



**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/0114  
**Your ref:** 7134245

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/893.*

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.

Four documents have been identified as falling within the scope of your application and I have determined to release four documents in full.

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

8 / 5 / 2019

### SCHEDULE OF DOCUMENTS – MCOR/0114

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/983.

No	Author	Addressee	Date	Description of document	Determination	Reason
1.	Department of Human Services	Minister for Human Services	10/8/2018	Minister Signed Briefing: Donations and Bequests Financial Authorisation Instruments	Released in Full	
2.	Department of Human Services			Attachment to Briefing: Treasurer's Instruction 8 Financial authorisation	Released in Full	
3.	Department of Human Services			Attachment to Briefing: Disability Services Donations and Bequests Financial Authorisation Instrument - signed	Released in Full	
4.	Department of Human Services			Attachment to Briefing: Health and Aged Care Services donations and Bequests Financial Authorisation Instrument - signed	Released in Full	

18TDHS/983



Government of South Australia

Department of Human Services

TO MINISTER FOR HUMAN SERVICES

RE: DONATIONS AND BEQUESTS FINANCIAL AUTHORISATION INSTRUMENTS

Decision/action required by: / /

Reason: Audit and policy requirement

Recommendation	Response
1. Note that the establishment of an Instrument of Financial Authorisation in writing is required as per Treasurer's Instructions (TI) 8 <i>Financial Authorisation</i> (Attachment 1).	Approved / Not Approved / <u>Noted</u>
2. Note the Department of Human Services (DHS) has updated the Instrument of Financial Authorisation for the recent change in Government.	Approved / Not Approved / <u>Noted</u>
3. Note a reference to any previous Minister in the current Financial Authorisation Instruments will have effect as if it were a reference to the Minister for Human Services.	Approved / Not Approved / <u>Noted</u>
4. Note the Minister acts as Trustee for donations and bequests fund administered by DHS under the <i>Trustee Act 1936</i> .	Approved / Not Approved / <u>Noted</u>
5. Approve the Disability Services Donations and Bequests Financial Authorisation Instrument (Attachment 2).	<u>Approved</u> / Not Approved / Noted
6. Approve the Health and Aged Care Services Donations Financial Authorisation Instrument (Attachment 3).	<u>Approved</u> / Not Approved / Noted

<b>Comments:</b> ..... ..... ..... ..... ..... ..... ..... .....	 Hon Michelle Lensink MLC 10 / 18 / 2018
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## KEY POINTS

- A Financial Authorisation Instrument is required under Treasurer's Instructions (Attachment 1)
- Donations and bequests are Administered Items of DHS and requires separate Financial Authorisation Instruments
- As per the South Australian Government Gazette, dated 22 March 2018, a reference to previous Ministers of the Department for Communities and Social Inclusion, in any kind of instrument will have effect as if it was a reference to the Minister for Human Services
- The Minister for Human Services, under *Trustee Act 1936*, acts as Trustee for the donation and bequests funds administered by DHS
- Your approval is required to delegate authority outline in Attachment 2 and Attachment 3
- Financial Authorisation Instruments will be effective from the date you approve and will supersede all previous versions.

## DISCUSSION

The Department of Human Services (DHS) has previously sought your approval for the Department's Financial Authorisation Instrument. DHS also has Administered Items which require a separate Financial Authorisation Instrument. Under the *Trustee Act 1936*, the Minister for Human Services acts as Trustee for donation and bequest funds administered by DHS.

On 1 July 2011, with the repeal of the *Public Charities Funds Act 1935*, the Commissioners of Charitable Funds became known as the Health Services Charitable Gifts Board (the Board). All property that was vested in the Commissioners was vested in the Board under the *Health Services Charitable Gifts Act 2011*.

Trust held by the former Intellectual Disability Services Council (IDSC) and Metropolitan Domiciliary Care (MDCS) were wound up and transferred to Department in May 2013.

The Department often receives donations from the members of the public (including fundraising). Sometimes these donations are for a specific purpose in which they must be used or as an expression of gratitude for services received without a specific intent. These donations are held in separate administered funds, based on the purpose that they may be used for.

Donated funds are used for the benefit of individual clients in need or for the improvement of general client services (taking into account any specific terms of donated funds). The needs by the clients are outside the normal services provided by the Department.

As Trustee, your approval is sought to provide nominated positions identified in Attachment 2 and 3 to exercise financial authorisation on your behalf and approve expenditure in line with Departmental policies and/or procedures for the following donation and bequest funds:

Fund Title	Balance at May 2018
Disability Services Donations and Bequests	\$246,981
Health and Aged Care Services Donations and Bequests	\$561,797

Requests for expenditure greater than \$10,000 (GST inclusive) will be referred to you for approval.

