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Our ref: DHS/23/09905

Office of the Chief Executive

Level 8 North  
Riverside Building  
North Terrace  
Adelaide SA 5000

GPO Box 292  
Adelaide SA 5001

DX115

Tel: 08 8413 9050  
Fax: 08 8413 9002

ABN 11 525 031 744

Dear [REDACTED]

### Freedom of Information Determination

I refer to your application under the *Freedom of Information Act 1991* (the FOI Act), received by the Department of Human Services (DHS) on 10 October 2023, seeking access to:

*Firstly, could you please provide digital copies of all documents relevant as to whether Renewal SA has the legal authority to assist the sale of the private property known as Highgate Park at 103 Fisher St, Fullarton SA, which is owned by the Home for Incurables Trust.*

*Secondly, could you please provide digital copies of all correspondence between Renewal SA representatives and other South Australian government departments and external parties, including myself, from 22<sup>nd</sup> August, 2023 to 10<sup>th</sup> October, 2023 inclusive, relevant as to whether Renewal SA has the legal authority to assist the sale of Highgate Park.*

I apologise that DHS did not make a determination within 30 days as required by the FOI Act. However, DHS has continued to process your application outside of this timeframe.

Twelve documents were located that fit within the scope of your request and I have determined as follows:

- Two documents are to be released in part, and;
- Access is refused to ten documents.

Please find enclosed a document schedule containing a brief description of each document and my determination in summary form.

#### Released in part.

Documents 11 and 12 contain information relating to the personal affairs of third parties. I consider that it would be unreasonable to disclose this information, and determine the information exempt pursuant to clause 6(1) of Schedule 1 of the FOI Act. In accordance with section 20(4) of the FOI Act, I consider that you would wish for access to the rest of the documents after exempt information is removed, and I am therefore releasing these documents to you in part.

Documents 11 and 12 are internal working documents, and documents concerning operations of agencies. I have therefore determined these documents exempt pursuant to clause 9(1) of Schedule 1 of the FOI Act.

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It would be against the public interest to provide draft communications (internal working documents), as it would lead to confusion and unnecessary debate resulting from the disclosure of possibilities considered. The final version of the document that may have been provided to you represents the delegate's decision and the provision of all earlier drafts would only confuse this. The release of the internal working documents would be against the public interest as it would substantially inhibit frankness and candour in pre-decisional communications, and it is important that the options and associated risks can be discussed freely before a final response is made to the public.

**Refused in full.**

Documents 2, 3, 4 and 8 contain information that, if released, would disclose details concerning deliberations or decisions of Cabinet. I have therefore determined this information exempt pursuant to clause 1(1)(e) of Schedule 1 to the FOI Act.

Documents 1, 5, 6, 7 and 9 are exempt as it identifies communications between legal advisers and the Department for the dominant purpose of giving or receiving legal advice, or for use in actual or anticipated litigation. The Department does not wish to waive privilege over the documents; therefore, I have determined this information exempt pursuant to clause 10(1) of Schedule 1 of the FOI Act.

If you are dissatisfied with my determination, you can seek an internal review by writing to the Chief Executive, DHS, as the Principal Officer of the agency. Your request should be sent within 30 days of your receipt of this letter. A copy of the FOI Review Rights and Appeals is attached to this determination.

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 be published on the agency's disclosure log. A copy of PC045 can be found at:

<https://www.dpc.sa.gov.au/resources-and-publications/premier-and-cabinet-circulars>

If you have any questions in relation to this matter, please contact the FOI Team on telephone 8413 9094 or by email at [DHSFreedomofInformation@sa.gov.au](mailto:DHSFreedomofInformation@sa.gov.au). If you disagree with publication, you will need to advise the FOI Team within two weeks of the date of this determination.

