



TRS19D2884

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* (the Act), dated 17 October 2019.

Your application seeks access to:

"All minutes, briefings and correspondence titled 'CTP Regulator – Recent Media Activity on Rideshare and Taxi Premium Classes on 29 March 2019' as described on the Objective document management system, between 23 February 2019 and 17 October 2019."

The prescribed legislative timeframe to determine this application has expired and is now deemed as refused access to 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 5 documents were identified as answering the terms of your application.

I grant you access in full to 1 document; a copy of which is enclosed.
I refuse you access in full to 4 documents.

Documents Released in Full

Document 4

Documents Exempt in Full

Documents 1, 2, 3 and 5

Information in these documents (briefings for meetings held with the Treasurer), are commercial in confidence and protected under section 17(6) of the *Compulsory Third Party Insurance Regulator Act 2016*.

Documents 1, 2 and 3 are briefings which were prepared internally, consisting of advice and recommendations considered for the purpose of decision making of Government. On balance, it is not in the public interest to disclose the content of these documents as it is important for the Government to receive frank and comprehensive advice and opinions, including the expression of views which may be contentious. The prospect that unknown third parties may obtain access to those documents by way of an FOI application may inhibit the provision of full and open opinions and recommendations on such matters in the future.

These briefings are provided to me on the basis that they are both forthright and candid. If these briefings were to be disclosed, such advice and commentary would not be provided in a candid and forthright manner. Disclosure may also lead to confusion and unnecessary debate resulting from the disclosure of possibilities that are being considered.

Whilst there is a strong public interest in government accountability and transparency, there is the competing public interest to ensure that full and frank advice can occur in confidence. It is necessary that I'm appropriately informed and updated on these matters.

It is my submission that disclosure would, on balance, be contrary to public interest. This is because a Minister of the Crown, as one of the highest offices of a Government, should be able to communicate sensitive matters without subsequent promulgation of opinion and advice deliberated in pre-decisional communications. Disclosure would inhibit frankness and candour in future pre-decisional communications at the highest level of Government and lead to confusion and unnecessary debate resulting from disclosure of possibilities considered. This is the longstanding legal position and there is no reason to depart from that in this matter.

I determine Documents 1, 2 and 3 should not be released for the reasons outlined above, pursuant to clause 9 of the Act.

Document 5 is a Parliamentary Briefing Note prepared specifically for use in Parliament, the disclosure of which would infringe the privilege of Parliament. I have therefore determined this exempt pursuant to clause 17(c).

Exemptions

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 17 – Documents subject to parliamentary privilege

A document is an exempt document if it contains matter the public disclosure of which would, but for any immunity of the Crown—

(c) infringe the privilege of Parliament

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.

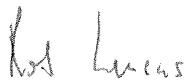
In accordance with this Circular, any non-personal information determined for release as part of this application, may be published on the DTF website. A copy of PC045 can be found at the following address: <https://dpc.sa.gov.au/resources-and-publications/premier-and-cabinet-circulars>. Please visit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

13 November 2020

Schedule of Documents

TRS19D2884 - CTP Regulator - Recent Media Activity on Rideshare and Taxi Premium Classes on 29 March 2019

Doc. No.	Date	Description of Document	# of pages	Determination Recommendation	Exemption Clause	Reason
1	8/04/2019	Letter to Treasurer from Chief Executive, CTP Regulator	3	Refused in full	9(1)(a)(i) - Contains matter relating to opinion, advice or recommendation prepared for decision-making of the Government, a Minister or an agency & contrary to public interest	Exempt under section 17(6) of the <i>Compulsory Third Party Insurance Regulator Act 2016</i>
2		Attachment A to Document 1 - Briefing for Meeting	4	Refused in full	9(1)(a)(i) - Contains matter relating to opinion, advice or recommendation prepared for decision-making of the Government, a Minister or an agency & contrary to public interest	Exempt under section 17(6) of the <i>Compulsory Third Party Insurance Regulator Act 2016</i>
3		Attachment B to Document 1 - Briefing after Meeting	3	Refused in full	9(1)(a)(i) - Contains matter relating to opinion, advice or recommendation prepared for decision-making of the Government, a Minister or an agency & contrary to public interest	Exempt under section 17(6) of the <i>Compulsory Third Party Insurance Regulator Act 2016</i>
4	26/03/2019	Attachment C to Document 1	1	Released in full		
5	4/02/2019	Attachment D to Document 1 - Parliamentary Briefing Note	3	Refused in full	17(c) - Disclosure would infringe the privilege of Parliament	

RELEASE

26 March 2019

**Points for information requested by
Miles Kemp, Senior Reporter, "The Advertiser", 26 March 2019**

- In South Australia, CTP premiums are community rated by premium class that depends on vehicle type, purpose of use and garaging address.
- Taxis have their own premium class. Ridesharing vehicles share a premium class with chauffeured vehicles.
- CTP premiums for each premium class are based on its risk relativity –built from two elements: the number of accidents resulting in an injury claim and the cost of the injury claims per premium class.
- Over the last two financial years, taxis had 57 injury claims, whilst rideshare and chauffeured vehicles had 15 claims for a vehicle pool that had 30% more vehicles than taxis. Significantly higher claim frequency results in higher premiums for taxis compared to rideshare and chauffeured vehicles.
- From 1 July 2019 CTP insurers will set their own premiums based on their own assessment of the risk of different premium classes within limits set by the Regulator.

The current CTP Insurance Premium Schedule for 2018-19 is available on our website at

https://www.ctp.sa.gov.au/data/assets/pdf_file/0006/38859/Gazette-CTP-Premiums-2018.pdf