



**Government
of South Australia**

TRS19D3176

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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 12 November 2019.

Your application seeks access to:

"All minutes, briefings and correspondence titled 'SAFA – SAFA Advisory Board Report – May 2019' as described on the Objective document management system, between 23 February 2019 and 12 November 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 19 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 refuse you access in part to 1 document; a copy of which is enclosed

Document Refused in Part

This briefing was prepared by SAFA, for my information, which included a copy of the May 2019 SAFA Advisory Board Report on the operations of SAFA.

The SAFA Advisory Board provides advice to the Treasurer and Under Treasurer on issues pertaining to SAFA's operations and commercial activities. Papers and

supporting information such as the Advisory Board Report that are provided to the Advisory Board are provided so as to promote discussion and to obtain strategic and operational advice on a range of matters such as:

1. the appropriateness of strategies to ensure that SAFA satisfies the funding, liability management, insurance and motor vehicle fleet needs of the SA Public Sector;
2. the appropriateness of policies, guidelines, limits, performance measures and reporting requirements for SAFA's activities;
3. strategies for insuring government agencies and reinsuring those risks in the commercial insurance markets to protect the State's finances from large claims; and
4. developments in financial and insurance markets affecting SAFA's operations;

The disclosure of supporting information would adversely impact on the operation of the Advisory Board and impair the ability for fearless and frank advice to be provided to myself as Treasurer and to the Under Treasurer. It would also have an impact on the decision making processes of SAFA management.

The document relates to an agency engaged in commercial activities, where if disclosed, it could be reasonably expected that information in the document could prejudice the competitiveness of SAFA in carrying out commercial activities. The document also contains information of commercial value, which if disclosed, could prejudice the future supply of such information to the Government and myself as Treasurer, in future.

I therefore determine this document exempt pursuant to clause 7(1)(b) and clause 16(2) to the FOI Act.

I advise that this document is a briefing which was prepared internally and contains advice and recommendations which were considered for the purpose of decision making relating to the functions 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.

I therefore determine this exempt pursuant to clause 9(1)(a)(i).

Exemptions

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*

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 16 – Agency operations

- (2) *A document is an exempt document if—*
- (a) *it relates to an agency engaged in commercial activities; and*
 - (b) *it contains matter the disclosure of which could prejudice the competitiveness of the agency in carrying on those commercial activities.*

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*.

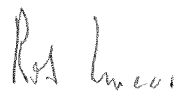
In accordance with this Circular, any non-personal information determined for release as part of this application, may be published on the DTF website. A copy of PC045 can be found at the following address: <https://dpc.sa.gov.au/resources-and-publications/premier-and-cabinet-circulars>. Please visit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

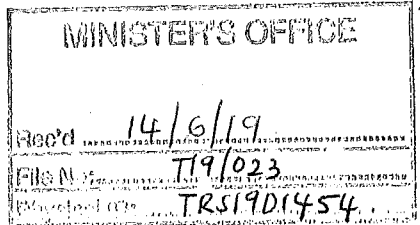
Yours sincerely

A handwritten signature in black ink, appearing to read "Rob Lucas". The signature is written in a cursive, slightly slanted style.

Hon Rob Lucas MLC
Principal Officer

14 March 2020

MINUTE



MINUTES forming ENCLOSURE

File SAF19/0193

Doc No A1179803

To The Treasurer

SAFA ADVISORY BOARD REPORT - MAY 2019

Timing: ROUTINE — For information only

Recommendations/Issues: It is recommended that you:

- note the attached copy of the May 2019 SAFA Advisory Board Report on the operations of SAFA.

Noted

Hon Rob Lucas MLC
Treasurer

22/6/19

Key Points:

- A copy of the May 2019 Advisory Board Report on the operations of SAFA is attached for your information.

Kevin Cantley
GENERAL MANAGER, SAFA

13 June 2019

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