



**Government
of South Australia**

TRS21D0925

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

tom.koutsantonis@parliament.sa.gov.au


Dear Mr Koutsantonis

APPLICATION UNDER THE *FREEDOM OF INFORMATION ACT 1991*

I refer to your application made under the *Freedom of Information Act 1991* (the Act), dated 21 April, 2021.

Your application seeks access to:

"All correspondence, emails, SMS's and any other communication to the Hon Dennis Hood MLC from the Office of the Treasurer, including but not limited to the Hon Rob Lucas MP, Gino De Gennaro, Julian Robertson, Sue Lees, Luigi Mesisca and Nino Marciano" From 1 June 2020 to 21 April 2021.

The purpose of this letter is to advise you of my determination. An extensive search was conducted within this office. A total of 8 documents were identified as answering the terms of your application.

I grant you access in part to 4 documents; copies of which are enclosed.
I refuse you access in full to 4 documents.

Documents Released in Part

Documents 1 – 3, 8

Documents Refused in Full

Documents 4 - 7

Documents Released in Part

Document 1 is an email between my office and the Hon Dennis Hood MLC, in relation to a constituent query relating to stamp duty. Clause 12(1) of Schedule 1 to the Act states that a document is exempt from release if 'it contains matter the disclosure of which would constitute an offence against an Act'. Section 80 of the *Taxation Administration Act 1996* (TAA) provides that tax officers may not disclose information obtained under or in relation to a taxation law unless permitted.

Sections 78 and 79 of the TAA Act consider permitted disclosures, such as information of a general nature. Whilst Document 1 contains general advice, it may be viewed that a taxpayer should be able to reasonably expect that correspondence with the Government concerning their specific tax affairs would not be disclosed publicly without their consent. It would be an offence under the TAA to release this information.

I therefore determine this information exempt pursuant to clause 12(1).

Documents 1 - 3 and 8 are released in part as it contains information of a personal nature which if released, would be an unreasonable disclosure of personal affairs. I have determined to exempt this information pursuant to clause 6(1).

Documents Refused in Full

Documents 4 – 7 are determination letters sent to Mr Hood in response to FOI applications submitted by him, are refused in full as these determination letters are publicly available on the DTF website.

Exemptions

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.*

Clause 12 – Secrecy Provisions

- (1) *A document is an exempt document if it contains matter the disclosure of which would constitute an offence against an 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 is now required to publish a log of all non-personal information released under the Act.

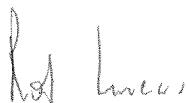
In accordance with this Circular, any non-personal information determined for release as part of this application, may be published on the DTF website. A copy of PC045 can be found at the following address: <https://dpc.sa.gov.au/resources-and-publications/premier-and-cabinet-circulars>. Please visit 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 Vicky Cathro on (08) 8226 9769.

Yours sincerely



Hon Rob Lucas MLC
Principal Officer

15 May 2021

Att.

Schedule of Documents

TRS21D0925 - Correspondence to the Hon Dennis Hood MLC

Doc. No.	Date	Description of Document	# of pages	Determination Recommendation	Exemption Clause	Reason
1	1/04/2021	Email	3	Released in part	6(1) - Unreasonable disclosure of personal affairs	
					12(1) - Disclosure would constitute an offence against an Act	
2	11/10/2020	Letter	2	Released in part	6(1) - Unreasonable disclosure of personal affairs	
3	18/09/2020	Email	3	Released in part	6(1) - Unreasonable disclosure of personal affairs	
4	31/08/2020	Letter - TRS20D2677	2	Refused in full		publicly available
5	10/09/2020	Letter - TRS20D2673	11	Refused in full		publicly available
6	10/09/2020	Letter - TRS20D2675	6	Refused in full		publicly available
7	10/09/2020	Letter - TRS21D2676	12	Refused in full		publicly available
8	25/06/2020	Email	2	Released in part	6(1) - Unreasonable disclosure of personal affairs	

RELEASE IN PART

Mesisca, Luigi (DTF)

From: Hood, Dennis <Dennis.Hood@parliament.sa.gov.au>
Sent: Thursday, 1 April 2021 11:10 AM
To: Mesisca, Luigi (DTF)
Subject: RE: Stamp Duty



