



**Government  
of South Australia**

A2748390

**Office of the  
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

Hon. David Speirs MP  
Leader of the Opposition  
Parliament House  
North Terrace  
ADELAIDE SA 5000

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

Dear Mr Speirs

**APPLICATION UNDER THE *FREEDOM OF INFORMATION ACT 1991***

I refer to your application made under the *Freedom of Information Act 1991* (the Act), dated 20 January 2023.

Your application sought access to:

*'Please provide all records and documents, including but not limited to emails, text messages, diary entries, and any other forms of correspondence, that pertain to communication between SA Productivity Commission and the Treasurer, as well as any correspondence that pertain to communication between the SA Productivity Commission and the Treasurer's Chief of Staff and/or the Minister's advisers and/or administrative staff.'*

A determination on your initial application was not made within the 30-day time period required by the FOI Act. Accordingly, the Office of the Treasurer was deemed to have refused access in full to all documents relevant to your application. However, I have determined to process the request as if the statutory timeframe had been met.

An extensive search was conducted within this office, with a total of one document found that falls within scope of your application and I have determined to release the document in part.

I have granted partial access to the document under clause 6(1) of Schedule 1 of the FOI Act.

## **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 (living or dead).*
- (2) *A document is an exempt document if it contains allegations or suggestions of criminal or other improper conduct on the part of a person (living or dead) the truth of which has not been established by judicial process and the disclosure of which would be unreasonable.*
- (3) *A document is not an exempt document by virtue of subclause (1) or (2) merely because it contains information concerning the person by or on whose behalf an application for access to the document is made.*
- (3a) *A document is an exempt document if it contains matter—*
  - a. *consisting of information concerning a person who is presently under the age of 18 years or suffering from mental illness, impairment or infirmity or concerning such a person's family or circumstances, or information of any kind furnished by a person who was under that age or suffering from mental illness, impairment or infirmity when the information was furnished; and*
  - b. *the disclosure of which would be unreasonable having regard to the need to protect that person's welfare.*

Information redacted in the document refers to mobile phone numbers. Whilst the mobile numbers appear in the public servant's signature block, it is difficult to determine whether the mobile number is used solely for work purposes or mixed employment and personal use. The ability for an individual to be contacted outside of their ordinary work hours is unreasonable. Moreover, the Ombudsman has ruled that mobile numbers constitute the personal affairs of the individuals concerned<sup>1</sup>. Therefore, in line with the Ombudsman determination, the mobile numbers are exempt pursuant to clause 6(1) of Schedule 1 to the FOI Act.

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 (DTF) 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.

If you are unhappy with this determination you are entitled to apply for an internal review in accordance with section 29 of the FOI Act. To make an internal review application, please either write a letter or send Application for Review of Determination form to the Principal Officer, the Treasurer, Hon. Stephen Mullighan MP, within 30 (calendar) days after you receive this letter.

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<sup>1</sup> Ombudsman Reference: 2019/01163; 2019/01165; 2019/01206; 2019/01207 [44]

If you have any queries regarding this matter, please contact the Office of the Treasurer on (08) 8226 1866.

Yours sincerely



Elicea Tomlinson  
**Accredited FOI Officer**  
Office of the Treasurer

20 April 2023

## Schedule of Documents

A2748390 - Hon David Speirs MP - " Please provide all records and documents, including but not limited to emails, text messages, diary entries, and any other forms of correspondence, that pertain to communication between SA Productivity Commission and the Treasurer, as well as any correspondence that pertain to communication between SA Productivity Commission and the Treasurer's Chief of Staff and/or the Minister's advisers and/or administrative staff. "

Doc. No.	Date	Description of Document	# of pages	Determination Recommendation	Exemption Clause
1	15/08/2022	email	5	Released in part	6(1) - Unreasonable disclosure of personal affairs

## Tonkin, Kate (DTF)

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**From:** Wheeler, Dianne (OSAPC)  
**Sent:** Monday, 15 August 2022 2:30 PM  
**To:** Kalogerinis, Eleni (DTF)  
**Subject:** RE: Meeting with the Chief of Staff and the Chairman of the South Australian Productivity Commission

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

### OFFICIAL

Many thanks Eleni for your prompt response – appreciate your cooperation in this matter.

