



File: T&F19/0136  
A1155388

State Administration Centre  
200 Victoria Square  
Adelaide SA 5000  
GPO Box 1045  
Adelaide SA 5001  
DX56205  
Tel 08 8226 9500  
Fax 08 8226 3819  
<http://www.treasury.sa.gov.au>  
ABN 19 040 349 865

3 June 2019

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

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

Dear Mr Mullighan

### **Freedom of Information Internal Review — SA Productivity Commission**

I refer to your Freedom of Information application received by the Department of Treasury and Finance on 4 March 2019 and your Internal Review application received on 1 May 2019.

Your applications specifically requested:

*“All minutes, briefings, notes, documents, emails and correspondence held by the Department of Treasury and Finance in relation to the South Australian Productivity Commission. [Date Range: 29/10/2018— 29/11/2018]”*

### **Determination under review**

DTF did not make a determination on your initial application within the 30-day time period required by the *Freedom of Information Act 1991* (the FOI Act). Accordingly, DTF was deemed to have refused access in full to all documents relevant to your application.

### **Outcome of internal review**

Under section 29(3) of the FOI Act, on an application for internal review, as principal officer I may, confirm, vary or reverse the determination under review. In doing so, I am required to give fresh consideration to the decision under the FOI Act

I have determined to **vary** the original deemed refusal determination.

A total of 17 documents were identified as answering the terms of your application and I have determined as follows:

- I grant you access in full to 3 documents, copies of which are enclosed, and
- I refuse you access to 14 documents.

Please refer to the attached schedule that describes each document and sets out my determination and reasons in summary form.

### **Documents released in full**

Documents 5, 13 - 14

## Documents refused in full

Documents 1 – 4, 6 – 12

These documents consist of information relating to the personal affairs of third parties, including curricula vitae. Under clause 6(1) of Schedule 1 of the FOI Act, a document is exempt if its disclosure would involve the 'unreasonable disclosure of information concerning the personal affairs of any person'. In my view, it would be unreasonable to this information and I have therefore determined to exempt the documents pursuant to clause 6(1).

Document 15

This document consists of information which, if released, would disclose details concerning a deliberation or decision of Cabinet and as such is exempt from release pursuant to clause 1(1)(e).

Document 16

This document is a briefing paper specifically prepared for the use of the Minister in relation to a matter submitted to Cabinet. I have therefore exempted the document pursuant to clause 1(1)(f) of the FOI Act.

Document 17

This document was specifically prepared for submission to Cabinet. I have therefore determined to refuse access to this document in full pursuant to clause 1(1)(a).

## 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*
  - ...
  - (e) *if it contains matter the disclosure of which would disclose information concerning any deliberation or decision of Cabinet; or*
  - (f) *if it is a briefing paper specifically prepared for the use of a Minister in relation to a matter submitted, or proposed to be submitted to Cabinet.*

### **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).*

Please note, in compliance with Premier and Cabinet Circular PC045 - *Disclosure Logs for Non-Personal Information Released through Freedom of Information (PC045)*, DTF 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://www.dpc.sa.gov.au/resources-and-publications/premier-and-cabinet-circulars> Please visit the website for further information.

## External review

If you remain dissatisfied with this determination, you have the right to apply to the Ombudsman for external review under section 39 of the FOI Act. You have 30 days from the date on which you receive this letter to apply for an external review. If you have any questions about an application to the Ombudsman, please contact the office on (08) 8226 8699.

Yours sincerely

A handwritten signature in black ink, appearing to read 'D. Reynolds', written in a cursive style.

