



**Government
of South Australia**

TRS21D0819

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 9 April, 2021.

Your application seeks access to:

"All minutes, briefings and correspondence titled 'Electric Vehicle Road User Charge - Update' as described on the Objective document management system." From 26 October 2020 to 9 April 2021.

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. However, I have determined to process the request as if the statutory timeframe had been met.

An extensive search was conducted within this office. A total of 4 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 3 documents.

Document Released in Full

Document 2

Documents Refused in Full

Documents 1, 3 – 4 are exempt in full as these documents have been specifically prepared to inform the design of an item ahead of Cabinet consideration.

If released, this would disclose materials prepared for the use of a Minister in relation to a matter intended to be submitted to the highest level of Government decision-making, Cabinet. This is indicative of its important and sensitive nature. Cabinet requires absolute candour and frankness in the confidential information it receives in order to properly consider, deliberate and make a decision about the best option for Government. I determine this information exempt pursuant to clause 1(1)(f) to the Act.

Document 1 is a briefing which was prepared by the Department of Treasury and Finance (DTF) providing an update on the proposed road user charge for electric vehicles.

Document 3 is a working document in draft form. There are a number of issues referred to in the document that are yet to be resolved, addressed or tested.

Document 4 is a comparison of road user charges and fuel excise based on different parameters.

Both Documents 1 and 3 contain information on the proposed Victorian scheme along with information on whether the features should be considered in South Australia. If this information was disclosed there is a real risk in the future that the Victorian Treasury would only provide South Australian Treasury with filtered information which consequently would affect DTF's briefings to the Treasurer and become inaccurate or incomplete. This, could reasonably be expected to adversely impact my ability as Treasurer, to engage in confidential discussions with other Commonwealth, State and Territory Treasurers, and make evidence based decisions. The advice is provided in confidence at the official level to support policy development. Public release of the information may prevent future sharing of information between jurisdictions which will impact the development of future public policy matters.

I therefore determine these documents exempt pursuant to clause 5(1).

Documents 1, 3 - 4 are internal working documents which contain 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 documents 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.

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 therefore determine that the information contained in Documents 1, 3 - 4 should not be released for the reasons outlined above, pursuant to clause 9.

Exemptions

Clause 1 – Cabinet Documents

(1) *A document is an exempt document—*

- (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 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 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.*

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 Ms Vicky Cathro, Ministerial Liaison Officer, by telephone on 8226 9769 or by email to vicky.cathro@sa.gov.au.

Yours sincerely



Hon Rob Lucas MLC
Principal Officer

3 July 2021

Att.

Schedule of Documents

TRS21D0819 - Electric Vehicle Road User Charge - Update

Doc. No.	Date	Description of Document	# of pages	Determination Recommendation	Exemption Clause	Reason
1	23/12/2020	Briefing to Treasurer from Executive Director, Budget and Performance, DTF	6	Refused in full	1(1)(f) - Briefing prepared for use of Minister regarding matter submitted to Cabinet	
					5(1)(a)(ii) - Contains information from confidential intergovernmental communication & contrary to public interest	
					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	
2		Attachment to Document 1	2	Released in full		
3		Attachment to Document 1	14	Refused in full	1(1)(f) - Briefing prepared for use of Minister regarding matter submitted to Cabinet	
					5(1)(a)(ii) - Contains information from confidential intergovernmental communication & contrary to public interest	

Schedule of Documents

Doc. No.	Date	Description of Document	# of pages	Determination Recommendation	Exemption Clause	Reason
					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	
4		Attachment to Document 1	2	Refused in full	1(1)(f) - Briefing prepared for use of Minister regarding matter submitted to Cabinet	
					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	

RELEASE

Attachment 1 – Victorian RUC

Source: <https://www.vicroads.vic.gov.au/registration/registration-fees/zlev-road-user-charge>

ZLEV ROAD-USER CHARGE

Learn more about the road-user charge for Victorian registered zero and low emission vehicles (ZLEVs) coming 1 July 2021.

About the road-user charge

It's proposed that from 1 July 2021, a new distance-based road-user charge will be introduced for Victorian registered zero and low emission vehicles (ZLEVs). These charges will apply to light vehicles not predominantly powered by a fuel source subject to Commonwealth Government fuel excise, such as petrol, diesel or LPG.

What is the new charge and how much will I need to pay?

The new charge, will depend on your vehicle type and how far you drive. See more in the table below.

Vehicle type	Proposed charge	Registration concession available?
Electric, other zero emission vehicles and hydrogen vehicles	2.5 cent/km	Yes
Plug-in hybrid electrical	2.0 cent/km	Yes
Conventional hybrid	N/A	No

The average distanced travelled for light passenger vehicles in Victoria is approximately 13 100 km a year so, on average, electric vehicle owners could expect to pay an additional \$330 a year and plug-in hybrid-electric vehicles owners could incur an additional \$260 a year.

Because ZLEVs have environmental and health benefits, owners of these vehicles will continue to pay less than other vehicles – about 2 cents/km less than an average driver pays in fuel excise.

What does the charge go towards?

Australian drivers pay fuel excise when they fill up their vehicle with petrol, diesel or LPG. ZLEV owners currently pay little or no fuel excise but still use our roads. These proposed changes will mean that ZLEV owners make a fair contribution to funding Victorian roads.

The Government will use the revenue raised from the first few years of this charge to invest in accelerating the adoption of zero and low emission vehicles. This will include new electric vehicle charging infrastructure and reforms to enable electric vehicle ready new buildings.

Can I still get the hybrid or electric vehicle registration discount?

ZLEV owners who are subject to distance-based charges will continue to receive a \$100 registration discount on their annual Victorian registration.

Conventional hybrid vehicles, predominantly powered by a petrol or diesel internal combustion engine, will no longer be eligible for a \$100 registration discount on their annual Victorian vehicle registration.

Learn more about the [registration discount](#).

How would I pay the charge?

For us to work out the ZLEV charge against the distance you've travelled, you'll need to provide us with odometer readings.

When you pay your vehicle registration online via your [myVicRoads account](#), a bill will be automatically generated based on your odometer reports.

You can pay the ZLEV charge quarterly, semi-annually or annually.

We will be contacting vehicle owners with more information on how to report odometer readings as well as the billing and payment process.

Are there any changes to motor vehicle stamp duty for low emission vehicles?

No, there will be no changes to the [motor vehicle stamp duty](#) concession for all low emission passenger vehicles which produce 120 grams or less of carbon dioxide emissions per kilometre travelled.