Cheers and enjoy your afternoon.

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**From:** Kalogerinis, Eleni (DTF) <Eleni.Kalogerinis@sa.gov.au>  
**Sent:** Monday, 15 August 2022 2:28 PM  
**To:** Wheeler, Dianne (OSAPC) <Dianne.Wheeler@sa.gov.au>  
**Subject:** RE: Meeting with the Chief of Staff and the Chairman of the South Australian Productivity Commission

Hi Di,

Thank you kindly for your prompt response, I have just sent the meeting request through.

Please feel free to contact me if you have any questions.

Kind regards

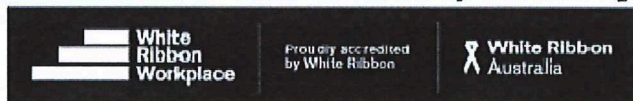
### Eleni Kalogerinis

Personal Assistant to the Chief of Staff | Office of the Treasurer, the Hon. Stephen Mullighan MP

State Administration Centre, Level 8, 200 Victoria Square ADELAIDE SA 5000  
t 8226 9769 | m [Clause 6\(1\)](#) | e [Eleni.Kalogerinis@sa.gov.au](mailto:Eleni.Kalogerinis@sa.gov.au) | w [treasury.sa.gov.au](http://treasury.sa.gov.au)



Government of South Australia  
Department of Treasury  
and Finance



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**From:** Wheeler, Dianne (OSAPC) <[Dianne.Wheeler@sa.gov.au](mailto:Dianne.Wheeler@sa.gov.au)>  
**Sent:** Monday, 15 August 2022 2:02 PM  
**To:** Kalogerinis, Eleni (DTF) <[Eleni.Kalogerinis@sa.gov.au](mailto:Eleni.Kalogerinis@sa.gov.au)>  
**Cc:** Wheeler, Dianne (OSAPC) <[Dianne.Wheeler@sa.gov.au](mailto:Dianne.Wheeler@sa.gov.au)>  
**Subject:** RE: Meeting with the Chief of Staff and the Chairman of the South Australian Productivity Commission

OFFICIAL

Good afternoon Eleni

The Chair has confirmed that **Monday, 19 September at 11.00 am** is his preference for the meeting. Can you please forward a meeting request to finalise the arrangements?

Adrian email address is: [Adrian.tembel@sa.gov.au](mailto:Adrian.tembel@sa.gov.au)

Please note that Mr Steve Whetton, Chief Executive of the OSAPC will also be attending the meeting with the Chair. His email address: [steve.whetton@sa.gov.au](mailto:steve.whetton@sa.gov.au)

Thank you once again for your support in this matter.

Kind regards  
Di

**Di Wheeler**  
Project Officer  
[dianne.wheeler@sa.gov.au](mailto:dianne.wheeler@sa.gov.au)

T: 08 822 67744  
W: [www.sapc.sa.gov.au](http://www.sapc.sa.gov.au)



Government of  
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**From:** Kalogerinis, Eleni (DTF) <[Eleni.Kalogerinis@sa.gov.au](mailto:Eleni.Kalogerinis@sa.gov.au)>  
**Sent:** Monday, 15 August 2022 12:35 PM  
**To:** Wheeler, Dianne (OSAPC) <[Dianne.Wheeler@sa.gov.au](mailto:Dianne.Wheeler@sa.gov.au)>  
**Subject:** RE: Meeting with the Chief of Staff and the Chairman of the South Australian Productivity Commission

Hi Di,

May I propose the following dates and times:

- **Monday 12 September** at 11.00am
- **Friday 16 September** at 10.00am
- **Monday 19 September** at 11.00am
- **Friday 23 September** at 10.00am

**Location:** Office of the Treasurer, Level 8 State Administration Centre, 200 Victoria Square, Adelaide.

John will be accompanied by his Ministerial Adviser, Tom Probst.

I look forward to hearing from you.