Thanks mate

The Hon Dennis Hood MLC

JP BEc BA (Hons)

Government Whip

Liberal Party of South Australia

T • (08) 8237 9362 F • (08) 8231 0695

E • dennis.hood@parliament.sa.gov.au

Parliament House, North Terrace, Adelaide

From: Mesisca, Luigi (DTF) <Luigi.Mesisca@sa.gov.au>
Sent: Thursday, 1 April 2021 11:06 AM
To: Hood, Dennis <Dennis.Hood@parliament.sa.gov.au>
Subject: FW: Stamp Duty

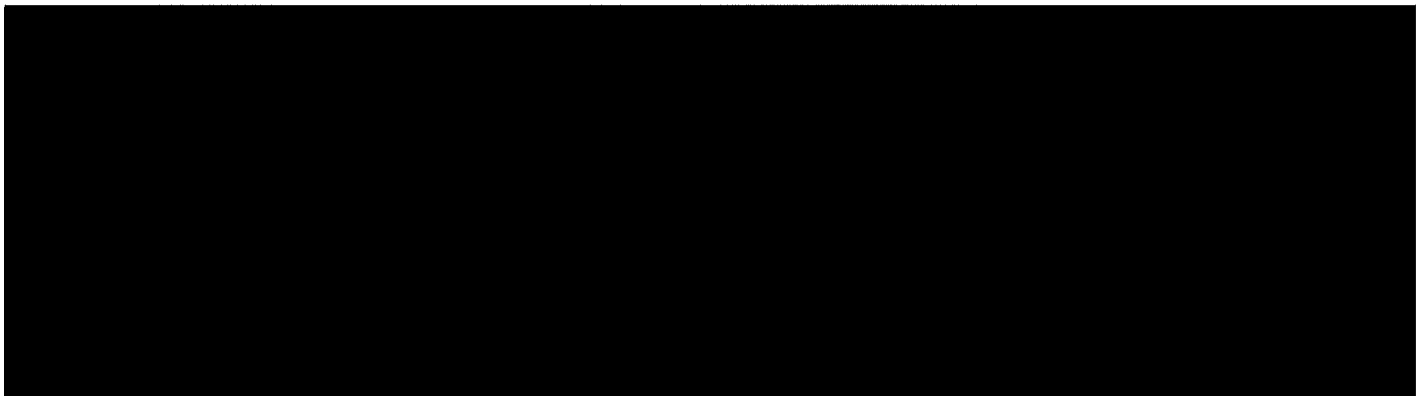
Hi Dennis

See below.

From: Maxwell, Paul (DTF)
Sent: Tuesday, 30 March 2021 4:41 PM
To: Mesisca, Luigi (DTF) <Luigi.Mesisca@sa.gov.au>
Subject: RE: Stamp Duty

Hi Luigi

I refer to the email below from the Hon Dennis Hood MLC and provide the following information to assist in responding to him.



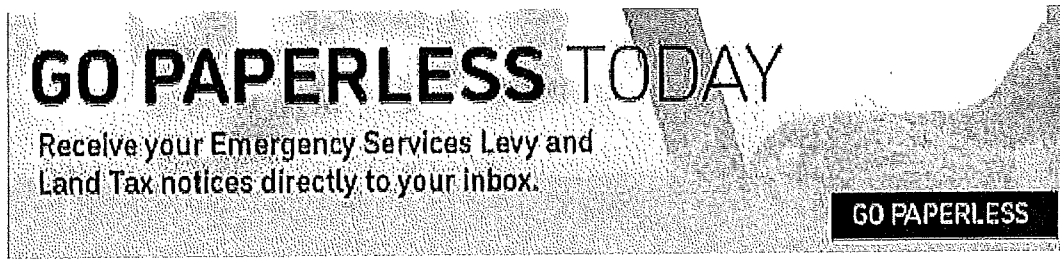
Kind Regards

Paul Maxwell

Manager, Legislative Services | RevenueSA

GPO Box 1353 ADELAIDE SA 5001

t 8226 3790 | e paul.maxwell@sa.gov.au | w revenuesa.sa.gov.au



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From: Mesisca, Luigi (DTF) <Luigi.Mesisca@sa.gov.au>
Sent: Tuesday, 30 March 2021 4:13 PM
To: Maxwell, Paul (DTF) <Paul.Maxwell@sa.gov.au>
Subject: FW: Stamp Duty

