



**Government
of South Australia**

Minister for Human Services

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DX 115
Tel 08 8463 6560
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Our ref: 18MCOR/0090
Your ref: 7128262

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

Sent by email: Tristan.rust@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 12 October 2018 seeking access to:

Copies of any and all documents (including but not limited to physical and electronic material) regarding Ministerial agenda item "Automatic Rent Deduction Scheme (ARDS)" from 2 May 2018.

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 the documents in part.

The relevant documents, an agenda item briefing and attachment contain information that relates to ongoing negotiations between the Australian Government, South Australia and other States and Territories regarding the Automatic Rent Deduction Scheme (ARDS). The release before the outcome of the legislation, determined by the Parliament, could reasonably be expected to cause damage to intergovernmental relations, or would divulge information from confidential intergovernmental communications. I have therefore determined the document to be exempt pursuant to clause 5(1) of Schedule 1 to the Act.

The documents contain advice and recommendations that were prepared for the purpose of conducting negotiations and decision-making functions with SA Housing Authority and the Australian Government. As the subject of these negotiations has not yet been resolved, release of this information may jeopardise the outcome and in addition prior to negotiation of terms may give the public the incorrect perception that an agreement is imminent. Whilst it is recognised there is some interest in these proceedings from interested parties, the disclosure of which would, on balance, be contrary to the public interest. I have therefore determined the document to be exempt pursuant to clause 9(1) of Schedule 1 to the Act.

Additionally, the documents contain matter that the disclosure of which could reasonably be expected to have a substantial adverse effect on the outcomes of current negotiations for the Automatic Rent Deduction Scheme. Disclosure of these documents could also have an impact on the development and implementation of future agreements. The release of this information prior to negotiations being finalised may give the public the incorrect perception that an agreement is imminent, therefore would on balance be contrary to the public interest. I have therefore determined the documents to be exempt pursuant to clause 16(1)(a)(iv) of Schedule 1 to the Act, information is exempt from release if its disclosure would have a substantial adverse effect on the effective performance by an agency or the agency's functions.

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. 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

1 / 3 / 2019

9SCHEDULE OF DOCUMENTS – MCOR/0090

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 Ministerial agenda item "Automatic Rent Deduction Scheme (ARDS)" from 2 May 2018.*

No	Author	Addressee	Date	Description of document	Determination	Reason
1.	Department of Human Services		2/5/2018	Agenda Item – Automatic Rent Deduction Scheme (ARDS)	Released in Part	Exempt – Clause 5(1) – information from confidential intergovernmental communications. Exempt - Clause 9(1) – contains advice and recommendations prepared for the purpose of conducting negotiations and decision-making function with SAHA and the Australian Government. Exempt – Clause 16(1)(a)(iv) – contain matter, if disclosed would have a substantial adverse effect on the effective performance by an agency or the agency's functions.
2.	Minister for Communities and Social Inclusion	Hon Alan Tudge MP		Attachment to Agenda Item – Letter to the CW Minister for Human Services from the former SA Minister for Social Housing, dated 23 September 2016 (16TDCS/3412)	Released in Part	Exempt – Clause 5(1) – information from confidential intergovernmental communications. Exempt - Clause 9(1) – contains advice and recommendations prepared for the purpose of conducting negotiations and decision-making function with SAHA and the Australian Government. Exempt – Clause 16(1)(a)(iv) – contain matter, if disclosed would have a substantial adverse effect on the effective performance by an agency or the agency's functions.



MINISTER FOR HUMAN SERVICES MEETING		
AGENDA ITEM		
TITLE OF PAPER:	Automatic Rent Deduction Scheme (ARDS)	
MEETING DATE	2 / 05 /2018	DISCUSSION
KEY POINTS	<ul style="list-style-type: none"> • Centrelink offers a free service that enables public housing tenants to voluntarily pay rent through regular deductions from their Centrelink payments. • The Commonwealth have proposed new legislation to support an Automatic Rent Deduction Scheme (ARDS) that would enable tenancy charges to be automatically deducted from the income support and Family Tax Benefit payments of social housing tenants who receive Centrelink payments. 	

Minister's Comments:

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BACKGROUND

The Commonwealth has proposed legislation to support an Automatic Rent Deduction Scheme (ARDS) that would enable tenancy charges to be automatically deducted from the income support and Family Tax Benefit payments of all social housing tenants.

South Australia has maintained in principle support for the ARDS. However, it has noted some concerns about policy and process limitations for South Australia on the benefits of the proposed approach to ARDS.

While some these concerns have been met, others have not been satisfactorily addressed.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

The Social Services Legislation Amendment (Housing Affordability) Bill to enact the ARDS was introduced in the Parliament of Australia in September 2017. In October 2017 it was referred to the Senate Community Affairs Legislation Committee. The committee supported the bill with four recommendations for amendment to the bill.