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**BUDGET**


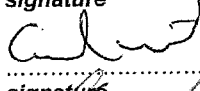
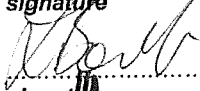

Are there financial implications No

Is there a budget impact No

Is there an FTE impact No

**MEDIA/SENSITIVE:**

No

<b>Finance and Business Services</b>			
<b>Manager, Financial Compliance and Accounting Services</b>	Linda Houston	 signature	13.1.18. date
<b>Chief Financial Officer</b>	Andrew Thompson	 signature	13.7.18 date
<b>Deputy Chief Executive</b>	Lois Boswell	 signature	20.7.18 date
<b>Chief Executive</b>	Tony Harrison	 signature	20.7.18 date

**ATTACHMENTS**

1. Treasurer's Instruction 8 *Financial Authorisation*
2. Disability Services Donations and Bequests Financial Authorisation Instrument
3. Health and Aged Care Services Donations and Bequests Financial Authorisation Instrument

<b>Contact Officer:</b>	Natasha Burns/ Team Leader, Accounting Services 841 54465/ <a href="mailto:natasha.burns@sa.gov.au">natasha.burns@sa.gov.au</a>
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Department of Treasury and Finance

## TREASURER'S INSTRUCTION 8 FINANCIAL AUTHORISATIONS

Reissued: 1 May 2017

Effective: 1 May 2017

### Scope

- 8.1 This instruction applies to:
- 8.1.1 all public authorities unless otherwise stated;
  - 8.1.2 any dealing whereby a public authority enters into a contract involving expenditure or potential expenditure, including purchases of goods and services, provision of grant funding, or lease or rental of property, plant or equipment (including intangible property); and
  - 8.1.3 any payment made by a public authority.

### Objective

- 8.2 To establish a governance regime to apply to all public authorities such that prior approval is required, by a person authorised pursuant to this instruction, before the public authority can:
- 8.2.1 incur expenditure through contractual arrangements, including purchases;
  - 8.2.2 enter into an agreement with the potential to lead to expenditure; and
  - 8.2.3 make a payment or disbursement.

### Interpretation and Definitions

- 8.3 This instruction should be interpreted and applied in accordance with Treasurer's Instruction 1 *Interpretation and Application*.
- 8.4 This instruction is to be read in conjunction with other relevant Treasurer's instructions and with any policies issued pursuant to the Treasurer's instructions. In addition, there may be Premier and Cabinet Circulars<sup>1</sup>, and State Procurement Board Policies issued pursuant to the *State Procurement Act 2004*, applicable to the public authority. If a public authority identifies a conflict between any of these instruments, or between Treasurer's instructions and any other legislative obligations, it should seek advice on the matter<sup>2</sup>.
- 8.5 For the purposes of this instruction:

1 Eg, Premier and Cabinet Circular 114 Government Real Property Management (including Crown Land); Premier and Cabinet Circular 015 Procedures for submissions seeking the review of Public Works by the Public Works Committee; and Premier and Cabinet Circular 018 Government Office Accommodation Framework.

2 See the contact details for queries in the box at the end of this instruction.

- 8.5.1 “financial authorisation” means the approval given by Cabinet, a Minister, a governing authority, Chief Executive or nominated employee for a public authority to enter into a contract, including a purchase, subject to the authority’s procurement policies, or to make a payment or disbursement, including a payment between public authorities, up to a specified monetary limit.
- 8.5.2 “employee” has the same meaning as defined in Treasurer’s Instruction 1 *Interpretation and Application*.
- 8.5.3 a “contract authorisation” is a financial authorisation that relates to the approval for a public authority to enter into a contract, including for the purchase of goods and services, subject to the public authority’s procurement policies. An instrument empowering an employee or the occupant of a position to grant a contract authorisation may distinguish different types of contracts (and/or purchases) that the employee or the occupant of a position is permitted to approve.
- 8.5.4 a “payment authorisation” is a financial authorisation that relates to the approval of a public authority making a payment or disbursement, including, through a direct debit arrangement.
- 8.5.5 a “contract” refers to an arrangement<sup>1</sup>, including for the purchase of goods and services, whereby a public authority commits to or incurs expenditure, or where there is the potential for expenditure to be incurred, where the terms and conditions are contained in a document signed by the parties, or where the terms and conditions are recorded in some other document or documents such as a purchase order or an exchange of letters, or terms and conditions are agreed in an oral exchange, but does not include an employment contract pursuant to the *Public Sector Act 2009* or the authority’s enabling legislation.
- 8.5.5.1 Where it is intended to contract for goods or services to be supplied by a panel of providers, for the purposes of this instruction in determining the approvals required, the potential total value of services that may be acquired is the contract consideration.
- 8.5.5.2 Where it is intended to enter into a “head agreement” or similar, with specific agreements to be entered into by individual public authorities under the head agreement, for the purpose of this instruction, the potential total value of goods or services that may be acquired by public authorities under the head agreement is the contract consideration for that contract.
- 8.5.6 “incurs expenditure” refers to a dealing which results, or will result, in an obligation on the public authority, the settlement of which is expected to result in an outflow from the entity of resources embodying economic benefits. Economic benefits can take various forms such as the payment of cash, transfer of assets, provision of services, replacement of an obligation with another obligation or the conversion of the obligation to equity.
- 8.5.7 any reference to a monetary sum is inclusive of GST.