Yours sincerely,



Amanda Stone

**ACCREDITED FREEDOM OF INFORMATION OFFICER**

29 / 01 / 2024

Encl: Schedule of Documents  
FOI Review Rights and Appeals  
Documents for release

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**SCHEDULE OF DOCUMENTS – DHS/23/09905**

Freedom of information application from [REDACTED], seeking access to:

*Firstly, could you please provide digital copies of all documents relevant as to whether Renewal SA has the legal authority to assist the sale of the private property known as Highgate Park at 103 Fisher St, Fullarton SA, which is owned by the Home for Incurables Trust.*

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No	Author	Date	Description of document	Determination	Exemption clause
1.	Crown Solicitor's Office (CSO)	23/06/2022	Letter	Refused Access	Clause 10(1)
2.	Department of Human Services (DHS)	Undated	Cabinet Submission	Refused Access	Clause 1(e)
3.	DHS	02/03/2021	Minutes	Refused Access	Clause 1(e)
4.	DHS	02/03/2021	Cabinet Office Comment	Refused Access	Clause 1(e)
5.	CSO	12/12/2006	Letter	Refused Access	Clause 10(1)
6.	CSO	13/07/2009	Letter	Refused Access	Clause 10(1)
7.	CSO	08/06/2017	Letter	Refused Access	Clause 10(1)
8.	Department for Communities and Social Inclusion (DCSI)	May 2017	Cabinet Submission	Refused Access	Clause 1(e)
9.	DCSI	Various Dates	Email Chain	Refused Access	Clause 10(1)
10.	DHS	Various Dates	Email Chain	Refused Access	Clause 10(1)
11.	[REDACTED]	Various Dates	Email Chain	Partial Release	Clause 6(1) Clause 9(1)
12.	[REDACTED]	Various Dates	Email Chain	Partial Release	Clause 6(1) Clause 9(1)

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# Your Rights to Review and Appeal

## *Freedom of Information Act 1991*

### **INTERNAL REVIEW**

If you are dissatisfied with a determination made by the Department of Human Services in relation to:

- an FOI application for access to a document, or
- a request for amendment to your personal records; or
- a request to pay an advanced deposit or further fees and charges.

you are entitled to apply for an Internal Review of that determination.

### **How do I make a request for Internal Review?**

To make an application for an Internal Review you must:

- write a letter or lodge an Internal Review application to the Principal Officer of the Department of Human Services, and
- include the application fee of **\$40.75**.

The Department of Human Services accepts payment by money order or cheque.

### **What if I have a concession card?**

In some cases, the fee for an Internal Review can be waived. If you are the holder of a current concession card or if you can satisfy the agency that the payment of the fee would cause financial hardship, the agency may waive or remit the application fee.

If you are a concession cardholder you will need to provide evidence, eg: you should attach a copy of your concession card when you make the application. Alternatively, you should provide written reasons as to why the payment of a fee would cause you financial hardship.

### **How long does an Internal Review take?**

If you wish to make an application for Internal Review, you need to do so within 30 calendar days after the date of the determination.

You will be advised of the outcome of your Internal Review application within 14 calendar days of it being received by the agency.

If the agency does not deal with your Internal Review application within 14 calendar days, you are entitled to an External Review by the Ombudsman SA.

### **When can't I apply for an Internal Review**

If the determination was made by the Chief Executive of the Department of Human Services, and you are dissatisfied with that determination you cannot apply for an Internal Review. You can apply for an External Review by the Ombudsman SA or SACAT.

If you are dissatisfied with a decision to extend the timeframe to deal with your application, you cannot apply for an Internal Review. You can however seek an External Review by the Ombudsman SA.

### **Do I have to pay for a review of a fee or charge?**

Fees and charges are in accordance with section 53(3) of the FOI Act. Specifically, where an Agency determines a fee or charge you disagree with, it must, review that fee or charge and where appropriate reduce the fee.

A person seeking a review of a fee or charge is not required to pay an application fee or any other charge in relation to this review. Where the agency decides not to reduce the fee or charge and you are still dissatisfied, you can apply to the Ombudsman SA for an External Review.

## **EXTERNAL REVIEW**

Where a person is aggrieved by an agency's determination and that person has gone through the Internal Review process (or there was no right to Internal Review), that person can choose to apply to the Ombudsman SA or go directly to SACAT for an External Review. However, if an application for review of a determination has been made to the Ombudsman SA, SACAT cannot review the matter until that application has been decided.

Commencing a review with SACAT bars any right to apply for a review by the Ombudsman.

After an Internal Review has been completed, or where you are unable to apply for an Internal Review, and you are dissatisfied with the decision, you have the right to apply for an External Review.

