



**Government  
of South Australia**

**Minister for Human Services**

Level 12 South  
1 King William Street  
Adelaide SA 5000  
GPO Box 2832  
Adelaide SA 5001  
DX 115  
Tel 08 8463 6560  
Fax 08 8463 4480

**Our ref:** 18MCOR/0101  
**Your ref:** 7133979

Ms Nat Cook  
Member for Hurtle Vale  
PO Box 158  
WOODCROFT SA 5162

Sent by email: [Tristan.rust@parliament.sa.gov.au](mailto:Tristan.rust@parliament.sa.gov.au)

Dear Ms Cook,

### **Freedom of information application**

I refer to your application under the *Freedom of Information Act 1991* (the Act), received by the Office of the Minister for Human Services on 17 October 2018 seeking access to:

*Copies of any and all documents (including but not limited to physical and electronic material) regarding DHS or Ministerial Paper 18TDHS/872.*

Unfortunately, a determination was unable to be made within the 30 days, therefore it is considered to be a 'deemed refusal' under section 19(2)(b) of the Act. However, our office has continued to process your application outside of this timeframe. Section 19(2)(a) of the Act provides that an agency can release documents outside of the thirty-day timeframe, and this is still taken to be a determination under the Act.

Two documents have been identified as falling within the scope of your application and I have determined to release one document in part and refuse one document in full.

Document 1 contains information which, if released, would disclose details concerning a deliberation or decision of Cabinet. I have therefore determined this information exempt pursuant to clause 1(1)(e) of Schedule 1 to the Act.

Document 2 contains information that would be privileged from production in legal proceedings on the grounds of legal professional privilege. I have therefore determined to refuse release of the document in full as this information is exempt under clause 10(1) of Schedule 1 to the Act.

Please find enclosed a copy of the documents, and a document schedule containing a brief description of the documents.

If you are dissatisfied with my determination, you can seek an internal review by writing to the Minister for Human Services as the Principal Officer of the agency. Your request should be sent within 30 days of your receipt of this letter.

In accordance with the requirements of Premier and Cabinet Circular PC045, details of your FOI application, and the documents to which you are given access, may/will be published on the agency's disclosure log. A copy of PC045 can be found at <http://dpc.sa.gov.au/what-we-do/services-for-government/premier-and-cabinet-circulars>.

If you have any questions in relation to this matter, please contact Amanda Hockings, Office Manager, on telephone 8463 3388 or by email at [amanda.hockings2@sa.gov.au](mailto:amanda.hockings2@sa.gov.au). If you are dissatisfied with the outcome of your FOI application, you have the right to complain to the Ombudsman SA. Please contact the Ombudsman directly on (08) 8226 8699.

Yours sincerely



**Amanda Hockings**  
ACCREDITED FOI OFFICER

18 / 6 / 2019

### SCHEDULE OF DOCUMENTS – MCOR/0101

Freedom of information application from the Ms Nat Cook seeking access to Copies of any and all documents (including but not limited to physical and electronic material) regarding DHS or Ministerial Paper 18TDHS/872.

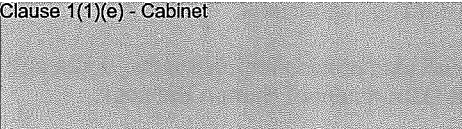
No	Author	Addressee	Date	Description of document	Determination	Reason
1.	Department of Human Services	Minister for Human Services	11/7/2018	Minister Signed Briefing RE: Revocation of the Public Corporations (Supported community Accommodation Services) Regulations 2017	Released in Part	Exempt – Clause 1(1)(e) – Cabinet Deliberations
2.				Attachment to Briefing: Drafting Instructions for the Office of Parliamentary Counsel	Refused in Full	Exempt – Clause 10(1) – Legal professional privilege




**TO MINISTER FOR HUMAN SERVICES**


**RE: REVOCATION OF THE PUBLIC CORPORATIONS (SUPPORTED COMMUNITY ACCOMMODATION SERVICES) REGULATIONS 2017**

Decision/action required by: N/A

Recommendation	Response
1. 	Approved / Not Approved / Noted
2. Approve the attached drafting instructions for the Office of Parliamentary Counsel, which instruct them to revoke the <i>Public Corporations (Supported Community Accommodation Services) Regulations 2017</i> .	Approved / Not Approved / Noted
3. Approve any assets, rights or liabilities of Supported Community Accommodation Services (the public corporation) transferring to the Department of Human Services.	Approved / Not Approved / Noted

<b>Comments:</b> ..... ..... ..... ..... ..... ..... .....	 Hon Michelle Lensink MLC 11/7/2018
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**KEY POINTS**

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- The Department of Human Services (DHS) has prepared drafting instructions (Attachment 1) for the Office of Parliamentary Counsel (OPC) which instruct the OPC to revoke the *Public Corporations (Supported Community Accommodation Services) Regulations 2017* (the SCA Regulations), subject to your approval.
- As part of the dissolution of the public corporation, assets, rights or liabilities of the public corporation will transfer to DHS.

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**DISCUSSION**

On 12 June 2018, you wrote to the Chair and members of the Supported Community Accommodation Services (SCAS) Board confirming members would be removed from the Board as of 30 June 2018, as the State Government decided that the future transfer of SCAS to the non-government sector would not involve the public corporation. Clause 1(1)(e) - Cabinet

To dissolve the public corporation, the SCA Regulations need to be revoked. DHS has prepared drafting instructions for the OPC that requests them to draft regulations that revoke the SCA Regulations, but your approval is required before OPC can action the request. A signed copy of this briefing will be attached to the drafting instructions.

The regulations that revoke the SCA Regulations will also provide for the assets, rights and liabilities of the public corporation to transfer to the Department of Human Services.

The SCA Regulations will not be revoked until after 30 June 2018, as the Board of the public corporation needs to resolve the status of their sole employee, the Chief Executive Officer of SCA.

**BUDGET**

Are there financial implications Yes

Clause 1(1)(e) - Cabinet

It is anticipated that separate financial statements for the public corporation will not be required, as the financial activities related to the public corporation can be audited as part of the audit of DHS's financial activities and statements. This requires confirmation from the Auditor-General's Department.

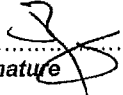
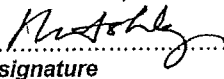
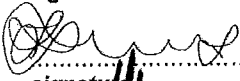
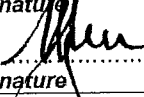
Is there a budget impact No

Is there an FTE impact No

Chief Financial Officer noted: *col*  
28/6  
No

**MEDIA/SENSITIVE:**

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<b>Division</b>			
<b>Director Strategy and Reform</b>	Joe Young	 signature	27.6.18
<b>Executive Director</b>	Nick Ashley	 signature	27.6.18
<b>A/Deputy Chief Executive</b>	Kim-Sherie Summers Lois Boswell	 signature	28.6.18
<b>Chief Executive</b>	Tony Harrison	 signature	29.6.18 date

**ATTACHMENTS**

1. Drafting Instructions for the Office of Parliamentary Counsel

<b>Contact Officer:</b>	Joe Young, Director, Strategy and Reform 8207 0418
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