From: De Gennaro, Gino (DTF)
Sent: Tuesday, 30 March 2021 4:04 PM
To: Hood, Dennis <Dennis.Hood@parliament.sa.gov.au>
Cc: Mesisca, Luigi (DTF) <Luigi.Mesisca@sa.gov.au>
Subject: RE: Stamp Duty

Dennis

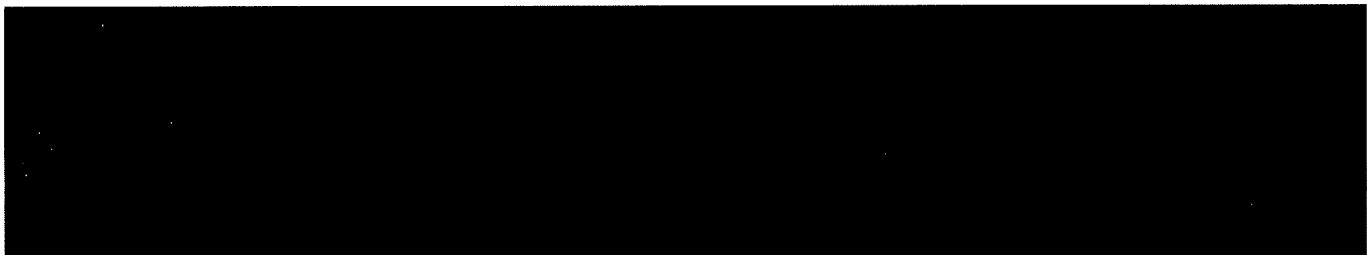
Luigi will get back to you on this.

Thanks

Gino

From: Hood, Dennis [<mailto:Dennis.Hood@parliament.sa.gov.au>]
Sent: Tuesday, 30 March 2021 2:43 PM
To: De Gennaro, Gino (DTF) <Gino.DeGennaro@sa.gov.au>
Subject: Stamp Duty

Hello Gino,
The treasurer has suggested I approach you to see if you can answer my query below.



Thank you,
Dennis.



The Hon Dennis Hood MLC

JP BEc BA (Hons)

Government Whip

Liberal Party of South Australia

T ▪ (08) 8237 9362 F ▪ (08) 8231 0695

E ▪ dennis.hood@parliament.sa.gov.au

Parliament House, North Terrace, Adelaide

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Government
of South Australia

TRS20D2987

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.dtt@sa.gov.au

Hon Dennis Hood MLC
Government Whip in the Legislative Council
Parliament House
North Terrace
ADELAIDE SA 5000

hood.office@parliament.sa.gov.au

Dennis
Dear Mr Hood

I refer to an email from your office dated 16 September 2020, on behalf of [REDACTED] regarding [REDACTED] application to Super SA for Income Protection payments through the Triple S superannuation scheme. [REDACTED] also emailed my office directly on 22 September 2020 regarding the same issue.

[REDACTED] states that she was advised by Super SA that she must utilise all accrued leave prior to receiving Income Protection payments. I understand that [REDACTED] therefore exhausted all accrued leave, prior to applying for Income Protection with Super SA.

Income Protection in Triple S is administered in accordance with the *Southern State Superannuation Act 2009* and supporting regulations. In accordance with the legislation, Income Protection is not payable in respect of a period for which a member is on recreation leave, long service leave, paid sick leave or any other form of paid leave. However, a member is not required to exhaust all leave prior to claiming Income Protection. To this end, the information that [REDACTED] states that she was given by Super SA is incorrect.

By way of solution, Super SA contacted [REDACTED] by telephone on 22 September 2020 to advise that the commencement of her Income Protection entitlement could be backdated upon the receipt of confirmation from her employer that she has entered into an arrangement to reverse and repay her leave. This is consistent with the governing legislation, which provides an entitlement in respect of any period in which [REDACTED] was not in receipt of paid leave (subject to the waiting period).


