



DPC19/2131

12 March 2020

GPO Box 2343  
Adelaide SA 5001  
DX 56201  
Tel 08 8226 3500  
Fax 08 8226 3535  
[www.dpc.sa.gov.au](http://www.dpc.sa.gov.au)

Hon Tom Koutsantonis MP  
Member for West Torrens  
229 Henley Beach Road  
TORRENSVILLE SA 5031

Sent by email: [tom.koutsantonis@parliament.sa.gov.au](mailto:tom.koutsantonis@parliament.sa.gov.au)

Dear Mr Koutsantonis

### **Freedom of information application**

I refer to your request received by the Department of the Premier and Cabinet (DPC) seeking access under section 13 of the *Freedom of Information Act 1991* (the Act) to:

*All documents, notes, memos, correspondence, reports, emails, sms's, directions, instructions and studies relating to the implementation, development, investigation or feasibility of Tolls, freight charges or any other instrument to apply a user cost to road use or travel held, responded to or developed by the agency.*

Under the Act, an agency has 30 days to respond to a freedom of information request. As DPC did not respond to your request within the time frame required, the department is 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 time frame had been met.

A total of 9 documents were identified as answering the terms of your application and I have determined as follows:

- I grant you access in full to 1 document, a copy of which is enclosed;
- I grant you access in part to 2 documents, copies of which are enclosed, and
- I refuse you access to 6 documents.

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

### **Document released in full**

Document 2

## **Documents released in part**

### Documents 1

A section of this document contains information relating to the personal affairs of a third party, namely a mobile phone number. Under clause 6(1) of Schedule 1 to the Act, information is exempt if releasing it would involve the 'unreasonable disclosure of information concerning the personal affairs of any person'. I have considered that the application of clause 6(1) requires two elements, one that the information contains the personal affairs of that person; and secondly that disclosure would be unreasonable and contrary to public interest. I have determined that this information falls within the category of 'personal affairs' as listed under section 4(1) of the Act, thereby meeting the first elements of this clause. Further, I have considered whether the disclosure of this information would be unreasonable. In doing so, I have considered the relevance of this information to the public and the likelihood as to whether the person in question would consent to disclosure. I have concluded that this information was likely obtained in confidence and through measures which would otherwise make it unavailable to the public. I have considered the factors in favour of public interest and determined that these factors are outweighed by the need to maintain personal confidentiality in this instance. Therefore, I have determined that this information meets the requirements of clause 6(1) and is thereby exempt pursuant to this clause.

### Document 5

Sections outside the scope of your request have been removed from this document.

## **Documents refused in full**

### Documents 3 and 4

Under clause 5 of Schedule 1 to the Act, information is exempt from disclosure if it contains matter the disclosure of which could reasonably be expected to cause damage to intergovernmental relations; or would divulge information from a confidential intergovernmental communication. These documents contain information on the Board of Treasurer's position on the Commonwealth Government's Heavy Vehicle Road Reform programme. If released this information could reasonably be expected to adversely affect the States and Territories' negotiating position on this issue. Disclosure of these documents could also have an impact on the development and implementation of this and future Commonwealth-State reforms. I have therefore determined to refuse access to these documents pursuant to clause 5.

### Documents 6 and 9

These documents were specifically prepared for submission to Cabinet. I have therefore determined to refuse access to them in full pursuant to clause 1(1)(a).

### Documents 7 and 8

These documents consist of information which, if released, would disclose details concerning a deliberation or decision of Cabinet and as such are exempt from release pursuant to clause 1(1)(e).

## **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;*

### **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 (living or dead).*

## **FOI Disclosure Log**

In compliance with Premier and Cabinet Circular PC045 - *Disclosure Logs for Non-Personal Information Released through Freedom of Information* (PC045), DPC 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 DPC website. A copy of PC045 can be found at the following address: <http://dpc.sa.gov.au/what-we-do/services-for-government/premier-and-cabinet-circulars> Please visit the website for further information.