### **How long will an External Review take and how much will it cost?**

If you wish to make an application for an External Review you must do so within 30 (calendar) days after the date of the determination. However, the Ombudsman SA can extend this time limit. There is no statutory time limit for External Review. The time taken to complete the review will depend on the size and complexity of your original request and the current workload of the officers who will be undertaking the review. You should discuss any concerns you have directly with the Ombudsman SA.

There is no fee or charge for investigations undertaken by the Ombudsman SA.

Telephone: (08) 8226 8699  
Toll free: 1800 182 150 (outside metro SA only)  
Facsimile: (08) 8226 8602  
Email: [ombudsman@ombudsman.sa.gov.au](mailto:ombudsman@ombudsman.sa.gov.au)

POSTAL ADDRESS  
PO Box 3651, Rundle Mall SA 5000

## **APPEAL TO THE SOUTH AUSTRALIAN CIVIL AND ADMINISTRATIVE TRIBUNAL (SACAT)**

Where a person is aggrieved by an agency's determination and that decision was made:

- by an accredited FOI officer who was not the principal officer of the agency; and
- without the direction of the principal officer or without the direction of a person or body to which the principal officer is responsible,

that person must first apply to the agency for an Internal Review before applying to SACAT.

There is a filing fee applicable for this type of application. Payment can be made online by credit card at the time of completing the online form, or by using one of the other options outlined in the payment section of the online form.

If you have any further questions please call SACAT on 1800 723 767 (and press menu option 3). The postal address for SACAT is GPO Box 2361, Adelaide SA 5001.

**From:** [Young, Joe \(DHS\)](#)  
**To:** [Murgatroyd, Sophie \(DHS\)](#)  
**Subject:** Fw: Highgate - proposed RSA response to [REDACTED]  
**Date:** Thursday, 11 January 2024 3:54:05 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[image007.png](#)  
[Outlook-ax3bqsid.png](#)

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**Joe Young** (he / him)  
Executive Director, Disability  
Department of Human Services | Government of South Australia  
M: [REDACTED] | E: [Joe.Young@sa.gov.au](mailto:Joe.Young@sa.gov.au)



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**From:** Young, Joe (DHS) <[Joe.Young@sa.gov.au](mailto:Joe.Young@sa.gov.au)>  
**Sent:** Monday, 4 September 2023 2:46 PM  
**To:** McKell, Suzanne (DHS) <[Suzanne.McKell@sa.gov.au](mailto:Suzanne.McKell@sa.gov.au)>  
**Subject:** Re: Highgate - proposed RSA response to [REDACTED]

Looks fine to me

---

**From:** McKell, Suzanne (DHS) <[Suzanne.McKell@sa.gov.au](mailto:Suzanne.McKell@sa.gov.au)>  
**Sent:** Monday, September 4, 2023 2:00:04 PM  
**To:** Young, Joe (DHS) <[Joe.Young@sa.gov.au](mailto:Joe.Young@sa.gov.au)>  
**Subject:** Highgate - proposed RSA response to [REDACTED]

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Hi Joe

Please see proposed response from Renewal SA to [REDACTED] :

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[Redacted]

[Redacted]

As such I have confirmed the above statement for Renewal SA to release.

Regards

**Suzanne McKell**  
Director Infrastructure  
Department of Human Services  
T: (08)820 70724 |E: [Suzanne.McKell@sa.gov.au](mailto:Suzanne.McKell@sa.gov.au)

*NOTE: All maintenance requests should be forwarded to the following monitored mailbox: [dhsassetsrequests@sa.gov.au](mailto:dhsassetsrequests@sa.gov.au)*

[www.dhs.sa.gov.au](http://www.dhs.sa.gov.au)



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---

**From:** Coote, Martin (Renewal SA) <Martin.Coote@sa.gov.au>  
**Sent:** Thursday, 31 August 2023 11:37 AM  
**To:** McKell, Suzanne (DHS) <Suzanne.McKell@sa.gov.au>; Brown, Carolyn (Renewal SA) <Carolyn.Brown@sa.gov.au>  
**Subject:** proposed response to [Redacted] as discussed ?

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[Redacted]

[Redacted]

[Redacted]

**From:** Renewal SA:Reception <[Reception.RenewalSA@sa.gov.au](mailto:Reception.RenewalSA@sa.gov.au)>  
**Sent:** Wednesday, August 23, 2023 4:41 PM  
**To:** [Redacted]  
**Subject:** RE: Renewal SA and the Sale of Highgate Park

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Thank you for your email, [Redacted] I will send your email to the relevant staff member that would be able to help with your enquiry.