Regards,

**Eleni Kalogerinis**

Personal Assistant to the Chief of Staff | Office of the Treasurer, the Hon. Stephen Mullighan MP

State Administration Centre, Level 8, 200 Victoria Square ADELAIDE SA 5000

t 8226 9769 | m [Clause 6\(1\)](#) | e [Eleni.Kalogerinis@sa.gov.au](mailto:Eleni.Kalogerinis@sa.gov.au) | w [treasury.sa.gov.au](http://treasury.sa.gov.au)



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**From:** Wheeler, Dianne (OSAPC) <[Dianne.Wheeler@sa.gov.au](mailto:Dianne.Wheeler@sa.gov.au)>  
**Sent:** Monday, 15 August 2022 12:29 PM  
**To:** Kalogerinis, Eleni (DTF) <[Eleni.Kalogerinis@sa.gov.au](mailto:Eleni.Kalogerinis@sa.gov.au)>  
**Cc:** Wheeler, Dianne (OSAPC) <[Dianne.Wheeler@sa.gov.au](mailto:Dianne.Wheeler@sa.gov.au)>  
**Subject:** RE: Meeting with the Chief of Staff and the Chairman of the South Australian Productivity Commission

OFFICIAL

Good afternoon Eleni

Thank you for your advice.

Can we please arrange a convenient time on John's return to office.

Kind regards  
Di

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**From:** Kalogerinis, Eleni (DTF) <[Eleni.Kalogerinis@sa.gov.au](mailto:Eleni.Kalogerinis@sa.gov.au)>  
**Sent:** Monday, 15 August 2022 12:20 PM  
**To:** Wheeler, Dianne (OSAPC) <[Dianne.Wheeler@sa.gov.au](mailto:Dianne.Wheeler@sa.gov.au)>  
**Subject:** RE: Meeting with the Chief of Staff and the Chairman of the South Australian Productivity Commission

Good morning Di,

Thank you for your kind invitation, inviting Mr John Atkinson to meet with Mr Adrian Tembel, Chairman of the South Australian Productivity Commission.

John is currently on leave and will be returning to work on **5 September 2022**.

Would Mr Tembel be happy to wait for John's return to meet? Otherwise, he is welcome to meet with our Acting Chief of Staff, Mr Matthew Leyson, should he require the meeting sooner.

I look forward to hearing from you.

Kind regards,

**Eleni Kalogerinis**

Personal Assistant to the Chief of Staff | Office of the Treasurer, the Hon. Stephen Mullighan MP

State Administration Centre, Level 8, 200 Victoria Square ADELAIDE SA 5000

t 8226 9769 | m **Clause 6(1)** | e [Eleni.Kalogerinis@sa.gov.au](mailto:Eleni.Kalogerinis@sa.gov.au) | w [treasury.sa.gov.au](http://treasury.sa.gov.au)



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**From:** Wheeler, Dianne (OSAPC) <[Dianne.Wheeler@sa.gov.au](mailto:Dianne.Wheeler@sa.gov.au)>  
**Sent:** Monday, 15 August 2022 11:29 AM  
**To:** Kalogerinis, Eleni (DTF) <[Eleni.Kalogerinis@sa.gov.au](mailto:Eleni.Kalogerinis@sa.gov.au)>  
**Cc:** Wheeler, Dianne (OSAPC) <[Dianne.Wheeler@sa.gov.au](mailto:Dianne.Wheeler@sa.gov.au)>  
**Subject:** Meeting with the Chief of Staff and the Chairman of the South Australian Productivity Commission

OFFICIAL

Good morning Eleni

Mr Adrian Tembel, Chairman of the South Australian Productivity Commission would like to arrange an introduction meeting with Mr John Atkinson, Chief of Staff to Minister Stephen Mullighan.

The Commission's central purpose is to provide the Premier of South Australia with independent evidence based economic advice on how to improve our State's economic growth and in turn, South Australian household incomes.

The purpose of the meeting is discuss relevant issues and government priorities that should be considered when providing advice to the Premier.

Can you please provide convenient dates and times for a thirty minute F2F meeting, preferably early in the week or on a Friday to facilitate the meeting.

Your support in this matter is greatly appreciated.

Kind regards  
Di

**Di Wheeler**  
Project Officer  
[dianne.wheeler@sa.gov.au](mailto:dianne.wheeler@sa.gov.au)

T: 08 822 67744  
W: [www.sapc.sa.gov.au](http://www.sapc.sa.gov.au)



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