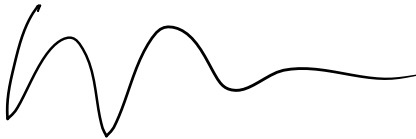
## **Right to internal review**

If you are aggrieved with this determination, you have a right to apply for internal review under subsection 29(1) of the Act. Pursuant to subsection 29(2), your application must:

- be in writing
- be addressed to the principal officer, and
- be lodged at an office of DPC, or emailed to [DPCFOIUnit@sa.gov.au](mailto:DPCFOIUnit@sa.gov.au) within 30 days after the day on which you receive this letter or within such further time as the principal officer may allow.

If you have any questions in relation to this matter, please contact Damian Gilbert, Freedom of Information Officer, on telephone (08) 8429 5489 or via email at [damian.gilbert@sa.gov.au](mailto:damian.gilbert@sa.gov.au).

Yours sincerely

A handwritten signature in black ink, consisting of a series of connected loops and curves, representing the name Eamonn Maloney.

Eamonn Maloney  
**ACCREDITED FOI OFFICER**

Encl    Schedule of documents  
         Documents for release

## SCHEDULE OF DOCUMENTS—DPC19/2131

Freedom of information application from the Hon Tom Koutsantonis MP, seeking access to:

*All documents, notes, memos, correspondence, reports, emails, sms's, directions, instructions and studies relating to the implementation, development, investigation or feasibility of Tolls, freight charges or any other instrument to apply a user cost to road use or travel held, responded to or developed by the agency.*

No.	Date	Document description	Exemption clauses	Released (part/full/refused)
1.	19/11/2019	Email – FW: Road use funding – DSOM – Other business	6(1) – Personal affairs	Released in part
2.		Letter - Regarding the establishment of a road use funding cross-jurisdiction working group  Attachment to document 1	N/A	Released in full
3.	23/07/2019	Email – BOT papers	5(1) – Intergovernmental affairs	Refused in full
4.		Board of Treasurers Meeting, 9 August 2019, Item 6 Agenda Paper  Attachment to document 3	5(1) – Intergovernmental affairs	Refused in full
5.	29/07/2019	CoAG – Senior Officials Meeting 29 July 2019 – Summary Briefing	Sections out of scope removed	Released in part
6.		Cabinet Note	1(1)(a) – Cabinet document	Refused in full
7.	04/10/2019	Table	1(1)(e) – Cabinet document	Refused in full
8.	28/8/2019	Minute – RE: Future Areas for Inquiry by the SA Productivity Commission	1(1)(e) – Cabinet document	Refused in full
9.		Cabinet Note	1(1)(a) – Cabinet document	Refused in full

**Gilbert, Damian (DPC)**

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**From:** Hunter, Nichole (DPC)  
**Sent:** Tuesday, 19 November 2019 11:22 AM  
**To:** Mead, Marni (DPC)  
**Subject:** FW: Road use funding - DSOM - Other business  
**Attachments:** Road Use Funding – Letter to the Hon. Scott Morrison.pdf

## For Official Use Only

**From:** Hunter, Nichole (DPC)  
**Sent:** Tuesday, 9 July 2019 11:54 AM  
**To:** Mead, Marni (DPC) <Marni.Mead@sa.gov.au>  
**Subject:** FW: Road use funding - DSOM - Other business

**From:** McGowan, Chris (DPC)  
**Sent:** Tuesday, 9 July 2019 11:45 AM  
**To:** Hunter, Nichole (DPC) <Nichole.Hunter@sa.gov.au>  
**Subject:** FW: Road use funding - DSOM - Other business

**From:** DPC:SA IGR  
**Sent:** Wednesday, 3 July 2019 4:01 PM  
**To:** Kelly, Sarah (DPC) <Sarah.Kelly@sa.gov.au>; McGowan, Chris (DPC) <Chris.McGowan@sa.gov.au>  
**Subject:** FW: Road use funding - DSOM - Other business

