



Government
of South Australia

TRS21D0213

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

Treasurer
Level 8
State Administration Centre
200 Victoria Square
Adelaide SA 5000
GPO Box 2264
Adelaide SA 5001
DX 56203 Victoria Square
Tel 08 8226 1866
treasurer.dtf@sa.gov.au

lee@parliament.sa.gov.au


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), 4 February, 2021.

Your application seeks access to:

"A current index of all briefs held on the Objective document management system (a) Received by the Treasurers Office; (b) Requested by the Treasurers Office; (c) Generated by the Treasurers Office; & (d) Returned to the Department after consideration by the Treasurer or Treasurers Office Staff, between 26 October 2020 and 4 February 2021."

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.

Information has been redacted relating to any personal information on land tax objections and stamp duty objections, pursuant to clause 12(1) of the 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 Act.

Businesses who have applied for Government grants and/or funding have also been removed, pursuant to clause 7(1)(c) of the Act.

Information regarding intergovernmental economic discussions have been redacted pursuant to clause 5(1)(a)(ii).

Personal information relating to sensitive matters relating to payments, settlement issues and appointments, involving members of the general public have been redacted pursuant to clause 6(1).

Information relating to proceedings that are being heard or are to be heard by the South Australian Employment Tribunal have been redacted pursuant to clause 11(b).

Information relating to the ongoing of industrial matters have been exempted pursuant to clause 16(1)(a)(v) so as to support effective conduct of industrial relations.

Information detailing proposed amendments to Parliament Bills have been redacted pursuant to clause 17(c), as the disclosure of which would infringe the privilege of Parliament.

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 5 – Documents affecting inter-governmental or local governmental relations

- (1) *A document is an exempt document if it contains matter—*
- a) *the disclosure of which—*
 - (i) *could reasonably be expected to cause damage to intergovernmental relations; or*
 - (ii) *would divulge information from a confidential intergovernmental communication; and*
 - b) *the disclosure of which would, on balance, be contrary to the public interest.*

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 11—Documents relating to judicial functions etc

A document is an exempt document if it contains matter—

- (a) *relating to the judicial functions of a court or tribunal; or*
- (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; or*
- (c) *prepared by or on behalf of a court or tribunal (including any order or judgment made or given by the court or tribunal) in relation to proceedings that are being heard or have been heard before the 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 16 – Agency operations

- (1) *A document is an exempt document if it contains matter the disclosure of which—*
 - (a) *could reasonably be expected—*
 - (v) *to have a substantial adverse effect on the conduct of industrial relations by an agency*

Clause 17 – Documents subject to contempt etc

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

- (a) *constitute contempt of court; or*
- (b) *contravene any order or direction of a person or body having power to receive evidence on oath; or*
- (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 (08) 8226 9769.

Yours sincerely



Hon Rob Lucas MLC
Principal Officer

18 March 2021

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