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<sup>1</sup> Including a memorandum of understanding/memorandum of administrative arrangement or similar.



## Instruction

### General

- 8.6 In any dealing to which this instruction applies a Chief Executive must ensure compliance with the public authority's enabling legislation.
- 8.7 No dealing to which this instruction applies must be approved unless:
- 8.7.1 the expenditure is necessary for the conduct of the public authority, and the requirements of the *Public Finance and Audit Act 1987* and any other relevant Act or instruction have been observed in all respects, and
  - 8.7.2 the Chief Executive has a reasonable expectation that sufficient financial resources will be available to meet commitments as they fall due.
- 8.8 The Chief Executive must:
- 8.8.1 ensure a register is established and maintained of specified persons and the holders of positions authorised or nominated under clause 8.11.1 and clause 8.15 to give particular financial authorisations, and any conditions applying to the giving of a financial authorisation by the specified person or holder of a position;
  - 8.8.2 review the register at least annually; and
  - 8.8.3 if the holder of a position within the public authority, rather than a specific employee, is empowered to give the financial authorisation, ensure that only a South Australian government employee occupies that position<sup>1</sup>.
- 8.9 A Chief Executive will remain responsible for all purchases, contracts, payments and disbursements notwithstanding that an employee or the holder of a position within the public authority has been empowered to give a financial authorisation pursuant to this instruction.
- 8.10 Instances may arise where a contract and payment authorisation may be provided by the same employee, possibly at the same time. In these instances it is necessary for the employee to be empowered to provide both types of authorisations.

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<sup>1</sup> A Chief Executive can only provide financial authorisations to the employees of the Chief Executives' own administrative unit or statutory authority.

## Contracts (including purchases)

8.11.1 Unless the public authority's enabling legislation has alternative specific arrangements that are inconsistent with this clause, a contract, including for the purchase of goods and services, can only be executed if approved as follows:

<i>Purchase or Contract consideration</i>	<i>To be approved by</i>
< \$1,500,000	<ul style="list-style-type: none"> <li>• Cabinet, or</li> <li>• the Minister; or</li> <li>• the Chief Executive or governing authority; or</li> <li>• an employee nominated by a Chief Executive or governing authority; or</li> <li>• an employee nominated by an authorised employee pursuant to clause 8.11.2.</li> </ul>
\$1,500,000 to < \$15,000,000	<ul style="list-style-type: none"> <li>• Cabinet, or</li> <li>• the Minister; or</li> <li>• an employee nominated by the Minister in writing by specific Ministerial delegation that specifies the employee, the amount and the nature of the contract including the parties.</li> </ul>
\$15,000,000 and over	<ul style="list-style-type: none"> <li>• Cabinet, or</li> <li>• the Minister acting under clause 8.11AA</li> </ul>

8.11AA The Minister may act under this clause to approve a contract if —

- the contract forms part of a public sector initiative that has been approved by Cabinet; and
- the scope of the contract is consistent with the Cabinet approval; and
- the consideration for the contract, when aggregated with any other money to be applied for the purposes of the public sector initiative, does not exceed any estimated cost provided to Cabinet in connection with obtaining the Cabinet approval.

8.11AB For the purposes of clauses 8.11.1 and 8.11AA, a reference to Cabinet will be taken to include a reference to a Cabinet Committee.

