



**Government
of South Australia**

Minister for Human Services

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Our ref: 18MCOR/0119
Your ref: 7135412

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

Sent by email: 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 18 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/1130.

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.

One document has been identified as falling within the scope of your application and I have determined to release this document in part.

Document 1 contains information on the operational and working arrangements between the South Australian and Commonwealth Government, which if disclosed would have an adverse effect on current and future negotiations. I have therefore determined this information exempt pursuant to clause 7(1)(c) of Schedule 1 of the Act, I have determined to release these documents in part.

Clause 7(1)(c) – A document is an exempt document, if it contains matter –

- (i) Consisting of information (other than trade secrets or information referred to in paragraph (b)) concerning the business, professional, commercial or financial affairs of any agency or any other person; and

- (ii) The disclosure of which –
 - (a) Could reasonably be expected to have an adverse effect on those affairs or to prejudice the future supply of such information to the Government or to an agency; and
 - (b) Would, on balance, be contrary to the public interest.

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

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

12 / 6 / 2019

SCHEDULE OF DOCUMENTS – MCOR/0119

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/1130.

No	Author	Addressee	Date	Description of document	Determination	Reason
1.	Department of Human Services	Minister for Human Services		DHS Signed Briefing RE: In-Kind Support Release – Processes	Released in Part	Exempt – Clause 7(1)(c) – Business Affairs

Reference Number: 18TDHS/1130



Government of South Australia
 Department of Human Services

TO: MINISTER FOR HUMAN SERVICES
RE: IN-KIND SUPPORT RELEASE – PROCESSES

Decision/action required by:...../...../.....
Reason:.....

Recommendation	Response
1. That you note the contents of this briefing about the process for meeting participants' requests for release from National Disability Insurance Scheme (NDIS) in-kind funding arrangements.	Approved / Not Approved / Noted

<p>Comments: </p>	<p>----- Hon Michelle Lensink MLC / / 2018</p>
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PURPOSE

This briefing explains the process agreed with the National Disability Insurance Agency (NDIA) for releasing NDIS participants from in-kind funding arrangements with State Government providers. It also highlights cases where this process has not worked effectively.

KEY POINTS

- The NDIA is able to include some State Government-provided support as in-kind in NDIS participants' plans, thereby naming the provider they must use.
- Occasionally, participants request release from these arrangements so that they can exercise choice and control over their funded support. The South Australian Government supports any such request and the Department of Human Services (DHS) has been working with the NDIA on a process to ensure timely facilitation.
- Despite this, some requests have taken considerable time and escalation before the NDIA gives its approval. Typically, this was because requests must meet specific NDIA criteria.

