

Premier and Cabinet Circular

PC 035 – Proactive disclosure of regularly requested information



Effective from December 2019

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Proactive disclosure of regularly request information

Proactively disclosing information that is regularly requested and released under freedom of information (FOI) ensures that information is shared with all members of the South Australian community. By allowing the public access to more information, it demonstrates that the government acknowledges the information it holds is a valuable public resource and that it is committed to being open and accountable, informing and engaging with citizens, and encouraging public participation.

This circular sets out the Government's policy for the proactive disclosure of government information, as described in section 4 below. This information is regularly requested and released under the *Freedom of Information Act 1991* (the FOI Act).

1 Commencement

- 1.1 This policy came into effect on 4 September 2013.

2 Scope

- 2.1 This policy applies to all ministerial offices and the office of the Leader of the Opposition¹; and the agencies, or any substitute for those agencies, described below.

Attorney-General's Department
Department for Child Protection
Department for Correctional Services
Department for Education
Department for Energy and Mining
Department for Environment and Water
Department for Health and Wellbeing
Department of Human Services
Department for Innovation and Skills
Department of Planning, Transport and Infrastructure
Department of the Premier and Cabinet
Department of Primary Industries and Regions
Department for Trade, Tourism and Investment
Department of Treasury and Finance
South Australia Police

- 2.2 For the purpose of reporting public sector employee overseas travel requirements only, the scope of this policy is extended to apply to all public sector agencies as per definition of the *Public Sector Act 2009*.

¹ In accordance with instruction by the Treasurer to the Leader of the Opposition dated 30 April 2019

3 Definitions

- 3.1 For the purposes of this policy, the following terms are defined.
- 3.1.1 Ancillary expenditure – any expenses incurred by the agency in relation to hosting or attending any functions or events, including accommodation expenses and refreshments provided in or out of office meetings with external visitors.
 - 3.1.2 Agency gift registers – gift registers recording gifts received by the Chief Executive of the agency the scope of which may be defined by a minimum value determined by the agency.
 - 3.1.3 Chief Executive – the administrative head of a public sector agency (as listed in section 2) and includes the Commissioner of Police.
 - 3.1.4 Capital works projects – capital works projects or initiatives reported in the Capital Investment Statement of the State Budget and the Mid-Year Budget Review.
 - 3.1.5 Consultant – a person or entity that is engaged by a government agency for a specified period to carry out a task that requires specialist skills and knowledge not available in the agency. The objectives of the task will be achieved by the consultant free from direction by the entity as to the way it is performed and in circumstances in which the engagement of a person under normal conditions is not a feasible alternative.²
 - 3.1.6 Details of procurement practices – departmental policies or procedures relating to procurement practices.
 - 3.1.7 Domestic/regional travel – travel outside of metropolitan Adelaide.
 - 3.1.8 Gifts – ‘free’ items or hospitality exceeding common courtesy. They may be enduring or consumable. They range in value from nominal to significant and may be given for different reasons.
 - 3.1.9 Gifts may include, but are not limited to, offers of cash or shares, entertainment, travel and accommodation, acceptance of fees, bottles of wine, prizes, personal items, manufacturer’s samples, clothing, books, and CDs or DVDs.
 - 3.1.10 Metropolitan Adelaide – the geographic area of the State legally defined as metropolitan Adelaide by a declaration by the Minister responsible for planning and development matters (under section 4 of the *Development Act 1993*) and the municipality of Gawler.³

² This definition is consistent with the definition included in the Department of Treasury and Finance *Accounting Policy Framework - II General Purpose Financial Statements Framework*.

³ Refer ‘Government Gazette’. 11 November 1993, pages 2457-2469 for the latest declaration.

- 3.1.11 Minister – the Premier or another minister appointed by the Governor in Executive Council. Includes the Leader of the Opposition for the purpose of this policy.
- 3.1.12 Ministerial staff – ministerial staff engaged by the Premier as a member of a Minister’s personal staff under section 71 of the *Public Sector Act 2009*. It includes staff employed within the office of the Leader of the Opposition. It does not include public sector employees as defined by the *Public Sector Act 2009*.⁴
- 3.1.13 Overseas travel – any travel outside of Australia.
- 3.1.14 Public sector employee – a chief executive of an administrative unit or an employee in an administrative unit or other employee of a public sector agency.⁵
- 3.1.15 Cost of Travel – any expenses related to the travel, excluding salary costs, paid for out of the budgets of Ministers and/or agencies.