8.11A Where an amendment would increase the total value of a contract, a contract that has been approved under clause 8.11.1 may only be amended as follows —

- 8.11A.1 for an amendment which, when aggregated with any previous amendments, does **not** increase the total value of the contract by more than 5% of the total value originally approved under clause 8.11.1 — the amendment must first be approved by the relevant person or body as if the value of the amendment, taken by itself, was a contract of that value required to be approved under clause 8.11.1; or

- 8.11A.2 for an amendment which, when aggregated with any previous amendments, increases the total value of the contract by more than 5% of the total value originally approved under clause 8.11.1 – the amendment must first be approved by the relevant person or body as if the total value of the amendment **and** the original contract was a new contract requiring approval under clause 8.11.1
- 8.11.2 Contract authorisations in respect of the use of government purchase cards (pursuant to Treasurer's Instruction 12 *Government Purchase Cards and Stored Value Cards*) may be provided by an employee who has been authorised in writing by the Chief Executive or governing authority to provide these authorisations.
- 8.12 An instrument empowering an employee or the occupant of a position to provide a contract authorisation pursuant to clauses 8.11.1 and 8.11.2 must:
- 8.12.1 be in writing;
  - 8.12.2 specify the employee, or the position (subject to clause 8.8.3);
  - 8.12.3 specify the monetary limit (to be less than \$1,500,000) and any other relevant terms and conditions (such as the type of contract or purchase for which the contract authorisation may be provided); and
  - 8.12.4 specify that it immediately ceases upon the employee ceasing employment or materially changing duties, or in relation to a position, a material change in the nature of the duties assigned to that particular position.
- 8.13 In addition to any other requirement:
- 8.13.1 Cabinet approval must be obtained for a contract for the purchase of land where the expenditure involved exceeds \$6,000,000<sup>1</sup>; and
  - 8.13.2 The following approvals must be obtained for an office accommodation project where the cost of the project is:
    - 8.13.2.1 Less than \$1.5 million: the contract is to be approved by the Chief Executive of the Department of Planning, Transport and Infrastructure or an employee nominated by the Chief Executive of the Department of Planning, Transport and Infrastructure.
    - 8.13.2.2 \$1.5 million to less than \$15 million: the contract is to be approved by the Minister for Transport and Infrastructure.
    - 8.13.2.3 \$15 million and over: the contract is to be approved by Cabinet.
- 8.14 A purchase of goods or services through a purchase card may only be made by an employee with the authority, pursuant to Treasurer's Instruction 12 *Government Purchase Cards and Stored Value Cards*, to use the purchase card.

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<sup>1</sup> This value refers to the amount to be included in the contract to purchase the land. It does not include on-costs such as stamp duty.

## Payments and disbursements

8.15 Unless the public authority's enabling legislation has alternative specific arrangements that are inconsistent with this clause, a payment or disbursement can only be made with the prior approval of an employee where the employee is empowered as follows:

8.15.1 by an instrument in writing;

8.15.2 specifying the employee, or the position (subject to clause 8.8.3), monetary limits (consistent with clauses 8.16 and 8.17) and other conditions, determined as follows:

<i>public authority</i>	<i>to be determined by</i>
administrative unit	<ul style="list-style-type: none"> <li>the Minister, or</li> <li>any employee nominated by the Minister, or</li> <li>any employee nominated by a Chief Executive, where the Minister has authorised the Chief Executive to grant payment authorisations</li> </ul>
public authority that is not an administrative unit	<ul style="list-style-type: none"> <li>the Minister, or</li> <li>any employee or governing authority nominated by the Minister, or</li> <li>any employee nominated by a Chief Executive or governing authority, where the Minister has authorised the Chief Executive or governing authority to grant payment authorisations</li> </ul>

8.15.3 specifying that it immediately ceases upon the employee ceasing employment or materially changing duties.

## Administrative units

8.16 A Minister may:

8.16.1 nominate the Chief Executive, or an employee of an administrative unit (including an employee for the time being holding a specified position) to give a payment authorisation subject to any conditions and for a monetary sum that does not exceed the greater of:

8.16.1.1 the annual appropriation from Consolidated Account to the administrative unit, or

8.16.1.2 the amount held in a Special Deposit Account, Deposit Account or any other relevant accounts administered by the administrative unit; and

8.16.2 authorise the Chief Executive to nominate an employee (including an employee for the time being holding a specified position) to give payment authorisations subject to conditions and not exceeding the monetary limits contained in clause 8.16.1.

## Public authorities that are not administrative units

- 8.17 Where, pursuant to clause 8.15.2, the Minister has determined that a Chief Executive or a governing authority of a public authority that is not an administrative unit may grant payment authorisations, and the Chief Executive or governing authority has nominated an employee to grant the payment authorisations, the employee's monetary limit must not exceed the monetary limit determined, respectively, for the Chief Executive or the governing authority.