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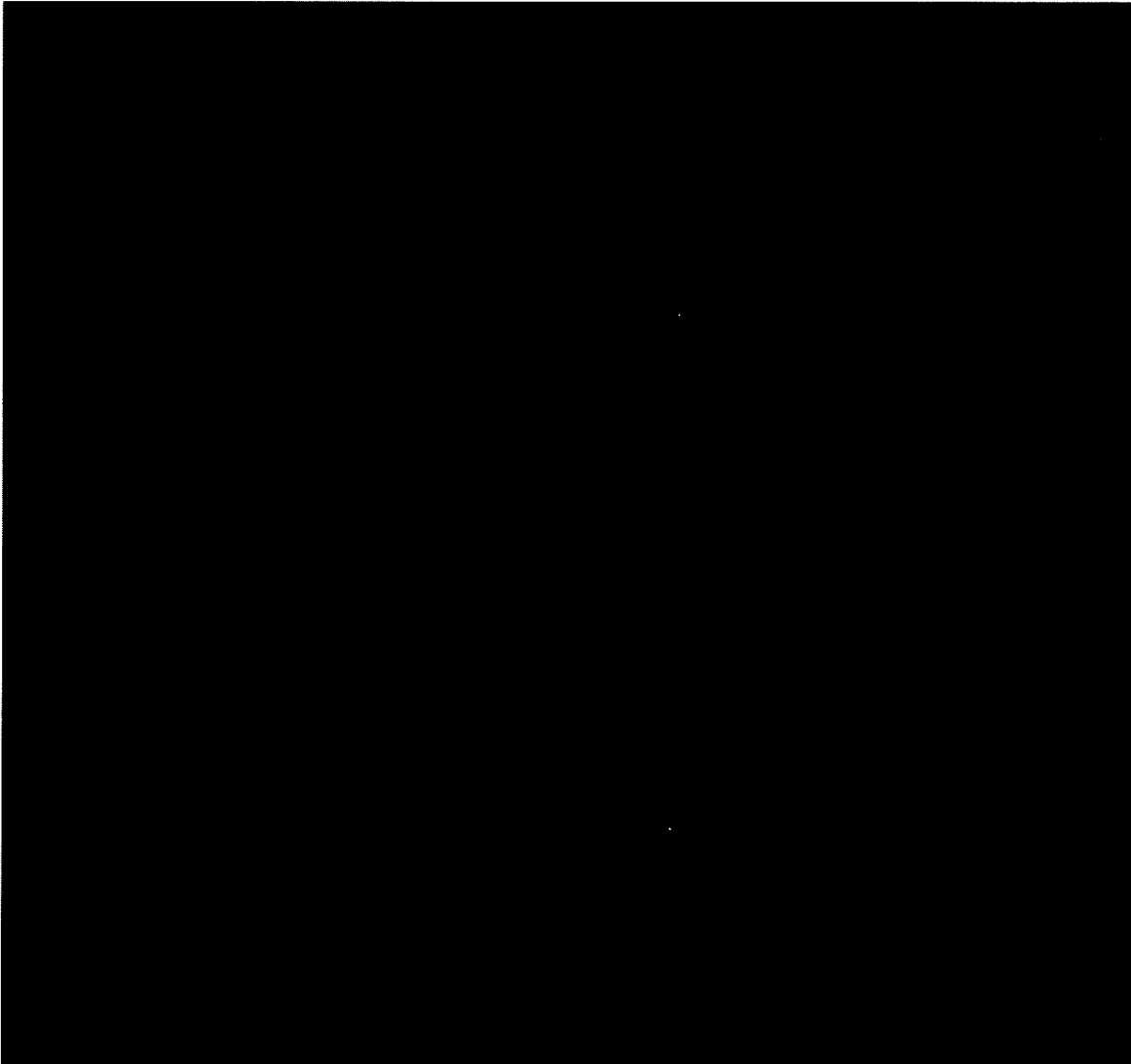
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- Two protracted cases have been resolved. DHS is aware of one other instance where the NDIA would not approve release.
- At the South Australian Transition Implementation Working Group (STIG) meeting held on 29 May 2018, DHS again escalated the ineffectiveness of current arrangements and emphasised its belief that any such requests will always meet one of the NDIA's criteria for release. DHS will continue to work closely with senior NDIA management in South Australia to ensure awareness of the in-kind release process among planners and Local Area Providers (LACs).

RISKS/SENSITIVITIES

There is a clear expectation among providers and participants that DHS and the NDIA will facilitate requests efficiently.

DISCUSSION



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BUDGET

Are there financial implications

No

Divisions	NDIS Reform and Disability SA		
Acting Director Disability Community Services	Fiona Curnow <i>signature</i>/...../.....
Director NDIS Implementation	Zofia Nowak <i>signature</i>	27.7.18
Executive Director Disability SA	Gerrie Mitra <i>signature</i>	25.7.18
Executive Director NDIS Reform	Nick Ashley <i>signature</i>	27.7.18
Deputy Chief Executive	Lois Boswell <i>signature</i>	3.8.18

Contact Officers:	
David Jones, NDIS Implementation 820 70225, david.jones3@sa.gov.au	Micheal Bell, NDIS In-Kind Services Unit 1800 571 835, micheal.bell@sa.gov.au

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