Kind regards

**VICKI BALDINO**

Customer Experience Officer, Sales and Corporate Affairs

**T** 08 8207 1300  
**M** [Redacted]  
**E** [vicki.baldino@sa.gov.au](mailto:vicki.baldino@sa.gov.au)



Level 16, 11 Waymouth Street, Adelaide SA 5000, Kaurna Country  
Postal address: GPO Box 698, Adelaide SA 5001

Renewal SA's vision for reconciliation is one where Culture and Country are respected and embraced through our people and projects, enabling South Australia's First Nations truth and history to connect us to place and be an enduring source of pride. This e-mail may contain confidential and/or legally privileged information. If you are not the intended recipient, any use, disclosure or copying of this document is unauthorised.

**Think before you print – consider the environment**

**From:** [Redacted]  
**Sent:** Wednesday, 23 August 2023 4:28 PM  
**To:** Renewal SA:Reception <[reception.renewalsa@sa.gov.au](mailto:reception.renewalsa@sa.gov.au)>  
**Subject:** Renewal SA and the Sale of Highgate Park

You don't often get email from [Redacted]. [Learn why this is important](#)

Hello,

[Redacted]

Given the Highgate Park site is private property owned by the Home for Incurables Trust, could you please explain why Renewal SA is involved in the sale of this private property ?



Regards,

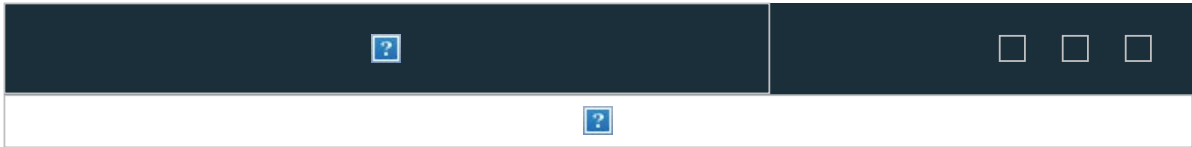


**MARTIN COOTE**

Director, Industrial and Commercial Sales

M [REDACTED]  
E [martin.coote@sa.gov.au](mailto:martin.coote@sa.gov.au)

Level 16, 11 Waymouth Street, Adelaide SA 5000, Kaurna Country  
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**From:** [McKell, Suzanne \(DHS\)](#)  
**To:** [Coote, Martin \(Renewal SA\)](#)  
**Cc:** [Brown, Carolyn \(Renewal SA\)](#)  
**Subject:** FW: Highgate - proposed RSA response to [REDACTED]  
**Date:** Monday, 4 September 2023 2:02:00 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[image007.png](#)

---

Hi Martin,

All good to proceed noting minor deletion:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Regards

**Suzanne McKell**  
Director Infrastructure  
Department of Human Services  
T: (08)820 70724 |E: [Suzanne.McKell@sa.gov.au](mailto:Suzanne.McKell@sa.gov.au)

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**Subject:** proposed response to [REDACTED] as discussed ?

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[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
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Customer Experience Officer, Sales and Corporate Affairs

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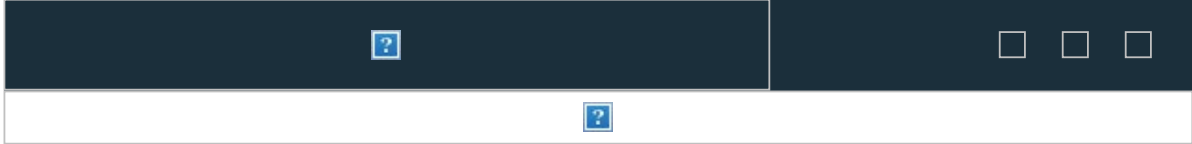
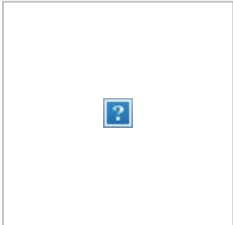
Regards,

[Redacted]

**MARTIN COOTE**  
Director, Industrial and Commercial Sales

**M** [Redacted]  
**E** [martin.coote@sa.gov.au](mailto:martin.coote@sa.gov.au)

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