I understand that [REDACTED] was not satisfied with the proposed solution and requested that Super SA instead pay the Income Protection benefit directly to her employer in order to reverse the leave. Unfortunately, the Income Protection benefits must be

paid directly to [REDACTED] and not to a third party. Super SA advised [REDACTED] of this on both 22 and 29 September 2020.

[REDACTED] is currently in receipt of Income Protection payments from [REDACTED] (at which point she may apply for an extension). In addition, if [REDACTED] accepts Super SA's proposed solution in respect of the earlier period in which she was incapacitated for work but on leave, and takes action to reverse and repay the relevant leave to her employer, she will receive a lump sum Income Protection payment for the period between [REDACTED] [REDACTED] (subject to approval by the delegate of the Super SA Board). For completeness, please note that Income Protection payments are made at the rate of 75 per cent of salary (meaning that any such payment would be less than the amount paid to [REDACTED] whilst she was on paid leave).

I trust that the above information is of assistance.

Yours sincerely



Hon Rob Lucas MLC
Treasurer

11 October 2020

cc [REDACTED]

DTF:Treasurer

From: DTF:Treasurer
Sent: Friday, 18 September 2020 1:13 PM
To: Hood Office
Subject: RE: Correspondence from [REDACTED] re Leave Entitlements / Income Protection [TRS20D2987]

Good afternoon

On behalf of the Treasurer, the Hon Rob Lucas MLC, I acknowledge receipt of your email, on behalf of [REDACTED] about a claim for income protection through Super SA.

Your correspondence is currently receiving attention and a response will be forwarded at the earliest opportunity.

Kind regards,

The Correspondence Team to the
 Hon Rob Lucas MLC
 Treasurer

Ph: 8226 1866
 Department of Treasury & Finance
 PO Box 2264 | ADELAIDE SA 5001

Committed to workplace flexibility



Government of South Australia
 Department of Treasury
 and Finance



Events Organised
 by White Ribbon



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From: Hood Office [mailto:hood.office@parliament.sa.gov.au]
Sent: Wednesday, 16 September 2020 4:19 PM
To: DTF:Treasurer <treasurer.dtf@sa.gov.au>
Subject: Correspondence from [REDACTED] re Leave Entitlements / Income Protection

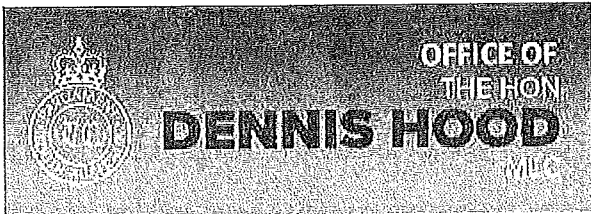
Dear Treasurer,

The Hon Dennis Hood MLC has received the below correspondence from [REDACTED]

As the issues raised by [REDACTED] relate to your portfolio, our office is forwarding her correspondence for your consideration.