David Reynolds  
PRINCIPAL FREEDOM OF INFORMATION OFFICER

## Schedule of Documents

T&F19/0136 - Hon Stephen Mullighan MP - "All minutes, briefings, notes, documents, emails and correspondence held by the Department of Treasury and Finance in relation to the South Australian Productivity Commission. [Date Range: 29/10/2018— 29/11/2018]"

Doc. No.	Date	Description of Document	# of pages	Determination	Exemption Clause
1	1/11/2018	Email	1	Refused in full	6(1) - Unreasonable disclosure of personal affairs
2		AR CV	4	Refused in full	6(1) - Unreasonable disclosure of personal affairs
3	5/11/2018	Email	1	Refused in full	6(1) - Unreasonable disclosure of personal affairs
4		Outcome selection report draft	3	Refused in full	6(1) - Unreasonable disclosure of personal affairs
5	6/11/2018	Email	1	Released in full	
6	6/11/2018	Email	2	Refused in full	6(1) - Unreasonable disclosure of personal affairs
7	6/11/2018	Email	2	Refused in full	6(1) - Unreasonable disclosure of personal affairs
8	6/11/2018	Email	3	Refused in full	6(1) - Unreasonable disclosure of personal affairs
9	6/11/2018	Email	3	Refused in full	6(1) - Unreasonable disclosure of personal affairs
10	7/11/2018	Email	4	Refused in full	6(1) - Unreasonable disclosure of personal affairs
11		Signed outcome selection report	3	Refused in full	6(1) - Unreasonable disclosure of personal affairs
12	8/11/2018	Email	3	Refused in full	6(1) - Unreasonable disclosure of personal affairs
13	8/11/2018	Email	1	Released in full	
14	19/11/2018	Email	2	Released in full	
15	9/11/2018	Email - Appointment of additional Commissioners of the South Australian Productivity Commission	2	Refused in full	1(1)(e) - Contains information concerning deliberation or decision of Cabinet or Cabinet committee

**Schedule of Documents**

<b>Doc. No.</b>	<b>Date</b>	<b>Description of Document</b>	<b># of pages</b>	<b>Determination</b>	<b>Exemption Clause</b>
16	9/11/2018	Minute to Premier - Appointment of additional Commissioners of the SA Productivity Commission	2	Refused in full	1(1)(f) - Briefing prepared for use of Minister regarding matter submitted to Cabinet
17	9/11/2018	Cabinet Submission	22	Refused in full	1(1)(a) - Prepared for Cabinet or Cabinet committee

## Hocking, Stuart (DTF)

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**From:** Bierbaum, Christine (DPC)  
**Sent:** Tuesday, 6 November 2018 7:52 AM  
**To:** Collins, Vy (OCPSE); Hocking, Stuart (DTF)  
**Cc:** Ranieri, Erma (OCPSE); Butlin, Matthew (OSAPC)  
**Subject:** Re: For review: Selection Outcome Report - Productivity Commission

Vy  
I am also happy with the selection outcome report.

Thanks  
Chris

[Get Outlook for Android](#)

On Mon, Nov 5, 2018 at 6:22 PM +1030, "Hocking, Stuart (DTF)" <[Stuart.Hocking@sa.gov.au](mailto:Stuart.Hocking@sa.gov.au)> wrote:

Hi Vy

Happy with this.

Thanks

Stuart Hocking  
Deputy Chief Executive, Department of Treasury and Finance SA

On 5 Nov 2018, at 4:44 pm, Collins, Vy (OCPSE) <[Vy.Collins@sa.gov.au](mailto:Vy.Collins@sa.gov.au)> wrote:

Hi all


For your review and feedback, please see attached draft Selection Outcome Report for the additional Commissioner roles within the Productivity Commission.

Please let me know if any changes are required by 9am tomorrow morning. I will then apply and required amendments and make arrangements for the document to be signed by the Selection Panel members.

Kind regards  
Vy

Vy Collins  
Manager, Governance and Advice  
**Office of the Commissioner for Public Sector Employment** | [publicsector.sa.gov.au](http://publicsector.sa.gov.au)  
M 0466 856 235 | E [Vy.Collins@sa.gov.au](mailto:Vy.Collins@sa.gov.au) |  
Level 16 State Administration Centre, 200 Victoria Square Adelaide SA 5000 |  
GPO Box 2343, Adelaide SA 5001 | DX 56201