South Australia has continued to participate in working groups to progress the ARDS and has sought legal advice regarding its application.

DISCUSSION

The Commonwealth, in consultation with the states, has been working to progress amendments to the bill, which was anticipated to be reintroduced in the Autumn 2018 sitting. However, it did not progress due to ongoing negotiations by the Commonwealth.

The Commonwealth has advised that they remain committed to progressing the Bill, and has sought confirmation, from Ministers where appropriate, that states remain committed to the introduction of the ARDS, subject to the final form of the bill.

Subject to your advice, a response will be prepared for you to reiterate South Australia's position with regard to its support.

Division	Housing SA Executive Director Office		
Executive Director	For/ Phil Fagan-Schmidt	 signature	30/04/18
Chief Executive	Tony Harrison	 signature	30/4/18

ATTACHMENTS

1. Letter to the CW Minister for Human Services from the former SA Minister for Social Housing, dated 23 September 2016 (16TDCS/3412)

Contact Officer:	Phil Fagan-Schmidt, Executive Director Housing SA 0419 822 959
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**Government
of South Australia**

**Minister for Communities and
Social Inclusion
Minister for Social Housing
Minister for the Status of Women
Minister for Ageing
Minister for Multicultural Affairs
Minister for Youth
Minister for Volunteers**

16TDCSI/3412.1

Hon Alan Tudge MP
Minister for Human Services
Parliament House
CANBERRA ACT 2600

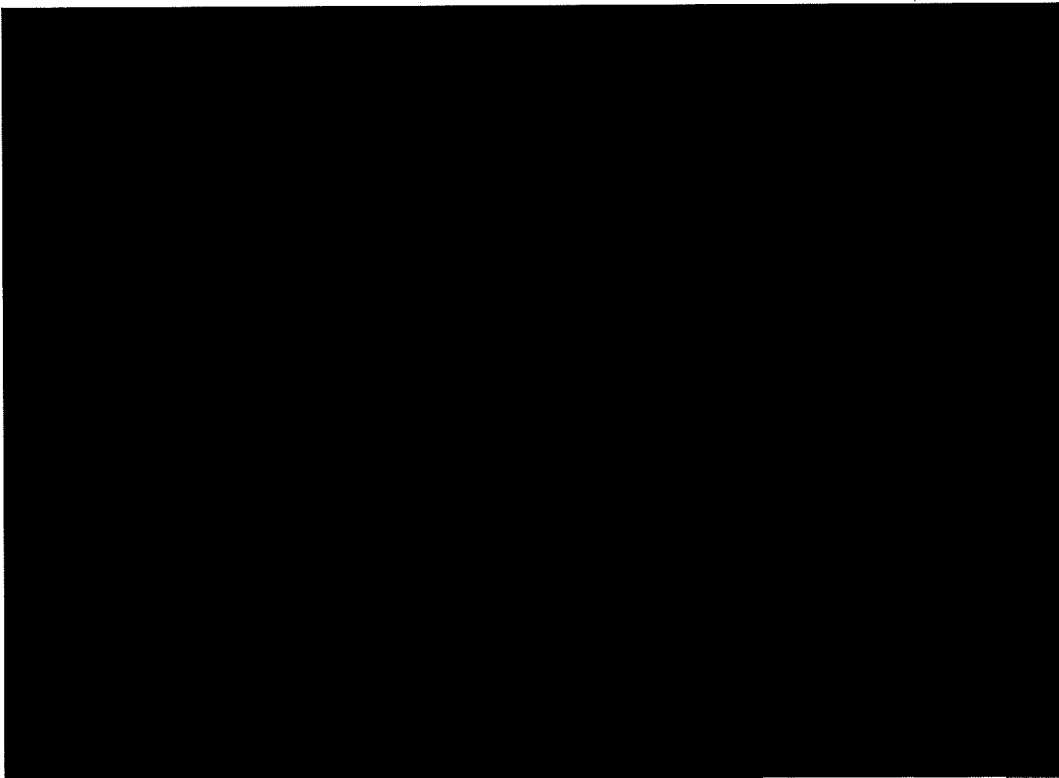
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dcsi.ministerbellison@sa.gov.au

Alan
Dear Minister

I refer to our meeting on 5 September 2016 to discuss the Commonwealth's proposed Compulsory Rent Deduction Scheme (CRDS).

You asked South Australia to indicate its support for the CRDS.

South Australia has maintained in-principle support for a universal rent deduction scheme in national policy discussions. However, there are some policy and process limitations on the benefits of the current proposal for Housing SA.





Thank you for your time in Adelaide and I look forward to working with you on the implementation of the scheme.

A handwritten signature in black ink, appearing to be 'Zoe Bettison'.

Hon Zoe Bettison MP
MINISTER FOR SOCIAL HOUSING

23 / 9 / 2016