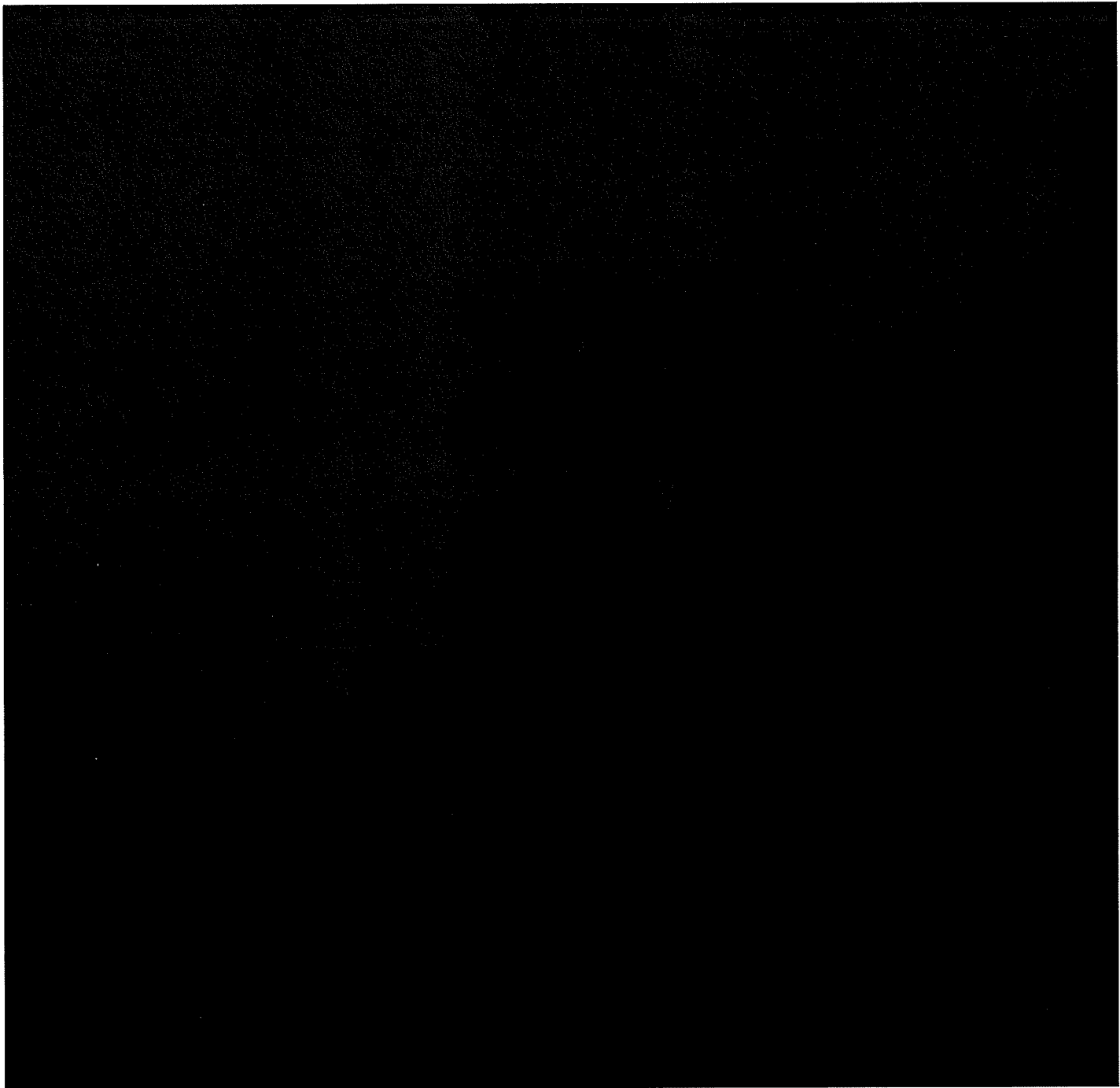
Thank you for your assistance with this matter and we would be grateful if you could kindly keep us informed of your response.