## Financial Arrangements

- 8.18 An administrative unit must not lend monies to (or borrow monies from) any other administrative unit without the approval of the Treasurer or the Treasurer's delegate.

For queries contact the Department of Treasury and Finance:

Account Manager  
Budget, Analysis and Performance Branch

or

Public Finance Branch  
Telephone No. (08) 8226 1786

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Government of South Australia

Department of Human Services

### DISABILITY SERVICES DONATIONS AND BEQUESTS FINANCIAL AUTHORISATION INSTRUMENT

I **HON MICHELLE LENSINK MLC, MINISTER FOR HUMAN SERVICES**, a body corporate pursuant to the *Trustee Act 1936*, as trustee of the Disability Services Donations and Bequests fund administered by the Department for Human Services (DHS), **HEREBY AUTHORISE**, the persons occupying the DHS positions listed on my behalf:

#### SCHEDULE 1

Authorisation Level	Amount (GST inclusive)	Position Title	Position Number
1	Up to \$10,000	Chief Executive	M10284
		Deputy Chief Executive	P01186
		Chief Financial Officer	M10377
		Executive Director, Disability and Domiciliary Care Services	M10698
		Executive Director, Disability SA	M09351
2	Up to \$5,000	Director, Accommodation Services Development	P01054
		Director, Child and Youth Services	M14541
		Director, Disability Community Services	M14530

The expenditure of donated and bequest funds must be:

1. for the benefit of the client and/or the community who need assistance outside the services provided by Disability Services,
2. made in accordance with relevant departmental policies and/or procedures,
3. made from an individual Disability Services Donations and Bequest account (whether paid for individually or collectively),
4. made in accordance with any bequests requirements (if applicable),

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5. referred to the Minister for Human Services for amounts over \$10,000 (GST inclusive) for approval; and
6. not exceed the balance of individual Disability Services Donations and Bequest accounts

The authorities apply from the date of the signed authorisation and supersedes all previous authorities.

Dated this 10 day of August 2018

THE COMMON SEAL of the  
**MINISTER FOR HUMAN SERVICES**

Was hereto affixed in the presence of:

R Hamilton.....

Witness

Print Name: Rachael Hamilton



18TDHS/983



Government of South Australia

Department of Human Services

# HEALTH AND AGED CARE SERVICE DONATIONS AND REQUESTS FINANCIAL AUTHORISATION INSTRUMENT

I **HON MICHELLE LENSINK MLC, MINISTER FOR HUMAN SERVICES**, a body corporate pursuant to the *Trustee Act 1936*, as trustee of the Health and Aged Care Service Donations and Requests fund administered by the Department for Human Services (DHS), **HEREBY AUTHORISE**, the persons occupying the DHS positions listed on my behalf:

## SCHEDULE 1

Authorisation Level	Amount (GST inclusive)	Position Title	Position Number
1	Up to \$10,000	Chief Executive	M10284
		Deputy Chief Executive	P01186
		Chief Financial Officer	M10377
		Executive Director, Disability and Domiciliary Care Services	M10698
		Executive Director, Disability SA	M09351
2	Up to \$5,000	Executive Director, NDIS Reform	M16112
		Director, Strategy and Reform	M15578

The expenditure of donated and bequest funds must be:

1. to provide a health service for the benefit of the members of the public within the Adelaide metropolitan region who are in need of relief in the form of rehabilitation and support services by reason of physical or mental sickness, illness or injury or other condition,
2. to provide a range of rehabilitative and related and other supportive services to the members of the public within the Adelaide metropolitan region, with the aim of promoting a return by them to maximum physical, mental and social capability,
3. to provide or promote such other health services and aged care facilities to the members of the public within the Adelaide metropolitan region as may seem necessary or desirable from time to time,
4. made in accordance with relevant departmental policies and/or procedures,
5. made from an individual Health and Aged Care account (whether paid for individually or collectively),



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6. made in accordance with any bequests requirements (if applicable)
7. referred to the Minister for Human Services for amounts over \$10,000 (GST inclusive) for approval; and
8. not exceed the balance of individual Health and Aged Care accounts.

The authorities apply from the date of the signed authorisation and supersedes all previous authorities.

Dated this 10 day of August 2018

THE COMMON SEAL of the  
**MINISTER FOR HUMAN SERVICES**

Was hereto affixed in the presence of:

R Hamilton

Witness

Print Name: Rachael Hamilton