4 Policy

- 4.1 The following information is required to be proactively disclosed, to the public by online publication. The existence of this policy does not limit an agency’s ability to proactively disclose other information at the discretion of the agency Chief Executive.
- 4.2 If any of the information described below could be claimed exempt pursuant to Schedule 1 of the FOI Act, it should not be proactively disclosed until such time as the reason for exemption ceases to be of relevance or until the exempt information is redacted (refer section 9).
- 4.3 Information relating to expenses of the office of the Leader of the Opposition must be provided and published in accordance with the letter from the Treasurer to the Leader of the Opposition dated 30 April 2019.
- 4.3.1 Details of credit card expenditure for all cards held by Ministers, Ministerial staff and the chief executives of agencies subject to this policy.
- 4.3.2 Details of Ministers’ and chief executives of agencies’, overseas travel arrangements including; the number of travellers, the destination, the reason for travel, the outcome of travel⁶, the cost (excluding salary) of travel paid for out of the budgets of Ministers and/or agencies.

⁴ For a list of current ministerial staff, check the relevant South Australian Government Gazette. Information relating to media advisors will be published by the agency that has agreed to publish information relating to the Premier’s ministerial staff.

⁵ This definition is consistent with the definition in the *Public Sector Act 2009*.

⁶ Refer Premier’s Guideline – Travel by Ministers and their staff.

- 4.3.3 Details of all public sector employees' overseas travel arrangements including; the number of travellers, the destination, the reason for travel and the total cost (excluding salary) of travel paid for out of agency budgets.
- 4.3.4 Details of domestic (including regional) travel arrangements of Ministers and chief executives of agencies subject to this policy, where costs are incurred. Publication should include the number of travellers, the destination, the reason for travel, the total cost (excluding salary and vehicles included within employment package arrangements) paid for out of the budgets of Ministers and/or agencies.
- 4.3.5 Government expenditure relating to the mobile phone usage of Ministers, ministerial staff and the chief executives of agencies subject to this policy, except where release of information would breach contractual obligations.
- 4.3.6 Government ancillary expenditure⁷ on functions or events hosted or attended by Ministers, Ministerial staff and the chief executives of agencies subject to this policy, including a description, the location and associated costs.
- 4.3.7 Details of consultants engaged and the cost to agencies subject to this policy.
- 4.3.8 Gift registers of agencies subject to this policy.
- 4.3.9 Details of procurement practices of the agencies subject to this policy.
- 4.3.10 Government expenditure relating to the capital works projects of the agencies subject to this policy.
- 4.4 The information will be published on the websites maintained by the agencies.
- 4.5 Information relating to a Minister and his/her ministerial staff will be published by one agency as agreed between the agencies for which the Minister is responsible.

5 Frequency and format of publication

- 5.1 The information described in section 4 will be published on the websites of the agencies at the intervals and in the format prescribed in Attachments 1 and 2.

⁷ See Definition in section 3.

6 Publication dates

- 6.1 The date for the initial publication of all information described in section 4 is as soon as possible.

7 Publishing the information on a government website

- 7.1 Information published online should be published in such a way as to allow easy and ready access to the document and should conform to the Web Content Accessibility Guidelines (WCAG) 2.0.

8 Disclosure other than on a website

- 8.1 For members of the public that are unable to download the information online, details about how the information can be otherwise accessed, for example, available in hard copy, inspection or via email, must be clearly stated on the website.

9 Redaction of information

- 9.1 If a document to be published online contains personal information or information that is considered confidential, sensitive, or otherwise inappropriate to publish, agencies must first redact the information from the document before publishing it. Reference should be made to the information sheet published on the State Records website entitled FOI and Redaction of Documents.
- 9.2 Redaction of information relating to consultants may occur pursuant to Premier and Cabinet Circular 27, Disclosure of Government Contracts, where the relevant Chief Executive decides there are compelling reasons why the material should not be made public.

10 Protective Security Management

- 10.1 The publication of government information online must comply with the information security policies aligned to the South Australian Protective Security Framework. This includes ensuring information is labelled with security markings arising from a risk-based classification process. These markings will help to determine how information is managed and released to the public. Advice should be sought from Agency Security Advisers where appropriate.

11 Removal of information from a website

- 11.1 Information published online should remain on the agency's website for at least one year, unless the information is removed to provide more up to date information. When removed it must be dealt with in accordance with section 12 of this policy. Following removal, details of how the information

can continue to be accessed, in what format, and for how long, should be published on the website, together with the contact details of a responsible officer or business unit within the agency.

12 Retention and disposal of information

- 12.1 Where the information to be published is a copy of an official record already maintained by the agency, the information published can be retained and disposed of in accordance with Normal Administrative Practice (NAP). The official record being held in the agency would be retained and disposed of in line with the appropriate approved disposal schedule issued under the *State Records Act 1997*.
- 12.2 If the information to be published is manipulated to such an extent that it is considered a new record (i.e. it differs greatly from the official record held in the agency), then the published information must, together with the original official record, be retained and disposed of in accordance with the appropriate approved disposal schedule issued under the *State Records Act 1997*.