**From:** Engele, Sam <Sam.Engele@act.gov.au>  
**Sent:** Wednesday, 3 July 2019 3:57 PM  
**To:** [nationalreform@dpc.nsw.gov.au](mailto:nationalreform@dpc.nsw.gov.au); [IGRVictoria@dpc.vic.gov.au](mailto:IGRVictoria@dpc.vic.gov.au); [QCOAG@premiers.qld.gov.au](mailto:QCOAG@premiers.qld.gov.au); [COAG-WA@dpc.wa.gov.au](mailto:COAG-WA@dpc.wa.gov.au); [DPC:SA IGR <DPCSAIGR@sa.gov.au>](mailto:DPC:SA IGR <DPCSAIGR@sa.gov.au>); [Tas.IGR@dpac.tas.gov.au](mailto:Tas.IGR@dpac.tas.gov.au); [Coagnt.dcm@nt.gov.au](mailto:Coagnt.dcm@nt.gov.au)  
**Cc:** COAG - Commonwealth <[COAGCommonwealth@pmc.gov.au](mailto:COAGCommonwealth@pmc.gov.au)>; Croke, Leesa <[Leesa.Croke@act.gov.au](mailto:Leesa.Croke@act.gov.au)>; CMD, ACT IGR <[CMDACTIGR@act.gov.au](mailto:CMDACTIGR@act.gov.au)>  
**Subject:** Road use funding - DSOM - Other business

## UNCLASSIFIED

Good afternoon colleagues

On 25 June 2019, the ACT Chief Minister wrote to the Prime Minister requesting his agreement to include an agenda item at the upcoming COAG meeting about establishing a road use funding cross-jurisdiction working group. A copy of this letter was also copied to other First Ministers and the President of ALGA – I've attached a copy for your reference.

The letter highlights the need for reforms to ensure road infrastructure is funded fairly and sustainably – particularly with the increasing popularity of Electric Vehicles into the future. The letter acknowledges the work undertaken to date through the Transport Infrastructure Council, noting it has been narrow in scope and progressing slowly. The

Chief Minister is keen to accelerate the work given the experience of Singapore and New Zealand is that a staged, building block approach to road user charging has been important to garnering community acceptance.

The ACT is proposing to sponsor a paper to COAG which would seek agreement to task the Council for Federal Financial Relations to undertake the work and report back to COAG.

The ACT is planning to raise this item in *Other Business* at SOM, and likewise I'll raise it at DSOM tomorrow to give everyone a bit more background.

Feel free to contact me if you would like to further discuss.

Kind regards

**SAM ENGELE** | Executive Group Manager

Phone 02 6205 0230 | Mobile **Clause 6(1)**

Email [Sam.Engele@ACT.gov.au](mailto:Sam.Engele@ACT.gov.au)

Policy and Cabinet

Chief Minister, Treasury and Economic Development Directorate

Lv 4 Nara Centre, 1 Constitution Av, Canberra

GPO Box 158 Canberra ACT 2601 | [www.act.gov.au](http://www.act.gov.au)



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

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## Andrew Barr MLA

### Chief Minister

Treasurer

Minister for Social Inclusion and Equality

Minister for Tourism and Special Events

Minister for Trade, Industry and Investment

Member for Kurrajong

The Hon. Scott Morrison MP  
Prime Minister  
Parliament House  
CANBERRA ACT 2600

Dear Prime ~~Minister~~ <sup>Scott</sup>

I write seeking your agreement to add the establishment of a road use funding cross-jurisdiction working group as an agenda item at the upcoming meeting of the Council of Australian Governments (COAG) in August 2019. This could be listed within the Regulatory Reform item foreshadowed by your officials.

The need for reforms to ensure road infrastructure is funded fairly and at an appropriate level in this country has been well established over the last decade. Significant reports by eminent reviewers including the Henry Tax Review, the Harper Competition Review, the Productivity Commission's *Shifting the Dial* report and Infrastructure Australia's 15-year Infrastructure Plan have all recommended reforms to how road construction and maintenance is funded, and through what channel.