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**Hocking, Stuart (DTF)**

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**From:** Oruga, Giselle (OSAPC)  
**Sent:** Thursday, 8 November 2018 4:18 PM  
**To:** Kyriakides, Nora (DTF); Schulz, Matthew (DTF); Ryan, Ben (DTF); Totman, Philip (CTPIRO); Randall, Simone (DTF); Ali, Jehad (DPC); Olah, Sam (DPC); Rossetto, Nikki (DPC); Pearce, Matthew (DPC); McLeod, Melanie (DPC); Jamieson, Catherine (DPC); Mahon, Nick (ESCOSA); Talbot, Debbie (ESCOSA); Dhondee, Jeanette (DTF); Hawkins, Matthew (DTF); Brewer, Gloria (DTF); Lardner, Helen (DTF); Whiteley, Vanessa (DTF); Domain Names; Fisher, Stuart (DPC); Morcombe, Courtney (DPC); Segal, Raphael (DPC); Capetanakis, Rachel (DPC); Edwards, Cliff (DPC); Condon, Nick (DPC)  
**Cc:** Butlin, Matthew (OSAPC); MacDonald, Gerard (OSAPC); Reynolds, David (DTF); Hocking, Stuart (DTF); DL:DPC SAPC  
**Subject:** SA Productivity Commission branding and website

Dear All,

This is to sincerely thank you for your involvement and support in the establishment/approval process of the SA Productivity Commission's branding and website.

I am happy to share the good news with you all that the SAPC website has gone live last night –  
<https://www.sapc.sa.gov.au>

The collaboration that the Office of the SAPC have experienced in working with you all have been tremendously positive, and it is truly appreciated.

Kind regards

**Giselle Oruga**

Project Support Officer | Office of the SA Productivity Commission  
State Administration Centre, Level 6, 200 Victoria Square ADELAIDE SA 5000 | DX 56201  
T 08 8226 7828 | E [giselle.oruga@sa.gov.au](mailto:giselle.oruga@sa.gov.au)

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**Lardner, Helen (DTF)**

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**From:** Lardner, Helen (DTF)  
**Sent:** Monday, 19 November 2018 5:07 PM  
**To:** Carey, Mark (DTF)  
**Cc:** Williams, Bronwyn (DTF)  
**Subject:** RE: Dr Matthew Butlin

All good and many thanks for your quick response.

Kind regards

Helen

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**From:** Carey, Mark (DTF)  
**Sent:** Monday, 19 November 2018 5:04 PM  
**To:** Lardner, Helen (DTF) <Helen.Lardner@sa.gov.au>  
**Cc:** Williams, Bronwyn (DTF) <Bronwyn.Williams4@sa.gov.au>  
**Subject:** RE: Dr Matthew Butlin

Hi Helen,

I have a couple of back to back meeting between 2 and 3pm tomorrow that may be difficult to reschedule.

Given David is happy to meet with Matthew on his own – I won't attend on this occasion.

Kind regards

**Mark Carey**  
A/Executive Director | Government Services Branch  
  
Wakefield House, Level 9, 30 Wakefield Street ADELAIDE SA 5000  
t 8226 5102 | e [mark.carey@sa.gov.au](mailto:mark.carey@sa.gov.au) | w [sharedservices.sa.gov.au](http://sharedservices.sa.gov.au)

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Department of Treasury and Finance



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**From:** Lardner, Helen (DTF)  
**Sent:** Monday, 19 November 2018 4:31 PM  
**To:** Carey, Mark (DTF) <[Mark.Carey@sa.gov.au](mailto:Mark.Carey@sa.gov.au)>  
**Cc:** Williams, Bronwyn (DTF) <[Bronwyn.Williams4@sa.gov.au](mailto:Bronwyn.Williams4@sa.gov.au)>  
**Subject:** Dr Matthew Butlin

Hi Mark

David Reynolds will be meeting with Dr Matthew Butlin, Chair of SA Productivity Commission, in relation to the Government Procurement Inquiry, at 2pm on 20/11/18 in David's office.



We are welcome to join this meeting but David is more than fine if you are required elsewhere. Could you please advise, thanks.

Kind regards

Helen

**Helen Lardner**

Principal Executive Assistant to the Chief Executive, Deputy Chief Executive and A/Executive Director, Organisation and Governance

Office of the Chief Executive

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

☎ 822 64217 | ✉ helen.lardner@sa.gov.au | 🌐 treasury.sa.gov.au

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