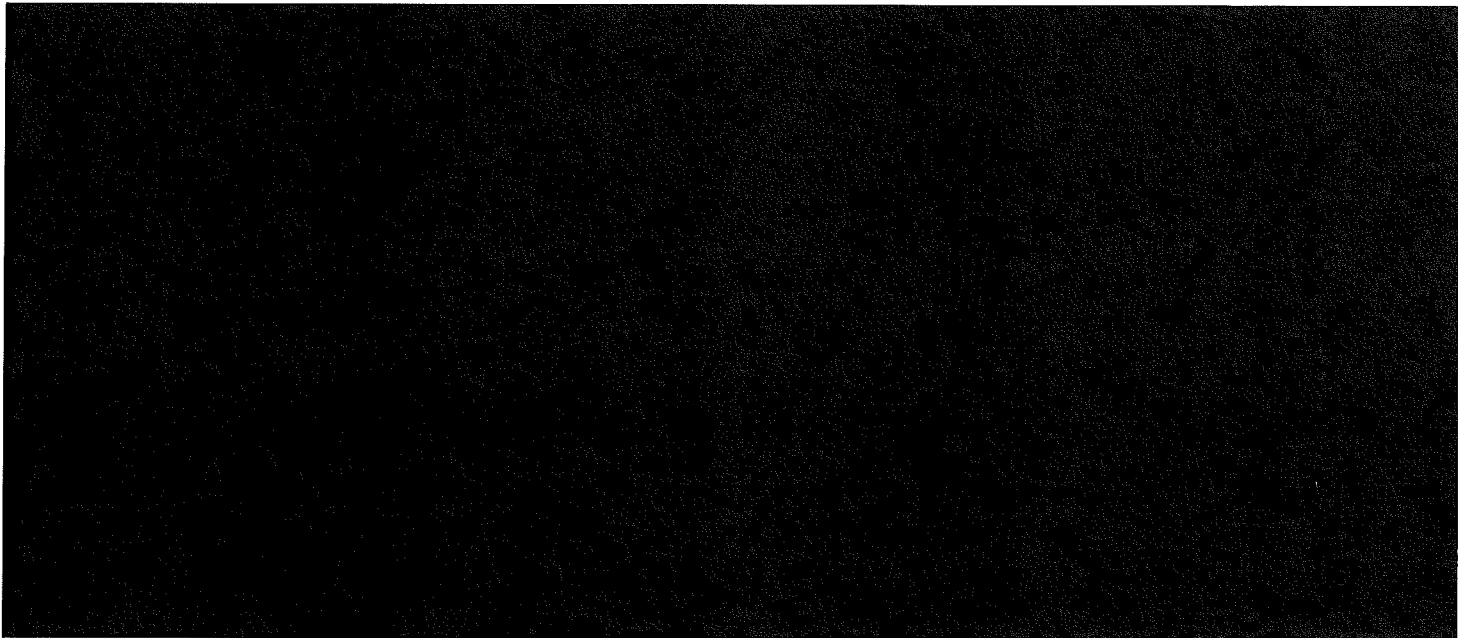
Sincerely,



Government Whip in the Legislative Council
T • (08) 8237 9151 F • (08) 8231 0695
E • hood.office@parliament.sa.gov.au
Parliament House, North Terrace, Adelaide SA 5000

From: [REDACTED]
Sent: Wednesday, 16 September 2020 10:00 AM
To: Hood Office <hood.office@parliament.sa.gov.au>
Subject: Assistance please





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8.

Mesisca, Luigi (DTF)

From: Hood, Dennis <Dennis.Hood@parliament.sa.gov.au>
Sent: Thursday, 25 June 2020 10:17 PM
To: Mesisca, Luigi (DTF)
Subject: Re: Advance Notice | National Partnership Agreement on HomeBuilder

Great! I've been working with her for fourteen years now! Thanks for passing it on mate.

Get [Outlook for iOS](#)

From: Mesisca, Luigi (DTF) <Luigi.Mesisca@sa.gov.au>
Sent: Thursday, June 25, 2020 9:50:58 PM
To: Hood, Dennis <Dennis.Hood@parliament.sa.gov.au>
Subject: Re: Advance Notice | National Partnership Agreement on HomeBuilder

Thanks Dennis,

Stephen Patterson's Office gave me amazing feedback on working with Donna today FYI.

On 25 Jun 2020, at 9:46 pm, Hood, Dennis <Dennis.Hood@parliament.sa.gov.au> wrote:

Thanks Luigi- very helpful mate.

Get [Outlook for iOS](#)

From: Mesisca, Luigi (DTF) <Luigi.Mesisca@sa.gov.au>
Sent: Thursday, June 25, 2020 2:14:04 PM
Subject: Advance Notice | National Partnership Agreement on HomeBuilder

Dear Liberal Members,

I am writing to give you advance notice that the Treasurer has notified the Commonwealth Government that he has signed the National Partnership Agreement on HomeBuilder, developed to facilitate the implementation of the scheme. We understand that we are the second jurisdiction to agree to the National Agreement at this stage.

The Treasurer will issue a media release this afternoon.

In the interim, I would encourage that constituents be guided to the link below to register interest for the program, ahead of the application process being opened by RevenueSA. At this stage we have already received 4,211 applications of interest.

<http://revenuesa.sa.gov.au/generic-pages/news-articles/homebuilder-program>

A bill to ensure appropriate compliance measures will be put to the Joint Party Room on Monday, for the Bill to be introduced next week.

Kind Regards,
Luigi

Luigi Mesisca

Ministerial Adviser
Office of the Treasurer
The Hon Rob Lucas MLC
Level 8 | 200 Victoria Square ADELAIDE SA 5000
t 822 62708 m [REDACTED] e luigi.mesisca@sa.gov.au

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