The Australian Government committed to examine this issue, including for light vehicle users, in its response to Infrastructure Australia's Australian Infrastructure Plan in 2016.

While acknowledging some work has been done on this issue through the Transport and Infrastructure Council, the scope has been relatively narrow and there is increasing need to progress reforms given their economic, social and environmental implications.

The emergence of electric vehicles has added urgency to these considerations. There is no doubt that Australians will continue to shift to electric vehicles in increasing numbers in the coming years. This will be driven in large part by global markets, largescale manufacturers reducing costs, and international and local consumer preferences.

However, if action is not taken by governments over the medium term there will be significant risks to revenue received from fuel directed to road use, as well as funding for vital transport infrastructure across the country. Now is the time to consider the best way to replace current costs on motorists (primarily registration and fuel) with a fairer, simpler revenue method that ensures all

#### ACT Legislative Assembly

London Circuit, Canberra ACT 2601, Australia GPO Box 1020, Canberra ACT 2601, Australia  
Phone +61 2 6205 0011 Fax +61 2 6205 0157 Email barr@act.gov.au



@ABarrMLA



AndrewBarrMLA



actchiefminister





road users contribute in line with their use. There are genuine opportunities to reduce the cost of living for Australians if an appropriate revenue model is adopted which puts the right incentives in place for encouraging mode shift in daily transport habits.

Resolving this matter for the benefit of all road users will require close cooperation between the Commonwealth, and State and Territory Australian governments.

I seek your agreement for an Australian Capital Territory-sponsored paper proposing the establishment of a dedicated working group to be considered by COAG at the next available opportunity. If COAG agrees to this approach, the working group could be established and report to the Council for Federal Financial Relations, with an update on progress to be provided back to COAG before the end of 2019.

Yours sincerely



Andrew Barr MLA  
Chief Minister

**25 JUN 2019**

CC:

The Hon. Gladys Berejiklian MP  
Premier of New South Wales

The Hon. Daniel Andrews MP  
Premier of Victoria

The Hon. Anastacia Palaszczuk MP  
Premier of Queensland

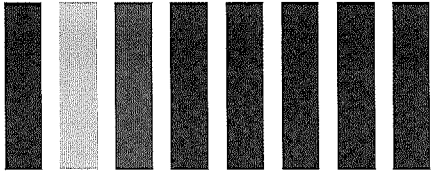
The Hon. Mark McGowan MLA  
Premier of Western Australia

The Hon. Steven Marshall MP  
Premier of South Australia

The Hon. Will Hodgman MP  
Premier of Tasmania

The Hon. Michael Gunner MLA  
Chief Minister of the Northern Territory

Mayor David O'Loughlin  
President of the Australian Local Government Association



## COAG Senior Officials Meeting 29 July 2019 – Summary Briefing

AGENDA ITEM	SA POSITION	COMMENTS	PAPER
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### 1. Population and Planning

Out of scope



AGENDA ITEM	SA POSITION	COMMENTS	PAPER
Out of scope			
<b>b. Infrastructure Market/Pipeline</b>	<b>Support</b> the paper progressing to COAG.	<p><b>Purpose</b></p> <ul style="list-style-type: none"> <li>For COAG to agree that the Transport and Infrastructure Council (TIC) commission an expert adviser to analyse market conditions for the delivery of the infrastructure pipeline to inform a discussion at the next COAG meeting, and to note state and territory updates on infrastructure market conditions.</li> </ul> <p><b>Comments</b></p> <p>Out of scope</p> <p>In a related matter, the ACT Chief Minister has requested a COAG agenda item to establish a road use funding cross-jurisdiction working group under the Council for Federal Financial Relations (CFFR) to ensure road infrastructure is funded fairly, given the increasing popularity of electric vehicles. SA supports this proposal, noting that heavy vehicle road user charges are currently being progressed through the TIC having also been considered by CFFR.</p>	<p>Yes</p>



AGENDA ITEM	SA POSITION	COMMENTS	PAPER
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Out of scope

