AND CHARGES INDEXATION PROCESS - 2020-21

TIMING: ROUTINE - APPROVAL SOUGHT BY 22 APRIL 2020

**Recommendations/Issues:** It is recommended that you:

- Note the process for increasing fees is different compared with previous years as the government sector transitions to setting fees by disallowable Ministerial fee notice rather than through regulations.

Noted

- Note that Parliamentary Counsel drafted sets of Regulations deleting fee Schedules and making variations to Regulations consequential on the fees being fixed by Ministerial fee notice.

Noted

- Note the attached report to the Legislative Review Committee of Parliament.

Noted

- Sign the attached Ministerial Fee Notices.

~~Approved~~ Not Approved

Hon Rob Lucas MLC  
Treasurer

14/4/20



## Key Points:

- The Department of Treasury and Finance (DTF) administers fees under the *Land Tax Act 1936*; *Petroleum Products Regulation Act 1995*; *Dangerous Substances Act 1979*; *Employment Agents Registration Act 1993*; *Explosives Act 1936*; *Fair Work Act 1994* and the *Work Health and Safety Act 2012*.
- The annual fees and charges process commenced in February 2020. [REDACTED]  
[REDACTED], Cabinet approved [REDACTED]  
[REDACTED]
- The 2020-21 Fees and Charges process is different compared with previous years as the government sector transition to setting fees by disallowable Ministerial notice rather than through regulations. These new arrangements will streamline, simplify and shorten the process in future years.
- To implement these new arrangements, Parliamentary Counsel has drafted sets of Regulations deleting fee Schedules and made variations to Regulations consequential on the fees being fixed by fee notice.
- DTF has performed the following in accordance with the "Fees & Charges Guidelines 2020-21":
  - Updated the proposed Ministerial fee notices prepared by Parliamentary Counsel with the proposed fee amounts for the Treasurer's Office to make and publish in the Gazette (Attachment A)
  - Reviewed and instructed Parliamentary Counsel to settle Regulations deleting fee Schedules and making consequential variations to Regulations (and to provide Certificates of Validity).
  - Provided a report for the Legislative Review Committee of Parliament to the Treasurer's Office (Attachment B).
- The following Ministerial Notices are proposed to be made:
  - *Land Tax (Fees) Notice 2020* under the *Land Tax Act 1936* to collect licence fees for the provision of a certificate of land tax liability to clients.
  - *Petroleum Products (Fees) Notice 2020* under the *Petroleum Products Regulation Act 1995* to collect licence fees from distributors of petroleum products.
  - *Dangerous Substances (Fees) Notice 2020* under the *Dangerous Substances Act 1979* to collect licence fees for the storing of dangerous substances.
  - *Dangerous Substances (Dangerous Goods Transport) (Fees) Notice 2020* under the *Dangerous Substances Act 1979* to collect licence fees for the transportation of dangerous substances.
  - *Employment Agents Registration (Fees) Notice 2020* under the *Employment Agents Registration Act 1993* to collect fees in relation to the application to be recognised as an agent.
  - *Explosives (Fees) Notice 2020* under the *Explosives Act 1936* to collect licence fees for the carrying, storage or manufacturing of explosives.

- *Fair Work (Representation) (Fees) Notice 2020* under the *Fair Work Act 1994* to collect fees from the lodgement of applications for registration as a registered agent.
- *Work Health and Safety (Fees) Notice 2020* under the *Work Health and Safety Act 2012* to collect fees involved with applying for a high risk work licence.
- DTF requests the Treasurer's Office arranges for the publication of the Ministerial fee notices in the Government Gazette which should be published in the same Gazette as the Regulations deleting fee schedules and making consequential variations.

David Reynolds  
CHIEF EXECUTIVE

April 2020

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