13 Fees and charges

- 13.1 Access to information under this policy is free of charge unless the agency is requested to provide repeated access to the same person in a way other than publishing the information on a government website, for example, providing photocopies or a copy on a disc.
- 13.2 If an agency decides to charge a person for repeatedly requesting information to be provided in another way, the agency must enter into a contract with the individual and only charge the reasonable costs of supplying the information, for example, the cost of making photocopies.

Document Control

Review number: 1
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Next review date: 1/03/2022

For more information

State Records of South Australia
Attorney-General's Department
T: (08) 8204 8786

E: staterecords@sa.gov.au

W: dpc.sa.gov.au/resources-and-publications/premier-and-cabinet-circulars

Attachment 1 – Publication table

Information	Initial publication information date range	Subsequent publication frequency	Subsequent publication dates	Format
Details of credit card expenditure	From 1 July 2013	Monthly	As soon as available	Credit card statements
Details of the Minister's and Chief Executive's overseas travel arrangements	When expenses for the month of February 2016 are available.	As available but not less than three monthly	As soon as available	Attached template
Details of all public sector employee overseas travel arrangements	April 2015 When expenses for the month of February 2016 are available.	As available but not less than six monthly	As soon as available	Attached template
Details of the Minister's and Chief Executive's domestic/regional travel arrangements where costs are incurred.	When expenses for the month of February 2016 are available.	As available but not less than three monthly	As soon as available	Attached template
Details of costs relating to mobile phones	From 1 July 2013	Monthly	As soon as available	Attached template
Details of expenditure incurred by your agency, relating to hosting/attendance at functions and other events	From 1 July 2013	Monthly	As soon as available	Attached template
Details of consultants	From 1 July 2013	Monthly	As soon as available	Link to Tenders & Contracts website
Agency gift registers	From 1 July 2013	Monthly	As soon as available	Existing agency registers
Details of procurement practices	From 1 July 2013	Updated as required	N/A	Existing agency policies
List of capital works projects	From 1 July 2013	Six monthly	N/A	Link to budget papers

Attachment 2 – Templates

Overseas Travel – (Date Range)

Minister x and Chief Executive

No of travellers	Destination	Reasons for Travel	Outcomes of Travel	Total Cost of Travel ⁸
<i>Example</i>				
<i>Premier and 2 Advisers</i>	<i>Singapore, Malaysia and Thailand (16 August to 22 August 2018)</i>	<i>To promote and advance trade and investment and other commercial and professional links</i>	<i>See report attached</i>	<i>23, 236.94</i>

Approved for publication - (*insert date*)

Example disclaimer - Note: These details are correct as at the date approved for publication. Figures may be rounded and have not been audited.

Please contact email [**include agency contact area/officer email address or phone number**] if you would like to see copies of receipts and itineraries for this travel.



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⁸ Excludes salary costs.

Overseas Travel – (Date Range)

Public sector employees

No of travellers	Destination	Reasons for Travel	Total Cost of Travel ⁹

Approved for publication - (*insert date*)

Example disclaimer - Note: These details are correct as at the date approved for publication. Figures may be rounded and have not been audited.

Please contact email [**include agency contact area/officer email address or phone number**] if you would like to see copies of receipts, travel outcome documentation and itineraries for this travel.



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⁹ Excludes salary costs.

Domestic/Regional Travel – (Date Range)

Minister x and chief executive

No of travellers	Destination	Reasons for Travel	Cost of Travel ¹⁰
<i>Example</i>			
3	<i>Barossa, Light and Lower North</i> <i>(18 October to 20 October 2018)</i>	<i>Country Cabinet meeting and opportunity to engage with regional communities</i>	1767.60

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¹⁰ Excludes salary costs.

Mobile Phone Costs (Date range)

Minister x and Ministerial Staff / Chief Executive of x Department

Name and Position Description	Total Charges¹¹
<i>e.g. Joe Blogs, Chief of Staff</i>	

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¹¹ If Minister's mobile phone expenses are paid for through their electoral allowance, advise where these details can be accessed.

Ancillary Expenditure (Date range)

Minister x and ministerial Staff / chief executive of x Department

Function/Event	Description	Location	Total Cost
<i>Examples</i>			
Meeting	With NGO 1 Gov 1 Non-Gov	Blefari	\$12.50
Meeting	With Stakeholders – University 1 Gov 1 Non-Gov	Bistro	\$50.40
Industry Forum	Premier's Industry Forum - Innovation Total of 14 attendees	Adina	\$630
Cocktail Function	Book Launch Co-hosted with the Leader of the Opposition Total of 50 attendees	Parliament House	\$335 Premier's share (cost split between Premier & Leader of the Opposition)

Approved for publication - (insert date)

Only the events or functions that are hosted or attended by (insert Minister x and staff / CE) that incur a cost are captured.

Example disclaimer - Note: These details are correct as at the date approved for publication. Costs include venue hire, catering, and associated accommodation and travel, where applicable. Figures may be rounded and have not been audited.



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